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IN THE COURT OF COMMON PLEAS
BELMONT COUNTY, OHIO

STATE OF OHIO, ex rel.	:	CASE NO. 84-CIV-210
ANTHONY J. CELEBREZZE, JR.	:	
ATTORNEY GENERAL OF OHIO,	:	JUDGE THOMAS
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CALVIN POLLOCK, et al.,	:	<u>FINAL CONSENT ORDER</u>
	:	
Defendants.	:	

This cause having come before the Court on Plaintiff's Complaint and Motion for Preliminary and Permanent Injunction, and the Plaintiff State of Ohio and Defendants Calvin E. Pollock and Jessie Pollock through their attorneys having consented to the entry of this Order, this Court finds that:

A. Defendant Calvin Pollock has conducted and continues to conduct sampling and analyses in accordance with paragraph 1 of the Consent Order filed in this case on September 17, 1984 (hereinafter, "September 17 Order"), as amended on October 18, 1984;

B. Defendant Calvin Pollock has obtained the services of a Certified Sewage Treatment Plant Operator in accordance with paragraph 2 of the September 17 Order, who continues to oversee the operation of Defendants' sewage plant in accordance with the September 17 Order;

C. Defendant Calvin Pollock has installed the weir and cleaned out the trash trap in accordance with paragraphs 3 and 6 of the September 17 Order;

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D. Defendant Calvin Pollock has replaced the pump at the lift station with two pumps of a design approved by the Ohio Environmental Protection Agency ("Ohio EPA"), and continues to operate and inspect those pumps, in accordance with paragraphs 4 and 5 of the September 17 Order, as amended;

E. Defendant Calvin Pollock has operated the sewage plant in a satisfactory manner so as to comply with the effluent limitations specified in paragraph 1, in accordance with paragraph 10 of the September 17 Order;

F. Defendant Calvin Pollock has elected to tie in the Spaceview Ridge sewerage system to the City of St. Clairsville sewerage system presently under construction, for which tie-in the Defendant has received the written approval of the City;

G. The parties presently expect the St. Clairsville sewerage system construction to be completed by January 1, 1986;

H. This Court finds that entry of this Final Consent Order is in the public interest and is appropriate to abate violations of Ohio's laws prohibiting water pollution.

WHEREFORE, it is ORDERED, ADJUDGED and DECREED as follows:

1. Defendant Calvin Pollock is ordered to tie in the Spaceview Ridge sewerage system to the City of St. Clairsville sewerage system as expeditiously as practicable, in accordance with the following compliance schedule:

- a) Submit detail plans to Ohio EPA depicting the main trunk line and treatment plan reroute for connecting the existing Spaceview Ridge sewerage system to the City sewer, such plans to include size and type of pipe, slope and route; July 1, 1985

b) Submit detail plans to Ohio EPA and to the City of St. Clairsville depicting the following elements: September 1, 1985

- 1) size, type, number, slope and location of lateral lines;
- 2) size, type, number, slope and location of sewer lines to which laterals are or will be connected; and
- 3) tie-in of the sewer lines to the main trunk line to the City sewer;

Such plans are to include any planned sewerage to be installed in the areas of Spaceview Ridge which are presently undeveloped and unsewered.

- c) Provide a narrative report to Ohio EPA describing the manner in which the existing Spaceview Ridge sewage treatment plan will be taken out of service and closed following completion of the tie-in to the City sewer; September 1, 1985
- d) Complete construction of tie-in and commence discharging all sewage from Spaceview Ridge to the City sewerage system, and cease all direct discharge from the Spaceview Ridge sewage treatment plant to waters of the State. within 90 days of the City sewerage system becoming available for Defendant's tie-in, or by April 1, 1986, whichever is later.

2. Until such time as Defendant Calvin Pollock completes the tie-in in accordance with paragraph 1, supra, the Defendant is ordered to continue to conduct the sampling and analyses as specified in paragraph 1 of the September 17 Order;

3. Until such time as Defendant Calvin Pollock completes the tie-in in accordance with paragraph 1, supra, the Defendant is ordered to continue to employ a Certified Sewage Treatment Plant Operator in accordance with paragraph 2 of the September 17 Order:

4. Until such time as Defendant Calvin Pollock completes the tie-in in accordance with paragraph 1, supra, the Defendant is ordered to inspect the sewerage system and pump station in accordance with paragraph 5 of the September 17 Order;

5. Until such time as Defendant Calvin Pollock completes the tie-in in accordance with paragraph 1, supra, the Defendant is prohibited by this Order from constructing or locating any residential units, homes, trailers, apartments, commercial units, dwelling units, or any other sources of sewage in the Spaceview Ridge subdevelopment property, and is prohibited from connecting any additional sources of sewage to the Spaceview Ridge sewerage system and sewage treatment plant;

6. Defendant Calvin Pollock is ordered to pay to Plaintiff a civil penalty of ten thousand dollars (\$10,000.00). All but one thousand dollars (\$1,000.00) of said civil penalty is hereby suspended pending Defendant Calvin Pollock's compliance with paragraphs 1 through 5, supra. Defendants are ordered to pay one thousand dollars (\$1,000.00) to Plaintiff within thirty (30) days of the entry of this Order, by delivering to counsel for Plaintiff a certified check in that amount, made payable to "Treasurer, State of Ohio", in accordance with Revised Code Section 6111.09;

7. If Defendant Calvin Pollock fails to comply with any provision of paragraphs 1 through 5 of this Order, supra, then Defendants are ordered to pay the balance of the civil penalty as specified in paragraph 6, supra, by delivering to counsel for Plaintiff a certified check for nine thousand dollars (\$9,000.00) made payable to "Treasurer, State of Ohio" in accordance with R.C. Section 6111.09;

8. Costs are assessed against Defendants;

9. This Court shall retain jurisdiction to enforce the terms of this Order.

HAROLD B. THOMAS

DATE

JUDGE

APPROVED:

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