

IN THE COURT OF COMMON PLEAS
FAIRFIELD COUNTY, OHIO

STATE OF OHIO, ex rel.
ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO
30 East Broad Street
Columbus, Ohio 43266-0410,

Plaintiff,

v.

POWER INDUSTRIES, INC.
dba Mobile Power Wash
Formerly dba Central Ohio
Mobile Power Wash
c/o STATUTORY AGENT
Dwight I. Hurd
250 East Broad Street
Columbus, Ohio 43215,

and

MONTE R. BLACK
1400 Stringtown Road
Lancaster, Ohio 43130,

and

RANDALL S. RUGG
625 Country Club Drive
Newark, Ohio 43055.

Defendants.

JUDGE CLARK

CASE NO. 88-CV-MR-0162

CONSENT ORDER

The State of Ohio on the relation of the Attorney General, Anthony J. Celebrezze, Jr., filed a Complaint seeking injunctive relief and civil penalties for alleged violations of Ohio Revised Code Chapter 3734. by Defendants Power Industries, Inc. ("MPW"), Monte R. Black ("Black") and Randall S. Rugg

("Rugg"). This Consent Order constitutes the final Order of this Court about permanent injunctive relief and of civil penalties.

Therefore, without trial of any issue of law or fact, and upon consent of the parties hereto, it is hereby ORDERED, ADJUDGED and DECREED as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over the subject matter herein pursuant to Chapter 3734. of the Ohio Revised Code. The Complaint states a claim upon which relief can be granted. This Court has jurisdiction over the parties hereto. Venue is proper in this Court.

PERSONS BOUND

2. The provisions of this Consent Order shall apply to and be binding upon the parties to this action, their agents, employees, assigns, successors, predecessors in interest, and those persons in active concert or participation with them or who receive notice of this Order, whether by personal service or otherwise.

III. SATISFACTION OF LAWSUIT

3. Plaintiff alleges in its Complaint that Defendants transported, treated, stored and disposed of hazardous waste in violation of state hazardous waste laws. By entering into this Consent Order, and without admitting liability for the violations alleged in the Complaint, Defendants wish to settle and resolve these disputed claims without trial. Compliance

with the terms of this Consent Order shall constitute full satisfaction to Plaintiff of any civil or administrative liability, claim or cause of action it has against Defendants, their past or current directors, and their past or current employees for all actions alleged in the Complaint.

IV. CIVIL PENALTIES

4. Defendants MPW, Black and Rugg shall pay to the State of Ohio a civil penalty of sixty-thousand dollars (\$60,000.00) within ten (10) days after the entry of this Order. Payment shall be made by delivering to Plaintiff's counsel, or his successor in the Office of the Attorney General, a check in such amount made to the Order of the "Treasurer of the State of Ohio" for payment to the State Treasury, pursuant to R.C. 3734.13(C), to the credit of the Hazardous Waste Cleanup Special Account created by Ohio Revised Code Section 3734.28.

V. PERMANENT INJUNCTION

5. Defendants MPW, Black and Rugg are enjoined to comply with R.C. 3734.02(F) and all other provisions of R.C. Chapter 3734. and the rules adopted thereunder.

VI. MISCELLANEOUS

6. The Court shall retain jurisdiction of this suit for the purpose of making any order or decree which it may deem necessary to carry out its Order.

7. Defendants shall pay the costs of this action. Each party shall bear its own attorneys' fees.

JUDGE, Fairfield County
Court of Common Pleas

APPROVED:

ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO

POWER INDUSTRIES, INC.

By: _____
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By: *Monte R. Black*
Name: Monte R. Black
Title: President

MONTE R. BLACK

By: *Monte R. Black*

RANDALL S. RUGG

By: *Randall S. Rugg*

By: *John F. Gartland*

JOHN GARTLAND
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Attorney for Defendants
Power Industries, Inc.,
Monte Black and Randall Rugg

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