

II. PARTIES

2. The provisions of this Consent Order shall apply to and be binding upon the parties to this action, their agents, officers, employees, assigns, successors in interest and any person acting in concert or privity with any of them.

III. SATISFACTION OF LAWSUIT

3. Plaintiff alleges in its Complaint, *inter alia*, that Defendant Charles Pugliese demolished and/or renovated four (4) buildings in Steubenville, Ohio, and improperly handled and/or disposed of asbestos-containing waste in 1992 and 1994 in violation of the asbestos emission control laws and regulations of the State of Ohio. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability by Defendant for all violations under such laws and regulations alleged in the Complaint. Nothing in this Order shall be construed to limit the authority of the State of Ohio to seek relief for violations not alleged in the Complaint, including violations which occur after the entry of this Consent Order. Also, nothing in this Consent Order shall be construed as an admission of fact or liability by Defendant Charles Pugliese.

IV. INJUNCTION

A. General Injunctive Relief

4. Defendant Charles Pugliese agrees to refrain and is permanently enjoined from violating Ohio Rev. Code Chapter 3704 and the rules adopted thereunder. Specifically, Defendant Charles Pugliese agrees to refrain and is permanently enjoined from renovating or demolishing buildings, and/or handling or disposing of asbestos-containing waste, unless such

activities are carried out in full compliance with Ohio Rev. Code Chapter 3704 and Ohio Administrative Code Chapter 3745-20.

B. Placement of Air Monitoring Equipment at Buildings Owned by Defendant

5. Defendant Charles Pugliese agrees and is permanently enjoined and ordered to permit the Director of Environmental Protection, or his duly authorized agents or representatives, to place air quality monitoring equipment at the following building owned by Defendant:

The Pugs Building
225-229 North 5th Street
Steubenville, Ohio 43952

6. The air monitoring equipment will occupy approximately 172 square feet of space on the roof and approximately 36 square feet on the uppermost floor of the building. In addition, OEPA will install, maintain, and pay for all electric and telephonic equipment and pay all service charges associated with the air monitors. Further, access to the roof will be provided either by a roof hatch, if viable, or a mounted ladder with a security lock and safety cage which shall be installed at Plaintiff's expense. The provisions of this paragraph will also be set out and executed in a lease between the parties.

7. Defendant Charles Pugliese agrees and is permanently enjoined and ordered to provide the Director of Environmental Protection, or his duly authorized agents or representatives, all access to the above-listed building necessary to ensure that the air quality monitoring equipment placed there remains fully operational and is properly maintained. Such access shall include, but shall not be limited to, access necessary to retrieve data or samples from the air quality monitoring equipment placed at the above-listed building.

8. The provisions of paragraphs 5 through 7 shall apply and be binding for a period

of twenty-five years, beginning on the date that this Consent Order is filed with the Jefferson County Court of Common Pleas. The Director of Environmental Protection, or his duly authorized agents or representatives, may terminate this agreement prior to its expiration

9. Pursuant to paragraph 2 of this Order, the provisions of paragraphs 1 through 8 above shall be binding upon any party who shall succeed Defendant Charles Pugliese as owner of the above-listed building. The provisions of paragraphs 5 through 8 above shall terminate only in the event that the above-listed building is demolished. In the event that the above-listed building is to be demolished, the Director of Environmental Protection shall be given at least one hundred eighty (180) days notice of Defendant's intention to demolish said building.

V. CIVIL PENALTY

10. In addition to the injunctive relief set forth above, Defendant Charles Pugliese shall pay a civil penalty of five thousand dollars (\$5,000.00). This penalty shall be paid by delivering a certified check to Jena Suhadolnik, Administrative Assistant, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428, payable to the order of "Treasurer, State of Ohio" within thirty (30) days of the entry of this Order.

VI. RETENTION OF JURISDICTION

11. The court will retain jurisdiction of this action for the purposes of enforcing this Consent Order.

VII. COSTS

12. Defendant Charles Pugliese is hereby ordered to pay the costs of this action.

IT IS SO ORDERED:

ENTERED THIS 6 DAY OF April, 1998.

John P. Mascio
JUDGE MASCIIO, JEFFERSON COUNTY
COURT OF COMMON PLEAS

APPROVED:

CHARLES PUGLIESE

BY:

STATE OF OHIO,
ex rel. BETTY D. MONTGOMERY
ATTORNEY GENERAL OF OHIO

BY:

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BY: Charles M. Pugliese
CHARLES PUGLIESE