

IN THE COURT OF COMMON PLEAS
ASHTABULA COUNTY, OHIO

STATE OF OHIO, ex. rel. : Case No. 93CV 563
: :
Plaintiff, : :
: : JUDGE MACKEY
: :
v. : :
: : MODIFICATION OF
RESERVE ENVIRONMENTAL : : CONSENT ORDER
SERVICES, INC. : :
: :
Defendant. : :

FEB 7 9 06 AM '95
COURT OF COMMON PLEAS
ASHTABULA COUNTY, OH.
FILED

The Complaint in the above-captioned matter having been filed, and the Plaintiff State of Ohio ("State") and the Defendant Reserve Environmental Services, Inc. ("Defendant") having consented to the entry of this Court's October 14, 1993 Consent Order.

As set forth in the Joint Motion to Modify the October 14, 1993 Consent Order (Joint Motion to Modify), the State and the Defendant have negotiated a resolution of the State's pending civil penalty claims. This resolution is set forth in the terms of this Modification of the October 14, 1994 Consent Order ("Modification").

Now, therefore, it is Ordered, Adjudged, and Decreed as follows:

I. JURISDICTION

1. This Court has jurisdiction over the subject matter herein pursuant to Chapter 3734 and 6111 of the Ohio Revised Code ("R. C."), and paragraph 74 of the October 14, 1993 Consent Order. This Court has jurisdiction over the parties hereto. Venue is proper in this Court.

II. EFFECT OF MODIFICATION

2. This Modification shall supplement the terms and conditions of the October 14, 1993 Consent Order, as is fully set forth therein, except for the requirements set forth in paragraphs 7 and 75 of the October 14, 1993 Consent Order, which are superseded by this Modification in the following manner. So long as the Defendant complies with the supplemental injunctive provisions of this Modification, the State hereby waives its rights set forth in paragraph 7 of the October 14, 1993 Consent Order to obtain an additional civil penalty for the violations alleged in the State's Complaint. Further, paragraph 75 of the October 14, 1993 Consent Order referring to a civil penalty hearing is now moot.

3. Nothing in this Modification shall be construed to supersede or modify the October 14, 1993 Consent Order, except as provided in paragraph 2, above.

III. SUPPLEMENTAL INJUNCTION

4. Within 30 days of the filing of this Modification, the Defendant shall submit an erosion control plan for the reduction of sediment and erosion to the Ohio EPA for review and approval. The plan will provide for erosion control at a location(s) in Ashtabula County that is acceptable to the Ohio EPA. By way of illustrative example, the plan may provide for the planting of trees and vegetation to provide for erosion control.

5. In the event that the Ohio EPA notifies the Defendant that part or all of the plan is deficient, then the Defendant shall address the deficiency and revise the

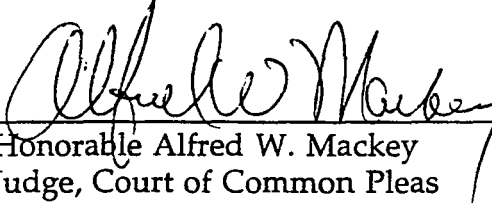
plan within 30 days of receipt of Ohio EPA's deficiencies. Ohio EPA may issue an approval of the plan with additional terms and conditions.

6. The Defendant is ordered and enjoined to comply with the approved erosion control plan, including but not limited to any schedules and/or deadlines contained therein.

IV. SUBMISSION OF DOCUMENTS

7. All documents required to be submitted to the Ohio EPA pursuant to this Modification shall be submitted to:

William Zawiski
DWPC
Ohio EPA
Northwest District Office
2116 East Aurora Road
Twinsburg, Ohio 44087


Honorable Alfred W. Mackey
Judge, Court of Common Pleas
Ashtabula County, Ohio

Approved:

BETTY D. MONTGOMERY
ATTORNEY GENERAL OF OHIO

BY: Terrence S. Finn
TERRENCE S. FINN (0039391)
CHRISTOPHER KORLESKI (0039770)
Assistant Attorneys General
Environmental Enforcement Section
30 East Broad Street, 25th Floor
Columbus, Ohio 43266-0410
(614) 466-2766

Attorneys for Plaintiff
State of Ohio

BY: Maureen A. Brennan
MAUREEN A. BRENNAN (0041000)
Baker & Hostetler
3200 National City Center
1900 East 9th Street
Cleveland, Ohio 44114-3485

Attorney for Defendant
Reserve Environmental Services, Inc.

BY: Donald R. Koski
DONALD R. KOSKI
President
Reserve Environmental Services, Inc.