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COMMON PLEAS COURT

1992 DEC 10 AM 10:17

REBECCA E. BRAER

IN THE COURT OF COMMON PLEAS
WOOD COUNTY, OHIO

STATE OF OHIO, ex rel
LEE FISHER
ATTORNEY GENERAL OF OHIO,

Plaintiff,

vs.

RIVERVIEW MOTOR HOME PARK

and

ROBERT O. SPILKER

Defendants.

: CASE NO. 92-CV-469

: JUDGE _____

: CONSENT ORDER

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The Complaint in the above captioned matter having been filed herein, and the Plaintiff State of Ohio by its Attorney General Lee Fisher (hereinafter "Plaintiff") and Defendants Riverview Motor Home Park of Dover and Robert O. Spilker (hereinafter "Defendants") having consented to the entry of this Order.

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

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I. JURISDICTION AND VENUE

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1. The Court has jurisdiction over the parties and the subject matter of this case. The Complaint states a claim upon

Vol. 366 Pg. 531

which relief can be granted against Defendants under Chapter 6109 of the Ohio Revised Code, and venue is proper in this Court.

II. PARTIES

2. The provisions of this Consent Order shall apply 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. Defendants shall provide a copy of this Consent Order to each contractor it employs to perform work itemized herein, and each general contractor shall provide a copy of this Consent Order to each of its sub contractors for such work.

III. SATISFACTION OF LAWSUIT

3. Plaintiff alleges in its Complaint that Defendants have operated a public drinking water system in such a manner as to result in numerous violations of the State of Ohio safe drinking water laws. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability by Defendants for all claims under such laws alleged in the Complaint. In addition, nothing in this Order shall be construed to limit the authority of the State of Ohio to seek relief for claims or conditions occurring after the filing of the Complaint.

IV. PERMANENT INJUNCTION

4. Defendants are hereby enjoined and ordered to refrain from using the existing well located on adjacent property. Defendants shall confirm their termination of access and permanently sever their connection to that well. Defendants shall specifically surrender their right of use of that well to the adjoining property well owner. The Director of Ohio EPA agrees to terminate the July 25, 1991 Findings and Orders within ninety days from entry of this Consent Order.

V. EFFECT OF CONSENT ORDER

5. This Consent Order does not constitute authorization or approval of the construction of any physical structure or facilities, or the modification of any existing public water system. Approval for any such construction or modification shall be by permit issued by Ohio EPA or other such permits as may be required by applicable federal, state, or local laws, rules or regulations.

VI. CIVIL PENALTY

6. Defendants shall, pursuant to ORC Section 6109.09 pay to the State of Ohio a civil penalty of Five Thousand Dollars (\$5,000). Payment shall be made in thirty successive monthly payments of one hundred sixty-six dollars and sixty-seven cents (\$166.67) per month due by the seventh day of each month beginning with the first month following the date of entry of this Order. The penalty payments shall be paid by delivering to

Janis Miller, Administrative Assistant, or a person subsequently designated by the State, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215, by certified check payable to the order of "Treasurer, State of Ohio", for deposit in the General Revenue Fund. The payment of any sum required under this Consent Order shall in no way be construed as a waiver by the State of any of the violations alleged in the Complaint.

VII. ENFORCEMENT COSTS


7. Defendants are hereby ordered to pay the enforcement costs of relator Ohio Attorney General expended in pursuing the instant action, totaling two-hundred and ten dollars, \$210.00, by delivering a certified check in such an amount to Janis Miller, Administrative Assistant, Environmental Enforcement Section, or her successor, at the Office of the Ohio Attorney General, 25th Floor, 30 East Broad Street, Columbus, Ohio 43216, within thirty (30) days from the date of entry of this Consent Order.

VIII. RETENTION OF JURISDICTION

8. The Court will retain jurisdiction of this action for the purpose of making any order or decree which it deems appropriate to carry out this Consent Order.

IX. COSTS

9. Defendants Riverview Mobile Home Park and Robert O. Spilker are hereby ordered to pay the costs of this action.




JUDGE, COURT OF COMMON PLEAS OF
WOOD COUNTY, OHIO

APPROVED:

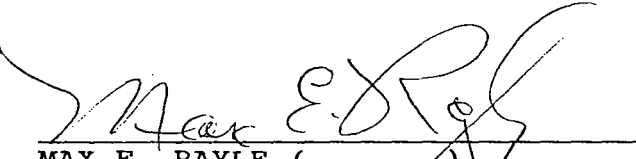
STATE OF OHIO, ex rel.
LEE FISHER
ATTORNEY GENERAL OF OHIO

BY:



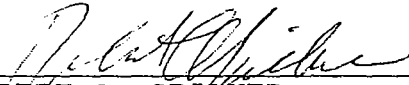
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Authorized Representative of
Riverview Mobile Home Park

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Clerk to furnish copy to counsel
of record and unrepresented
parties.