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IN THE COURT OF COMMON PLEAS
LAKE COUNTY, OHIO

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STATE OF OHIO, BY EX. REL. JUDGE
ANTHONY J. CECILEBREZZE, JR.
ATTORNEY GENERAL OF OHIO

CASE NO. 84-CIV-1027

JUDGE PARKS

DOCKETED

Plaintiff,

vs.

FRED [REDACTED] d/b/a
THUNDER HILL COUNTRY CLUB

Defendant.

CONSENT JUDGMENT REGARDING
CHARGES IN CONTEMPT, CIVIL PENALTIES
AND PERMANENT INJUNCTIVE RELIEF

This Court having previously granted a Consent Order for a Preliminary Injunction on May 30, 1985, and the Plaintiff, State of Ohio, having filed Charges in Contempt on or about May 26, 1987, against Defendant, Fred Slagle, d/b/a Thunder Hill Country Club (hereinafter "Defendant"), and this Court having set this matter for trial on the outstanding civil penalty and permanent injunctive relief issues, and the parties having reached a settlement between themselves on all outstanding issues and having consented to entry of this Consent Judgment;

THEREFORE, before the taking of any testimony, upon the pleadings, upon the consent of the parties hereto and pursuant to order of the Court, it is hereby ordered, adjudged and decreed as follows:

I. JURISDICTION AND VENUE

The Court has jurisdiction over the parties and the subject matter of this case. The Court has venue in this case. The Complaint states a claim upon which relief can be granted against Defendant under Chapter 6111. of the Ohio Revised Code and regulations promulgated thereunder. The Charges in Contempt also state a claim upon which relief can be granted.

II. CONTINUING JURISDICTION

This Court shall retain jurisdiction of this action for the purpose of making any order or decree which it may deem at anytime to be necessary to carry out this Consent judgment.

III. SATISFACTION OF CLAIMS AND EFFECT UPON OTHER ACTIONS

Compliance with the terms of this Consent Judgment shall constitute full satisfaction of any civil, administrative or contempt-related liability by Defendant and its officers, employees, and former officers and employees to the Plaintiff for all matters alleged in the Complaint and Charges in Contempt. For actions beyond the terms and scope of this Consent Judgment, the Plaintiff reserves the right to take any enforcement action pursuant to any available legal authority, including the right to seek injunctive relief, to seek monetary penalties and/or to seek contempt sanctions. This Consent Judgment shall not be construed so as to preclude the State of

Ohio or its agencies from seeking any form of relief against Defendant as a result of his operation of facilities other than the facility currently known as Thunder Hill Country Club, located at 7050 Griswold Road, Madison, Ohio 44057 (hereinafter the "Facility"), regardless of when the violation occurred, nor shall this Consent Judgment bar the State of Ohio from bringing any action against the Defendant for violations, whether at this Facility or at another facility, other than water pollution-related violations, regardless of when the violations occurred. Nothing herein shall be construed to limit the authority of the State of Ohio to undertake any action against any person, including the Defendant, to eliminate or mitigate conditions arising after the date hereof which may present an imminent endangerment to the public health, welfare or the environment. Nothing herein shall be construed to limit the authority of the State of Ohio to pursue any cause of action against any person, including the Defendant, arising after the entry of this Consent Decree.

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IV. PERSONS TO WHOM CONSENT
JUDGMENT IS APPLICABLE

All provisions of this Consent Judgment shall apply to and be binding upon the parties to this action, their assigns and successors in interest, the Defendant's officers, directors, agents, servants, employees, lessees, contractors, consultants, and/or any parent companies or subsidiaries of the Defendant.

and all persons, firms or corporations having notice of this Consent Judgment and who are or will be acting in concert or privity with the Defendant in this action and their officers, directors, agents, servants, employees, lessees and successors and assigns. Defendant shall immediately and hereinafter provide copies of this Judgment to all contractors or consultants performing any work called for by this Judgment, all lessees of the Facility, and any purchaser of any legal or equitable interest in the Facility prior to said purchase.

V. RESOLUTION OF CHARGES IN CONTEMPT

The parties hereby stipulated to and the Court hereby finds that the Defendant, Fred Slagle, d/b/a Thunder Hill Country Club, is in contempt of the Consent Order for a Preliminary Injunction dated May 30, 1985. The parties further stipulate to and the Court orders that the Defendant shall be imprisoned five days in the county jail and pay a fine of \$5,000.00 for this contempt. The Defendant may purge himself of this contempt and relieve himself of the jail sentence and four thousand seven hundred and fifty dollars (\$4,750.00) of the fine if he complies with all requirements of this Consent Judgment provided for in Section VI. Upon any failure by the Defendant to comply with any requirement under Section VI, Defendant shall serve the jail sentence and pay the entire fine provided herein. The Defendant shall pay a fine of two hundred

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and fifty dollars (\$250.00) to the Clerk of Courts within 30 days of the Court's journalization of this Consent Judgment regardless of whether he purges himself of the remainder of the contempt jail sentence and/or fine. The Defendant shall forward a copy of his check to the Clerk of Courts to counsel for the Plaintiff at the following address within 30 days of the Court's journalization of this Consent Judgment:

Attorney General's Office
Environmental Enforcement Section
30 East Broad Street
Columbus, Ohio 43266-0410

Attn: Paul D. Hancock or his designated successor

VI. COMPLIANCE OBLIGATIONS

A. INTERIM COMPLIANCE

Until October 15, 1987, the Defendant may use the existing banquet hall at the Facility only on the following occasions:

- July 25, 1987
- August 8, 1987
- August 22, 1987
- September 12, 1987
- September 26, 1987
- October 10, 1987.

Provided, that within seventy two hours before the banquet hall is used on July 25, 1987, and within seventy two hours after it is used on each of the above occasions, the Defendant shall have the septic tanks pumped out so as to remove all materials from them by a licensed septic tank hauler. Within seven days of said pumping, the Defendant shall submit a copy of the invoice for the pumping to the Ohio Environmental Protection Agency at the following address:

Ohio Environmental Protection Agency
Northeast District Office
2110 East Aurora Road
Twinsburg, Ohio 44087

Attn: Ronald Bell (or his designee)
Hereinafer the Ohio Environmental Protection Agency will be referred to as the Ohio EPA.

B. CLOSURE

On and after October 15, 1987, the Defendant shall close Thunder Hill Country Club, including closing the existing banquet hall and any other operation at the Facility, and no person or entity shall operate the Facility unless and until the Defendant and/or his successor or lessee(s): (1) have applied for and received from the Ohio EPA a permit to install [and submitted therewith detailed engineering plans] for an improved sewage treatment plant, which improved sewage treatment plant is described in further detail in Section VI.C. of this Consent Judgment, (2) applied for and received from Ohio EPA a National Pollutant Discharge Elimination System ("NPDES") for any discharges to "waters of the State," as that term is used in O.R.C. Chapter 6111., (3) have constructed the improved sewage treatment plan in accordance with the permit to install and detailed engineering plans approved by the Ohio EPA, and (4) the improved sewage treatment plant is operational and operating in compliance with its NPDES permit.

All applications and engineering plans required in section VI shall be delivered to Ohio EPA, Northeast District Office, Attn: Ronald Bell (or his designee), at the address stated above.

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C. IMPROVED SEWAGE TREATMENT PLANT

1. Defendant shall submit to the Northeast District Office of the Ohio EPA, care of Ronald Bell, or his designee, by December 15, 1987, an approvable application for a permit to install accompanied by detail plans prepared by a registered professional engineer for a new sewage treatment system to serve the Facility. The plans shall include drawings and a description of an extended aeration package sewage treatment plant with at least a capacity of 7500 gpd, a 640 square foot surface sand filter, and chlorination facilities. Defendant is also ordered to submit, by December 15, 1987, an approvable application for National Pollutant Discharge Elimination System ("NPDES") Permit.

Defendant shall commence and complete construction under the supervision of a registered professional engineer pursuant to the permit to install.

2. In lieu of submitting under Section VI.C.1 an approvable application for a permit to install accompanied by detail plans for, inter alia, an extended aeration package sewage treatment plant with at least a capacity of 7500 gpd, Defendant may submit by December 15, 1987, an approvable application for a permit to install accompanied by detail plans for such plant with at least a capacity of 3500 gpd, a 640 square foot surface sand filter, and chlorination facilities.

provided that, prior to recommencing operation of the Facility pursuant to Section VI. B., Defendant:

- (a) withdraws, surrenders or otherwise cancels any food service license for the Facility that permits food service operation for more than fifty (50) people, and
- (b) applies for and obtains a food service license for the Facility that permits food service operation for not more than fifty (50) people.

The other requirements of Section VI.C.1, such as that Defendant submit, by December 15, 1987, an approvable application for an NPDES permit and that construction shall be commenced and completed under the supervision of a registered professional engineer pursuant to the permit to install, shall remain in effect under this section.

3. In lieu of submitting under Section VI.C.1 detail plans for an extended aeration package sewage treatment plant, surface sand filter, and chlorination facilities, Defendant may submit by December 15, 1987, an approvable application for a permit to install accompanied by other detail plans, provided that said application and plans are approvable by Ohio EPA for the nature of the use of the Facility proposed under the application for a permit to install. Nothing herein shall alter the requirement under Section VI. C.1. that Defendant submit by December 15, 1987 an approvable application for an NPDES permit and that construction shall be commenced and completed under the supervision of a registered professional engineer pursuant to the permit to install.

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VII. PERMANENT INJUNCTION

Upon the installation of an improved sewage treatment system pursuant to Section VI, the Defendant is permanently enjoined to operate and maintain the improved sewage treatment system in accordance with the NPDES permit issued for the Facility. The Defendant is further permanently enjoined to comply with R.C. Chapter 6111. The Defendant is further permanently enjoined so that he may not modify the improved sewage treatment system except after submission of and approval of an application for a permit to install with detail plans from the Ohio EPA. Any such permit to install application and detail plans shall be sent to the OEPA, Northeast District Office, Attn: Ronald Bell (or his designee) at the address provided above.

If an improved sewage treatment system is installed pursuant to Section VI. C.2., the Defendant is permanently enjoined from providing food service to more than fifty (50) people on any occasion at the Facility.

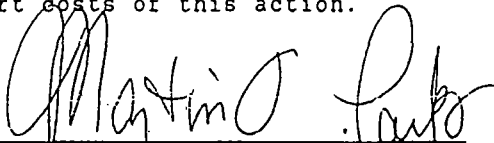
VIII. CIVIL PENALTY

The Defendant shall pay a civil penalty of seven hundred and fifty dollars (\$750.00) for payment into the State General Revenue fund. This civil penalty shall be paid by check made payable to "Treasurer State of Ohio", which check shall be delivered by mail, or otherwise, to Paul D. Hancock or his designated successor at his office at the Ohio Attorney

General's Office, Environmental Enforcement Section, 30 East
Broad Street, 17th Floor, Columbus, Ohio 43266-0410 within
thirty days of the Court's journalization of this consent
Judgment.

IX. COURT COSTS

Defendant shall pay the court costs of this action.


JUDGE, COURT OF COMMON PLEAS

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Fred A. Slagle
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Thunder Hill Country Club

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