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“public water system” (hereinafter “PWS”) ID Number: OH8361112 at the Miller’s Corner facility (“Miller’s Corner”), located at 984 Du Bois Road, City of Carlisle, Warren County, Ohio.

NOW THEREFORE, without trial of any issue of fact or law, and upon consent of the Plaintiff and Defendants, it is hereby **ORDERED** as follows:

I. JURISDICTION AND VENUE

1. The Court has both personal and subject matter jurisdiction over the parties. The Complaint states a claim upon which relief can be granted against Defendants under Chapter 6109 of the Ohio Revised Code. Venue is proper in this Court.

II. PERSONS BOUND

2. All terms and provisions of this Consent Order shall apply to and be binding upon Defendants, their assigns, successors in interest, and others bound by Rule 65(D) of the Ohio Rules of Civil Procedure, who are or will be acting in concert and/or in privity with the Defendants. The undersigned representative of each party to this Consent Order certifies that he or she is fully authorized by the party or parties whom she or he represents to enter into the terms and conditions of the Consent Order and execute and legally bind that party or parties to it. This Consent Order is in settlement and compromise of disputed claims and nothing in this Consent Order is to be construed as an admission of any facts or liability.

III. SATISFACTION OF LAWSUIT

3. Plaintiff alleges in its Complaint that Defendants have operated a PWS at Miller’s Corner in such a manner as to result in numerous violations of the Safe Drinking Water laws of the State of Ohio. Defendants specifically dispute Plaintiff’s allegations. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability by Defendant for all claims under such laws alleged in the Complaint filed contemporaneously with this Consent Order.

4. Compliance with the terms of this Consent Order shall also constitute full satisfaction of all requirements set forth in the October 18, 2010 Director's Final Findings and Orders issued to Defendants.

5. Nothing in this Consent Order shall be construed to limit the authority of the State of Ohio to seek relief against Defendants or other appropriate persons for claims or conditions not alleged in the Complaint, including violations which occur after the filing of the Complaint, nor shall anything in this Consent Order limit the right of Defendants to any defenses it may have for such claims including that Defendants no longer operate a public water system. Nothing in this Consent Order shall be construed to limit the authority of the State of Ohio to seek relief against other appropriate persons, not covered by this Consent Order, for claims or conditions alleged in the Complaint. Similarly, nothing in this Consent Order shall be construed to limit the authority of the State of Ohio to undertake any action against any person, including Defendants, to eliminate or mitigate conditions that may present a threat to the public health, welfare or the environment.

IV. PERMANENT INJUNCTION

6. Defendants are permanently enjoined from violating R.C. Chapter 6109 and the rules adopted under those laws.

7. Defendants are permanently enjoined and ordered to timely begin the process of abandoning the PWS. Defendants shall submit detailed plans for abandonment within thirty (30) days from the entry of this Order, and shall complete the abandonment of the within three (3) months from the entry of this Order by the Court. The existing water line from the well to the building shall be physically separated from the building so that the existing well will no longer be interconnected with the PWS. The existing well may be used for irrigation only and must be exercised routinely.

The existing well shall be secured in such a manner that the public cannot have access to the water and shall be labeled as “non-potable—not for human consumption.”

8. Defendants are permanently enjoined and ordered to connect to the public water system for the Village of Carlisle. Defendants shall submit detailed plans for connection within thirty (30) days from the entry of this Order, and connection will be completed within three (3) months from the entry of this Order by the Court.

V. EFFECT OF CONSENT ORDER

9. 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 where a permit is required. 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

10. Pursuant to R.C. 6109.33 it is hereby ordered that Defendants shall pay to the State of Ohio a cash civil penalty of five thousand dollars (\$5,000.00). One thousand dollars (\$1,000.00) shall be paid within thirty (30) days of the entry of this Order by the Court. The remaining four thousand dollars (\$4,000.00) shall be paid within one (1) year of the entry of this Order by the Court.

11. The civil penalty payment shall be made by delivering to Martha Sexton, Paralegal, or her successor, at the Ohio Attorney General’s Office, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio, 43215, a certified check, made payable to the order of the “Treasurer, State of Ohio,” for the appropriate amount.

VII. STIPULATED PENALTIES

12. In the event that Defendants fail to meet any of the requirements of this Consent Order set forth in paragraphs 6 through 8, Defendants shall immediately and automatically be liable for and shall pay a stipulated penalty of two hundred dollars (\$200.00) per day for each requirement not met, for the first sixty (60) days of noncompliance. Defendants shall be liable for an additional stipulated penalty of four hundred dollars (\$400.00) per day for each requirement not met if the failure to comply continues for more than sixty (60) days but less than one hundred twenty (120) days. In the event that failure to comply continues more than one hundred twenty (120) days, Defendants shall be liable for an additional six hundred dollars (\$600.00) per day for each requirement not met.

13. Any payment required to be made under the provisions of paragraph 12 of this Consent Order shall be made by delivering a certified check or checks, made payable to "Treasurer, State of Ohio", for the appropriate amounts, within forty-five (45) days from the date of the failure to meet the requirement of the Consent Order, by mail, or otherwise, to Martha Sexton, Paralegal or her successor, at the address set forth in paragraph 11.

14. The payment of stipulated penalties by Defendants and the acceptance of such stipulated penalties by Plaintiff for specific violations pursuant to Section VII shall not be construed to limit Plaintiff's authority to seek additional relief or to otherwise seek judicial enforcement of this Consent Order. Further, payment by Defendants shall not be considered an admission of liability on the part of Defendants.

VIII. REPORTING REQUIREMENT

15. Documents or reports with regard to the PWS that are required to be submitted to Ohio EPA pursuant to this Consent Order shall be sent to: Ohio Environmental Protection Agency,

IT IS SO ORDERED.

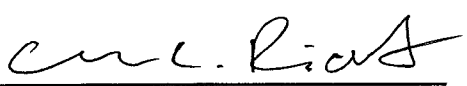
IS/ JAMES L. FLANNERY

DATE

JUDGE

APPROVED:

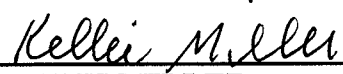
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