

IN THE COURT OF COMMON PLEAS  
WASHINGTON COUNTY, OHIO

STATE OF OHIO, ex rel.,  
ANTHONY J. CELEBREZZE, JR.,  
ATTORNEY GENERAL OF OHIO,

Plaintiff,

vs.

THOMAS VANDALE,

and

THOMAS WILLIAM VANDALE,

Defendants.

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FILED  
CLERK OF COURTS  
WASHINGTON COUNTY, OHIO

JUDGE SUSAN BOYER

CONSENT JUDGMENT

The Complaint in the above-captioned case having been filed herein, and the Plaintiff State of Ohio by its Attorney General, Anthony J. Celebrezze, Jr. (hereinafter "Plaintiff") and the Defendants Thomas Vandale and Thomas William Vandale (hereinafter "Defendants"), having consented to entry of this Consent Judgment.

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

I. JURISDICTION

This Court has jurisdiction over the subject matter herein pursuant to Chapters 3704, 3734 and 6111 of the Ohio Revised Code. The Complaint states a claim upon which relief can be

granted. This Court has jurisdiction over the parties hereto. Venue is proper in this Court.

## II. PARTIES

The provisions of this Consent Judgment shall apply and be binding upon the parties to this action, their agents, employees, assigns, successors, and persons in active concert or participation with them who receive actual notice of this judgment whether by personal service or otherwise.

## III. SATISFACTION OF LAWSUIT

As alleged in the Complaint, Defendants have operated Vandale Junkyard in violation of various provisions of the air pollution, water pollution, solid waste, and hazardous waste laws. Vandale Junkyard is located on Township Road 83, also known as Goose Run Road, east of the City of Marietta in Marietta Township, Washington County, Ohio. Compliance with this Consent Judgment shall be full satisfaction for the violations alleged in this Complaint. Nothing in this Consent Judgment shall be construed to satisfy, or release Defendants from, any liability Defendants may have pursuant to Ohio Revised Code Sections 3734.20 through 3734.27 or the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Sections 9601 et. seq.

## IV. CIVIL PENALTY

A civil penalty of Twenty-Five Thousand Dollars (\$25,000.00) is assessed against Defendant Thomas Vandale. One

Thousand and Five Hundred Dollars (\$1,500.00) of this penalty shall be paid within ninety (90) days after entry of this Consent Judgment by delivering to Plaintiff's counsel, for payment into the Hazardous Waste Cleanup Special Account created by Ohio Revised Code Section 3734.28, a certified check in such amount made payable to the order of "Treasurer, State of Ohio". The remainder of the civil penalty shall be suspended contingent on compliance by Thomas Vandale with this Consent Judgment and shall be paid within thirty (30) days after any violation by Thomas Vandale of this Consent Judgment.

V. INJUNCTIVE RELIEF

In order to prevent future violations of Ohio Revised Code Chapters 3704, 3734, and 6111, and in order to provide for Defendants' cooperation with hazardous waste cleanup activities which may be undertaken at Vandale Junkyard by the Ohio Environmental Protection Agency ("Ohio EPA") or the United States Environmental Protection Agency ("U.S. EPA"), Defendants are enjoined and prohibited from the following activities:

1. Violating any of the provisions of Ohio Revised Code Chapters 3704, 3734, or 6111.
2. Receiving liquid waste, semi-solid waste, or hazardous waste at Vandale Junkyard.
3. Receiving any solid waste at Vandale Junkyard.
4. Filling, grading, excavating, or moving any soil at Vandale Junkyard without prior authorization of Ohio EPA or U.S. EPA.

5. Moving, handling, covering, or excavating any solid, liquid, semi-solid, or hazardous waste at Vandale Junkyard without prior authorization of Ohio EPA or U.S. EPA.

6. Open burning.

7. Open dumping solid wastes, including burial of solid wastes.

8. Obstructing or hindering the entry, inspections, sampling, cleanup, removal, or remedial actions at Vandale Junkyard by employees, contractors, or agents of Ohio EPA, U.S. EPA, or any persons subject to court order, administrative order or agreement requiring them to study or remove waste, pollution, or contamination from the site.

9. Storing, handling, or disposing of junk or other materials in a manner that hinders, obstructs, or interferes with the entry, inspections, sampling, cleanup, removal, or remedial actions at Vandale Junkyard by employees, contractors, or agents of Ohio EPA, U.S. EPA, or any persons subject to court order, administrative order, or agreement requiring them to study or remove waste, pollution, or contamination from the site.

10. Allowing oil stored at Vandale Junkyard to spill or escape from its containers.

To assist in the study, sampling, cleanup, removal and remedial actions at Vandale Junkyard, Defendant Thomas Vandale shall move junk or other materials to change their location

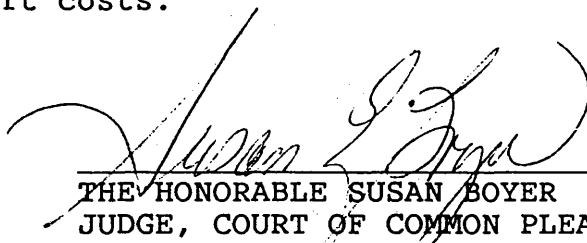
within the boundaries of the Junkyard, whenever requested by the employees, contractors, or agents referenced in paragraphs 8 and 9 above.

As used in this Consent Judgment, the terms "solid waste", "hazardous waste", "open dumping", and "open burning" have the meaning ascribed to them in Ohio Revised Code Sections 3734.01(E), 3734.01(J), 3734.01(I), and 3734.01(H), respectively. The terms "removal" and "remedial action" have the meaning ascribed to them in 42 U.S.C. 9601.

MISCELLANEOUS

The Court retains jurisdiction of this suit for the purpose of making any order or decree which it may deem at any time to be necessary to carry out this Consent Judgment.


Defendants shall pay court costs.

  
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THE HONORABLE SUSAN BOYER  
JUDGE, COURT OF COMMON PLEAS

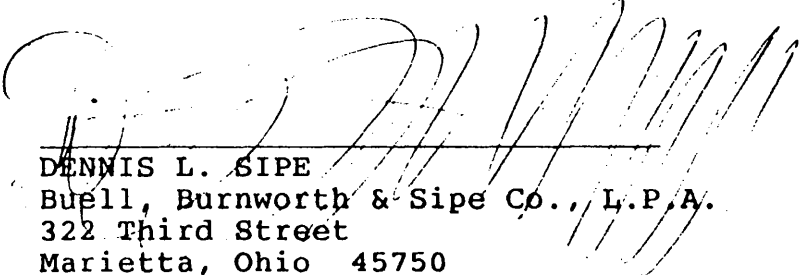
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APPROVED:

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