

Jim Book

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IN THE COURT OF COMMON PLEAS
TUSCARAWAS COUNTY, OHIO

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

Plaintiff,

vs.

THE VILLAGE OF MIDVALE,

Defendant.

CASE NO. _____

87CV100317

CONSENT ORDER

The State of Ohio by its Attorney General, Anthony J. Celebrezze, Jr., filed a Compliant seeking injunctive relief and civil penalties from Defendant for alleged violations of Ohio Revised Code Chapter 6109 and the rules adopted thereunder. With regard to these issues, the parties have agreed on the terms of permanent injunctive relief and for payment of a civil penalty.

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

I. JURISDICTION AND VENUE

1. The Court has jurisdiction over the subject matter herein pursuant to Chapter 6109 of the Ohio Revised Code. The complaint states a claim upon which relief can be granted against Defendants under these statutes. The Court has jurisdiction over the parties hereto. Venue is proper in this Court.

II. PERSONS BOUND

2. The provisions of this Order shall apply to and be binding upon the parties to this action, their agents, employees, assigns and successors in interest.

III. SATISFACTION OF LAWSUIT

3. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability of Defendant for all of its violations of Ohio Revised Code Chapter 6109, as alleged in the Complaint, in their operation of a public water supply system in the Village of Midvale, Tuscarawas County, Ohio.

4. This Order does not limit the power of the State of Ohio to seek relief for other claims not known at this time or for future violations of Ohio Revised Code Chapter 6109. All violations of Ohio Revised Code Chapter 6109 known to the state of Ohio are alleged in the Complaint

IV. PERMANENT INJUNCTION

5. Defendant is permanently enjoined from violating Ohio Administrative Code Section 3745-83-02. Defendants shall maintain a minimum chlorine residual of at least two-tenths milligram per liter free chlorine, or one milligram per liter combined chlorine, for all water supplied through the Village of Midvale's community water system through the use of the hydrochlorination system installed at the Midvale Water Plant.

6. Defendant is permanently enjoined to operate its water system under the responsible charge of a Class I Certified Operator.

V. CIVIL PENALTY

7. Defendants shall pay a civil penalty of two hundred dollars (\$200.00) to the State of Ohio for payment into the General Revenue Fund. Payment shall be made by delivering a certified check payable to the "Treasurer of the State of Ohio" for this amount to counsel for the State of Ohio within ten (10) days after the entry of this Order.

VI. STIPULATED PENALTIES

8. Defendant shall pay a penalty of fifty dollars (\$50.00) per day for every day it operates the Village of Midvale's community water system in violation of this Consent Order.

VII. MISCELLANEOUS

9. Defendant is permanently enjoined from violating any provision of the Safe Drinking Water Act, contained in Ohio Revised Code Chapter 6109, or the rules adopted thereunder.

10. The Court shall retain jurisdiction of this matter for the purpose of making any order which it may deem necessary to carry out the terms of this Order.

11. Defendant shall pay the costs of this action.

12. Each party shall bear its own attorneys' fees.


S/HARLAN R. SPIES

DATED

JUDGE

APPROVED:

ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO



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VILLAGE OF MIDVALE OHIO:



BRAD ZIMMERMAN, VILLAGE SOLICITOR



DELBERT GRAHAM, MAYOR

5243E