

IN THE COURT OF COMMON PLEAS
PREBLE COUNTY, OHIO

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

CASE NO.

CHRISTOPHER B. WASHINGTON
CLERK OF COURTS

JUDGE _____

Plaintiff,

vs.

VILLAGE OF NEW PARIS

CONSENT ORDER

Defendant.

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 Defendant Village of New Paris (hereinafter "New Paris") 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:

I. JURISDICTION AND VENUE

1. The Court has jurisdiction over the parties and the subject matter of this case. The Complaint states a claim upon which relief can be granted against Defendant under Chapter 6111 of the Ohio Revised Code, and venue is proper in this Court.

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PREBLE COUNTY
OHIO

II. PARTIES

2. The provisions of this Consent Order shall apply and be binding upon the parties to this action, and where appropriate their agents, officers, employees, assigns, successors in interest and any person acting in concert or privity with any of them. Defendant New Paris 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 subcontractors for such work.

III. SATISFACTION OF LAWSUIT

3. Plaintiff alleges in its Complaint that Defendant has operated its wastewater treatment plant and sewer system in such a manner as to result in numerous violations of the discharge limitations and monitoring requirements of the NPDES Permit issued to it by the Director of Ohio EPA and in violation of the water pollution laws of the State of Ohio. 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. Nothing in this Order shall be construed to limit the authority of the State of Ohio to seek relief for claims or conditions not alleged in the Complaint, including violations which occur after the filing of the Complaint.

IV. COMPLIANCE SCHEDULE

4. Defendant New Paris is hereby enjoined and ordered to immediately comply with the requirements of Chapter 6111 of the Ohio Revised Code and the terms and conditions of the rules and regulations adopted under that Chapter and to meet the final effluent standards set forth in its NPDES permit No. 1PB00024*BD and any renewals or modifications thereof. New Paris is hereby enjoined to properly operate and maintain its wastewater treatment plant and any associated equipment and structures.

V. CONSTRUCTION SCHEDULE

5. Defendant New Paris is enjoined and ordered to eliminate discharges from overflows and bypasses from its sanitary sewer system and to complete construction of the improvements to its wastewater treatment plant and to attain compliance with the final effluent limitations of NPDES permit No. 1PB00024BD* and any modifications or renewals thereof in accordance with the following schedule:

<u>TASK</u>	<u>COMPLETION DATE</u>
(a) Initiation of Project Design Work	Completed _____
(b) Submittal of Approvable Plans and Specifications to Ohio EPA	Completed _____
(c) Advertisement of Building Bids	Completed _____

- (d) Execution of Building Contracts January 2, 1991
- (e) Initiation of Construction January 12, 1991
- (f) Completion of construction of sufficient wetstream treatment facilities to ensure compliance with final effluent limits and the elimination of bypasses and overflows. December 20, 1991
- (g) Attain compliance with final effluent limitations, and eliminate overflows and bypasses. March 31, 1992

This Consent Order does not constitute authorization or approval of the construction of any physical structure or facilities, or the modification of any existing treatment works or sewer 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. Defendant New Paris shall pay to the State of Ohio a civil penalty of Three Thousand Dollars (\$3,000.00). The penalty shall be paid by delivering a certified check for that amount, payable to the order of "Treasurer, State of Ohio" within forty-five (45) days from the date of entry of this Consent Order to Janis Miller, Administrative Assistant, or a person subsequently designated by the State, at the office of the Attorney General, Environmental Enforcement, 30 East Broad Street, 25th Floor, Columbus, Ohio 43266-0410.

VII. STIPULATED PENALTIES

7. In the event that Defendant New Paris fails to meet any of the requirements of this Consent Order set forth in Paragraphs 4, 5 (a), 5 (b), 5 (c) 5(d), 5 (e) and 5 (f) including any scheduled milestone requirement, the Defendant shall immediately and automatically be liable for and shall pay a stipulated penalty according to the following payment schedule. For each day of failure to meet a requirement, up to thirty (30) days - Five Hundred Dollars (\$500.00) per day. For each day of failure to meet a requirement, from thirty-one (31) to sixty days (60) - One Thousand Dollars (\$1,000.00) per day. For each day of failure to meet a requirement, from sixty-one (61) to ninety (90) days - Two Thousand Five Hundred Dollars (\$2,500.00). For each day of failure to meet a requirement, over ninety days (90) days - Three Thousand Five Hundred Dollars (\$3,500.00) per day.

8. In the event that Defendant New Paris fails to meet any of the requirements of this Consent Order set forth in Subparagraph 5(g), the Defendant shall immediately and automatically be liable for payment of a stipulated penalty of \$5,000.00 per day of violation of said requirement. The Defendant shall be liable for an additional stipulated penalty of One Thousand Dollars (\$1,000.00) per day of violation if the failure to comply continues for more than thirty (30) days, i.e. Six Thousand Dollars (\$6,000.00) per day of violation. In

the event that failure to comply with the requirements of Subparagraph 5(g) continues more than sixty (60) days, Defendant shall be liable for an additional Four Thousand Dollars (\$4,000.00) per day of violation, i.e., Ten Thousand Dollars (\$10,000.00) per day of violation.

9. Any payment required to be made under the provisions of Paragraphs 7 or 8 of this Order shall be made by delivering a certified check or checks for the appropriate amounts made payable to, "Treasurer, State of Ohio", within forty-five (45) days from the date of the failure to meet the requirement of the Consent Order to Janis Miller, Administrative Assistant, or a person subsequently designated by the State, at the office of the Attorney General, Environmental Enforcement, 30 East Broad Street, 25th Floor, Columbus, Ohio 43266-0410.

VIII. RETENTION OF JURISDICTION

10. 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


11. Defendant New Paris is hereby ordered to pay the costs of this action.

JUDGE, COURT OF COMMON PLEAS
PREBLE COUNTY


APPROVED:

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

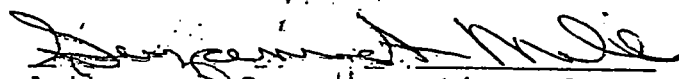
BY:


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Village of New Paris


Authorized Representative of
Village of New Paris