

IN THE COURT OF COMMON PLEAS, VINTON COUNTY, OHIO

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

Plaintiff,

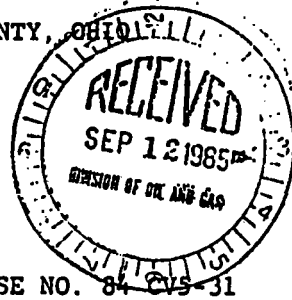
vs.

~~W.R.I., et al~~

Defendants.

FILED
VINTON COUNTY OHIO

SEP 11 AM 10 43



CASE NO. 84 CV 31

JUDGMENT

ENTRY

This cause came on for hearing before the Court based upon the Complaint filed by the State of Ohio and the Answer of defendant's, Philip Ison and W.R.I. The defendant, Lookout Ridge Drilling Company having heretofore been dismissed.

At the conclusion of the testimony the State offered Exhibits marked A through OO. The defendant objected to the admission into evidence of plaintiffs' Exhibits B-D-F-H-I-J-a portion of LL and T, at which time both parties were given the opportunity to submit briefs relative to the admissibility of said exhibits. Briefs were subsequently submitted to the Court in support of their respective positions regarding the admissibility of said exhibits.

Giving due consideration to the testimony, the exhibits and the supporting briefs as to the admissibility of the exhibits listed above the Court makes the following findings:

1. Plaintiffs Exhibits B-D-F-H-I-J-LL and T are admissible into evidence with Exhibits B-D-F-H-I admitted pursuant to Evidence Rule 803 (6).
2. The testimony of the witness, David Hodges, is admitted into evidence.

The Court further finds, by a preponderance of the evidence, the defendants, W.R.I. and Phillip Ison, were in violation of the following:

1. Section 1909.03 Ohio Revised Code and O.A.C. 1501:9-3-08 (A) by utilizing a temporary pit for saltwater storage which allowed

saltwater to escape as set out in Count One of the complaint.

2. The utilization of an unapproved method of disposal of saltwater on the Crabill-Long lease in violation of Section 1509.03 and 1509.22 Ohio Revised Code and O.A.C. 1501:9-3-04 (A) as set out in Count Two of the complaint.

3. The utilization of a storage pit which is not liquid tight for the ultimate disposal of saltwater in violation of Section 1509.03 and O.A.C. 1501:9-3-08 (A) as set out in Count Three of the complaint.

4. The allowing of saltwater and other wastes to escape from the storage pit causing contamination of the soil on the Crabill-Long lease in violation of 1509.03 Revised Code and Sections 1501:9-1-07 and 1501:9-3-04 (A) O.A.C. as set out in Count Four of the complaint.

5. The disposing and discharging of saltwater in an unapproved manner from the valve of storage tank on the Crabill-Long No. 1 well onto the surface of the land in violation of Section 1509.22 Revised Code and O.A.C. 1501:9-3-04 (A) as set out in Count Five of the complaint.

6. By disposing of water in an uncontrolled manner contaminating the surface of the land from the storage tank on Crabill-Long No. 1 well as set out in paragraph six of the complaint.

7. On or about February 22, 1984
By disposing of saltwater through a plastic hose over a hill into a hollow on the Perry No. 1, No. 2 and No. 3 lease, said method of disposal not being approved and in violation of Sections 1509.03 and 1509.22 Revised Code and O.A.C. 1501:9-3-04 (A) as set out in Count Seven of the complaint.

8. By contaminating the land surface of the Perry lease by disposing of saltwater in an uncontrolled manner through a hose connected to a storage tank in violation of Revised Code Section 1509.03 and O.A.C. 1501:9-1-07 and 1501:9-3-04 (A) as set out in Count Eight of the complaint.

9. On or about February 29, 1984

By disposing of saltwater through plastic hose connected to storage tank on Perry No. 1, No. 2 and No. 3 lease into a nearby hollow said method being unapproved and in violation of Revised Code Sections 1509.03 and 1509.22 and O.A.C. Section 1501:9-3-04 (A) as set out in Count Nine of the complaint.

10. By contaminating the land surface on the Perry lease by disposing of saltwater in an uncontrolled manner through a plastic hose connected to storage tank in violation of Revised Code Section 1509.03 and O.A.C. Sections 1501:9-1-07 and 1501:9-3-04 (A) as set out in Count Ten of the complaint.

Based upon the above the Court finds each defendant, W.R.I. and Phillip Ison, committed ten violations of the Ohio Revised Code and the Ohio Administrative Code. Accordingly, the Court will render Judgment pursuant to Section 1509.03 Ohio Revised Code against W.R.I. and in favor of the State of Ohio in the amount of Five hundred dollars (\$500.00) for each violation or a total of Five thousand dollars (\$5000.00) and against Phillip Ison and in favor of the State of Ohio in the amount of Five hundred dollars (\$500.00) for each violation or a total of Five thousand dollars (\$5000.00).

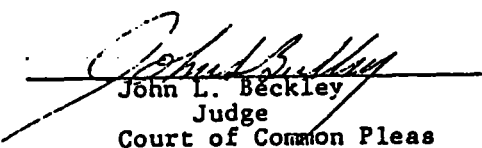
It is the further ORDER of the Court pursuant to Section 1509.04 Ohio Revised Code that the defendants, W.R.I. and Phillip Ison, their employees and anyone acting in concert with them are permanently enjoined from placing saltwater and other oil field wastes into the storage pit located downhill from the tank battery which serves the Crabill-Long No. 1 well and to refrain from allowing saltwater and other oil field wastes to overflow said pit, and to refrain from releasing saltwater and other oil field wastes in an uncontrolled manner from the storage tanks on the Crabill-Long and Perry leases in Knox Township, Vinton County, Ohio.

It is the further ORDER of the Court that defendants remove and properly dispose of all saltwater and other oil field wastes currently stored in the saltwater storage pit at the Crabill-Long No. 1 well and complete restoration of the area, including

filling the pit with dirt and to grade, seed and mulch the area around the pit, and dispose of the contaminated soil, resoil, grade and seed the area disturbed by such contamination.

Costs to defendants.

Dated: September 10, 1985.


John L. Beckley
Judge
Court of Common Pleas
Vinton County, Ohio

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IN THE COURT OF COMMON PLEAS

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VINTON COUNTY, OHIO

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CASE NO. 84-CV5-31

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

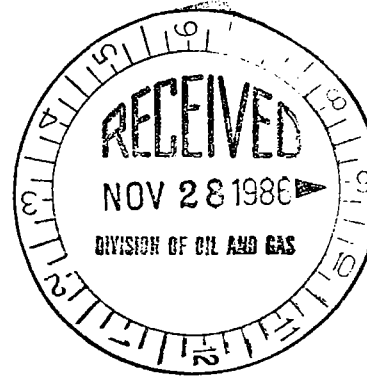
Plaintiff,

v.

W.R.I., et al.,

Defendant.

Lorraine Hoy
CLERK OF COURTS



ENTRY

This matter having come before the court on Plaintiff's filing of Charges in Contempt against Defendant W.R.I. and upon consent of the parties, the court finds:

1. For the purposes of this Entry, Defendant W.R.I. is the partnership of J. B. Wilson and Ray Roles only.
2. On June 3, 1986, the Division of Oil and Gas conducted an inspection of the tank battery serving the Perry lease located in Knox Township, Vinton County, Ohio, and found that Defendant W.R.I. had violated the permanent injunction issued by this court on September 11, 1985. Defendant W.R.I. does not contest this fact.

3. On September 25, 1986, Defendant W.R.I. paid to the Division of Oil and Gas the civil penalty of Five Thousand Dollars (\$5,000.00) as ordered by this court on September 11, 1985.
4. W.R.I. is in contempt of the lawful order of this court entered on September 11, 1985. Defendant W.R.I. may purge itself of said contempt by complying with the terms of this entry.

THEREFORE, it is Ordered, Adjudged and Decreed as follows:

- A. That within one week of the entry of this order, the Division of Oil and Gas, at the expense of Defendant W.R.I., shall take soil samples of the contaminated soils and present them to an EPA-approved laboratory for an EP Toxicity Test and Percent Solids Test. Defendant W.R.I. shall apply to the EPA for approval for removal of the soils to an appropriate landfill. Within one week of receiving the approval from the EPA, Defendant W.R.I. shall begin the following cleanup operation at the tank battery serving the Perry lease located in Knox Township, Vinton County, Ohio.

- 1) All contaminated soils shall be removed from the site to an EPA-approved landfill. Defendant W.R.I. shall contact the operator of the approved landfill for permission to dispose of the soils there.

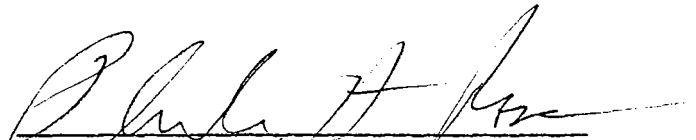
Defendant W.R.I. shall provide written documentation of volumes of soil removed from the site and volumes of soil received at the landfill.

- 2) An impermeable dike shall be built around the tank battery and lined with a plastic liner.
- 3) The areas disturbed during the cleanup operation shall be graded, seeded, and mulched and have vegetation established on them sufficient to prevent erosion and sedimentation. The grading and mulching shall be completed as soon as possible after removal of the contaminated soils. Vegetation shall be established by May 15, 1987.
- 4) All work shall be done under the supervision and subject to the approval of the Division of Oil and Gas.

B. The cleanup operation described in Paragraph A shall be completed within thirty (30) days of receiving approval from the EPA to dispose of the soil into the appropriate landfill.


C. Failure on the part of Defendant W.R.I. to comply with any of the requirements of this order within the time periods described shall result in the imposition of a

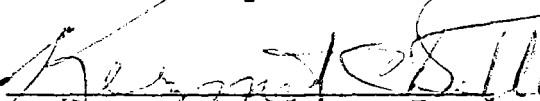
fine of Five Hundred Dollars (\$500.00) for each day the
Defendant fails to comply with this order and/or
imprisonment for ten (10) days.


PHILLIP H. ROSE, JUDGE

APPROVED:

ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO


EDDA SARA POST.
Assistant Attorney General
Attorney for Plaintiff


KERMIT C. SITTERLEY
Attorney for Defendant