

J. H. K.

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COMMON PLEAS COURT
MUSKINGUM CO., OHIO
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JOSEPH H. ECKHARD
CLERK

IN THE COMMON PLEAS COURT
MUSKINGUM COUNTY

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

CASE NO. 84-398

Plaintiff,

JUDGE HIXSON

v.

WILLISTON OIL CORPORATION,
et al.,

Defendants.



CONSENT JUDGMENT

The Complaint in this case having been filed on April 25, 1984, and Plaintiff State of Ohio, by its Attorney General, Anthony J. Celebrezze, Jr. (hereinafter "Plaintiff") and the defendants, Williston Oil Corporation and Joseph J. Territo, M.D., having agreed to the entry of this Consent Judgment without trial of any issue of fact or law arising from the Complaint, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. Jurisdiction. This Court has jurisdiction over the parties to this action and the subject matter of this case pursuant to Chapter 1509. of the Ohio Revised Code.

2. Claim stated. The complaint states a claim upon which relief may be granted.

3. Applicability of Consent Judgment. The provisions of this Consent Judgment shall apply to and be binding upon the defendants, their subsidiaries, past and present agents, officers, employees, assignees, successors in interest and all persons, firms, corporations and all other entities having notice of the Consent Judgment or acting in concert with them.

4. Civil penalty. Defendants Williston Oil Corporation and Joseph J. Territo, M.D., shall each pay a civil penalty of Ten Thousand Dollars and 00/100 Dollars (\$10,000.00) for the violations of Chapter 1509. of the Ohio Revised Code alleged in Plaintiff's complaint.

The defendants shall make payments of their respective civil penalties in monthly installments of no less than Five Hundred Dollars (\$500.00), plus interest at ten percent per annum from the date of the entry of this Consent Judgment. The first payment shall be made on or before July 1, 1987. Subsequent payments shall be made on the first day of the month. Payments shall be made by certified check or money order payable to the Treasurer of the State of Ohio and delivered to Counsel for Plaintiff at the Division of Oil and Gas, Ohio Department of Natural Resources, Fountain Square, Building A, Columbus, Ohio 43224.

5. Permanent Injunction: Remedial Action. Defendants are permanently enjoined from violation of Chapter 1509. of the Ohio Revised Code and its accompanying rules and shall complete the remedial action described below:

- a) Lichti #1 well. Permit #1252, Warwick Township, Tuscarawas County.

Defendants shall place the Lichti #1 well into production on or before September 15, 1987 in accordance with Chapter 1509 of the Ohio Revised Code and its accompanying rules. Initial restoration of the area disturbed in the siting, drilling, completion and production of the well, as required by Section 1509.072 (A) of the Ohio Revised Code, shall be completed on or before November 15, 1987. Vegetation sufficient to bind the soil and prevent erosion shall be established at the site on or before November 15, 1987.

- b) Knisely #1B well. Permit #1421, Warwick Township, Tuscarawas County.

Defendants shall cause the Knisely #1B well to be transferred on the records of the Division of Oil and Gas pursuant to Section 1509.31 of the Ohio Revised Code on or before July 17, 1987. If Defendants fail to transfer the well by that date, they shall plug or produce the Knisely #1B well on or before November 1, 1987 in accordance with the requirements of Chapter 1509 of the Ohio Revised Code and its accompanying rules. Restoration of the area disturbed in the siting, drilling, comple-

tion and/or plugging of the well shall be completed on or before November 30, 1987. Vegetation sufficient to bind the soil and prevent erosion shall be established at the site on or before April 30, 1988.

- c) Dailey No. 1 well. Permit 2046, Morgan Township, Morgan County, Ohio.

Defendants shall place the Dailey No. 1 well into production on or before August 15, 1987 in accordance with the requirements of Chapter 1509 of the Ohio Revised Code and its accompanying rules. Initial restoration of the area disturbed in the siting, drilling, completion and production of the well, as required by Section 1509.072 (A) of the Ohio Revised Code, shall be completed on or before October 31, 1987. Vegetation sufficient to bind the soil and prevent erosion shall be established at the site.

- d) Sutton No. 3 well. Permit #4355, Blue Rock Township, Muskingum County, Ohio.

Defendant shall post the well identification and emergency information required by Section 1501:9-9-05 (10) of the Ohio Administrative Code at the well location on or before July 1, 1987.

- e) Patton No. 4 well. Permit #4803, Rich Hill Township, Muskingum County, Ohio.

Defendants shall cause the Patton No. 4 well to be transferred on the records of the Division of Oil and Gas pursuant to Section 1509.31 of the Ohio Revised Code on or before July 17, 1987.

If Defendants fail to transfer the well by that date, they shall present evidence to Plaintiff on or before July 31, 1987 establishing that the Patton No. 4 is capable of producing oil and gas in commercial quantities. Such evidence shall include but not be limited to certified copies of purchase records of the oil or gas purchaser and a certification by the purchaser that a valid purchase contract exists.

If Defendants fail to establish that the Patton No. 4 well is capable of producing oil or gas in commercial quantities, the defendants shall plug the well in accordance with Chapter 1509 of the Ohio Revised Code and its accompanying rules on or before November 30, 1987. Final restoration of the area disturbed in the siting, drilling, completion, production and plugging of the well shall be completed on or before May 1, 1988. Vegetation sufficient to bind the soil and prevent erosion shall be established at the wellsite.

- f) Wion No. 3 well. Permit #5108, Meigs Township, Muskingum County, Ohio.

Defendants shall post the well identification and emergency information required by section 1501:9-9-05(10) of the Ohio Administrative Code at the well location on or before July 1, 1987.

Defendants shall perform the initial restoration of the area disturbed in siting, drilling and completion of the Wion #3 well as required by Section 1509.072(A) of the Ohio Revised Code on or before July 1, 1987. Defendants shall fill in the erosion ditch and grade or terrace the disturbed land surfaces and establish vegetation sufficient to bind the soil and prevent erosion and sedimentation.

- g) Hock No. 1 well. Permit #5214, Salt Creek Township, Muskingum County, Ohio.

Defendants shall post the well identification and emergency information required by Section 1501:9-9-05(10) of the Ohio Administrative Code at the well location on or before July 1, 1987.

Defendants shall also complete initial restoration of the area disturbed in the siting, drilling, completion and production of the well and the lease road serving the Hock No. 1 well as required

by Section 1509.072 (A) of the Ohio Revised Code on or before November 1, 1987. Vegetation sufficient to bind the soil and prevent erosion shall be established at the site.

- h) Nienhaus No. 1 well. Permit #5144, Hopewell Township, Perry County, Ohio.

Defendants shall post the well identification and emergency information required by Section 1501:9-9-05(10) of the Ohio Administrative Code at the well location on or before July 1, 1987.

Defendants shall also complete initial restoration of the area disturbed in the siting, drilling, completion and production of the well as required by Section 1509.072 (A) of the Ohio Revised Code on or before November 1, 1987. Vegetation sufficient to bind the soil and prevent erosion shall be established at the site.

Any annular disposal operations conducted at the Nienhaus No. 1 well shall be done in accordance with Chapter 1509 of the Ohio Revised Code and its accompanying rules.

- i) Hupp No. 3 well. Permit No. 4537, Hopewell Township, Perry County, Ohio.

Defendants shall post the well identification and emergency information required by Section 1501:9-9-05 (10) of the Ohio Administrative Code at the well location on or before July 1, 1987.

Defendants shall cause the Hupp No. 3 well to be transferred on the records of the Division of Oil and Gas pursuant to Section 1509.31 of the Ohio Revised Code on or before July 17, 1987.

If the defendants fail to transfer the wells by that date they shall:

1. Plug or produce the Hupp No. 3 well on or before December 31, 1987 in accordance with the requirements of Chapter 1509 of the Ohio Revised Code and its accompanying rules. Restoration of the area disturbed in the siting, drilling, completion, production and/or plugging of the well shall be completed on or before April 30, 1988. Vegetation sufficient to bind the soil and prevent erosion shall be established at the site.

2. Fill in the pit near the storage tank on or before August 15, 1987.

Any annular disposal operations conducted at the Hupp No. 3 well shall be done in compliance with Chapter 1509 of the Ohio Revised Code and its accompanying rules.

j) Danison No. 1 well. Permit #4477, Hopewell Township, Perry County, Ohio.

Defendants shall post the well identification and emergency information required by Section 1501:9-9-05 (10) of the Ohio Administrative Code at the well location on or before July 1, 1987.

Defendants shall cause the Danison No. 1 well to be transferred on the records of the Division of Oil and Gas pursuant to Section 1509.31 of the Ohio Revised Code on or before July 17, 1987. If the defendants fail to transfer the well by that date, they shall clean-up the oil on the ground around the well head on or before August 15, 1987.

- k) Danison No. 2 well. Permit #4545, Hopewell Township, Perry County, Ohio.

Defendants shall post the well identification and emergency information required by Section 1501:9-9-05 (10) of the Ohio Administrative Code at the well location on or before July 1, 1987.

Defendants shall cause the Danison No. 2 well to be transferred on the records of the Division of Oil and Gas pursuant to Section 1509.031 of the Ohio Revised Code on or before July 17, 1987. If the defendants fail to transfer the well by that date, they shall clean-up the oil on the ground around the well head on or before August 15, 1987.

- l) Ohio Power No. 34A well. Permit #4720, Blue Rock Township, Muskingum County, Ohio.

Defendants shall post the well identification and emergency information required by Section 1501:9-9-05 (10) of the Ohio Administrative Code at the well location on or before July 1, 1987.

Defendants shall cause the Ohio Power No. 34A well to be transferred on the records of the Division of Oil and Gas pursuant to Section 1509.031 of the Ohio Revised Code on or before July 17, 1987.

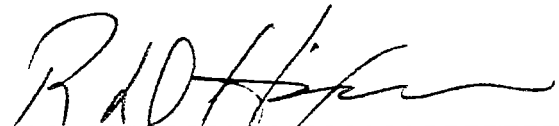
6. Supervision of Remedial Action. All phases of the remedial action described in paragraph 5 shall be supervised by and subject to the approval of the Chief of the Division of Oil and Gas. The Division shall be notified at least three (3) working days prior to commencement of work at each site.

7. Satisfaction and release of liability. Compliance with the terms of this Consent Judgment constitutes satisfaction and release of any liability of Williston Oil Corporation and Joseph J. Territo, M.D., its past and present officers, employees, agents, successors and assigns with respect to the causes of action alleged in Plaintiff's complaint.

8. Continuing jurisdiction. This Court retains jurisdiction over this action for the purpose of making any order or decree it may deem necessary to carry out this Consent Judgment.

9. Costs. Defendants Williston Oil Corporation and Joseph J. Territo shall pay the costs of this action.

IT IS SO ORDERED.



JUDGE RICHARD D. HIXSON

ANTHONY J. CELEBREZZE JR.
ATTORNEY GENERAL OF OHIO

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