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IN THE COURT OF COMMON PLEAS
WASHINGTON COUNTY, OHIO

STATE OF OHIO, ex rel., :
ANTHONY J. CELEBREZZE, JR. :
ATTORNEY GENERAL OF OHIO, :
 :
Plaintiff, :
 :
-vs- :
 :
BERRESFORD ENTERPRISES, INC., :
et al., :
 :
Defendants. :

1986 SEP 22 PM 2 16
Case No. 83 M 278
Judge Boyer
FILED
CLERK OF COURTS
WASHINGTON COUNTY, OHIO

CONSENT JUDGMENT

The Complaint having been filed by Plaintiff State of Ohio on December 2, 1983, under Chapter 1509 of the Ohio Revised Code and Plaintiff and Defendants Berresford Enterprises, Inc.; Jerry M. Welch and James A. Berresford having consented to the entry of this judgment without trial, this Court ORDERS and DECREES:

I

This Court has jurisdiction over the parties and subject matter of this case. The Complaint states a claim upon which relief can be granted to Plaintiff against Defendants Berresford Enterprises, Inc.; Jerry M. Welch and James A. Berresford under Chapter 1509 of the Ohio Revised Code,

II

Defendant Berresford Enterprises, Inc. shall pay to Plaintiff State of Ohio a civil penalty of Seven Thousand Five Hundred Dollars (\$7,500.00) for the violations of law alleged in the

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Complaint. The civil penalty shall be paid in three monthly installments of Two Thousand Five Hundred Dollars (\$2,500.00). The first installment shall be delivered to Plaintiff's counsel on or before July 15, 1986. The subsequent installments shall be made on or before the fifteenth day of the following two months. Payments shall be made by certified check or money order payable to the Treasurer of the State of Ohio and delivered to Plaintiff's counsel.

The civil penalty shall be in full satisfaction of any liability of Defendants Berresford Enterprises, Inc.; Jerry M. Welch and James A. Berresford for the violations of Chapter 1509 asserted in the Complaint.

III

Defendant Berresford Enterprises, Inc. is permanently enjoined from:

(a) violation of Section 1509.22(C) of the Ohio Revised Code and the rules promulgated thereunder and shall refrain from storing or disposing of brine or other oilfield wastes other than in a manner approved by the chief of the division of oil and gas at the Singree No. 3 well, and on the Schilling lease in Waterford Township, Washington County, Ohio.

(b) violation of Section 1509.22(D) of the Ohio Revised Code and Rules 1501:9-3-11 of the Ohio Administrative Code and shall refrain from disposing of brine or other oilfield wastes under pressure or otherwise into the annular space of the Singree No. 3 well unless approved by the division of oil and gas, from transporting brine to the Singree No. 3 site by a means other than

pipeline and from using a brine transportation pipeline which is not airtight.

(c) violation of Section 1509.22(A) if the Ohio Revised Code and shall refrain from placing or causing to be placed brine in surface or groundwater or in or on the land in such quantities or in such manner as actually causes or could reasonably be anticipated to cause damage or injury to public health or safety or the environment at the Singree No. 3 wellsite and the Schilling lease.

(d) violation of Section 1509.072(A) of the Ohio Revised Code and shall establish vegetation sufficient to bind the soil and prevent erosion at the Singree No. 3 well and the Schilling lease.

IV

Defendant Berresford Enterprises, Inc. shall pay the costs of this action.

SEP 2 2 1986

Date

Susan E. Boyer, JUDGE

APPROVED:

ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO

VORYS, SATER, SEYMOUR
AND PEASE

BY:

Eda Sara Post
EDDA SARA POST

BY:

David W. Hardyman
DAVID W. HARDYMAN

Assistant Attorney General
Environmental Enforcement Section
Building A, Fountain Square
Columbus, OH 43224
Phone: (614) 265-6942

52 East Gay Street
P.O. Box 1008
Columbus, OH 43216-1008
Phone: (614) 464-5651

Attorneys for Plaintiff

Attorneys for Defendants

I certify the foregoing to be a true and correct copy of the original. -3-

Flora L. Kampmetz, Clerk
Common Pleas Court of Appeals
Washington County, Ohio

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By:

Deborah Wood
10/6/86 Deputy Clerk

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, OHIO

STATE OF OHIO, EX REL. :
Plaintiff, :
vs. : Case No. 83M278
BERRESFORD ENTERPRISES, INC., :
ET AL., :
Defendants. :

AGREED ENTRY

Upon Motion of the plaintiff, State of Ohio, for a Preliminary Injunction and upon agreement of the defendants, Berresford Enterprises, Inc., James A. Berresford and Jerry M. Welch, it is hereby stipulated by the parties and ORDERED by the Court that, during the pendency of the within action, said defendants shall not engage in the following acts:

1. Storing or disposing of salt water and other oil field wastes, other than in a manner approved by the Chief of the Division of Oil & Gas, at the Number 3 Singree Well, Lot 21, Olive Green and Elk Run Allotment, Waterford Township, Washington County, at the tank battery site which serves Wells Numbers 4, 6, 8, 10, 11, 17 and 18 on the Schilling lease on Lots 34 and 35, Olive Green and Elk Run Allotment, Waterford Township, Washington County;

2. Disposing of salt water or other oil field wastes, under pressure or otherwise, into the annular space of the Number 3 Singree Well, absent the approval of the Division of Oil & Gas, and from transporting additional salt water to this well by a means other than pipeline;

3. Placing additional fluids into the pit adjacent to the tank battery which serves Schilling Wells Numbers 4, 6, 8, 10, 11, 17 & 18;

It is further agreed and stipulated by the parties that the Number 3 Singree Well is not presently being used for the pressurized disposal of salt water or oil field wastes;

that no equipment designed or used for pressurized disposal is presently located on the Number 3 Singree Well site; that the pit adjacent to the tank battery which serves Schilling Wells Numbers 4, 6, 8, 10, 11, 17 & 18 has been collapsed, filled, and replaced by a storage tank; and that the Number 3 Singree Well site and the area adjacent to the tank battery serving the aforementioned Schilling Wells have been seeded and mulched to prevent erosion.

It is further agreed by the parties and ORDERED by the Court that said defendants shall continue to make reasonable efforts to establish vegetation sufficient to bind the soil and prevent erosion at the Number 3 Singree Well site and the tank battery site which serves Schilling Wells Numbers 4, 6, 8, 10, 11, 17 & 18.

It is further agreed by the parties and ORDERED by the Court that this Entry not be construed as an admission of guilt on the part of any party to this action, or any other person or entity, with respect to any of the allegations set forth in the Complaint and/or the Motion For Preliminary Injunction filed herein.

SO ORDERED.

Judge Roland W. Riggs, II

APPROVED:

ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO

By Rebecca M. Kimball
Rebecca M. Kimball

Assistant Attorney General
Environmental Law Section
Division of Oil & Gas
Building A, Fountain Square
Columbus, Ohio 43224
(614) 466-4320

Counsel for Plaintiff

VORYS, SATER, SEYMOUR AND PEASE

By David W. Hardymon
David W. Hardymon

P. O. Box 1008
52 East Gay Street
Columbus, Ohio 43216-1008
(614) 464-5651

Counsel for Defendants