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COMMON PLEAS COURT  
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IN THE COURT OF COMMON PLEAS  
GUERNSEY COUNTY, OHIO

*[Signature]*  
CLERK OF COURT  
GUERNSEY COUNTY

STATE OF OHIO, ex rel.	:	CASE NO. 32847
ANTHONY J. CELEBREZZE, JR.	:	
ATTORNEY GENERAL OF OHIO,	:	JUDGE HENDERSON
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
THE BOARD OF COUNTY COMMISSIONERS	:	<u>CONSENT JUDGMENT</u>
OF GUERNSEY COUNTY,	:	
	:	
Defendant.	:	

This action was brought by the State of Ohio against Defendant The Board of County Commissioners of Guernsey County to enforce water pollution statutes under Sections 6111.07 and 6111.09 of the Ohio Revised Code. The Plaintiff and Defendant have consented to the entry of this Consent Judgment.

NOW, THEREFORE, before the taking of any testimony and upon the pleading it is ORDERED, ADJUDGED and DECREED as follows:

I.

The Court has jurisdiction of the subject matter herein of the parties consenting hereto. The Complaint states a claim upon which relief can be granted against Defendant under Section 6111.07 and Section 6111.09 of the Ohio Revised Code.

II.

The provisions of the Consent Judgment shall apply to and be binding upon the parties to this action, their officers, directors, agents, servants, employees, successors and assigns. In addition, the provisions of this Consent Judgment shall apply to all persons,

corporations and other entities having notice of this Consent Judgment, who are or will be acting in concert and privity with the Defendant to this action or its officers, directors, agents, servants, employees, successors and assigns.

### III.

Defendant, failed to comply with the terms of the Director's final Findings and Orders issued on April 22, 1981 and take the required measures to abate water pollution caused by the discharge of inadequately treated sewage from the Northgate Addition Subdivision into waters of the State in accordance with the schedules set forth in those Orders. This activity constitutes a violation of Section 6111.07 of the Ohio Revised Code as described in the Complaint.

### IV.

Subsequent to the filing of this suit, the Defendant has prepared general plans for the construction and installation of a treatment works to treat the sewage being discharged from the Northgate Addition Subdivision into waters of the State. On November 15, 1984, the Director of Environmental Protection having reviewed the general plan for the wastewater pump station, force main, and sewage treatment system, to serve the Northgate Addition Subdivision approved these general plans subject to the submission of a Permit to Install application accompanied by detailed plans.

V.

Defendant agrees, and is hereby enjoined and ordered to install a sewage treatment system to serve the Northgate Addition Subdivision in accordance with the following schedule:

- A. Initiation of the bidding procedure by February 15, 1985;
- B. Award of the contracts of the construction of the sewage treatment facility and associated facility by March 31, 1985;
- C. Submission of a completed Permit to Install (P.T.I.) application accompanied by detailed plans by April 30, 1985;
- D. Construction shall commence within thirty (30) days of notification of detailed plan and P.T.I. approval by the Ohio EPA;
- E. Construction shall be completed in accordance with the detailed plans within ninety (90) days of commencement of construction;
- F. The facility shall obtain operation status within fourteen (14) days of the completion of construction.

VI.

Defendant, The Board of County Commissioners of Guernsey County agrees to and is hereby ordered to pay a civil penalty under Section 6111.09 of the Ohio Revised Code in the amount of twenty five thousand dollars (\$25,000.00). Such civil penalty is hereby suspended pending the completion of the construction and commencement of operation of the sewage treatment system to serve the Northgate Addition Subdivision in accordance with the schedule set forth in paragraph V above.

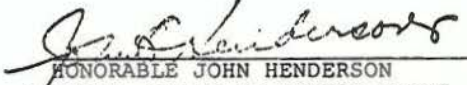
In the event that Defendant fails to construct the sewage treatment system in accordance with the same paragraph 5, the civil penalty of twenty five thousand dollars (\$ 25,000.00) will be reinstated upon the motion of the Plaintiff, and Defendant, The Board of County Commissioners of Guernsey County shall pay into the State Treasury a civil penalty of twenty five thousand dollars (\$25,000.00) pursuant to Ohio Revised Code Section 6111.09. If and when the Defendant does complete construction and attain operational status of the sewage treatment system in accordance with provisions of paragraph 5 the Defendant's obligation to pay the civil penalty of twenty five thousand dollars (\$25,000.00) described herein shall terminate.

VII.

The Court retains jurisdiction of this case as to Defendant for the purpose of making any order or decree which it may deem at any time to be necessary to carry out this Judgment.

VIII.

The cost of this action are hereby assessed against Defendant.

  
HONORABLE JOHN HENDERSON  
JUDGE, COURT OF COMMON PLEAS

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

BY: 

MARGARET A. MALONE

PAUL D. HANCOCK

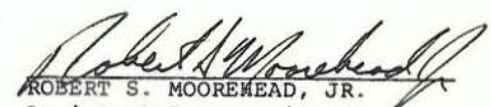
Assistant Attorneys General  
Environmental Enforcement  
Section

30 East Broad Street, 17th Floor  
Columbus, Ohio 43215

THE BOARD OF COUNTY COMMISSIONERS  
OF GUERNSEY COUNTY

BY: 

APPROVED BY:

  
ROBERT S. MOOREHEAD, JR.

Assistant Prosecuting Attorney  
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