

IN THE COURT OF COMMON PLEAS  
ERIE COUNTY, OHIO

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ERIE COUNTY  
COMMON PLEAS COURT

STATE OF OHIO, ex rel.,  
BETTY D. MONTGOMERY  
ATTORNEY GENERAL OF OHIO,

Plaintiff,

vs.

CITY OF SANDUSKY,

Defendant.

: CASE NO. 95-CV-053

: JUDGE BEVERLY MCGOOKEY

: CONSENT ORDER AMENDMENT

The Complaint in the above-captioned matter having been filed herein, and the Plaintiff State of Ohio by its Attorney General (hereinafter "Plaintiff") and Defendant City of Sandusky (hereinafter "Sandusky") consented to the entry of this Order by the Court on February 27, 1995.

NOW THEREFORE, without trial of any issue of fact or law, and upon consent of the parties to this Consent Order Amendment, it is hereby ORDERED, ADJUDGED AND DECREED that the Consent Order entered by the Court on February 27, 1995 shall be amended by deleting paragraph 13.; adding paragraphs 13. (a), 13. (b), and 13. (c); adding paragraph 16. (a); and adding paragraph 17. (a).

### **VIII. NOTIFICATION AND LOGS**

13. (a) As required by paragraph 10 (b) of this Consent Order, Defendant Sandusky has erected 17 permanent warning signs. At the location of these signs, Defendant Sandusky has erected 17 additional warning signs which face outward towards Sandusky Bay, Mills Creek, and Pipe Creek. These additional 17 signs shall be maintained.

13. (b) Defendant Sandusky has: (1) submitted a copy of a warning letter and warning sign to marinas, boat docks and boat fueling stations; and, (2) posted a warning sign at or near public/patron access areas, with unobstructed view at the following locations, Sandusky Boat Launch and Sandusky Sailing Club.

13. (c) Within one (1) hour of discovery of a combined sewer station overflow during the period of May 1st through October 31st, Defendant Sandusky shall provide notice to the public of such release by attaching a metal plate containing the word "ACTIVE" to both sides of the permanent signs at the location of the discharge. The word "ACTIVE" shall be at least 6 inch letters and shall be in red on a white background. The metal plates shall remain attached and visible until the discharge has ceased. If a combined sewer overflow is discovered during night time hours, the above notice shall be provided by 7:30 a.m. the next day.

### **X. CIVIL PENALTY**

16. (a) Defendant Sandusky is ordered, pursuant to O.R.C. Section 6111.09, to pay to the State of Ohio an additional civil penalty of Two Thousand Dollars (\$2,000.00). The penalty shall be paid by delivering to Jena Suhadolnik, Administrative Assistant, Environmental Enforcement Section, Ohio Attorney General, State Office Tower-25th floor, 30 E. Broad Street, Columbus, Ohio 42366-0410 a certified check for that amount, payable to the order of "Treasurer, State of Ohio" within fifteen (15) days from the Court's entry of this Consent Order

Amendment. Payment of this civil penalty and the supplemental environmental project shall satisfy the stipulated penalties, from February 27, 1995 until entry of this Consent Order Amendment, for violation of the notification requirements set forth in Section VIII., paragraph 13.

**XI. SUPPLEMENTAL ENVIRONMENTAL PROJECT**

17. (a) Defendant Sandusky agrees to and is ordered to contribute an additional Two Thousand Five Hundred Dollars (\$2,500.00) to the Ohio Department of Natural Resources- Division of Wildlife. This contribution shall help finance the Unit C Valve Replacement/ Dike Repairs in the Pipe Creek Wildlife Area. This contribution shall be paid by delivering to Bill Roshak, Assistant Wildlife Management Supervisor, Wildlife District Two, 952-A Lima Avenue, Findlay, Ohio 45840 a certified check for that amount, payable to the order of "Ohio Division of Wildlife" within fifteen (15) days from the Court's entry of this Consent Order Amendment. Defendant Sandusky shall submit a copy of the canceled check to Ohio EPA's Northwest District office, Division of Surface Water within forty-five (45) days of payment.

**IT IS SO ORDERED.**

Entered this \_\_\_\_ day of \_\_\_\_\_, 1997.

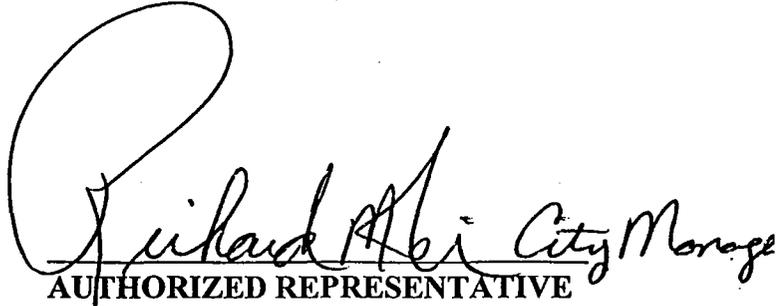
\_\_\_\_\_  
**JUDGE BEVERLY MCGOOKEY  
ERIE COUNTY COURT OF  
COMMON PLEAS**

APPROVED:

STATE OF OHIO, ex rel.  
BETTY D. MONTGOMERY  
ATTORNEY GENERAL OF OHIO

  
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RICHARD A. CITY MANAGER  
AUTHORIZED REPRESENTATIVE  
CITY OF SANDUSKY

CITY OF SANDUSKY  
LAW DIRECTOR

  
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GENERAL OF OHIO : JUDGE BEVERLY MCGOOKEY  
:  
Plaintiff, :  
:  
vs. :  
:  
CITY OF SANDUSKY :  
:  
Defendant. :

**JOINT MOTION FOR ENTRY OF CONSENT ORDER AMENDMENT**

Plaintiff, State of Ohio, and Defendant, City of Sandusky, request this Court to enter the Consent Order Amendment attached hereto. The Parties request this Court to enter the Consent Order Amendment as executed by the State of Ohio and the City of Sandusky in December, 1997.

Respectfully submitted,

STATE OF OHIO, ex rel.  
BETTY D. MONTGOMERY  
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