

IN THE COURT OF COMMON PLEAS

FAIRFIELD COUNTY, OHIO

Dec 31 1 22 PM '84

STATE OF OHIO, ex rel. : CASE NO. 53070
ANTHONY J. CELEBREZZE, JR. :
ATTORNEY GENERAL OF OHIO, : JUDGE MARTIN

Plaintiff, :

v. :

THE CYRIL-SCOTT COMPANY, :

CONSENT JUDGMENT

and :

EUGENE L. McCLELLAND, :

Defendants. :

This action was brought by the State of Ohio against the Defendants The Cyril-Scott Company and Eugene L. McClelland, to enforce the State water pollution statutes under Sections 6111.04, 6111.07 and 6111.09 of the Ohio Revised Code. The Plaintiff and Defendants, The Cyril-Scott Company and Eugene L. McClelland, have consented to the entry of this Consent Judgment.

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

I.

The Court has jurisdiction of the subject matter herein and of the parties consenting hereto. The Amended Complaint states a claim upon which relief can be granted against Defendants, The Cyril-Scott Company and Eugene L. McClelland, under Sections 6111.07 and 6111.09 of the Ohio Revised Code.

II.

The provisions of this Consent Judgment shall apply to and be binding upon The Cyril-Scott Company and Eugene L. McClelland, their officers, directors, agents, employees, servants, 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 Defendants, The Cyril-Scott Company and Eugene L. McClelland, their officers, directors, agents, servants, employees, successors and assigns.

III.

The Defendant, The Cyril-Scott Company operates a facility

located at 3950 State Route 37 in Fairfield County, Ohio, which generates industrial wastes, sewage and/or other wastes.

The Defendants have violated Sections 6111.04 and 6111.07 by the discharges of industrial wastes and/or sewage from the above-referenced facility, failure to comply with the Director's final Findings and Orders issued on December 9, 1980, failure to obtain a NPDES permit pursuant to Ohio Administrative Code Section 3745-33-02(A), and failure to obtain a Permit to Install pursuant to O.A.C. 3745-31-02(A).

IV.

Since the filing of this suit, the Defendant, The Cyril-Scott Company, has applied for and obtained a Permit to Install a wastewater treatment facility to treat industrial wastes, sewage and other wastes generated by the facility. Such system has been installed. The Defendant, The Cyril-Scott Company has applied for a NPDES permit for the operation of that facility.

V.

The Defendants agree to and are hereby ordered to pay a civil penalty under §6111.09 of the Ohio Revised Code in the amount of forty thousand dollars (\$40,000.00). This penalty shall be paid in four (4) installments of ten thousand dollars (\$10,000.00) each by delivering to Plaintiff's counsel, for payment into the State Treasury to the credit of the general revenue fund, a check in such amount made to the order of "Treasurer, State of Ohio". The first installment of ten thousand dollars (\$10,000.00) shall be paid no later than January 1, 1985. The second installment of ten thousand dollars (\$10,000.00) shall be paid on or before September 21, 1985. The third installment of ten thousand dollars (\$10,000.00) shall be paid on or before September 21, 1985. The fourth installment of ten thousand dollars (\$10,000.00) shall be paid no later than September 21, 1985.

VI.

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

judgment. The Court also retains jurisdiction for the purpose of making any order which it may deem at any time to be necessary because of the Defendants failure to obtain a NPDES permit for the operation of the wastewater treatment facility referred to in paragraph IV.

VII.

The costs of this action are hereby assessed against the Defendant.

John D. Martin

THE HONORABLE JOHN MARTIN
JUDGE, COURT OF COMMON PLEAS

APPROVED:

ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO

*Margaret A. Malone by per
Harold E. Williams per
phone conversation 12/28/84*

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