

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

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COMMON PLEAS COURT
FRANKLIN CO., OHIO

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J. ENRIGHT
CLERK OF COURTS

STATE OF OHIO,
ex rel. LEE FISHER
ATTORNEY GENERAL OF OHIO,

CASE NO.

JUDGE

Plaintiff,

vs.

GEUPEL CONSTRUCTION COMPANY,
INC./MIDWEST RALUMAC,

92 CV H02-1659

Defendants.

CONSENT ORDER

The State of Ohio, by and through Attorney General Lee Fisher, at the written request of the executive committee of the Emergency Response Commission, filed a Complaint in this matter seeking injunctive relief and civil penalties from Defendant Geupel Construction Company, Inc. ("Geupel") for violations of Revised Code ("ORC") Chapter 3750. The parties have reached agreement on the issues of injunctive relief and civil penalties. Therefore, without trial of any issue of fact or law, it is hereby *ADJUDGED, ORDERED and DECREED* as follows:

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I. JURISDICTION AND VENUE

1. The Court has jurisdiction over the parties and the subject matter of this case. Venue is proper in this Court.

II. PARTIES

2. The provisions of this Consent Order shall apply and be binding upon the Defendant, its agents, officers, servants,

employees, assigns, successors in interest and any person in active concert or participation with it who receives actual notice of this Order.

III. SATISFACTION OF LAWSUIT

3. Compliance with the terms of this Order shall constitute full satisfaction of any civil liability of Defendant for the claims alleged in the State's Complaint. This Order shall not be construed to limit the authority of the State to seek relief for claims or conditions not specifically alleged in the Complaint, including, but not limited to, claims brought under R.C. Chapter 3734 and conditions or claims occurring after the filing of this Complaint.

IV. INJUNCTION

4. Geupel is hereby permanently enjoined to comply with the requirements of Chapter 3750. of the Ohio Revised Code, including the reporting requirements of O.R.C. Section 3750.06, and shall comply with the following requirements within the following time periods.

5. Within seven (7) days of the entry of this Order, Geupel shall develop and implement a training program sufficient to ensure that its employees are trained in the verbal and written reporting requirements of ORC §3750.06. A report of the program's content and the means by which and to whom training was administered shall be sent to the State Emergency Response Commission within seven (7) days after implementation.

6. Within forty-eight (48) hours of the entry of this

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Order, Geupel shall conspicuously post and maintain the SERC/OEPA emergency telephone number at all telephone locations at the Woodville Road facility.

V. CIVIL PENALTY

7. Within seven (7) days of the entry of this Order, Geupel shall pay a civil penalty of One Thousand Nine Hundred and Fifty Dollars (\$1,950.00) pursuant to ORC 3750.20. Payment shall be made by delivering a certified check or money order to Janis Miller, Administrative Assistant, Attorney General's Office, Environmental Enforcement Section. The check or money order shall be made payable to "Treasurer, State of Ohio."

VI. COSTS

8. Geupel is hereby ordered to pay the Court costs of this action.

ENTERED THIS 28TH DAY OF ~~JANUARY~~ ^{FEBRUARY}, 1992.

W. K. Lane
JUDGE, FRANKLIN COUNTY COURT OF COMMON PLEAS

Charles L. Keith

GEUPEL CONSTRUCTION COMPANY, INC.
By: CHARLES L. KEITH
Name: CHARLES L. KEITH
Title: VICE PRESIDENT

LEE FISHER
ATTORNEY GENERAL OF OHIO

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Counsel for Plaintiff
State of Ohio

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