

IN THE COURT OF COMMON PLEAS
HOLMES COUNTY, OHIO

STATE OF OHIO, ex rel.	:	Case No.	92-C-192
LEE FISHER	:		45-15395
ATTORNEY GENERAL OF OHIO	:		
	:	Judge Thomas White	
Plaintiff,	:		
	:		
vs.	:	STIPULATION AND ORDER	
	:	CONCERNING STIPULATED	
HOLMES CHEESE CO.	:	PENALTIES	
and	:		
ROBERT J. RAMSEYER,	:		
	:		
Defendants.	:		

The Plaintiff, State of Ohio, and Defendants, Holmes Cheese Co. and Robert J. Ramseyer, President, (collectively referred to as "Defendant Holmes Cheese"), hereby stipulate to the following agreement regarding the payment of stipulated penalties in this case and the Court, based upon that agreement, issues the Orders which follow.

WHEREAS, the State of Ohio and Defendant Holmes Cheese entered a Consent Order to resolve this case, which was signed by the Court on September 13, 1993;

WHEREAS, Paragraph 6(a) of the Consent Order required Defendant Holmes Cheese to submit a complete application for a permit to install, including approvable detail plans, to the Northeast District Office of Ohio EPA for wastewater treatment plant improvements to meet final effluent limits, by February 1, 1994;

WHEREAS, Defendant Holmes Cheese submitted a complete permit to install

application to Ohio EPA after the February 1, 1994 deadline in Paragraph 6(a) of the Consent Order. Said permit to install application was received by Ohio EPA on April 4, 1994;

WHEREAS, Paragraph 9 of the Consent Order provides for the payment of stipulated penalties in the event that Defendant Holmes Cheese fails to meet specific requirements in the Consent Order, including the requirement to submit the permit to install application by the agreed deadline;

WHEREAS, the State of Ohio has alleged that Defendant Holmes Cheese is obligated to pay stipulated penalties as a result of the late submittal of the permit to install application;

WHEREAS, without admission of any fact, violation or liability, Defendant Holmes Cheese, as a means by which to settle this matter expeditiously, has agreed to pay \$8,000.00 and to install a new digital monitoring and control system for its wastewater treatment system to satisfy the State of Ohio's allegation;

NOW THEREFORE, in consideration of the foregoing, and the promises and covenants contained hereinafter, the State of Ohio and Defendant Holmes Cheese hereby stipulate as follows, and this Court so orders that:

1. Defendant Holmes Cheese will pay a penalty in the amount of Eight Thousand Dollars (\$8,000.00) to the State of Ohio by means of a certified check made payable to "Treasurer, State of Ohio", within thirty (30) days of entry of this Stipulation and Order.

2. Defendant Holmes Cheese will install the new digital monitoring and control system described above by January 1, 1995.

3. The performance of the activities set forth in Paragraphs 1 and 2 above shall constitute full satisfaction against Defendant Holmes Cheese for the violation to install application by February 1, 1994.

SO ORDERED

DATE

JUDGE THOMAS WHITE
COURT OF COMMON PLEAS
HOLMES COUNTY

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

HOLMES CHEESE CO.
AND
ROBERT J. RAMSEYER

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