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IN THE COURT OF COMMON PLEAS
TUSCARAWAS COUNTY, OHIO

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CLERK OF COURT
OHIO
1985 FEB 6 PM 1 50

STATE OF OHIO, EX REL.
ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO,

Plaintiff,

v.

CHARLES R. SMITLEY, JR.
DBA C & S SANDBLASTING,

Defendant.

CASE NO. 84-CV-03084

JUDGE SPIES

CONSENT JUDGMENT

JOHN W. CLARKE
CLERK OF COURTS

This case having come before this Court on Plaintiff's Complaint for violations of Ohio's air and water pollution laws, Revised Code Chapters 3704 and 6111 respectively, and before the taking of any evidence thereon, and both Plaintiff and Defendant having consented to the entry of this Order, and this Court having found that entry of this Order is in the public interest, it is hereby ORDERED, ADJUDGED, and DECREED THAT:

I

This Court has jurisdiction over the parties and the subject matter of this case. The complaint states a claim upon which relief can be granted against the Defendant under Revised Code Chapters 6111 and 3704. Venue is proper in this Court.

II

The provisions of this Consent Judgment shall apply to and be binding upon the parties to this action, their agents, servants, assigns, and successors in interests, as well as all persons acting in active concert with them.

III

Compliance with the terms of this Consent Judgment shall be in full satisfaction of Defendant's liability to Plaintiff for the violations of law alleged in Plaintiff's complaint. Nothing in this decree shall be construed to limit the authority of the State of Ohio to seek relief for claims or conditions not alleged in the complaint or addressed by this decree.

IV

Defendant is ordered to cease all sandblasting activity at the premises of C & S Sandblasting, Route #1, New Philadelphia, Ohio until Defendant first obtains a permit to install and a permit to operate, his sandblasting equipment; to wit: two sandblasters, a paint spray booth, a 1500 gallon storage tank and a 100 barrel oil storage tank pursuant to O.R.C. 3704.05, O.A.C. 3745-31-02 and O.A.C. 3745-35-02 from the Ohio Environmental Protection Agency.

V

Defendant is ordered to cease operation of his disposal system at the premises of C & S Sandblasting Route #1, New Philadelphia, Ohio to wit: a 1500 gallon vented septic tank and 100 barrel vented oil storage tank, until Defendant first obtains a permit to install pursuant to O.R.C. 6111 and O.A.C. 3745-31-02 from the Ohio Environmental Protection Agency.

VI

Defendant is ordered to operate his business, known as "C & S Sandblasting," in compliance with all applicable air and water pollution laws of the State of Ohio from this date forward.

VII

This Court shall retain jurisdiction to enforce compliance with this judgment.

VIII


Defendant shall pay court costs.

C. MATTHEW SPIES

JUDGE SPIES



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