

Int Book

IN THE COURT OF COMMON PLEAS
ALLEN COUNTY, OHIO

'86 FEB 5 PM 3 29

STATE OF OHIO, ex rel.
ANTHONY J. CELEBREZZE, JR., CLERK
ATTORNEY GENERAL OF OHIO
ALLEN COUNTY, OHIO
Plaintiff,

CASE NO. 86 CIV 0060

v.

THE STANDARD OIL COMPANY,
Defendants.

CONSENT JUDGMENT

The Complaint having been filed under Sections 3704.05 and 3704.06 of the Ohio Revised Code to enforce air pollution statutes, and Plaintiff and Defendant by their respective attorneys having consented to entry of this Consent Judgment:

THEREFORE, before the taking of any testimony, upon the pleadings and upon the consent of the parties hereto, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

I. JURISDICTION

The Court has jurisdiction over the parties and the subject matter of the case. The Complaint states a claim upon which relief can be granted against Defendant under Sections 3704.05 and 3704.06 of the Ohio Revised Code.

II. PERSONS BOUND

The provisions of this Consent Judgment shall apply to and be binding upon the parties to this action, their officers, directors, agents, servants, employees, representatives and successors.

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III. SATISFACTION OF LAWSUIT

As described in the Complaint, Plaintiff alleges that Defendant has violated Section 3704.05 of the Ohio Revised Code by placing, storing and holding petroleum liquid with a true vapor pressure greater than 1.52 pounds per square inch absolute in fixed roof tanks without vapor control equipment and without an applicable exemption in violation of Ohio Administrative Code ("O.A.C.") Section 3745-21-09(L). In addition, Plaintiff alleges that Defendant has been operating its fixed roof tanks without permits to operate. Defendant denies these allegations. Compliance with the terms of this Consent Judgment shall be in full satisfaction of Defendants liability to Plaintiff for the foregoing alleged violations of law.

IV. CIVIL PENALTY

Defendant shall pay a civil penalty pursuant to Ohio Revised Code Section 3704.06(C) in the amount of Ten Thousand Dollars (\$10,000.00). This civil penalty shall be paid within thirty (30) days of entry of this Judgment by delivering to Plaintiff's counsel, for payment into the State Treasury, a certified check in such amount made to the order of "Treasurer, State of Ohio."

V. INJUNCTIVE RELIEF

Defendant is ordered to submit to Ohio EPA Northwest District Office applications for permits to operate the petroleum storage tanks subject to this Consent Judgment within two (2) weeks of entry of this Judgment.

Defendant is hereby ENJOINED from violating the provisions O.A.C. 3745-21-09(L).

In the event Defendant chooses to permanently cease the use of the petroleum storage tanks subject to this Consent Judgment, TO12 and TO16, Defendant's responsibilities under this Consent Judgment, shall end.

The Court retains jurisdiction of this suit for a period of five (5) years from entry of this Judgment for the purpose of making any order or decree which it may deem necessary to carry out this Judgment.


Defendant shall pay court costs.

The Clerk of this Court shall forward a file stamped copy of this Judgment Entry by regular mail to each attorney of record and each party, no later than 10 days after the date of this Judgment. The fact of this Judgment shall be entered on the docket and charged as costs.


NICHOLAS A. REM
JUDGE, COURT OF COMMON PLEAS

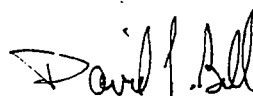
APPROVED:

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