

**IN THE COURT OF COMMON PLEAS
PERRY COUNTY, OHIO**

STATE OF OHIO, ex rel.	:	CASE NO.
JIM PETRO	:	
ATTORNEY GENERAL OF OHIO,	:	JUDGE
	:	
Plaintiff,	:	
	:	
v.	:	<u>CONSENT ORDER</u>
	:	
VILLAGE OF CROOKSVILLE,	:	
	:	
Defendant.	:	

Plaintiff, State of Ohio, by its Attorney General, Jim Petro (“Plaintiff”), having filed the Complaint against Defendant Village of Crooksville to enforce Ohio’s asbestos handling and air pollution control laws set forth in Ohio Revised Code (“R.C.”) Chapter 3704 and Ohio's solid waste management laws set forth in R.C. Chapter 3734 and the rules adopted thereunder, and the parties having consented to the entry of this Consent Order,

NOW THEREFORE, without trial or admission of any issue of law or of fact, and upon the consent of the parties hereto, it is hereby **ORDERED, ADJUDGED** and **DECREED** as follows:

I. JURISDICTION AND VENUE

1. The Court has jurisdiction over the parties and the subject matter of this action, pursuant to R.C. Chapters 3704 and 3734 and the regulations adopted thereunder. The Complaint states a claim upon which relief can be granted against Defendant under R. C. Chapters 3704 and 3734, and venue is proper in this Court.

II. PERSONS BOUND

2. The provisions of this Consent Order shall apply to and be binding upon the Defendant to this action, its agents, representatives, officials, employees, assigns and successors in interest. In addition, the provisions of this Consent Order shall apply to and be binding upon those persons who receive actual notice of this Consent Order whether by personal service or otherwise who act in concert or participation with any of the entities identified above.

III. SATISFACTION OF LAWSUIT

3. Plaintiff alleges in its Complaint that Defendant has engaged in demolition/renovation operations involving asbestos or asbestos-containing materials, and further alleges that Defendant's demolition/renovation operations involving asbestos have resulted in numerous violations of R.C. Chapters 3704 and 3734 and the regulations adopted thereunder. Compliance with the terms of this Consent Order shall constitute full satisfaction of any potential civil liability by Defendant for the violations alleged in the Complaint. Nothing in this Consent Order 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 for violations of R.C. Chapters 3704 and 3734 and the regulations adopted thereunder which occur after the filing of the Consent Order. Further, nothing in this Consent Order shall be construed to relieve the Defendant of its obligation to comply with applicable federal, state or local statutes, regulations or ordinances. Further, nothing in this Consent Order shall be construed as an admission by Defendant to any of the allegations or violations within Plaintiff's Complaint.

IV. PERMANENT INJUNCTION

4. Defendant agrees and represents to the Court and is hereby ordered and enjoined, immediately upon entry of this Consent Order, to comply with R.C. Chapters 3704 and 3734 and the regulations adopted thereunder.

V. CIVIL PENALTY

5. Pursuant to R. C. 3704.06, the Defendant shall pay to the State of Ohio a civil penalty of Two Thousand Five Hundred Dollars (\$2,500). Defendant is enjoined and ordered to pay \$2,000 by delivering a certified check payable to the Order of “Treasurer, State of Ohio,” to Jena Suhadolnik or her successor, Administrative Assistant, Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428 within thirty (30) days at the date of entry of this Consent Order. The remaining \$500 shall be paid to fund a supplemental environmental project. Specifically, Defendant is hereby enjoined and ordered to deliver the aforesaid \$500.00 in a certified check made payable to the Ohio Department of Natural Resources, Division of Forestry, Bicentennial Urban Tree Planting Grant Program (Fund No. 509) for the purpose of funding urban area tree-planting projects in Ohio. This check shall be due within thirty (30) days of entry of this Consent Order and shall be delivered to Jena Suhadolnik in accordance with this paragraph.

VI. STIPULATED PENALTIES

6. In the event that Defendant fails to comply with any of the requirements imposed by paragraph 5 of this Consent Order, the Defendant shall, immediately and automatically, be liable for and shall pay a stipulated penalty of One Thousand Dollars (\$1,000.00) per day per violation.

7. In the event Defendant fails to meet any of the requirements of paragraph number 5 of this Consent Order, the Defendant shall immediately and automatically be liable for payment of stipulated penalties imposed by this Order without prior demand by the State of Ohio.

Payment of all stipulated penalties shall be paid by Defendant by its delivering to Plaintiff a certified check(s) in the appropriate amount(s), payable to the order of "Treasurer, State of Ohio," immediately upon the occurrence of the violation giving rise to the penalty. Payment shall be delivered to Plaintiff, c/o Jena Suhadolnik, Administrative Assistant, or her successor, at the Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428.

8. The imposition, payment and collection of stipulated penalties pursuant to violations of this Consent Order shall not prevent the State from pursuing additional remedies, civil, criminal or administrative, for violations of applicable laws.

VII. RETENTION OF JURISDICTION

9. This Court will retain jurisdiction of this action for the purpose of enforcing compliance with this Consent Order.

VIII. COSTS

10. Defendant is hereby ordered to pay all court costs of this action.

IX. ENTRY OF CONSENT ORDER AND JUDGMENT BY CLERK

11. Pursuant to Rule 58 of the Ohio Rules of Civil Procedure, upon signing of this Consent Order by the Court, the clerk is directed to enter it upon the journal. Within three days of entering the judgment upon the journal, the clerk is directed to serve upon all parties notice of the judgment and its date of entry upon the journal in the manner prescribed by Rule 5(B) of the

Ohio Rules of Civil Procedure and note the service in the appearance docket.

X. AUTHORITY TO ENTER INTO THE CONSENT ORDER

12. Each signatory for Defendant represents and warrants that he/she has been duly authorized to sign this document and so bind the corporation to all terms and conditions thereof. Each signatory for Defendant shall submit with this Consent Order an authenticated and certified resolution from Defendant establishing that he/she is so empowered to sign for and bind Defendant.

IT IS SO ORDERED

DATE

**JUDGE
PERRY COUNTY COURT OF
COMMON PLEAS**

APPROVED:

JIM PETRO
ATTORNEY GENERAL OF OHIO

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