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IN THE COURT OF COMMON PLEAS
LORAIN COUNTY, OHIO

2006 OCT 12 A 11: 20

STATE OF OHIO, ex rel.
JIM PETRO,
ATTORNEY GENERAL OF OHIO

CLERK OF COURT
CASE NO. 06-148030
RON NABAKOWSKI
JUDGE

06CV148030

Plaintiff,

JUDGE THOMAS W. JANAS

v.

CITY OF SHEFFIELD LAKE

Defendant.

CONSENT ORDER AND FINAL JUDGMENT ENTRY

The Complaint in the above-captioned matter having been filed herein, and the Plaintiff State of Ohio by its Attorney General Jim Petro (hereinafter "Plaintiff") and Defendant City of Sheffield Lake (hereinafter "Defendant") having consented to the entry of this Order,

NOW THEREFORE, upon consent of the parties hereto, without the trial, admission, or determination of any issue of fact or law, 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 case. The Complaint states a claim upon which relief can be granted against Defendant under Chapter 3704 of the Ohio Revised Code, and venue is proper in this Court.

II. PERSONS BOUND

2. The provisions of this Consent Order shall apply to and be binding upon Defendant, its

agents, officers, employees, assigns, successors in interest, and, in accordance with Rule 65(D) of the Ohio Rules of Civil Procedure, any person in active concert or participation with it who receives actual notice of this Consent Order whether by personal service or otherwise.

III. SATISFACTION OF LAWSUIT AND RESERVATION OF RIGHTS

3. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability of Defendant for all violations alleged in the Complaint. Nothing in this Order shall be construed to limit the authority of the State of Ohio to seek relief for violations not specifically alleged in the Complaint, including any violations that occur after the filing of this Consent Order.

IV. INJUNCTIVE RELIEF

4. Defendant is ordered and enjoined to comply with R.C. Chapter 3704 and the regulations adopted thereunder, including but not limited to Ohio Adm.Code Chapter 3745-26.

5. By December 31 of all future odd-numbered years, Defendant is ordered and enjoined to perform an emissions inspection of all fleet vehicles, unless otherwise exempt, and submit a timely and complete Government Fleet Reporting form to Ohio EPA as required by Ohio Adm.Code 3745-26-12(A)(2).

V. CIVIL PENALTY

6. Pursuant to and in accordance with R.C. 3704.06, Defendant is enjoined and ordered to pay a total civil penalty of Three Thousand Five Hundred Dollars (\$3,500.00). This amount shall be paid by cashier's or certified check payable to the Order of "Treasurer, State of Ohio" and delivered within 30 days of entry of this Consent Order to J. Mark Lemmon, Paralegal, or his successor, Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3400. Twenty Percent (20%) of the civil penalty, totaling Seven Hundred Dollars (\$700), shall be directed to Ohio EPA's Clean Diesel

School Bus Program Fund (Fund 5CD) as a Supplemental Environmental Project. The balance shall be deposited in accordance with R.C. 3704.06.

VI. STIPULATED PENALTIES

7. In the event that Defendant fails to comply with any requirement or deadline contained in this Consent Order or any requirement or deadline contained in any document approved in accordance with this Consent Order, the stipulated penalties contained herein shall apply for the purpose of coercing compliance. Defendants are liable for and shall immediately pay stipulated penalties in accordance with the following schedule for each failure to comply:

- a. For each day of each failure to comply with a requirement or deadline of this Consent Order, up to and including thirty (30) days— One Hundred Dollars (\$100.00) per day for each requirement or deadline not met.
- b. For each day of each failure to comply with a requirement or deadline of this Consent Order, from thirty-one (31) to sixty (60) days— Two Hundred Dollars (\$200.00) per day for each requirement or deadline not met.
- c. For each day of each failure to comply with a requirement or deadline of this Consent Order, over sixty (60) days— Four Hundred Dollars (\$400.00) per day for each requirement or deadline not met.

VII. TERMINATION

8. No earlier than March 31, 2008, and after Defendants paid all civil and/or stipulated penalties that are or may be due, Defendants may move the Court, pursuant to Rule 60(B) of the Ohio Rules of Civil Procedure, to terminate this Consent Order. Plaintiff takes no position with regard to such motion at this time, and reserves its rights to oppose the motion. Termination of any

or all of the provisions of this Consent Order may also be granted upon joint motion of the parties.

VIII. RETENTION OF JURISDICTION

9. The Court will retain jurisdiction of this action for the purpose of enforcing this Consent Order.

IX. COSTS

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

X. ENTRY OF CONSENT ORDER AND JUDGMENT BY CLERK

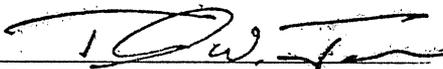
11. Upon signing of this Consent Order by the Court, the clerk is directed to enter it upon the journal. Within three days of entering the judgment upon the journal, the clerk is directed to serve upon all parties notice of the judgment and its date of entry upon the journal in the manner prescribed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

XI. AUTHORITY TO ENTER INTO THE CONSENT ORDER

12. The signatory for Defendant represents and warrants that he/she has been duly authorized to sign this document and so bind the City of Sheffield Lake to all terms and conditions thereof.

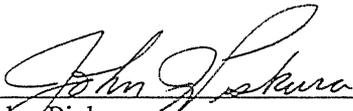
IT IS SO ORDERED.

10-12-06
DATE


JUDGE, LORAIN COUNTY
COURT OF COMMON PLEAS

APPROVED:

CITY OF SHEFFIELD LAKE

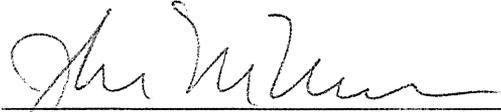


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