

DIANA ZALESKI
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SUMMIT COUNTY
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

STATE OF OHIO, <i>ex rel.</i> JIM PETRO,	:	CASE NO.: CV-98-07-2867
ATTORNEY GENERAL OF OHIO	:	
	:	JUDGE UNRUH
Plaintiff	:	
	:	
vs.	:	
	:	
SUMMIT COUNTY	:	AMENDED CONSENT ORDER
	:	
Defendant	:	

Whereas, the Complaint in the above captioned matter having been filed, and Plaintiff, State of Ohio by its Attorney General (hereinafter "Plaintiff" or "State of Ohio") and Defendant, Summit County (hereinafter "Defendant") having consented to the original Consent Order filed with this court on March 30, 2001 and this Amended Consent Order.

NOW THEREFORE, without trial or admission of any issue of law or of fact, and upon the consent of the parties to this Amended Consent Order, it is hereby **ORDERED, ADJUDGED** and **DECREED** that the Consent Order signed by this Court on March 30, 2001 shall be amended to read as follows:

27. In addition to the civil penalty set forth above and in furtherance of the mutual objectives of the State of Ohio and Summit County in improving the environment of the Cuyahoga River and other surface waters, Summit County agrees to and is hereby ordered to expend funds in the amount of Five Hundred Thousand Dollars (\$500,000.00) on a Supplemental Environmental Project ("SEP") which is acceptable to both Summit County and Ohio EPA. The SEP offered by Summit County is the Munroe Falls Dam Project, exclusive of the Finkbeiner feasibility study. The SEP shall be administered by Summit County for the benefit of the Summit County area which is served by Summit County's wastewater treatment facilities. The purpose of the Munroe Falls Dam Project is to provide funding for construction, modification and/or restoration in the area of the Munroe Falls Dam in order to improve and enhance water quality in this area of the Cuyahoga River. The Munroe Falls Project shall consist of two phases: Phase I shall include the lowering of Munroe Falls Dam, Phase II shall include a stream bank restoration project in the same area of the Cuyahoga River as the Munroe Falls Dam. Phase I shall be completed on or before January 30, 2007. On or before January 30, 2007 Summit County shall provide to Ohio EPA (at the address listed below in this same paragraph as well as the address listed in paragraph 25) a financial report documenting how the SEP funds were distributed and if any of those funds remain. If any of the SEP funds remain after Phase I has been completed, Summit County shall use those funds to complete Phase II. If no funds remain after Phase I, Summit County need not complete Phase II. If

Phase II is initiated, it shall be completed on or before December 31, 2008. Any monies left over after Phase II, or not disbursed for the SEP, shall be paid to the State of Ohio by delivering to the Attorney General's Office, c/o Amy Laws, Paralegal, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3400, a certified cashier's check payable to the order of "Treasurer State of Ohio", in the amount of unused money, within thirty (30) days of the deadline to complete the SEP. If no funds remain after Phase I, the deadline shall be January 30, 2007. If funds remain after Phase I and Phase II is completed, the deadline shall be December 31, 2008. The unused money shall be deposited in to the R.C. 6111.09 fund of the Ohio EPA.

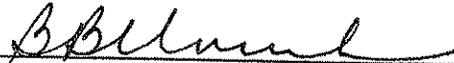
XV. ENTRY OF AMENDED CONSENT ORDER AND FINAL JUDGMENT BY CLERK

39. The parties agree and acknowledge that final approval by the Plaintiff and Defendant, and entry of this Amended Consent Order is subject to the requirement of 40 C.F.R. §123 (d)(1)(iii), which provides for notice of the lodging of this Amended Consent Order, opportunity for public comment, and the consideration of any public comment. Both the State and Defendant, reserve the right to withdraw this Amended Consent Order based on comments received during the public comment period.

40. Upon the signing of this Amended Consent Order by the Court, the clerk is hereby directed to enter it upon the journal. Within three days of entering the judgment upon the journal, the clerk is hereby 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.

IT IS SO ORDERED.



JUDGE BRENDA UNRUH
COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

APPROVED:

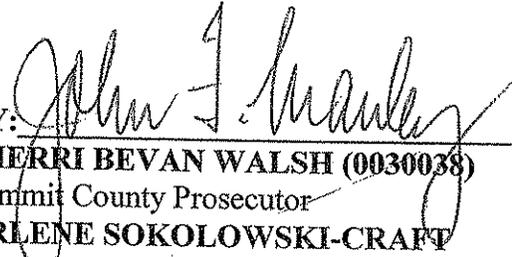
STATE OF OHIO, ex. rel.
JIM PETRO
ATTORNEY GENERAL OF OHIO

COUNTY OF SUMMIT

BY: 

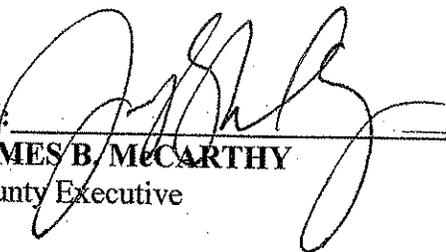
TODD K. DEBOE (0072034)
Assistant Attorney General
Environmental Enforcement Section
Public Protection Division
30 East Broad Street, 25th Floor
Columbus, Ohio 43215-3428
Telephone: 614-466-2766
Facsimile: 614-644-1926

Attorney for Plaintiff, State of Ohio

BY: 

SHERRI BEVAN WALSH (0030038)
Summit County Prosecutor
ARLENE SOKOLOWSKI-CRAFT
JOHN F. MANLEY
Assistant Summit County Prosecutors
53 University Avenue, 6th floor
Akron, Ohio 44308-1680
330-643-2800

Attorneys for Defendant, County of Summit

BY: 

JAMES B. McCARTHY
County Executive

Authorized Representative for County of Summit