IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, OHIO STATE OF OHIO, ex. rel. :

WILLIAM J. BROWN ATTORNEY GENERAL OF OHIO,

Plaintiff,

JUDGMENT ENTRY

Case No. 43274

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dba/Rench Diversified, Defendant.

v.

RICHARD E. RENCH

The above-captioned case came before the Court on Friday, January 4, 1980, for hearing on Plaintiff's motion for preliminary injunction. Prior to the beginning of said hearing the Court was informed that Plaintiff and Defendant, by and through their respective counsel, have settled all issues raised in the complaint to their mutual satisfaction and have agreed to the issuance of a consent judgment entry terminating this litigation.

Based upon the oral stipulations of the parties and their respective counsel, the Court finds as follows:

2. During 1979 said public water system which supplies water to the Riverview Manor Apartments in Milan Township, Erie County, Ohio, has not been properly sampled and analyzed for coliform bacteria with the results of analyses reported to the Director of the Ohio EPA as required by O.A.C. 3745-81-21 and 3745-81-28, due to material legal disputes between Defendant Richard E. Rench, dba/Rench Diversified and the Ohio EPA relating to methods of sample collection and the responsibility for performing analyses of the samples.

3. The Ohio EPA has agreed to reinstate Riverview Manor

Apartments on the list of public water supplies for which the Ohio Department of Health, Division of Laboratories will, pursuant to contract with Ohio EPA, perform bacteriological analyses for the purpose of determining compliance with O.A.C. 3745-81-14. It has been further agreed that these services will continue to be provided at no cost and will include provision of sampling containers and other ancillary services so long as such services are provided on such basisto similarly-situated public water systems.

4. Defendant has agreed that he will comply with O.A.C. 3745-81-21 and 3745-81-28, and will utilize the aforementioned laboratory services. Defendant further agrees that he will submit to the appropriate office of the Ohio Department of Health, Division of Laboratories, monthly samples, collected in accordance with the requirements of O.A.C. 3745-81-21, for analysis.

5. Ohio EPA has agreed to meet with Defendant for the purpose of explaining to him the sampling requirements under O.A.C. 3745-81-21.

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that, in accordance with the agreement of the parties, that judgment be entered in this action as follows:

1. Ohio EPA shall reinstate Riverview Manor Apartments on the list of public water supplies for which the Ohio Department of Health, Division of Laboratories, will, pursuant to contract with Ohio EPA, perform bacteriological analyses for the purpose of determining compliance with O.A.C. 3745-81-14. These services shall continue to be provided at no cost and will include provision of sampling containers and other ancillary services so long as such services are provided on such basis to similarly-situated public water systems.

2. Defendant Richard E. Rench, dba/Rench Diversified, shall comply with O.A.C. 3745-81-21, 3745-81-28, and 3745-81-31. Said Defendant is further ordered to use said State laboratory service and submit to the Ohio Department of Health, Division of Laboratories, monthly samples, collected in accordance with the

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requirements of O.A.C. 3745-81-21 for analysis.

3. The Clerk of this Court shall, utilizing a list of residents supplied by the Defendant, serve a copy of this entry, by ordinary U.S. Mail, on all residents of Riverview Manor Apartments.

4. The remainder of the allegations in the complaint with regard to requests for other relief, and all other matters not contained herein, are hereby dismissed, with prejudice.

5. Defendant shall pay the cost of this action.

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JAMES L. MCCRYSTAL, JUDGE

JAMES L. MCCRYSTAL, JUDGE

APPROVED:

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WILLIAM J. BROWN ATTORNEY GENERAL OF OHIO

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MARGAREY A. MALONE JACK A. VAN KLEY Assistant Attorney General Environmental Law Section 30 East Broad Street, 17th Floor Columbus, Ohio 43215 (614) 466-2766 Attorney for Plaintiff

MIDDLETON, ROEBKE & RAYLE

10 BY MAX E. RAYLE 161 N. Main Street Bowling Green, Ohio 43402 (419) 352-7522 Attorney for Defendant