

RECEIVED

IN THE COURT OF COMMON PLEAS  
BELMONT COUNTY, OHIO

FILED  
COMMON PLEAS COURT  
BELMONT COUNTY, OHIO

2006 JAN 13 A 9:22

2005 JAN 9 PM 2:34

STATE OF OHIO, *ex rel.*  
ATTORNEY GENERAL ENFORCEMENT  
ENVIRONMENTAL PROTECTION  
IMPETRO

ATTORNEY GENERAL OF OHIO,

Plaintiff,

v.

A&C CONSTRUCTION CO., INC., *et al*

Defendants.

CASE NO. 01-CV-375  
RANDY L. WATKINS  
CLERK OF COURT  
JUDGE JOHN M. SOLOVAN, II

AGREED ENTRY  
TERMINATING CONSENT  
ORDER AND PERMANENT  
INJUNCTION

On July 12, 2002, Plaintiff, the State of Ohio ("State"), and Defendant, A&C Construction ("A&C"), entered into a Consent Order ("Exhibit A") before this Court in the above-captioned matter, which required A&C, among other things, to remove all scrap tires from the A&C tire dump. On October 7, 2005, A&C moved to dismiss the Consent Order because they have substantially complied, as evidenced by an Ohio EPA inspection letter, dated September 8, 2005 ("Exhibit B"). The State agrees that A&C is in substantial compliance. It is therefore **ORDERED** that the Consent Order between the State and A&C Construction is hereby terminated.\*

DATE: 1/9/06

JOHN M. SOLOVAN II  
JUDGE JOHN M. SOLOVAN, II

\* This Order does not discharge co-defendants, E&T Lawn Service and Tire Recycling, Inc. ("E&T") and Earl F. Sturm ("Sturm"), from their duties and obligations in the above-captioned matter. On August 28, 2002, E&T and Sturm agreed to pay one hundred dollars per month into the scrap tire abatement fund created in R.C. 3734.82 for a period of five years from the date of entry of the Consent Order ("Exhibit C"). This payment must continue until August 28, 2007.