



SCIOTO COUNTY
OHIO
FILED

IN THE COURT OF COMMON PLEAS
SCIOTO COUNTY, OHIO

99 MAR 16 PM 3:55

STATE OF OHIO, ex rel.
BETTY D. MONTGOMERY
ATTORNEY GENERAL OF OHIO,

CASE NO. 99C1HC-49
CLERK OF COURTS

JUDGE Lytton

Plaintiff,

vs.

KARL BAISDEN,

JESSIE NEWMAN,

NANCY KELLER,

SARAH STEAHLY,

HAZEL EASTER,

ANNA POLLARD,

NAOMI MULLENS,

DOLORES BAISDEN,

BILLY BAISDEN,

SHIRLENE LUSK,

RUTH WHITLOW,

and

BETTY HARPER,

Defendants.

CONSENT ORDER AND FINAL
JUDGMENT ENTRY

THE STATE OF OHIO Scioto County, ss.	I, MILDRED E. THOMPSON CLERK OF THE COURT OF COMMON PLEAS WITHIN AND FOR SAID COUNTY.
HEREBY CERTIFY THAT THE ABOVE AND FORE- GOING IS TRULY TAKEN AND COPIED FROM THE ORIGINAL <u>Consent Order</u> NOW ON FILE IN MY OFFICE <u>Final J. Entry</u>	
WITNESS MY HAND AND SEAL OF SAID COURT THIS <u>11</u> DAY OF <u>MAR</u> A.D. 19 <u>99</u>	
BY <u>M. C. Sturth</u>	Mildred E. Thompson, Clerk DEPUTY

WHEREAS, Plaintiff State of Ohio, on relation of Betty D. Montgomery, Attorney

General of Ohio, at the written request of the Director of Environmental Protection ("Director"),

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ninety-six (96) in the Park Place Subdivision, which are owned by the Defendants and are located on Ainsley Avenue, Wheelersburg, Scioto County, Ohio (hereinafter "Kerns Dump"), in violation of the solid waste laws of the State of Ohio, and in a manner that constitutes a threat to public health and safety and the environment. Except as otherwise provided for by this Consent Order or by law, compliance with the terms of this Consent Order shall constitute full and complete satisfaction of any civil liability of Defendants for all claims alleged in the Complaint.

IV. RESERVATION OF RIGHTS

4. Nothing in this Consent Order shall limit the authority of the State of Ohio to:
 - A. Seek any relief for claims or conditions not alleged in the Complaint;
 - B. Seek any relief for violations of law or conditions alleged in the Complaint which occur after the entry of this Consent Order;
 - C. Enforce this Consent Order through a contempt action or otherwise for violations of this Consent Order;
 - D. Bring any action against Defendants or against any other person, under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), as amended, 42 U.S.C. §9601, et seq. and/or R.C. § 3734.20 through 3734.27, and/or R.C. Chapter 6111. to: (1) recover natural resource damages, and/or (2) to order the performance of, and/or recover costs for any removal, remedial or corrective activities not conducted pursuant to the terms of this Consent Order;

VII. COMPLIANCE SCHEDULE

8. Within ninety (90) days of the effective date of this Consent Order, Defendants are ordered and enjoined to remove all solid waste and scrap tires from the Kerns Dump and lawfully dispose of the solid waste and scrap tires at a licensed solid waste or properly permitted or registered and licensed scrap tire facility. Thirty (30), sixty (60) and ninety (90) days after the effective date of this Consent Order, Defendants shall submit to Ohio EPA a description of the type and quantity of solid waste and scrap tires removed from the Kerns Dump and photocopies of receipts demonstrating that all solid waste was lawfully disposed of and that all scrap tires were transported by a scrap tire transporter that is properly registered under R.C. Section 3734.83 and were lawfully disposed of.

9. Defendants shall keep detailed records of all solid waste and scrap tires removed from the Kerns Dump. These detailed records shall include, but are not limited to, scrap tire transporter shipping papers; receipts establishing the proper disposal or deposition of scrap tires from the Kerns Dump at a properly permitted or registered and licensed scrap tire facility in the State of Ohio, an Ohio EPA approved beneficial use location, or an appropriate facility outside of Ohio that is operating in compliance with the applicable regulations of the jurisdiction in which it is located; and receipts establishing the proper disposal of solid waste at a licensed solid waste facility. These records shall be made available for inspection by Ohio EPA.

Environmental Supervisor
DSIWM
Ohio EPA
Southeast District Office
2195 Front Street
Logan, Ohio 43138.

**X. ENTRY OF CONSENT ORDER AND FINAL JUDGMENT ENTRY AND FINAL
JUDGMENT BY CLERK**

16. Pursuant to Rule 58 of the Ohio Rules of Civil Procedure, upon signing of this Consent Order by the Court, the clerk is hereby directed to enter it upon the journal. Within three (3) 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. The Clerk shall mail a copy of this Judgment/Order to all counsel of record and to each party not in default who is not represented by counsel and make not of the service in the Appearance Docket.

A copy of the foregoing has been mailed via U.S. mail to the following on this _____
day of _____, 1999.

IT IS SO ORDERED.

DATE

3/16/99

JUDGE, COURT OF COMMON PLEAS
OF SCIOTO COUNTY, OHIO

APPROVED:

BETTY D. MONTGOMERY
ATTORNEY GENERAL OF OHIO

Trina L. Blakemore

TRINA L. BLAKEMORE (0066609)
HAROLD G. VIELHAUER (0040800)
Assistant Attorneys General
Environmental Enforcement
30 East Broad Street, 25th Floor
Columbus, Ohio 43215-3428
(614) 466-2766

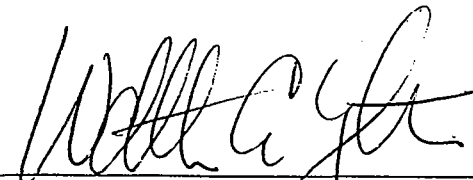
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Defendants

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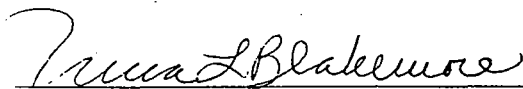
IT IS SO ORDERED.

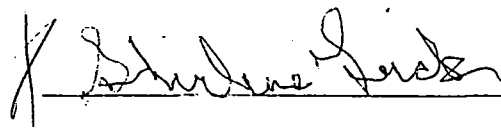
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DATE


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Environments! Enforcement
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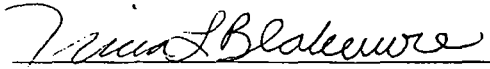
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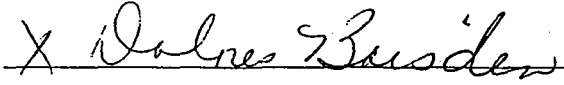
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JUDGE, COURT OF COMMON PLEAS 3/16/99
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OF SCIOTO COUNTY, OHIO

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(614) 466-2766

X N G. Miller

Defendants

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