

IN THE COURT OF COMMON PLEAS
TUSCARAWAS COUNTY, OHIO

FILED
COURT OF COMMON PLEAS
TUSCARAWAS COUNTY OHIO

2009 MAY -1 P 1:06

STATE OF OHIO, ex. rel.
MARC DANN
ATTORNEY GENERAL OF OHIO

CASE NO. 2007-CV-07 0534

ROCKNE W. CLARKE
CLERK OF COURTS

Plaintiff,

JUDGE O'FARRELL

vi.

DONALD C. COEN et al.,

Defendants.

ORDER

Upon the application of the Attorney General of the State of Ohio, Richard Cordray, and pursuant to Civil Rule 55 of the Ohio Rules of Civil Procedure, and for good cause shown, it is the Order of this Court that judgment by default be entered against Defendants Carlton B. Coen Land Company, The Coen Company, and Rocket Oil Company. It is further ordered that:

1. Pursuant to R.C. 3737.882(C)(2), Defendants Carlton, Coen Company, and Rocket are enjoined to comply with the registration application, registration certificate, and registration fee requirements of Ohio Adm. Code 1301:7-9-04(B)(1-3).

2. Pursuant to R.C. 3737.882(C)(2), Defendant Coen Company, Rocket, and Carlton are enjoined to permanently remove, close-in-place, perform a change in service or immediately place back into service the USTs at Mineral City Amoco pursuant to Ohio Adm. Code 1301:7-9-12(E)(4).

3. Pursuant to R.C. 3737.882(C)(2), Defendant Coen Company, Rocket, and Carlton are enjoined to conduct a closure assessment for the UST system located at Mineral City Amoco

as required by Ohio Adm. Code 1301:7-9-12(I)(1)(iv) and in accordance with the requirements of Ohio Adm. Code 1301:7-9-12(I)(2-5).

4. Pursuant to R.C. 3737.882(C)(2), Defendant Coen Company, Rocket, and Carlton are enjoined to handle all petroleum contaminated soils generated from closure assessment and/or corrective actions undertaken with respect to the UST system at Mineral City Amoco in accordance with Ohio Adm. Code 1301:7-9-16.

5. Pursuant to R.C. 3737.882(C)(2), Defendant Coen Company, Rocket, and Carlton are enjoined to take the required response action if any free product is discovered in the course of closure assessment activities at Mineral City Amoco in accordance with Ohio Adm. Code 1301:7-9-13(G)(3).

6. Pursuant to R.C. 3737.882(C)(2), Defendants Carlton and Rocket are enjoined to conduct a Tier 1 Source Investigation for Ray and Beaver and to submit to BUSTR either a Tier 1 Evaluation Report or a Tier 1 Delineation Notification in accordance with Ohio Adm. Code 1301:7-9-13(H).

7. Pursuant to R.C. 3737.882(C)(2), Defendants Carlton and Rocket are enjoined to take the required response action if any free product is discovered in the course of corrective action activities at Ray and Beaver in accordance with Ohio Adm. Code 1301:7-9-13(G)(3).

8. Pursuant to R.C. 3737.882(C)(2), Defendants are enjoined to conduct any necessary corrective actions at any site referenced herein in accordance with Ohio Adm. Code 1301:7-9-13.

9. Defendants are permanently enjoined from violating R.C. Chapter 3737 and the rules adopted thereunder, or any Orders issued by the State Fire Marshal.

10. Defendants and their agents, representatives, employees, successors, or assigns, under the names that they presently use or any other names they use through any corporate or other device, and those acting in concert and participation with the Defendants directly or indirectly, are permanently enjoined from engaging in the acts or practices of which Plaintiff complains.

11. Defendants are ordered to pay all the costs of this action, including Plaintiff's attorneys' fees and other extraordinary litigation costs.

12. Defendants are ordered to pay into the Treasury of the State of Ohio, pursuant to R.C. 3737.882(C)(2), a civil penalty for violations of R.C. Chapter 3737 and the rules promulgated and adopted thereunder, as described in the Complaint, in the amount of ten thousand dollars (\$10,000.00) for each day of each violation, including each day subsequent to the filing of the Complaint.

13. This Court shall retain jurisdiction of this suit for the purpose of making any Order or Decree the Court may deem necessary at any time to enforce and administer Defendants compliance with, and to carry out, this Court's judgment.

IT IS SO ORDERED

4/27/2009

DATE

William O'Farrell

JUDGE O'FARREL

*copies to: all attop of rec
all unrep parties*