

IN THE COURT OF COMMON PLEAS

BELMONT COUNTY, OHIO

STATE OF OHIO, ex rel. :  
WILLIAM J. BROWN :  
ATTORNEY GENERAL OF OHIO, : Case No. 80-CIV-66  
Plaintiff, :  
vs. :  
CRAVAT COAL CO., INC., : CONSENT DECREE AND ENTRY  
Defendant. :

The Complaint having been filed herein on April 9, 1980, and the parties having consented to the entry of this Consent Decree and Entry, and the court being fully advised, now therefore, before the taking of any testimony and upon the pleadings, it is ORDERED, ADJUDGED and DECREED that:

I.

This Court has jurisdiction over the subject matter herein and of the parties consenting hereto. The Complaint states a claim upon which relief can be granted by the Court.

II.

The provisions of this Consent Decree and Entry shall apply to and be binding upon the defendant, its officers, directors, agents, servants, employees, attorneys, successors, and all persons, firms, corporations, and other entities having notice of this Consent Decree and Entry and who are,

or will be, acting in concert and privity with the defendant, its officers, directors, agents, servants, employees, attorneys or successors.

III.

Plaintiff has alleged in its Complaint that defendant violated Chapter 6111, Revised Code, and regulations adopted thereunder, by constructing a coal preparation facility in noncompliance with approved detail plans and the provisions of a Permit to Install issued to it by Ohio EPA, and by discharging wastewater from such facility on several occasions into Captina Creek in violation of, or from outfalls not authorized by, its NPDES wastewater discharge permit issued to it by Ohio EPA. The parties have agreed to resolve this controversy by means of this Consent Decree and Entry.

IV.

Defendant is hereby permanently enjoined to refrain from installing or modifying any business or industrial facility, or treatment works for any such facility, unless and until detail plans have been approved and permits to install issued by the Ohio Environmental Protection Agency in accordance with the provisions of Revised Code Sections 6111.44 and 6111.45, and Chapter 3745-31 of the Ohio Administrative Code, and then only in full compliance with such approved detail plans and permits to install. Defendant is further enjoined to refrain from discharging wastewater to Captina Creek or

any other waters of the state except in strict compliance with the terms of an NPDES wastewater discharge permit issued by the Ohio Environmental Protection Agency.

V.

Defendant is hereby assessed a civil penalty for alleged past violations in the amount of Five Thousand Dollars (\$5,000.00). A certified check for the above amount shall be delivered to the undersigned counsel for the State of Ohio for payment into the state treasury, and shall be made payable to "Treasurer, State of Ohio."

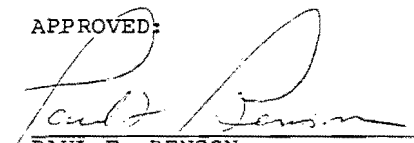
VI.

The costs of this action are hereby assessed against the defendant Cravat Coal Company.

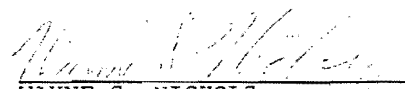
\_\_\_\_\_  
DATE

WM. H. IRWIN  
WILLIAM H. IRWIN  
Judge, Belmont County Court  
of Common Pleas

APPROVED:

  
\_\_\_\_\_  
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Route #4  
Cadiz, Ohio 43907

Attorney for defendant  
Cravat Coal Co.

  
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WAYNE S. NICHOLS  
Director, Ohio Environmental  
Protection Agency

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ATTORNEY GENERAL OF OHIO

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State of Ohio