

COMMON PLEAS COURT

1981 DEC -9 PM 3:24

IN THE COURT OF COMMON PLEAS  
MEDINA COUNTY, OHIO

FILED  
JEAN WATERS  
MEDINA COUNTY  
CLERK OF COURTS

STATE OF OHIO, ex rel.	:	
WILLIAM J. BROWN	:	Case No. 37983
ATTORNEY GENERAL OF OHIO,	:	81CIV 0263
	:	
Plaintiff,	:	JUDGE NEIL W. WHITFIELD
	:	
vs.	:	
	:	
DALESDIE SYSTEMS, INC., et al.,	:	<u>JUDGMENT ENTRY</u>
	:	
Defendants.	:	

The Complaint having been filed herein on March 3, 1981 and the Plaintiff and the Defendants by their respective attorneys having consented to this Judgment Entry:

NOW, THEREFORE, before the taking of any testimony, upon the pleadings, and upon the consent of the parties hereto, it is ORDERED, ADJUDGED, and DECREED as follows:

I.

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

II.

The provisions of this Consent Judgment shall apply to and be binding upon the parties to this action, their officers, directors, trustees, members, agents, servants, employees, successors, and assigns. In addition the provisions of this Judgment Entry shall apply to all persons, firms, corporations and other entities having notice of this Judgment Entry and who are, or will be, acting in concert and privity with the Defendants to this action.

MEDINA COUNTY COURT OF COMMON PLEAS - STATE OF OHIO MEDINA COUNTY, SS.  
I hereby certify that this is a true copy of the original on file in said Court  
WITNESS my hand and the seal of said Court at Medina, Ohio this 15th day  
of December 19 81 Jean Waters, Clerk of Courts  
By: Patricia Chidsey Deputy

III.

As described in Counts One, Two and Three of the Complaint, Defendants have violated §6109.31 of the Revised Code by failing to comply with the requirements of OAC 3745-81-14, 3745-81-21, 3745-81-28, 3745-81-31, and 3745-81-32 concerning maximum microbiological contaminant levels, sampling, analysis, reporting and notification in the operation of the community water system which serves certain residences in the Daleside Allotment.

IV.

The Defendants have, subsequent to the commencement of this action, complied with the requirement of the Director of Environmental Protection's August 7, 1980, orders that plans for improvements be submitted and improvements to the existing community water system be made so as to protect the system from contamination by coliform bacteria. On October 13, 1981 the Director of Environmental Protection, pursuant to §6109.07 of the Revised Code, issued an approval of the plans submitted by Daleside Systems, Inc. (Exhibit A attached hereto). The improvements to the system set forth in these plans have been constructed and placed in service.

V.

Defendants agree, and are hereby permanently enjoined, to comply with OAC 3745-81 in the operation of the community water system which serves the Daleside Allotment.

VI.

In order to facilitate compliance with the sampling, analysis, reporting and notification requirements set forth in OAC 3745-81, the Defendants agree, and are hereby enjoined, within thirty days after the entry of this Judgment, to designate a person who shall be responsible for the monitoring, reporting and notification program of Daleside, Systems, Inc. or its successor or

assigns. The Northeast District Office of Ohio EPA shall be notified in writing upon the initial designation of such person and shall be further notified of any subsequent changes.

VII.

Because of Defendants' past violations of §6109.31 O.R.C. and for the purpose of insuring future compliance with the provisions of this entry, a civil penalty in the amount of five hundred dollars (\$500.00) for each day of each violation is hereby imposed. The Court suspends the payment of such penalty contingent upon the Defendants' continued compliance with the terms of this Judgment Entry. In the event that the Defendants after the date of the entry of this Judgment, violate any of the terms of this Judgment Entry, the Defendants shall pay a civil penalty pursuant to §6109.33 of five hundred dollars (\$500.00) for each occurrence of each violation, which penalty shall not be suspended in whole or in part.

VIII.

Defendants hereby waive any and all defenses which they may have to an action to enforce this judgment entry, including the imposition of the penalties pursuant to paragraph VII above, except the defense that the violation did not in fact occur.

IX.

The Court retains jurisdiction of this case as to the Defendants for the purpose of making any order or decree which it may deem at anytime to be necessary to carry out this Order.

X.

The costs of this action are hereby assessed against Defendants.

*Neil W. Whitfield*  
JUDGE NEIL WHITFIELD

APPROVED:

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ATTORNEY GENERAL OF OHIO

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