

**IN THE COURT OF COMMON PLEAS  
PICKAWAY COUNTY, OHIO**

**STATE OF OHIO, ex rel.  
RICHARD CORDRAY  
OHIO ATTORNEY GENERAL,**

**Plaintiff,**

**v.**

**PHILIP DELP,**

**Defendant.**

**CASE NO. 2007-CI-347**

**JUDGE P. RANDALL KNECE**

**AGREED ORDER OF CONTEMPT**

On April 19, 2010, the State of Ohio by its Attorney General, filed charges in contempt of court stating that Defendant Philip Delp ("Defendant") is in contempt of this Court's August 14, 2008 and September 12, 2008 Orders in the above captioned case. The Defendant agrees that he is in violation of this Court's prior Orders and is in contempt thereof.

It is ORDERED AND ADJUDGED that Defendant Delp is in contempt of this Court's August 13, 2008 and September 12, 2008 Orders. However, it is ORDERED AND ADJUDGED that Defendant Delp may purge himself of his contempt of the prior Orders and satisfy the terms and conditions of the prior Orders, upon Defendant Delp's full and complete satisfaction of the compliance requirements as set forth in this Agreed Order.

1. Defendant Delp is ORDERED AND ENJOINED to submit an approvable Permit to Install to the Ohio Environmental Protection Agency for a permanent remedy to address sewage at the Logan Lodge within fourteen (14) days of the date of the entry of this Agreed Order of Contempt ("Agreed Order").

2. Defendant Delp is ORDERED AND ENJOINED to appropriate an above-ground storage tank, with a minimum holding time of forty-eight (48) hours, to collect and hold

sewage from the Logan Lodge within seven (7) days of the date of entry of this Agreed Order and immediately cease the discharge of sewage from the Logan Lodge onto the ground and/or waters of the state and cause all sewage from the Logan Lodge to be directed to such holding tank.

3. Defendant Delp is ORDERED AND ENJOINED to contract for the periodic removal and proper disposal of the sewage collected in the holding tank described in paragraph 2 within seven (7) days of the date of the entry of this Agreed Order.

4. Defendant Delp is ORDERED AND ENJOINED to provide a copy of the contract described in paragraph 3 and copies of the manifests for the removal and disposal of the sewage to:

Sheree Gossett-Johnson  
Environmental Specialist  
Division of Surface Water  
Central District Office  
Ohio Environmental Protection Agency  
50 West Town Street, Suite 700  
P.O. Box 1049  
Columbus, Ohio 43216-1049

5. Defendant Delp is ORDERED AND ENJOINED to not enter into any new rental contracts or allow new tenants at the Logan Lodge until such time as paragraphs 2 through 4 of this Agreed Order have been complied with.

6. The Parties further agree that they will negotiate a reasonable repayment schedule for the twenty-one thousand, four hundred fifty dollar (\$21,450) civil penalty awarded to the State of Ohio in this Court's September 12, 2008 Decision and Entry and provide such schedule to this Court within seven (7) days of the date of entry of this Agreed Order.

7. Nothing herein shall affect Defendant Delp's obligation to comply with all applicable federal, state, or local laws, regulations, rules, or ordinances. Defendant Delp shall obtain all federal, state, or local permits and/or licenses necessary to comply with this Agreed Order.

8. In the event that Defendant Delp fails to purge his contempt, the Court shall conduct a hearing for the purpose of imposing a sanction pursuant to R.C. § 2705.05 and this Court's inherent powers.

9. All court costs of this action shall be assessed against Defendant Delp.

10. Nothing in this Agreed Order shall be construed to limit the authority of the State to seek relief from Defendant Delp for: (A) claims or violations not referenced in the Charges in Contempt filed April 19, 2010; or (B) any violations arising out of acts or omissions first occurring after the entry date of this Agreed Order. Notwithstanding any provision in this Agreed Order to the contrary, Defendant Delp retains all rights, defenses, and/or claims he may legally raise to the extent that the State seeks further relief from Defendant Delp in the future, or in any action brought to enforce the terms of this Agreed Order.

SIGNED AT CIRCLEVILLE, PICKAWAY COUNTY, OHIO, THIS 15 DAY OF NOV.  
2010

  
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JUDGE P. RANDALL KNECE  
PICKAWAY COUNTY COMMON PLEAS  
COURT

**APPROVED BY:**

**RICHARD CORDRAY  
ATTORNEY GENERAL OF OHIO**

*Per Telephone App.*  
**DAVID H. DOKKO (0080749)**

**SUMMER J. KOLADIN PLANTZ (0072072)**

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Philip Delp*