

**COPY**  
IN THE COURT OF COMMON PLEAS  
HURON COUNTY, OHIO

FILED  
HURON COUNTY  
COMMON PLEAS COURT

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

Plaintiff,

v.

GEMINI ENERGY, INC.,

Defendant.

CASE NO. CVH-990492

JUDGE EARL R. MCGIMPSEY

KATHLEEN L. WALCHER  
CLERK OF COURTS

JOURNALIZED 11-30-99  
VOL. 342 PG 442

ENTRY AND ORDER

This matter is before the Court on Plaintiff State of Ohio's Motion for Default Judgment under Civ. R. 55. Based on Plaintiff's motion and the evidence presented at the hearing on this matter, the Court hereby grants Plaintiff's motion and hereby ORDERS, DECREES and JUDGES as follows:

**I. DEFINITIONS**

1. As used in this Order, the following terms are defined as follows:
  - a. "Facility" means the amine processing plant and all related operations located at the southeast corner of Crescent Road and Greenwich-Rome Road, Fitchville Township, Huron County, Ohio.
  - b. "Ohio EPA" means the Ohio Environmental Protection Agency.
  - c. "Director" means the Director of Environmental Protection.
  - d. "Air contaminant source" or "source" has the same meaning as set forth in R.C. 3704.01(C) and Ohio Administrative Code ("O.A.C.") 3745-31-01(D) and 3745-35-01(B)(1).
  - e. "Permit to Operate" or "PTO" has the same meaning as set forth in O.A.C. Chapter 3745-35.
  - f. "Permit to Install" or "PTI" has the same meaning as set forth in O.A.C. Chapter 3745-31.

- g. "Source P001" shall refer to the natural gas desulfurization amine process plant with flare used by Defendant at its Facility;

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## **II. JURISDICTION AND VENUE**

2. The Court has jurisdiction over the parties and the subject matter of this case. The Complaint states a claim for which relief can be granted pursuant to R.C. Chapter 3704. Venue is proper in this Court.

## **III. PERSONS BOUND**

3. The provisions of this Order shall apply to and be binding upon the parties to this action, and, in accordance with Rule 65(D) of the Ohio Rules of Civil Procedure, their officers, agents, servants, employees, attorneys, successors, and assigns, and those persons in active concert or participation with them who receive actual notice of this Order whether by personal service or otherwise.

## **IV. PERMANENT INJUNCTION**

4. Defendant is hereby enjoined and ordered to immediately and permanently comply with R.C. Chapter 3704 and the regulations adopted thereunder, including all terms and conditions of Defendant's currently effective Permit to Install and any subsequent renewals or modifications thereafter. Specifically, the Defendant agrees to refrain and is hereby permanently enjoined from "installing" or "modifying" any air contaminant source, as those terms are defined by O.A.C. Chapter 3745-31-01(GG) and (MM), at the Facility without first applying for and obtaining a Permit To Install from the Director in accordance with O.A.C. Chapter 3745-31. In addition, the Defendant agrees to refrain and is hereby permanently enjoined from operating any air contaminant source without first applying for and receiving the appropriate operating permit

from the Director in accordance with O.A.C. 3745-31, 3745-35 and/or 3745-77, as applicable. Further, the Defendant agrees and is hereby permanently and immediately enjoined and ordered to comply with all terms and conditions of all Permits To Install and all Permits to Operate and any subsequent renewals or modifications thereof which are issued to the Defendant by the Director, including but not limited to all reporting/record keeping requirements and all emissions limitations.

5. Defendant is enjoined and ordered to submit all quarterly usage reports in accordance with and pursuant to PTI No. 03-5470 for all sources at its Facility. The quarterly reports shall be received by the Ohio EPA on February 15, May 15, August 15 and November 15 of each calendar year. The February report shall cover the period of November, December and January; the May report shall cover the period of February, March and April; the August report shall cover the period of May, June and July; and the November report shall cover the period of August, September and October. The first quarterly report shall be received by Ohio EPA on or before November 15, 1999.

6. Defendant is enjoined and ordered to submit, on or before 30 days after entry of this Order, fee emission reports for 1995, 1996 and 1997. The fee emission reports shall be submitted in accordance with and pursuant to O.A.C. 3745-78-02(C).

7. Defendant is enjoined and ordered to submit, on or before 30 days of entry of this Order, to the Director in accordance with and pursuant to O.A.C. Chapter 3745-35, a complete and approvable application for a Permit to Operate for Source P001.

8. Defendant is enjoined and ordered to install, on or before thirty (30) days of entry

of this Order, an interlocking device or some other equivalent device, on Source No. P001 to ensure that if the flare serving this source is extinguished at any time, the natural gas well and associated processing equipment are shut down until the flare becomes operable.

9. Defendant is enjoined and ordered to, immediately upon entry of this Order, properly operate and maintain each air contaminant source and piece of control equipment at the facility.

10. Defendant is enjoined and ordered to install, on or before 30 days of entry of this Order, a continuous monitoring and recording device that records and monitors all times when the well is extracting and the amine unit is processing natural gas.

11. Defendant is enjoined and ordered to maintain daily records demonstrating when the well is extracting and the amine unit is processing natural gas, and is enjoined and ordered to submit quarterly reports documenting all times when the well is extracting and the amine unit is processing natural gas. The original charts and records shall be maintained at the facility for at least five years.

12. Defendant is enjoined and ordered to permanently post, on or before 30 days of entry of this Order, signs at the facility that identify the name(s) of emergency contact persons and their emergency phone numbers, and to inform, immediately upon the posting of the signs, the New London Fire Department and the Huron County Emergency Management Agency of the names and phone numbers of the emergency contact persons. Defendant is enjoined and ordered to immediately update the signs and notify the entities herein each time the names and/or phone numbers of the emergency contact persons change.

## V. CIVIL PENALTY

13. Pursuant to R. C. 3704.06, Defendant shall pay to the State of Ohio a civil penalty of Twenty-five Thousand Dollars (\$25,000). Of this amount, \$20,000 shall be paid in cash by delivering a certified check, payable to the Order of "Treasurer, State of Ohio", c/o Jena Suhadolnik or her successor, Administrative Assistant, Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428 within thirty (30) days of the date of entry of this Order. The remaining \$5,000.00 shall be paid to fund a supplemental environmental project. Specifically, Defendant is hereby enjoined and ordered to deliver a certified check in the amount of \$5,000 and made payable to the Order of the Ohio Department of Natural Resources, Division of Forestry, Bicentennial Urban Tree Planting Grant Program (Fund No. 502) for the purpose of funding urban area tree-planting projects in Ohio. This check shall be delivered to Jena Suhadolnik or her successor, Administrative Assistant, Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428 on or before thirty (30) days after entry of this Order.

## VI. RETENTION OF JURISDICTION

14. The Court will retain jurisdiction of this action for purposes of enforcing this Order.

## VII. COURT COSTS

15. The Defendant is hereby ordered to pay all court costs of this action.

**VIII. ENTRY OF ORDER AND JUDGMENT BY CLERK**

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16. Pursuant to Rule 58 of the Ohio Rules of Civil Procedure, upon signing of this Order by the Court, the clerk is directed to enter it upon the journal. Within three days of entering the judgment upon the journal, the clerk is 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.

**IT IS SO ORDERED**

\_\_\_\_\_  
**DATE**

**ORIGINAL SIGNED BY**  
**EARL R. McGIMPSEY, JUDGE**  
\_\_\_\_\_  
**JUDGE, COURT OF COMMON PLEAS**  
**HURON COUNTY**

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