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BELMONT COUNTY, OHIO

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BELMONT COUNTY, OHIO

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STATE OF OHIO, *ex rel.*
ATTORNEY GENERAL ENFORCEMENT
ENVIRONMENTAL PROTECTION
JIM PETRO

ATTORNEY GENERAL OF OHIO,

Plaintiff,

v.

A&C CONSTRUCTION CO., INC., *et al*

Defendants.

CASE NO. 01-CV-375

JUDGE JOHN M. SOLOVAN, II

AGREED ENTRY
TERMINATING CONSENT
ORDER AND PERMANENT
INJUNCTION

On July 12, 2002, Plaintiff, the State of Ohio ("State"), and Defendant, A&C Construction ("A&C"), entered into a Consent Order ("Exhibit A") before this Court in the above-captioned matter, which required A&C, among other things, to remove all scrap tires from the A&C tire dump. On October 7, 2005, A&C moved to dismiss the Consent Order because they have substantially complied, as evidenced by an Ohio EPA inspection letter, dated September 8, 2005 ("Exhibit B"). The State agrees that A&C is in substantial compliance. It is therefore **ORDERED** that the Consent Order between the State and A&C Construction is hereby terminated.*

DATE: 1/9/06

JOHN M. SOLOVAN II
JUDGE JOHN M. SOLOVAN, II

* This Order does not discharge co-defendants, E&T Lawn Service and Tire Recycling, Inc. ("E&T") and Earl F. Sturm ("Sturm"), from their duties and obligations in the above-captioned matter. On August 28, 2002, E&T and Sturm agreed to pay one hundred dollars per month into the scrap tire abatement fund created in R.C. 3734.82 for a period of five years from the date of entry of the Consent Order ("Exhibit C"). This payment must continue until August 28, 2007.

Respectfully submitted and approved:

JIM PETRO
ATTORNEY GENERAL OF OHIO

Michael E. Idzkowski, by J.A.V. per telephone authorization

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