

FILED

1982 OCT 28 PM 3:37

IN THE COURT OF COMMON PLEAS COURT
LICKING COUNTY, OHIO
CLERK OF COMMON PLEAS COURT
PHILIP E. RESTA, CLERK

STATE OF OHIO, ex rel.	:	
WILLIAM J. BROWN,	:	
ATTORNEY GENERAL OF OHIO,	:	Case No. 82-L-74133
	:	JUDGE NEIL M. LAUGHLIN
Plaintiff,	:	
vs.	:	<u>JUDGMENT ENTRY</u>
	:	
ROBERT D. HALL	:	
d.b.a. The Pioneer Motel,	:	
	:	
Defendant.	:	

This cause came on to be heard upon the filing of a Complaint, and upon Plaintiff's Motion for Default Judgment. The Motion for Default Judgment was sustained by the Court on August 12, 1982.

I.

The Court has jurisdiction over the subject matter of this action, as well as to Order the relief contained in this Judgment Entry, and to Order the relief demanded by the Complaint filed in this action.

II.

The Court has jurisdiction over the person of the Defendant. Service of the Complaint by Certified Mail, return receipt requested, was attempted to be made upon Defendant by the Clerk of Courts for Licking County. Said Certified Mail service was, on or about May 20, 1982, returned to the Clerk "unclaimed." Pursuant to Rule 4.6(D), Ohio Rules of

Civil Procedure, and by request of Plaintiff, ordinary mail service was made by the Clerk on May 25, 1982. As of the date of this Judgment Entry, no filings whatsoever have been made by Defendant. Based upon the failure of Defendant to Answer the Complaint, a Default Judgment was entered in favor of Plaintiff on August 12, 1982.

III.

The instant case was filed by the State of Ohio, on relation of William J. Brown, Attorney General, after the failure of Defendant to comply with the lawful Orders of the Director of Environmental Protection to upgrade the wastewater treatment system for the Pioneer Motel, which Defendant owns and operates. Said Orders were issued under the authority of Revised Code §6111.03(H). By virtue of 6111.07(B), Plaintiff is entitled to seek injunctive relief to require Defendant to comply with said Orders. Plaintiff's demand for a permanent injunction is hereby granted, subject to the conditions set forth in below paragraph IV. Also set forth in below paragraph IV is a civil penalty which the Court imposes pursuant to Revised Code §6111.09, which allows the Court to impose a penalty of up to \$10,000.00 per day for each day Defendant did not comply with the Orders of the Director.

IV.

For all the foregoing reasons, it is ORDERED, ADJUDGED

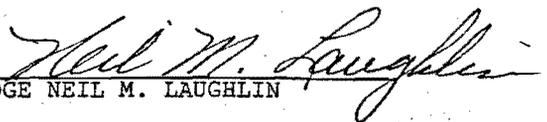
and DECREED that Defendant Robert D. Hall shall:

1. Apply to the Ohio Environmental Protection Agency for a National Pollution Discharge Elimination System ("NPDES") permit within thirty (30) days of the filing and entry of this Judgment Entry;
2. Complete necessary repairs to bring the wastewater treatment system at the Pioneer Motel into proper functioning operation within thirty (30) days of the filing and entry of this Judgment Entry;
3. Submit to the Ohio Environmental Protection Agency approvable detail plans for improvements to the wastewater treatment system so as to meet the effluent limitations set forth in Director's Order 2(b) within thirty (30) days of the filing and entry of this Judgment Entry;
4. Commence construction of the improved system referred to above within ninety (90) days of the filing and entry of this Judgment Entry;
5. Complete construction of the improved system within one hundred fifty (150) days of the filing and entry of this Judgment Entry;
6. Notify the Ohio Environmental Protection Agency, Central District Office (614-466-6450) within seven (7) days after construction is completed so as to enable an inspection to be made of the system;
7. Place the wastewater treatment system under the supervision of a Class I State certified wastewater treatment operator within thirty (30) days after the filing and entry

of this Judgment Entry;

8. Pay to this Court a Civil Penalty, by cash or certified check, in the sum of \$10,000.00.

It is further ORDERED that should Defendant fail to abide by any of the terms of this Journal Entry, he should cease operation of The Pioneer Motel until said terms are complied with.


JUDGE NEIL M. LAUGHLIN

APPROVED:

WILLIAM J. BROWN
ATTORNEY GENERAL OF OHIO

BY: Edward D. Hayman
Assistant Attorney General