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IN THE COURT OF COMMON PLEAS  
TRUMBULL COUNTY, OHIO

CASE NO. 80-CV-542

STATE OF OHIO, ex rel.     )  
WILLIAM J. BROWN,         )  
ATTORNEY GENERAL OF OHIO, )  
                                  ) Plaintiff     )  
v.                                 )  
TRUCK WORLD, INC.,         )  
                                  ) Defendant    )

JUDGMENT ENTRY

1. This matter came on for trial before the Court on the 22nd day of March, 1982. The Court, having reviewed the evidence adduced, and also having reviewed the pleadings, memoranda of law, and the arguments of counsel finds that the Plaintiff has met its burden of proof by a clear and convincing standard on the issues submitted in this case. Pursuant to the Court's review, the Court finds that the facts of this case warrant a finding that Defendant has violated Ohio Revised Code Sections 6111.04, 6111.07, and 6111.09 at its facility located in Hubbard, Trumbull County, Ohio. The Court also finds as a matter of law that Defendant has violated the above-enumerated Ohio Revised Code Sections.
2. It is hereby ORDERED that Defendant shall, within two (2) weeks of entry of this order, perform the following activities:
  - A. Provide and maintain containment of pollutants from the drainage channel south of Truck World Boulevard and east of State Route 7 in such a manner as to prevent discharge of pollutants into waters of the state; and
  - B. Remove accumulated product from the underground recovery monitoring sump weekly, and report such removal to Ohio E.P.A. and this Court on a monthly basis.

3. It is further ORDERED that Defendant shall, within one (1) month of entry of this order, perform the following activities:

- A. Perform a complete temperature compensated hydrostatic tightness test on all the underground fuel storage tanks grouped together immediately west of the truck servicing and fuel dispensing area in the presence of personnel from Ohio E.P.A. Within two (2) weeks thereafter, Defendant shall install a liquid check valve in the vent lines of the tanks described above; and
- B. Perform a volumetric tightness test utilizing the stored hydrocarbons upon product delivery lines and vent piping in the truck servicing and fuel dispensing area in the presence of Ohio E.P.A. personnel; and
- C. Install a water table depression pump in the perforated underground recovery sump in the presence of Ohio E.P.A. personnel.

4. It is further ORDERED that Defendant shall, within sixty (60) days of the date of entry of this order, install two inch (2") internal diameter monitoring points at the direction of Ohio E.P.A. personnel to establish the area of soil contamination in the proximity of the underground diesel fuel product storage and distribution system.

5A. It is further ORDERED that Defendant shall, within sixty (60) days of entry of this order, submit detailed engineering plans for the oil/water separator presently beneath Truck World Boulevard including:

1. Technical data on the capacity and flow rate of the oil/water separator; and
  2. Information regarding retention time; and
  3. Maximum flow-through rate without entraining oil; and
  4. Maximum capacity before entraining oil; and
  5. Approximate square footage of the drainage area to be served by the oil/water separator.
- 5B. Ohio E.P.A. shall, within sixty (60) days of receipt of such plans, review the plans and shall notify the Defendant of any deficiencies therein.
- 5C. Within thirty (30) days of notification by Ohio E.P.A. that the plans have been reviewed, Defendant shall, if requested, provide to Ohio E.P.A. such additional information as is necessary to constitute approvable applications for a permit to install and a National Pollutant Discharge Elimination System permit for the oil/water separator; and
- 5D. Defendant shall commence construction or modification of the oil/water separator, as is appropriate, within thirty (30) days of issuance of a permit to install.
- 5E. Defendant shall complete construction and/or modification of the oil/water separator within sixty (60) days of commencement of construction and/or modification of the oil/water separator; and
- 5F. Defendant shall attain operational status of the oil/water separator within ten (10) days of completion of construction and maintain the oil/water separator as is appropriate thereafter.
- 5G. Defendant shall obtain and comply with a National Pollutant Discharge Elimination System permit for the discharge from the oil/water separator.

6. It is further ordered that all activities required of Defendant by this Court's orders pertaining to items Numbered 2 through 5 inclusive, above, shall be performed to the satisfaction of this Court and subject to its supervision.
7. The Court finds that the Defendant acknowledges that the U.S. Coast Guard caused the clean-up and removal of the spill that occurred on the Defendant's property on or about November 16, 1979, and November 1980, in and about Little Yankee Run and drainage ditches and tributaries thereto downstream from the Defendant's property in Trumbull County, Ohio. The Court further finds that the Defendant is responsible to the U.S. Coast Guard for the costs incurred in the foregoing clean-up and removal exercises which sum is presently estimated to be approximately twenty-five thousand dollars (\$25,000.00).
8. The Court finds that the parties have waived the trial to the Jury of the issues dealing with the claims of violations of law set forth in the Plaintiff's complaint in counts 1 through 12 respectively and hereby agree to submit the determination of facts pertaining to these issues solely to the Court for its determination, as well as the issues of civil penalties, if any. (See Court's Exhibit No. 1)
9. It is further ordered that every three (3) months from the date of entry of this order for a period of up to one (1) year or until further order of this Court, review of the status of Defendant's compliance with this order is hereby required.
10. Based on the findings of fact set forth in paragraph 1 above and the waiver of trial by jury set forth in paragraph 8 above, the Court hereby assesses a civil penalty of fifty thousand dollars (\$50,000.00) against Defendant TRuck World, Inc.; thirty-two thousand five hundred dollars (\$32,500.00) of this civil penalty is suspended provided that Defendant complies fully with the orders set

forth in paragraphs 2 through 6 inclusive. The Court accordingly orders that Defendant pay to "Treasurer, State of Ohio" in care of counsel for Plaintiff the sum of seventeen thousand five hundred dollars (\$17,500.00). Twenty-five hundred dollars (\$2,500.00) of the sum shall be paid within ten (10) days of the date of entry of this order. The remainder shall be paid in three (3) equal installments at intervals of six (6) months from the date of this order.

11. This order shall not be construed so as to preclude the State of Ohio from seeking monetary, injunctive, or other relief provided by law or in equity for activity of Defendant at its Hubbard, Ohio, facility for violations of Ohio Revised Code Sections 6111.04, 6111.07 and 6111.09 subsequent to the date of entry of this order, nor shall it be construed to preclude the State of Ohio or its agencies from seeking injunctive, monetary, or other relief against Defendant for violations of any state law other than Ohio Revised Code Sections 6111.04, 6111.07, and 6111.09 occurring at any time.
12. Defendant shall pay all costs of this action.
13. All subject to further orders of this Court.

*Donald R. Ford*

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THE HONORABLE DONALD R. FORD  
COURT OF COMMON PLEAS  
TRUMBULL COUNTY, OHIO