



**I. JURISDICTION AND VENUE**

1. The Court has both personal and subject matter jurisdiction over the parties. The Complaint states a claim upon which relief can be granted against Defendant under Chapter 6111 of the Ohio Revised Code. Venue is proper in this Court.

**II. PERSONS BOUND**

2. All terms and provisions of this Consent Order shall apply to and be binding upon Defendant, its assigns, successors in interest, and others bound by Rule 65(D) of the Ohio Rules of Civil Procedure, who are or will be acting in concert and/or in privity with the Defendant. The undersigned representative of each party to this Consent Order certifies that he or she is fully authorized by the party or parties whom she or he represents to enter into the terms and conditions of the Consent Order and execute and legally bind that party or parties to it. This Consent Order is in settlement and compromise of disputed claims and nothing in this Consent Order is to be construed as an admission of any facts or liability.

**III. SATISFACTION OF LAWSUIT**

3. Plaintiff alleges in its Complaint that Defendant has conducted operations at the Site in such a manner as to result in violations of the Water Pollution Control Laws of the State of Ohio. Defendant specifically disputes Plaintiff's allegations. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability by Defendant for all claims under such laws alleged in the Complaint.

4. Nothing in this Consent Order shall be construed to limit the authority of the State of Ohio to seek relief against Defendant or other appropriate persons for claims or

conditions not alleged in the Complaint, including violations which occur after the filing of the Complaint, nor shall anything in this Consent Order limit the right of the Defendant to any defenses it may have for such claims. Nothing in this Consent Order shall be construed to limit the authority of the State of Ohio to seek relief against other appropriate persons, not covered by this Consent Order, for claims or conditions alleged in the Complaint. Similarly, nothing in this Consent Order shall be construed to limit the authority of the State of Ohio to undertake any action against any person, including Defendant, to eliminate or mitigate conditions that may present a threat to the public health, welfare or the environment.

#### IV. PERMANENT INJUNCTION

5. Defendant is permanently enjoined from violating R.C. Chapter 6111 and the rules adopted thereunder, as well as all permits and permit renewals issued to Defendant.

#### V. EFFECT OF CONSENT ORDER

6. This Consent Order does not constitute authorization or approval of the construction of any physical structure or facilities, or the modification of any existing facility where a permit is required. Approval for any such construction or modification shall be by permit issued by Ohio EPA or other such permits as may be required by applicable federal, state, or local laws, rules or regulations.

#### VI. CIVIL PENALTY

7. Pursuant to R.C. 6111.09(A) Defendant shall pay to the State of Ohio a cash civil penalty of Forty Thousand Dollars (\$40,000.00) to be paid within thirty days after the closure of the required public notice and comment period set forth in 40 C.F.R. 123.27(d)(2)(iii). This

timeframe is void and payment will not be made in the event that Ohio EPA withdraws the Consent Order for a reason set forth in paragraph 14 herein .

8. The civil penalty payment shall be made by delivering to Scott Hainer, Paralegal, or his successor, at the Ohio Attorney General's Office, Environmental Enforcement Section, 30 East Broad Street, 25<sup>th</sup> Floor, Columbus, Ohio, 43215, a certified check, made payable to the order of the "Treasurer, State of Ohio," for the appropriate amount.

**VII. COMPLIANCE NOT DEPENDENT ON GRANTS OR LOANS**

9. Performance of the terms of this Consent Order by Defendant is not conditioned on the receipt of any federal or state grant funds or loans. In addition, Defendant's performance is not excused by the failure to obtain or shortfall of any federal or state grant funds or loans, or by the processing of any applications for the same.

**VII. MODIFICATION**

10. No modification shall be made to this Consent Order without the written agreement of the parties and/or an order of the Court.

**VIII. RETENTION OF JURISDICTION**

11. The Court will retain jurisdiction of this action for the purposes of overseeing that Defendant complies with this Consent Order and making any order or decree that it deems appropriate to carry out this Consent Order.

**IX. COSTS**

12. Defendant is hereby ordered to pay the court costs of this action.

13. Defendant is hereby ordered to pay the costs incurred by the Ohio EPA for the publication of the Consent Order in Ohio EPA's Weekly Review and a newspaper of general circulation. Defendant shall pay the costs associated with publication by delivering a certified check payable to: "Treasurer, State of Ohio" and with a notation indicating that the funds are going to "Fund 699" on it, in the amount of the costs, to the Fiscal Officer, Ohio EPA, P.O. Box 1049, Columbus, Ohio 43216-1049, within thirty (30) days from the date it receives notice of the costs from Ohio EPA.

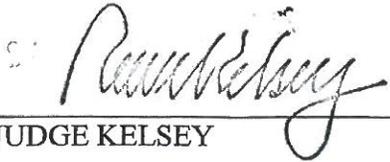
**X. ENTRY OF CONSENT ORDER AND FINAL JUDGMENT BY CLERK**

14. The parties agree and acknowledge that final approval by the Plaintiff and the Defendant and entry of this Consent Order is subject to the requirements of 40 C.F.R. 123.27(d)(2)(iii), which provides for notice of the lodging of the Consent Order, opportunity for public comment, and the consideration of any public comments. Both the State of Ohio and the Defendant reserve the right to withdraw this Consent Order based on comments received during the public comment period.

15. Pursuant to Rule 58 of the Ohio Rules of Civil Procedure, upon the signing of this Consent Order by the Court, the clerk is hereby directed to enter it upon the journal. Within three (3) days of entering the judgment upon the journal, the clerk is hereby directed to serve upon the parties a 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.**

Judgment for court costs  
rendered to Wood County

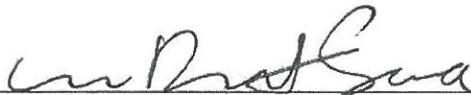
  
\_\_\_\_\_  
JUDGE KELSEY

\_\_\_\_\_  
DATE

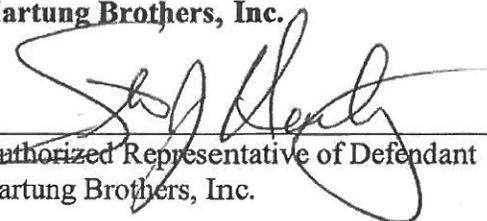
Clerk to furnish copy to counsel of  
record and unrepresented parties

**APPROVED:**

**MICHAEL DEWINE**  
**OHIO ATTORNEY GENERAL**

  
\_\_\_\_\_  
**CHRISTINE RIDEOUT SCHIRRA (0088134)**  
**KELLY D. MC CLOUD (0085847)**  
Assistant Attorneys General  
Environmental Enforcement Section  
30 East Broad Street, 25th Floor  
Columbus, Ohio 43215  
Telephone: (614) 466-2766  
Facsimilie: (614) 644-1926  
christine.schirra@ohioattorneygeneral.gov  
kelly.mccloud@ohioattorneygeneral.gov  
*Counsel for Plaintiff, State of Ohio*

  
\_\_\_\_\_  
**APRIL/BOTT MOORE (0066463)**  
**SARAH L. HERBERT (0078514)**  
**MACDONALD W. TAYLOR (0086959)**  
Bott Law Group, LLC  
5126 Blazer Parkway  
Dublin, Ohio, 43017  
Telephone: (614) 761-2688  
Facsimilie: (614) 462-1914  
abott@bottlawgroup.com  
sherbert@bottlawgroup.com  
mtaylor@bottlawgroup.com  
*Counsel for Defendant Hartung Brothers, Inc.*

**Hartung Brothers, Inc.**  
  
\_\_\_\_\_  
Authorized Representative of Defendant  
Hartung Brothers, Inc.

**COURT OF COMMON PLEAS, WOOD COUNTY OHIO**  
**DOCUMENT NOTIFICATION**

**To: Christine L Rideout**  
**Ohio Attorney General - Environmental Enforcement**  
**30 East Broad Street, 25th Floor**  
**Columbus OH 43215**

**Case Number: 2014CV0357**

February 26, 2015

Judge Reeve Kelsey

State of Ohio, ex rel. Michael DeWine vs. Hartung Brothers Inc

Enclosed please find a copy of the Pleading/Court Order recently filed in the above captioned case.

**Cindy A. Hofner**  
**Clerk of Courts**

