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IN THE COURT OF COMMON PLEAS
PERRY COUNTY, OHIO

TIMOTHY J. WOLLENBERG
CLERK OF COURTS

STATE OF OHIO, ex rel. NANCY H. ROGERS, ATTORNEY GENERAL OF OHIO,	:	
	:	CASE NO.: 07-CV-00301
	:	
Plaintiff,	:	JUDGE LINTON D. LEWIS
	:	
-v-	:	
	:	
LUTHER WEAVER	:	
	:	CONSENT ORDER
Defendant.	:	

WHEREAS, Plaintiff State of Ohio, on relation of Nancy H. Rogers, Attorney General of Ohio, at the written request of the Perry County Health Department ("Health Department"), filed a complaint commencing this action against Defendant Luther Weaver ("Defendant") to enforce the provisions of Ohio's solid waste laws set forth in Ohio Revised Code Chapter 3734 and the rules adopted pursuant to that chapter, Ohio's nuisance laws set forth in R.C. Chapter 3767 and the rules adopted pursuant to that chapter, and to pursue other legal and equitable relief;

WHEREAS, This Consent Order is being entered into to achieve a resolution to Perry County Case Number 07-CV-00301 and is not an admission of liability by any party;

WHEREAS, as an inducement for Defendant to enter into an agreement with Plaintiff, any enforcement of this agreement, as it pertains to the present condition of the property, would be to proceed solely under the terms of this agreement and any other remedy set forth in R.C. Chapter 3767;

WHEREAS, Plaintiff and Defendant consent to the entry of this Consent Order and Permanent Injunction (“Consent Order”) without trial of any issue of fact or law, and upon consent of the Parties hereto, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

I. JURISDICTION AND VENUE

1. The Court has jurisdiction over the undersigned parties to this action and the subject matter of the Complaint. The Complaint states a claim under which relief can be granted pursuant to R.C. Chapter 3767 and the rules adopted thereunder. Venue is proper in this Court.

II. PARTIES BOUND

2. The provisions of this Consent Order shall apply to, and be binding upon, Defendant, his successors in interest and assigns, and others to the extent provided by Civil Rule 65(D).

III. DEFINITIONS

3. The terms used in this Consent Order shall have the same meaning as used in R.C. Chapter 3767 and the rules adopted thereunder.

4. “Property” means property owned by Defendant Luther Weaver, located at 14007 Chapel Hill Road, Corning, Perry County, Ohio, and the property immediately adjacent thereto. Defendant’s property is described on deeds entered into Perry County records in Volume 191, Page 50 and Volume 236, Page 665.

IV. CIVIL PENALTY

5. Within thirty (30) days of entry of this Consent Order, Defendant Luther Weaver agrees and is ordered and enjoined to pay a civil penalty of one thousand dollars (\$1,000). Within 180 days of entry of this Consent Order, Defendant Luther Weaver agrees and is ordered

and enjoined to pay an additional civil penalty of one thousand five hundred dollars (\$1,500). In the event that Defendant complies fully with the terms of Section V (Other Settlement Terms) of this Consent Order within 180 days of entry of this Consent Order, Plaintiff agrees to waive the one thousand five hundred dollar (\$1,500) payment. Defendant shall make each payment by delivering to Plaintiff, c/o Martha Sexton or her successor, Office of the Attorney General, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3400, a certified check in the full amount, payable to the order of "Perry County Health Department."

V. OTHER SETTLEMENT TERMS

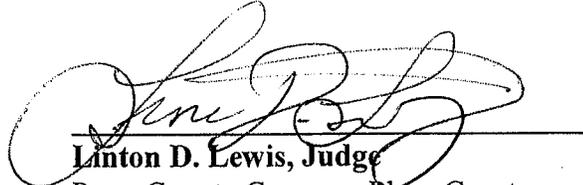
6. Within one hundred eighty (180) days of entry of this Consent Order, Defendant Luther Weaver shall properly remove and properly dispose of or securely store in a fully enclosed structure any and all materials disposed on the ground at the Property, with the exception of automobiles, trucks, and campers, and farm equipment.

7. Within one hundred eighty (180) days of entry of this Consent Order, Defendant Luther Weaver shall properly remove and properly dispose of all refuse, garbage and trash stored on or within vehicles and/or campers located on the Property.

8. Nothing in this Consent Order shall be construed to allow open burning of solid waste at the Property.

9. Defendant is permanently ordered and enjoined to fully comply with the provisions of Ohio's nuisance laws set forth in R.C. Chapter 3767 and the rules adopted pursuant to that chapter.

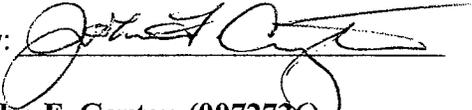
IT IS SO ORDERED:


Linton D. Lewis, Judge
Perry County Common Pleas Court

Respectfully submitted,

NANCY H. ROGERS
ATTORNEY GENERAL OF OHIO

HOWDYSHELL & O'NEIL, LTD

By: 

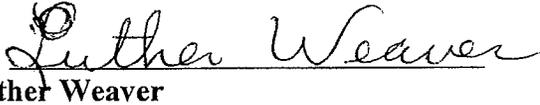
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By: 
Luther Weaver

Defendant

Attorneys for Plaintiff State of Ohio