

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over the parties and the subject matter of this action pursuant to R.C. Chapter 3737. Venue is proper in this Court. Solely for purposes of this Consent Order and the underlying Complaint, Defendants do not contest that the Complaint states a claim upon which relief can be granted against Defendants.

II. PARTIES

2. The provisions of this Consent Order shall apply to and are binding upon the Defendants and its respective successors in interest and assigns, in accordance with Rule 65(D) of the Ohio Rules of Civil Procedure. The undersigned representatives of each party to this Consent Order certifies that he or she is fully authorized by the party or parties whom he or she represents to enter into the terms and conditions of the Consent Order and to execute and legally bind that party or parties to it.

3. Defendants shall provide a copy of this Consent Order to any agent that Defendants employ to operate, close, and/or conduct post-closure care or any remedial activity at Columbus Duke/Minuteman gas station (“Facility”) and the underground storage tanks (“USTs”) located at the Facility. Defendants shall ensure that any agreement made with any agent Defendants employs to operate, close, conduct post-closure or any remedial activity at the Facility or for services or work related to this Consent Order, expressly provides that the services or work shall be performed in accordance with this Consent Order.

III. SATISFACTION OF LAWSUIT AND EFFECT OF CONSENT ORDER

4. The State has alleged that Defendants have violated R.C. Chapter 3737 and the regulations promulgated thereunder.

5. Except as otherwise provided in paragraph 6 of this Consent Order, compliance with the terms of this Consent Order shall constitute full satisfaction of any civil and administrative liability of Defendants and their successors in interest and assigns for the claims alleged in the State's Complaint.

6. Nothing in this Consent Order shall be construed to limit the authority of the State to seek relief from Defendants for: (A) claims or violations not referenced in the Complaint; (B) any violations arising out of acts or omissions first occurring after the effective date of this Consent Order; or (C) claims or violations under the Comprehensive Environmental Response Compensation and Liability Act, as amended, 42 U.S.C. §§9601 et. seq. or R.C. §§3734.20 through 3734.27 for any emergency, removal, remedial, or corrective actions. Notwithstanding any provision of this Consent Order to the contrary, Defendants retains all rights, defenses, and/or claims they may legally raise to the extent that the State seeks further relief from Defendants in the future, or in any action brought to enforce the terms of this Consent Order.

7. Entering into this Consent Order, the Consent Order itself, or the taking of any action in accordance with it and/or any work performed at the Facility to date does not constitute an admission of any liability, wrongdoing or misconduct on the part of the Defendants, their officers, employees or representatives.

8. Nothing herein shall be construed to relieve Defendants of their obligation to comply with all applicable federal, state or local statutes, regulations, or ordinances, including but not limited to the applicable permit requirements thereunder.

IV. PERMANENT INJUNCTION

9. Except as set forth in Section V, Defendants agree and are ordered and permanently enjoined to comply with R.C. Chapter 3737 and the regulations promulgated thereunder.

V. INJUNCTIVE RELIEF

10. By May 11, 2007, Defendants shall obtain, for the life of the Facility, a valid certificate of coverage from the petroleum underground storage tank release compensation board.

11. By May 25, 2007, Defendants shall submit a copy of the certificate referenced in Paragraph 10 to Lori Stevens at the address set forth in Paragraph 19.

12. Defendants shall monitor their UST systems at the Facility at least every thirty days for a petroleum release in accordance with Ohio Admin. Code 1301:7-9-07(B)(1).

VI. CIVIL PENALTY

13. Defendants are ordered and enjoined to pay a civil penalty of Two Thousand Dollars (\$2,000.00) to the State. Such payment shall be made by delivering to Martha Sexton, Paralegal, or her successor, Office of the Attorney General, 30 E. Broad Street, 25th Floor, Columbus, Ohio 43215-3400, a check or checks for the appropriate amount, payable to the order of "Treasurer, State of Ohio."

- a. Payments shall be made in fifty dollar (\$50.00) increments beginning on Friday, May 25, 2007 and continuing to be due on the last Friday of every month until paid in full.

VII. STIPULATED PENALTIES

17. In the event that Defendants fail to comply with any of the requirements of Sections IV, V and/or VI of this Consent Order, Defendants shall immediately and automatically be liable

for and shall pay a stipulated penalty that is meant to be coercive in nature in accordance with the following schedule:

- a. Defendants shall pay two hundred fifty dollars (\$250.00) per day for each day any requirement of this Consent Order is violated up to thirty (30) days;
- b. From thirty-one (31) days through ninety (90) days, Defendants shall pay five hundred dollars (\$500.00) per day for each day any requirement of this Consent Order is violated;
- c. After ninety (90) days, Defendants shall pay seven hundred and fifty dollars (\$750.00) per day for each day any requirement of this Consent Order is violated.

18. Stipulated penalties due under this Consent Order shall be paid by certified check or money order, payable to "Treasurer, State of Ohio" and mailed to Martha Sexton or her successor, Office Manager, at the Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3400.

VIII. NOTICES

19. All documents required to be submitted under this Consent Order shall be submitted to the following, or their successor:

As to Plaintiff:

The Ohio Department of Commerce
Division of State Fire Marshal
Lori Stevens
8895 E. Main St.
Reynoldsburg, OH 43068

As to Defendants:

Mohammad Jallaq
6625 Seeds Rd.
Grove City, OH 43123

20. Either Party may change the name and/or address of its contact person(s) by sending written notice to the other Party.

X. EFFECTIVE DATE

21. This Consent Order shall become effective upon the date of its entry by the Court.

XI. COSTS

22. Defendants are hereby ordered to pay the court costs of this action.

XII. RETENTION OF JURISDICTION AND WAIVER OF SERVICE

23. The Court will retain jurisdiction of this action for purposes of enforcing this Consent Order during the effective term thereof. Defendants waive service of the Complaint and summons in this action.

XIII. SIGNATORIES

24. Each of the undersigned representatives of the Parties represents that he/she is fully authorized to enter into the terms and conditions of this Consent Order and legally bind the respective party to this document.

IT IS SO ORDERED

JUDGE
FRANKLIN COUNTY
COURT OF COMMON PLEAS

DATE

APPROVED BY:

**MARC DANN
ATTORNEY GENERAL**



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(In His Individual Capacity)

RHW, INC.



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