

IN THE COURT OF COMMON PLEAS
RICHLAND COUNTY, OHIO

RICHLAND COUNTY
CLERK OF COURTS
FILED

03 MAY 28 AM 9:01

CASE NO. 01-1159D

JUDGE JAMES DEWEESE

STATE OF OHIO, *ex rel.*,
BETTY D. MONTGOMERY
ATTORNEY GENERAL OF OHIO,
30 East Broad Street
Columbus, Ohio 43215-3428,

Plaintiff,

vs.

WILLIAM A. LAWRENCE, et al

Defendants.

**PARTIAL CONSENT ORDER AND FINAL JUDGMENT ENTRY
AS TO DEFENDANTS WILLIAM A. LAWRENCE, LUCILLE A. LAWRENCE,
THE LAWRENCE FAMILY TRUST AND THE SUNNY FAMILY TRUST**

The Plaintiff State of Ohio, by its Attorney General ("Plaintiff" or "State of Ohio") and Defendants William A. Lawrence, Lucille A. Lawrence, the Lawrence Family Trust and the Sunny Family Trust ("Defendants Lawrence" or "Defendants"), hereby consent to the entry of this Partial Consent Order in order to resolve the allegations in this matter as to Defendants Lawrence and pursuant to Chapters 6111 and 6109 of the Ohio Revised Code ("R.C.").

NOW THEREFORE, without trial or admission of any issue of law or of fact, and upon the consent of the parties hereto, it is hereby **ORDERED, ADJUDGED** and **DECREED** as follows:

I. DEFINITIONS

As used in this Partial Consent Order:

"Defendants" means William A. Lawrence, Lucille A. Lawrence, the Lawrence Family Trust and the Sunny Family Trust.

- “Director”** means Ohio's Director of Environmental Protection.
- “Effective Date”** means the date the Richland County Court of Common Pleas enters this Partial Consent Order.
- “Hillside Mobile Home Park”** means the track of land located at 2075 Ashland Road, Mansfield, Richland County, Ohio upon which manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and include any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of the park.
- “NPDES”** means national pollutant discharge elimination system.
- “NPDES permit”** means the current national pollutant discharge elimination system permit and any renewals thereof.
- “Ohio EPA”** means Ohio Environmental Protection Agency.
- “Partial Consent Order”** means this Partial Consent Order and Final Judgment Entry As To Defendants William A. Lawrence, Lucille A. Lawrence, the Lawrence Family Trust and the Sunny Family Trust.
- “Plaintiff”** means the State of Ohio by and through the Attorney General of Ohio.
- “Public water system”** means a system which provides water for human consumption through pipes or other constructed conveyances, in such system has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least sixty days out of the year. Such term includes any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system, and any water supply system serving an agriculture labor camp, as defined in section 3733.41 of the Revised Code.
- “Wastewater treatment plant”** or **“WWTP”** means a facility containing a series of tanks, screens, filter, and other processes by which pollutants are removed from water.
- “Sewerage system”** means pipelines or conduits, pumping stations, and force mains, and all other constructions, devices, appurtenances, and facilities used for collecting or conducting water borne

sewage, industrial waste, or other wastes to a point of disposal or treatment.

II. JURISDICTION AND VENUE

1. The Court has jurisdiction over the Parties and the subject matter of this case pursuant to R.C. Chapters 6109 and 611. The Complaint states a claim upon which relief can be granted against Defendants Lawrence and venue is proper in this Court.

III. PARTIES

2. The provisions of this Partial Consent Order shall apply and be binding upon the Plaintiff and Defendants Lawrence, Defendants' agents, officers, employees, assigns, successors in interest, buyers and any person acting in concert or privity with any of them.

IV. SATISFACTION OF LAWSUIT AND RESERVATION OF RIGHTS

3. Defendants Lawrence has operated their Hillside Mobile Home Park wastewater treatment plant ("WWTP"), sewer system and Public Water System in such a manner as to result in violations of the requirements of the National Pollution Discharge Elimination System (NPDES) Permit issued to them by Ohio Director of Environmental Protection Agency and in violation of the water pollution and drinking water laws of the State of Ohio. Compliance with the terms of this Partial Consent Order shall constitute full satisfaction of any civil liability by Defendants Lawrence for all claims of violations alleged in the Complaint alleged against Defendants Lawrence, including the claims for injunctive relief and civil penalties.

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

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

V. PERMANENT INJUNCTION

5. Defendants Lawrence are hereby permanently enjoined and immediately ordered to comply with the requirements of R.C. Chapters 6111 and 6109 and the rules adopted thereunder,

6. Defendants Lawrence are permanently enjoined from operation of the wastewater treatment plant or the public water system located at the Hillside Mobile Home Park.

VI. COMPLIANCE NOT DEPENDENT ON GRANTS OR LOANS

7. Performance with the terms of this Partial Consent Order by Defendants Lawrence is not conditioned on the receipt of any federal or state grant, loan or funds. In addition, Defendants' performance is not excused by the failure to obtain or shortfall of any federal or state grant, loan or funds, or by the processing of any applications for the same.

VII. CIVIL PENALTY

8. Within forty-five (45) days of the effective date of this Partial Consent Order, it is hereby ordered that Defendants Lawrence shall pay to the State of Ohio a civil penalty of Ten Thousand Dollars (\$10,000.00) for violation of R.C. Chapter 6111. The civil penalty payment shall be paid by delivering a certified check for the appropriate amount, made payable to "Treasurer, State of Ohio," to Jena Suhadolnik, or her successor, at the Ohio Attorney General's Office, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio, 43215-3400.

9. Within forty-five (45) days of the effective date of this Partial Consent Order, it is hereby ordered that Defendants Lawrence shall pay to the State of Ohio a civil penalty of Twenty-eight Thousand Dollars (\$28,000.00) for violation of R.C. Chapter 6109. The civil penalty payment shall be paid by delivering a certified check for the appropriate amount, made payable to "Treasurer, State of Ohio," to Jena Suhadolnik, or her successor, at the Ohio Attorney General's Office, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio, 43215-3400.

VIII. STIPULATED PENALTIES

10. If Defendants Lawrence fail to meet the requirements of Section VII, paragraphs 8 and/or 9 of this Partial Consent Order, Defendants Lawrence shall pay a stipulated penalty according to the following schedule:

(1) For each day of each failure to meet a requirement of Section VII, paragraphs 8 and/or 9 of this Partial Consent Order up to thirty (30) days - fifty dollars (\$50.00) per day per requirement not met;

(2) For each day of each failure to meet a requirement of Section VII, paragraphs 8 and/or 9 of this Partial Consent

Order from thirty-one (31) to sixty days (60) - one hundred dollars (\$100.00) per day per requirement not met; and

(3) For each day of each failure to meet a requirement of Section VII, paragraphs 8 and/or 9 of this Partial Consent Order over (61) days – two hundred dollars (\$200.00) per day per requirement not met.

11. Any payment required to be made under the provisions of Section VIII of this Partial Consent Order shall be made by delivering to Jena Suhadolnik, or her successor, at the Ohio Attorney General's Office, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio, 43215-3400, a certified check or checks, for the appropriate amounts within forty-five (45) days from the date of the failure to meet the requirement of this Partial Consent Order, made payable to "Treasurer, State of Ohio." The payment of stipulated penalties by Defendants Lawrence and the acceptance of such stipulated penalties by Plaintiff for specific violations pursuant to Section VIII shall not be construed to limit Plaintiff's authority to seek additional relief or to otherwise seek judicial enforcement of this Partial Consent Order.

IX. MISCELLANEOUS

12. Nothing in this Partial Consent Order shall affect Defendants' obligation to comply with all applicable federal, state or local law, regulation, rule or ordinance. Defendants Lawrence shall obtain any and all federal, state, or local permits necessary to comply with this Partial Consent Order.

X. RETENTION OF JURISDICTION

13. The Court will retain jurisdiction of this action for the purpose of administering or enforcing Defendants Lawrence compliance with this Partial Consent Order.

XI. COSTS

14. Defendants Lawrence is hereby immediately ordered to pay half the court costs of this action. The other half shall be paid by Defendant McLoughlin.

XII. ENTRY OF PARTIAL CONSENT ORDER AND FINAL JUDGMENT BY CLERK

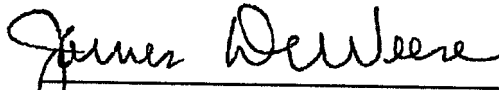
15. The parties agree and acknowledge that final approval by the Plaintiff and Defendants, and entry of this Partial Consent Order is subject to the requirement of 40 C.F.R. §123.27(d)(1)(iii), which provides for notice of the lodging of this Partial Consent Order, opportunity for public comment, and the consideration of any public comment. The Plaintiff and Defendants reserve the right to withdraw consent to this Partial Consent Order based on comments received during the public comment period. Defendants Lawrence shall pay the cost of publishing the public notice within thirty (30) days of receipt of a bill or notice from Ohio EPA.

16. Upon the signing of this Partial 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 all parties 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.

XIII. AUTHORITY TO ENTER INTO THE PARTIAL CONSENT ORDER

17. Each signatory for a trust represents and warrants that he/she has been duly authorized as trustee and may sign this document and so bind the trust to all terms and conditions thereof and that he/she submits with this Partial Consent Order an authenticated letter(s) of appointment from a probate court having jurisdiction of the subject matter of the trust.

IT IS SO ORDERED:



JAMES DEWEESE, JUDGE
RICHLAND COUNTY
COURT OF COMMON PLEAS


5-22-03

DATE

APPROVED:


BETTY D. MONTGOMERY
ATTORNEY GENERAL OF OHIO

By:



LORI A. MASSEY (0047226) 12/17/02
TODD DeBOE (0072034)
Assistant Attorneys General
Environmental Enforcement Section
30 East Broad Street, 25th Floor
Columbus, Ohio 43215-3400
Telephone: (614) 466-2766
Facsimile: (614) 752-2441
E-Mail: lmassey@ag.state.oh.us

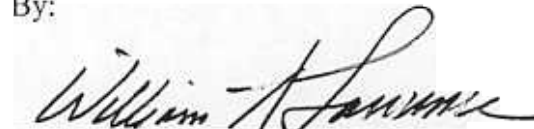
Attorneys for State of Ohio



WILLIAM A. LAWRENCE
in his Individual Capacity
1251 Cimmaron Road, Apt. 7
Las Vegas, Nevada 89117
Telephone: (702) 371-0632
Facsimile: (702) 838-1883

LAWRENCE FAMILY TRUST
SUNNY FAMILY TRUST

By:



WILLIAM A. LAWRENCE
Trustee
1251 Cimmaron Road, Apt. 7
Las Vegas, Nevada 89117
Telephone: (702) 371-0632
Facsimile: (702) 838-1883