

I. JURISDICTION AND VENUE

1. The Court has jurisdiction over the subject matter of this action pursuant to R.C. Chapter 3734 and the rules adopted thereunder. The Court has jurisdiction over the parties. Venue is proper in this Court. The complaint states a claim upon which relief can be granted.

II. PERSONS BOUND

2. The provisions of this Consent Order and Final Judgment Entry shall apply to and be binding upon Defendants, their agents, officers, employees, assigns, successors in interest, and any person acting in concert, privity or participation with him who receives actual notice of this Consent Order and Final Judgment Entry whether by personal service or otherwise.

III. SATISFACTION OF LAWSUIT

3. Plaintiff alleges in the complaint that Defendants unlawfully disposed, and otherwise conducted, permitted or allowed the open dumping of scrap tires on property located on the east side of County Highway 125 and approximately 1562 feet north of U.S. Route 224 in Deerfield Township, Portage County, Ohio (hereinafter "Kays' Tire Dump"), in violation of the solid waste laws of the State of Ohio, and in a manner that constitutes a threat to public health and safety and the environment. Except as otherwise provided for by this Consent Order and Final Judgment Entry or by law, compliance with the terms of this Consent Order and Final Judgment Entry shall constitute full and complete satisfaction of any civil liability of Defendants for all claims alleged in the Complaint.

IV. RESERVATION OF RIGHTS

4. Nothing in this Consent Order and Final Judgment shall limit the authority of the

State of Ohio to:

- A. Seek any relief for claims or conditions not alleged in the complaint;
- B. Seek any relief for violations of law or conditions alleged in the complaint which occur after the entry of this Consent Order and Final Judgment Entry;
- C. Enforce this Consent Order and Final Judgment Entry through a contempt action or otherwise for violations of this Consent Order and Final Judgment Entry;
- D. Bring any action against Defendants or against any other person, under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), as amended, 42 U.S.C. § 9601, et seq., R.C. §§ 3734.20 through 3734.27, R.C. 33734.85, or R.C. Chapter 6111. to: (1) recover natural resource damages, or (2) order the performance of, or recover costs for any removal, remedial or corrective activities not conducted pursuant to the terms of this Consent Order and Final Judgment Entry, or both;
- E. Take any action authorized by law against any person, including the Defendants, to eliminate or mitigate conditions at the Kays' Tire Dump, which may present an imminent threat to the public health and safety and the environment;
- F. Institute collection proceedings against either Defendant, or both, if the State of Ohio remediates or pays for remediation of the Kays' Tire Dump; and,
- G. Institute new proceedings based on claims contained in the complaint if the Director determines that the financial situation of the Defendants has significantly changed.

V. COMPLIANCE WITH APPLICABLE LAWS

5. Nothing in this Consent Order and Final Judgment Entry shall affect Defendants' obligation to comply with all applicable federal, state or local laws, regulations, rules, or

ordinances.

VI. INJUNCTION

6. Defendants are ordered and enjoined immediately to cease dumping scrap tires or allowing any scrap tires to be dumped at the Kays' Tire Dump. Defendants are further ordered and enjoined to take all actions necessary to prevent other persons from dumping scrap tires at the Kays' Tire Dump.

7. Defendants shall pay one hundred dollars (\$100.00) per month starting November 1, 2001 into the scrap tire abatement fund established pursuant to R.C. § 3734.82 until such time as all scrap tires are removed from the Kays' Tire Dump. All payments due under this Consent Order and Final Judgment Entry shall be paid by certified check or money order, payable to the order of "Treasurer, State of Ohio", and mailed to Janet Salyers or her successor, Fiscal Officer, Ohio Environmental Protection Agency, Fiscal Administration, P.O. Box 1049, Columbus, OH 43216-1049.

8. Defendants shall submit tax returns on May 1st of every year as well as any other financial information that the Director or his representative deems necessary to determine whether Defendants' financial situation has changed. All information due under this Consent Order and Final Judgment Entry shall be sent to the Ohio Environmental Protection Agency, Division of Solid and Infectious Waste Management, attention: Enforcement Coordinator, P.O. Box 1049, Columbus, Ohio 43216-1049.

VII. RIGHT OF ENTRY

9. Upon proper identification and upon stating the purpose and necessity of an inspection, Defendants hereby agree to allow representatives and contractors of Ohio EPA and the Portage County Combined General Health District to enter the Kays' Tire Dump at reasonable times to inspect, investigate, take samples and pictures, and examine or copy records in order to determine compliance with the terms of this Consent Order and R.C. Chapter 3734 and the rules promulgated thereunder. Nothing in this Consent Order limits Ohio EPA's authority under R.C. Chapter 3734 or any other statutory authority, to enter any property to determine compliance with this Consent Order and R.C. Chapter 3734 and the rules promulgated thereunder.

VIII. GENERAL PROVISIONS

10. This Order shall be effective upon the date of entry by the Court.

IX. AUTHORITY TO ENTER INTO THE CONSENT ORDER

11. The undersigned parties certify that they have read and understand the terms and conditions of this Consent Order and Final Judgment Entry, and that they have not been threatened or offered anything for their consent herewith.

12. The signatory for Defendant Princh Development Inc. represents and warrants that he or she has been duly authorized to sign this document and so bind Defendant Princh Development Inc. to all terms and conditions thereof.

X. RETENTION OF JURISDICTION

13. This Court will retain jurisdiction of this action for the purpose of enforcing

compliance with this Consent Order and Final Judgment Entry. All civil penalties in this matter have been waived, however, the State reserves its right to pursue costs under the abatement order issued in 1998 by the Director of the Ohio EPA.

XI. COSTS

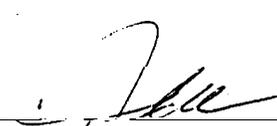
14. Defendants are hereby ordered to pay all costs in excess of those on deposit.

**XII. ENTRY OF CONSENT ORDER AND FINAL JUDGMENT ENTRY,
AND FINAL JUDGMENT BY CLERK**

15. Pursuant to Rule 58 of the Ohio Rules of Civil Procedure, upon signing of this Consent Order and Final Judgment Entry by the Court, the clerk is hereby directed to enter it upon the journal. Within three 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.

IT IS SO ORDERED.

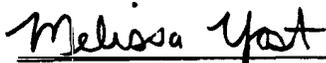
DATE



JUDGE, COURT OF COMMON PLEAS
OF PORTAGE COUNTY, OHIO

APPROVED:

BETTY D. MONTGOMERY
ATTORNEY GENERAL OF OHIO



BRIAN T. WALTZ (0072878)
MELISSA YOST (0070914)
Assistant Attorneys General
Environmental Enforcement Section
30 East Broad Street, 25th Floor
Columbus, Ohio 43215-3428
(614) 466-2766



ROY KAYS, JR.
Individually and as an
Authorized Representative of
Princh Development Inc.
8189 S.R. 224
Deerfield, Ohio 44411



ANTONIOS C. SCAVDIS (0007221)
261 W. Spruce Street
P.O. Box 978
Ravenna, Ohio 44266
(330) 297-5778

Attorney for Defendants Roy Kays, Jr. and
Princh Development Inc.