IN THE COURT OF COMMON PLEAS
JEFFERSON COUNTY

FILED
COMMON PLEAS COURT
2012 OCT 15 P 2:31
JOHN A CORRIGAN
CLERK OF COURTS
JEFFERSON COUNTY, OH

STATE OF OHIO, *ex rel.*	:	
MICHAEL DEWINE	:	**CASE NO.: 99-CV-137**
OHIO ATTORNEY GENERAL	:	
30 East Broad Street; 25th Floor	:	**JUDGE: DAVID E. HENDERSON**
Columbus, Ohio 43215	:	
	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	**Final Appealable Order of the Court**
C&D DISPOSAL TECHNOLOGIES, LLC	:	
3250 CR 26	:	
Wintersville, OH 43953	:	
	:	
JOSEPH G. SCUGOZA	:	
335 Bryden Road	:	
Steubenville, Ohio 43952	:	
	:	
	:	
CROSSRIDGE, INC.	:	
c/o statutory agent	:	
Christopher Yonclas	:	
P.O. Box 2549	:	
Wintersville, Ohio 43952	:	
	:	
Defendants.	:	

A hearing was held on October 4, 2012, upon Plaintiff State of Ohio's Written Charges in Contempt of the October 8, 2003 Consent Order, Motion to Show Cause, and Request for Hearing Against Defendants ("State's Motion for Contempt"). All the parties were notified of the hearing.

On October 4, 2012, counsel for the State of Ohio, Robert Eubanks, appeared on behalf of the State of Ohio and presented witness testimony and other evidence by and through Ohio

EPA employees Fanny Haritos, Dale Warner and Melinda Berry regarding the allegations in the State's Charges in Contempt. Defendants did not appear at the hearing.

Despite the Defendants' absences, this Court considered an October 15, 2007 extra-judicial agreement the Defendants raised as a defense against contempt in Defendants' Response to the State's Motion for Contempt. Based on the language of the October 15, 2007 extra-judicial agreement, the agreement would have served as a defense against Contempt in the event that the Defendants complied with the agreement.

THIS COURT FINDS that the State case proved the following by clear and convincing evidence:

1. The State approved the Crossridge Landfill ground water monitoring plan, explosive gas monitoring plan and closure plan and gave Defendants notice to proceed with the provisions of the 2003 Court Order associated with such plans.

2. Defendants did not comply with the October 15, 2007 extra-judicial agreement, and thus, the agreement provides no defense for Defendants' violation of the 2003 Court Order.

3. Defendants are in violation of the 2003 Court Order and liable for stipulated penalties agreed to by the parties in the 2003 Consent Order.

4. As an authorized representative of Crossridge Inc., Joseph G. Scugoza signed the 2003 Court Order, as the Executor of Estate for Joseph N. Scugoza.

5. As an authorized representative of C&D Disposal Technologies LLC, Joseph G. Scugoza signed the 2003 Court Order as managing member of C&D Disposal Technologies LLC.

6. Joseph G. Scugoza was the individual with the authority and duty to cause C&D Disposal's and Crossridge Inc.'s compliance with the 2003 Consent Order.

7. Joseph G. Scugoza is subject to the 2003 Court Order and the jurisdiction of this Court, as provided by Ohio Rule of Civil Procedure 65(D).

It is the ORDER of this Court that:

1. Within 30 days of this Order, Defendants are to provide financial assurance for the Crossridge Landfill as provided in the closure/post-closure financial assurance estimates for Crossridge as previously approved by Ohio EPA.

2. Within 30 days of this Order, Defendants are to begin compliance with the final closure/post-closure plan for Crossridge Landfill, including, but not limited to, the implementation of its explosive gas monitoring plan and ground water monitoring plan, as previously approved by the Ohio EPA.

3. With 365 days of this Order, Defendants are to complete closure of the Crossridge Landfill in accordance with its closure plan as previously approved by Ohio EPA.

4. After the completion of closure of Crossridge Landfill, Defendants are to begin post-closure care of the Crossridge Landfill as previously approved by Ohio EPA.

5. An immediate judgment for Stipulated Penalties against all Defendants jointly and severally in the amount of $19,316,000.00 is awarded to the State of Ohio.

_____ _____

Date **JUDGE DAVID E. HENDERSON**