

02 DEC 23 PM 2:58

TODD A. BICKLE  
CLERK

IN THE COURT OF COMMON PLEAS  
MUSKINGUM COUNTY, OHIO

STATE OF OHIO, ex rel. : CASE NO. CH 2000-0400  
BETTY D. MONTGOMERY :  
ATTORNEY GENERAL OF OHIO : JUDGE JOHN D. MARTIN

Plaintiff,

v.

CLARENCE GOSS, et al. : JUDGMENT ENTRY


Defendants.

This matter is before the Court following a three and a half day trial commencing on the 23<sup>rd</sup> day of October 2001. Based upon this Court's findings outlined in the November 13, 2001 entry, and in accordance with the opinion of the Fifth Appellate District filed July 1, 2002, the Court makes the following orders:

- 1) Within one hundred and eighty (180) days of the entry of this Order, Defendants shall achieve compliance with R.C. 3734.03 and Ohio Adm. Code 3745-27-05(C) and 3745-27-60 by excavating all tires buried at the property and removing all tires (including those tires previously stacked and/or those tires that were excavated) and lawfully recycling or disposing of them at a facility authorized to accept scrap tires.
- 2) Defendants shall arrange for the transportation of all tires from the property to a facility authorized to accept scrap tires by using a registered scrap tire transporter as required by Ohio Adm. Code 3745-27-54.

- 3) In accordance with Ohio Adm. Code 3745-27-60(B)(8)(b), beginning on or before April 1, 2003 and continuing until all exposed scrap tires are removed from the property, Defendants shall apply or arrange for the application of a pesticide or larvicide, which is registered for use for mosquito control by the Ohio Department of Agriculture, at no greater than thirty-day intervals or as recommended by the manufacturer formulator.
- 4) Within two hundred and ten (210) days of the entry of this Order, Defendants shall submit to the Ohio Environmental Protection Agency documentation of the transportation, recycling and/or disposing of all tires currently located at the property. Such documentation shall include copies of all recycling and/or disposal receipts and transportation vouchers, as well as the name and address of all authorized scrap tire facilities that receive any tires from the property.
- 5) Defendants are ordered to pay to the State of Ohio a two hundred and fifty thousand dollar (\$250,000) civil penalty within two hundred and ten (210) days after the entry of this Order by delivering to Plaintiff State of Ohio, c/o Jena Suhadolnik or her successor, Administrative Assistant, at the Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad St.-25<sup>th</sup> Floor, Columbus, Ohio 43215-3428, a certified check or money order in that amount, payable to the order of "Treasurer, State of Ohio."
- 6) The Court will waive payment of the civil penalty if the Court finds that Defendants have substantially complied with the terms of this Order by March 15, 2003.

7) In accordance with R.C. 3734.07(C), Defendants shall allow representatives of the Ohio Environmental Protection Agency access to the property at any reasonable time to monitor Defendants' compliance with the terms of this Order and Ohio's scrap tire and solid waste laws and regulations.

  
Judge John D. Martin

cc: Atty. Melissa R. Yost/Atty. Michael E. Idzkowski  
Atty. Peter N. Cultice