

JUN 15 9 26 AM '82

IN THE COURT OF COMMON PLEAS
LAWRENCE COUNTY, OHIO
CLERK OF COURTS
LAWRENCE COUNTY

STATE OF OHIO, ex rel.	:	
WILLIAM J. BROWN	:	Case No.(s) 080-647 and
ATTORNEY GENERAL OF OHIO,	:	080-648
	:	
Plaintiff,	:	
	:	Judge Bacon,
v.	:	Sitting by Assignment.
	:	
HAMILTON TOWNSHIP,	:	
et al.,	:	<u>ORDER AND JOURNAL ENTRY</u>
	:	
and	:	
	:	
ELIZABETH TOWNSHIP,	:	
et al.,	:	
	:	
Defendants.	:	

These matters came on for hearing on Plaintiff's Motion for Summary Judgment and Memorandum In Support. Based upon the pleadings and the exhibits, affidavits, and written stipulations appended to said motion, this Court finds as follows:

(1) This Court has jurisdiction over the subject matter of Plaintiff's Complaints and the persons of all of the Defendants named therein.

(2) The Hamilton Township Dump, located on Township Road 128, Sections 2 and 3, Hamilton Township, Lawrence County, Ohio, (hereinafter referred to as the "Hamilton Township Dump", or "Dump"), is a solid waste disposal facility within the meaning of R.C. §3734.01(N) which has been and continues to be operated by the Board of Trustees of Hamilton Township, Lawrence County, Ohio, or its agents or employees.

(3) The Elizabeth Township Dump, located on County Road 26, Section 27, Elizabeth Township, Lawrence County, Ohio, (hereinafter referred to as the "Elizabeth Township Dump", or the "Dump"), is a solid waste disposal facility within the meaning of R.C. §3734.01(N) which has been and continues to be operated by the

Board of Trustees of Elizabeth Township, Lawrence County, Ohio, or its agents or employees.

(4) Neither the Elizabeth Township Dump nor the Hamilton Township Dump have ever been issued a license to operate such dumps by the Lawrence County Board of Health.

(5) Operation of a solid waste disposal facility without a license issued by the Board of Health of the health district in which such facility is located is a violation of R.C. §3734.05(A) which may be enjoined pursuant to R.C. §3734.10.

It is accordingly Ordered, Adjudged and Decreed that the Defendants in Case No. 080-647 (hereinafter, the "Elizabeth Township Case"), their heirs, assigns, agents, employees, successors in office, and anyone acting in concert with any of them, should be and are hereby permanently enjoined from operating in any manner, including disposing (by whatever means) of and/or receiving any wastes of any kind or description, the Elizabeth Township Dump.

It is further Ordered, Adjudged, and Decreed that the Defendants in the Elizabeth Township Case, their heirs, assigns, agents, employees, successors in office, and anyone acting in concert with any of them, should be and are hereby permanently enjoined to promptly close the Elizabeth Township Dump in the manner required by Chapter 3734 of the Ohio Revised Code (the State's solid waste law) and the rules and regulations adopted pursuant thereto.

It is further Ordered, Adjudged, and Decreed that the Defendants in Case No. 080-648 (hereinafter, the "Hamilton Township Case"), their heirs, assigns, agents, employees, successors in office, and anyone acting in concert with any of them, should be and are hereby permanently enjoined from operating in any manner, including disposing (by whatever means) of and/or receiving any wastes of any kind or description, the Hamilton Township Dump.

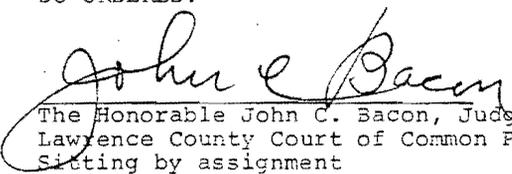
It is further Ordered, Adjudged, and Decreed that the Defendants in the Hamilton Township Case, their heirs, assigns, agents, employees, successors in office, and anyone acting in concert with any of them, should be and are hereby permanently enjoined to promptly close the Hamilton Township Dump in the manner required by Chapter 3734 of the Ohio Revised Code (the State's solid waste law) and the rules and regulations adopted pursuant thereto.

It is further Ordered, Adjudged, and Decreed that the Defendants in the Elizabeth Township Case should be and are Ordered to pay the court costs in the Elizabeth Township Case.

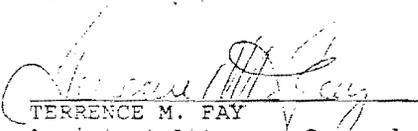
It is further Ordered, Adjudged, and Decreed that the Defendants in the Hamilton Township Case should be and are Ordered to pay the court costs in the Hamilton Township Case.

It is further Ordered, Adjudged, and Decreed that this Court, Judge Bacon sitting by assignment, shall retain jurisdiction over these cases pending compliance by the Defendant with the Court's Orders as contained herein.

SO ORDERED.


The Honorable John C. Bacon, Judge
Lawrence County Court of Common Pleas
Sitting by assignment

APPROVED:


TERRENCE M. FAY
Assistant Attorney General
Counsel for Plaintiff State of Ohio