

**IN THE COURT OF COMMON PLEAS
COLUMBIANA COUNTY, OHIO**

STATE OF OHIO, ex rel.
RICHARD CORDRAY
OHIO ATTORNEY GENERAL,

Plaintiff,

v.

A&L SALVAGE, LLC, et al

Defendant.

Case No.

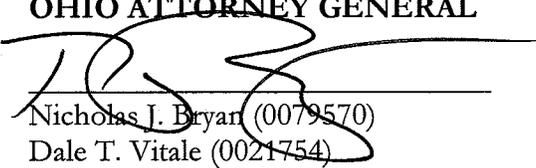
Judge

PLAINTIFF STATE OF OHIO'S MOTION FOR A PRELIMINARY INJUNCTION

Plaintiff State of Ohio moves this Court, pursuant to R.C. 3704.06, 3714.11 and Civ.R. 65, for the issuance of a Preliminary Injunction against Defendants A&L Salvage, LLC ("A&L"), Amato Properties, LLC ("Amato Properties"), Jack Amato, Amato Family Trust, and Jeffrey Aldrich (collectively "Defendants"). The State seeks to stop Defendant from further violations of Ohio's air pollution control and construction and demolition debris ("C&DD") laws, namely R.C. Chapters 3704 and 3714 and the rules adopted thereunder. The grounds for this Motion are set forth in the attached Memorandum in Support and Affidavits.

Respectfully submitted,

**RICHARD CORDRAY
OHIO ATTORNEY GENERAL**



Nicholas J. Bryan (0079570)

Dale T. Vitale (0021754)

Robert K. James (0078761)

Assistant Attorneys General

Environmental Enforcement Section

30 East Broad Street, 25th Floor

Columbus, Ohio 43215-3400

MEMORANDUM IN SUPPORT OF PRELIMINARY INJUNCTION

I. INTRODUCTION

Plaintiff State of Ohio (“Plaintiff”/“State”) seeks to halt the illegal activities of Defendants, which directly threaten public health, safety, and enjoyment in a mixed-use commercial/residential area in the City of Lisbon, Ohio. Defendants own and operate a closed C&DD landfill that is releasing extremely intense odors and has elevated temperatures indicating the possible presence of a subsurface fire. The hydrogen sulfide odors (rotten egg odors) are migrating off-site to nearby residences, in violation of air pollution control and C&DD laws and causing a public nuisance with little or no regard for public health, safety, wellness, or the environment. Because Defendants’ violations pose an immediate and direct threat to the public and because Defendants have violated statutes designed to protect public health, safety, and the environment, the State respectfully requests that this Court issue a Preliminary Injunction in this case.

II. BASIS FOR PRELIMINARY INJUNCTION

A. A Preliminary Injunction Is Appropriate When the State Presents Evidence That a Defendant Is Violating a Statute That Authorizes Injunctive Relief

Ohio courts have long distinguished between private equitable actions for injunctive relief and statutory injunctions enforceable by the State, the latter of which Plaintiff is seeking here. *Ackerman v. Tri-City Geriatric & Health Care, Inc.* (1978), 55 Ohio St. 2d 51. In *Ackerman*, the Director of Health sought to enjoin the operation of an unlicensed nursing home pursuant to a state statute. *Id.* at 56. The Supreme Court of Ohio held that the Director of Health, as a “governmental agent” seeking to enforce a statute, merely had to show that the nursing home had violated a statute authorizing injunctive relief to obtain such relief. *Id.* at 57-58.

The Court held that “unlike equitable-injunction actions..., [statutory violations] proscribe[e] behavior...which the General Assembly has determined not to be in the public interest.” *Id.* at 57. As a result, to obtain injunctive relief, the Director of Health only had to establish “that the

conditions which the General Assembly has deemed worthy of injunctive relief exist.” *Id.* The Court reasoned that it would be “redundant” to require a governmental agent to establish the elements of a private action for injunctive relief, such as irreparable damage or lack of an adequate legal remedy, because “activities deemed harmful by the General Assembly are not designed primarily to do justice to the parties but to prevent harm to the general public.” *Id.*

Courts have consistently applied the *Ackerman* rule in actions brought to enforce Ohio’s environmental protection laws.¹ Moreover, the rule from *Ackerman* applies to all forms of injunctive relief – temporary restraining orders, as well as preliminary and permanent injunctions. See, e.g., *State v. Alexander Bros, Inc.* (1974), 43 Ohio App. 2d 154.

B. Ohio’s Air Pollution Control and C&DD Laws Authorize and Require Injunctive Relief

The State’s Complaint seeks to enforce Ohio’s air pollution control and C&DD laws. These laws not only authorize, but *mandate*, that the Attorney General obtain injunctive relief for their violation. Accordingly, pursuant to *Ackerman*, the State only needs to provide evidence that Defendant has violated these statutes to obtain a Preliminary Injunction in this case.

Ohio’s air pollution control laws are contained in R.C. Chapter 3704. Revised Code 3704.06 states the Attorney General “*shall* bring an action for an injunction ... against any person violating or threatening to violate [R.C. 3704.05 or 3704.16].” (Emphasis added.) Plaintiff’s Complaint alleges several violations of R.C. 3704.05, including regulatory violations related to creating an air pollution nuisance.

Ohio’s C&DD laws are contained in R.C. Chapter 3714. Revised Code 3714.11(A) states the Attorney General “*shall* ... bring an action for injunction against any person who has violated, is violating, or is threatening to violate” any section of R.C. 3714 or a rule adopted thereunder.

¹ See, e.g., *Brown v. Chase Foundry & Manufacturing Co.* (1982), 8 Ohio App. 3d 96, 100-101 (dealing with enforcement of Ohio’s air pollution control laws); *Celebrezze v. Ohio Oil Field Service, Inc.* (Sept. 1, 1984), Mahoning App. No. 82 C.A. 95, unreported (1984 Ohio App. LEXIS 10812) (dealing with enforcement of Ohio’s water pollution laws).

Plaintiff's Complaint alleges several violations of R.C. 3714.13(A), including regulatory violations related to creating an air pollution nuisance as defined pursuant to the C&DD laws.

Ohio's air pollution control and C&DD laws require the Attorney General to seek injunctive relief against violators. Thus, pursuant to the *Ackerman* rule, the State must merely show evidence of violations of these statutes to obtain the injunctive relief sought – a preliminary injunction – against Defendants.

C. Facts in the Supporting Affidavit Demonstrate That Defendants Have Violated Ohio's Air Pollution Control and C&DD Laws and Poses a Serious Threat of Harm to Public Health and the Environment

Defendants are threatening the environment and the public by failing to remedy the foul odors emanating from the site. On multiple occasions, Jerry Weber, an inspector for Ohio EPA, noticed offensive odors including odors so strong as to be overpowering and intolerable for any length of time, at and around the site. Affidavit of Jerry Weber at ¶ 8; attached hereto as Exhibit A. The site has a history of conducting activities that result in an air pollution nuisance, C&DD nuisance and violate Ohio's air pollution control, and C&DD laws. *Id.* at ¶ 6. The State is concerned that permitting these activities to continue will lead to hazardous consequences for Defendants' neighbors, as well as for the environment. At a minimum, the welfare and quiet enjoyment of all nearby residents has been severely compromised by Defendants' operations. The State is entitled to a preliminary injunction in this case because the evidence contained in the exhibits attached to this motion establish violations of Ohio's air pollution control and C&DD laws. See *Ackerman*, 55 Ohio St.2d at 57-58.

Defendants' facility has been the subject of a significant number of complaints regarding odors. From October 2003 through the present Ohio EPA received at least 350 odor complaints regarding the Site. Exhibit A at ¶ 7. Such complaints included reports of terrible rotten egg odor from as far away from the Site as approximately 2 miles and resulting in sickening feelings. *Id.* In

response to those complaints, and as part of his regular inspection duties, Mr. Weber conducted inspections of the Facility on approximately 50 separate occasions. *Id.* at ¶ 8.

The inspections conducted by Mr. Weber identified numerous and repeated environmental violations at the Facility. *Id.* at ¶ 9. These violations include included approximately 54 instances of foul hydrogen sulfide odors emanating at and from the Site. *Id.* On January 29, and February 2 and 9, 2010, Mr. Weber documented rotten egg odors coming from the Site at such intense levels that he experienced a burning throat and had to leave the areas being monitored as quickly as possible. *Id.*

A series of letters were exchanged between Mr. Weber and others at Ohio EPA and it's counsel at the Attorney General's Office and A&L regarding the need to bring the Facility into compliance. *Id.* at ¶¶ 10-11. However, A&L ultimately refused to take prompt action to address the continuing violations of Ohio's air pollution control and C&DD laws at the Facility. *Id.* In a letter dated February 8, 2010, Ohio EPA, through the Attorney General's Office, submitted a final request to A&L to, among other things, implement and agree to implement various immediate odor control measures at the Site. *Id.* at ¶ 12. Though A&L did respond to this letter by the requested date, it did not conduct any of the requested work to control the foul odors emanating from the Site. *Id.*

Thus, as can be seen, Defendants have shown a pattern of disregard for Ohio's air pollution control and C&DD laws. Despite being made aware of the violations of Ohio's air pollution control and C&DD rules and regulations, Defendants continue to operate its Facility in a manner that unlawfully emits foul and offensive odors. Therefore, pursuant to the rule established in *Ackerman*, the state is entitled to a preliminary injunction. The dangers that Defendants pose to the environment and the local community demand that this Court order Defendants to cover the entire landfill with 12 inches of cohesive earthen material within thirty days of the issuance of the preliminary injunction.

III. RELIEF SOUGHT

The State of Ohio has filed a Complaint against Defendants. The State's priority is to end the human health and environmental hazard due to Defendant's unlawful acts stemming from the C&DD landfill. Based on the foregoing, Plaintiff respectfully moves pursuant to Civ.R. 65(A) for a Preliminary Injunction stating that:

- Defendants shall cover the entire 42-acre site with 12 inches of cohesive earthen material within six weeks of the order;
- Defendants shall immediately grant Ohio EPA and its contractors complete access to the 42-acre site as necessary;
- Defendants shall immediately grant Ohio EPA and its contractors complete access to all cohesive earthen material existing on any property owned by Defendants; and
- Defendants shall immediately eliminate all off site odors.

Plaintiff requests that the Preliminary Injunction be granted on the grounds that an immediate threat to public health, enjoyment and the environment currently exists and will continue to exist should this activity remain unabated.

A proposed entry is attached for the Court's convenience.

Respectfully submitted,

RICHARD CORDRAY
OHIO ATTORNEY GENERAL



Nicholas J. Bryan (0079570)

Dale T. Vitale (0021754)

Robert K. James (0078761)

Assistant Attorneys General

Environmental Enforcement Section

30 East Broad Street, 25th Floor

Columbus, Ohio 43215-3400

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Plaintiff State of Ohio's Motion for a Preliminary Injunction was served by regular and electronic mail delivery on this the 9th day of March 2010 upon:

Kristin L. Watt
Vorys, Sater, Seymour and Pease LLP
52 E. Gay Street
PO Box 1008
Columbus, OH 43216

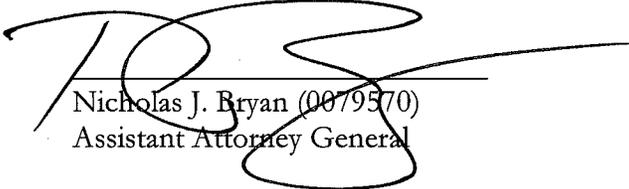
Amato Properties, LLC
1001 Main Street
Wellsville, Ohio 43968,

Jack Amato
1001 Main Street
Wellsville, Ohio 43968,

Amato Family Trust
16687 St. Clair Ave.
East Liverpool, Ohio 43920

and

Jeffrey Aldrich
1001 Main Street
Wellsville, Ohio 43968



Nicholas J. Bryan (0079570)
Assistant Attorney General

**IN THE COURT OF COMMON PLEAS
COLUMBIANA COUNTY, OHIO**

STATE OF OHIO, ex rel.
RICHARD CORDRAY
OHIO ATTORNEY GENERAL,

Plaintiff,

v.

A&L SALVAGE, LLC, et al

Defendant.

Case No.

Judge

**ORDER GRANTING
PLAINTIFF STATE OF OHIO'S MOTION FOR A PRELIMINARY INJUNCTION**

For good cause shown, Plaintiff State of Ohio's Motion for a Preliminary Injunction is GRANTED. Defendants are hereby ordered to:

- Cover the entire 42-acre site with 12 inches of cohesive earthen material within six weeks of this Order;
- Immediately grant Ohio EPA and its contractors complete access to the 42-acre site as necessary;
- Immediately grant Ohio EPA and its contractors complete access to all cohesive earthen material existing on any property owned by Defendants; and
- Immediately eliminate all off site odors.

IT IS SO ORDERED

JUDGE
COLUMBIANA COUNTY COURT
OF COMMON PLEAS

DATE

STATE OF OHIO :

COUNTY OF SUMMIT :

AFFIDAVIT OF JERRY WEBER

I, Jerry Weber, being duly cautioned and sworn in accordance with the law, do hereby make the following statements based upon my personal knowledge and professional training and experience:

1 I am currently employed as an Environmental Specialist 2 with the Ohio Environmental Protection Agency Northeast District Office ("Ohio EPA"), located at, 2110 East Aurora Road, Twinsburg, Ohio 44087. Ohio EPA has employed me since October 1994. I received a Bachelor of Science in Geology in 1988 from University of Akron and from October 1990 through September 1994 worked for the solid waste unit at the Stark County Health Department.

2. The Ohio EPA's authority includes enforcing the environmental laws set forth in Ohio Revised Code ("R.C.") Chapters 3704, 3714, and 3734, and rules promulgated under Ohio Administrative Chapters 3745-15, 3745-27, and 3745-400.

3. In conducting my job duties and responsibilities, I maintain files for sites to which I'm assigned to oversee environmental compliance. I inspect sites to ensure compliance with environmental laws and rules, including, but not limited to, causing an odor nuisance. If there is a violation of the environmental laws and rules, I write a "Notice of Violation" letter, which records the violations at a particular site. After writing the Notice of Violation, a copy is mailed to the responsible party to provide notice of the violations at the site and instruct them to correct the violations.



4. When I discover an odor emanating from a site, I employ a 0-4 scale to document the intensity of that odor. Odor Intensity Instructions on H2S Jerome Meter Field Data Log are used to document findings of odor surveys. 0= no sensation, 1=odor barely detectable, 2=distinct and definite odor whose characteristic is clearly detectable, 3=odor strong enough to cause person to avoid it completely, 4=odor so strong as to be overpowering and intolerable for any length of time. If a Notice of Violation is issued, I document the intensity of the odor in the letter submitted to the responsible party.

5. A&L Salvage (“A&L”) construction and demolition debris landfill is located at 11225 State Route 45, Lisbon, Columbiana County, Ohio (the “Site”), and is a site for which I oversee compliance.

6. A&L has a history of conducting activities at the Site that result in receiving violations, including violations for causing odor nuisances that violate Ohio’s air pollution control, C&DD, and statutory nuisance laws.

7. From October 2003 through the present Ohio EPA received at least 350 odor complaints regarding the Site. These complaints included reports of a terrible rotten egg odor coming from the Site resulting in sickening feelings from nearby citizens from as far away from the Site as approximately 2 miles.

8. From March 13, 2002, through the date of signing this affidavit, I have conducted inspections of the Site on approximately 50 occasions, including inspections on December 22, 2009, and January 12, 2010, during which A&L was cited in violation for creating a nuisance due to odors being emitted from the landfill, and failure to prevent hydrogen sulfide gas from being emitted from the landfill.

9. The inspections that I conducted discovered numerous and repeated violations at the Site, including approximately 20 instances of foul hydrogen sulfide odors emanating at and from the Site. Further, from January 14, 2009, through the date of signing this affidavit, I documented or noticed foul hydrogen sulfide odors off the facility on approximately 34 occasions. On January 29, and February 2 and 9, 2010, I documented odors at levels of 3 and 4 on the 0-4 scale referenced above. During these instances, the foul odors caused me to have a burning throat and to leave the areas being monitored as quickly as possible.

10. Subsequent to my inspections, I sent Notice of Violation letters to A&L advising them of their violations, including foul odors, and instructing them to address and remedy the violations.

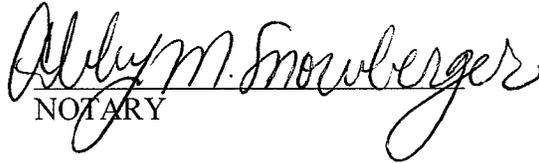
11. A series of letters were exchanged between me and others at Ohio EPA and A&L regarding the need to bring the Facility into compliance. However, A&L ultimately refused to take prompt action to address the continuing violations of Ohio's air pollution control and C&DD laws at the Facility.

12. In a letter dated February 8, 2010, Ohio EPA, through the Attorney General's Office, submitted a final request to A&L to, among other things, implement and agree to implement various odor control measures at the Site. A true and accurate copy of that letter is attached hereto as "Exhibit 1." Although A&L did respond to this letter by the requested date, it did not conduct any of the requested odor control work and, as of the date of signing this affidavit, A&L still has not conducted the necessary work to control foul odors at the Site.

FURTHER AFFIANT SAYETH NAUGHT


Jerry Weber

Sworn to before me and subscribed in my presence this 4th day of March 2010.


NOTARY

Abby Snowberger
Resident Summit County
Notary Public, State of Ohio
My Commission Expires: 10-25-2014

**IN THE COURT OF COMMON PLEAS
COLUMBIANA COUNTY, OHIO**

STATE OF OHIO, ex rel.	:	CASE NO.
RICHARD CORDRAY	:	
OHIO ATTORNEY GENERAL,	:	JUDGE
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
A&L SALVAGE, LLC	:	<u>COMPLAINT FOR INJUNCTIVE</u>
11225 State Route 45	:	<u>RELIEF AND CIVIL PENALTY</u>
Lisbon, Ohio 44432,	:	
	:	
AMATO PROPERTIES, LLC	:	
1001 Main Street	:	
Wellsville, Ohio 43968,	:	
	:	
JACK AMATO	:	
1001 Main Street	:	
Wellsville, Ohio 43968,	:	
	:	
AMATO FAMILY TRUST	:	
16687 St. Clair Ave.	:	
East Liverpool, Ohio 43920	:	
	:	
and	:	
	:	
JEFFREY ALDRICH	:	
1001 Main Street	:	
Wellsville, Ohio 43968,	:	
	:	
Defendants.	:	

A&L Salvage, LLC (“A&L”), Amato Properties, LLC (“Amato Properties”), Jack Amato, Amato Family Trust, and Jeffrey Aldrich (collectively “Defendants”) have endangered the environment by violating Ohio’s solid waste, construction and demolition debris (“C&DD”) and air pollution laws and rules at a site in Columbiana County, Ohio. Violations include illegal acceptance of pulverized debris and solid waste at a C&DD landfill, improper asbestos handling,

and causing a public odor nuisance. Ohio Environmental Protection Agency (“Ohio EPA”) representatives have conducted numerous site inspections and have advised Defendants of the violations. Nevertheless, violations persist and remain uncorrected.

Attorney General Richard Cordray, at the written request of the Director of Ohio EPA, brings this action on behalf of the State of Ohio (“Plaintiff” or “State of Ohio”) against Defendants to enforce Ohio’s solid waste, C&DD and air pollution laws and rules. .

Pursuant to Rule 8(A) of the Ohio Rules of Civil Procedure, Plaintiff seeks civil penalties in excess of Twenty-Five Thousand Dollars (\$25,000.00).

GENERAL ALLEGATIONS

1. The State of Ohio brings this action to remedy violations of Ohio’s C&DD laws set forth in Ohio Revised Code (“R.C.”) Chapter 3714, Ohio’s solid waste laws set forth in R.C. Chapter 3734, Ohio’s air pollution laws set forth in R.C. Chapter 3704 and the rules adopted pursuant to these chapters, and to pursue other legal and equitable relief intended to prevent or remedy harm to the State, its residents, the public health and the environment, which has or will result from Defendants’ improper operation of its C&DD facility at 11225 State Route 45, Lisbon, Columbiana County, Ohio (the “Facility” or “landfill”).

2. Based on information and belief, Defendant A&L Salvage, LLC is an owner and operator of the Facility.

3. Based on information and belief, A&L Salvage, Inc. formerly owned all or part of the Facility. In April 2003, Defendant A&L Salvage, LLC merged with A&L Salvage, Inc. By the terms of the merger, A&L Salvage, Inc. ceased to exist and Defendant A&L Salvage, LLC remains the surviving entity.

4. Based on information and belief, Defendant Amato Properties, LLC has owned all or part of the Facility since July 27, 2000.

5. Based on information and belief, Defendant Jack Amato has owned all or part of the Facility since July 27, 2000.

6. Based on information and belief, Defendant Jeffrey Aldrich has owned all or a portion of the Facility since July 27, 2000.

7. Defendants are the “owners” or “property owners” as those terms are defined in Ohio Administrative Code (“OAC”) 3745-400-01(EF), and/or “operators” or “facility operators” as those terms are defined in OAC 3745-400-01(I) and 3745-20-01(B)(39).

8. Each Defendant is a “person” as that term is defined in R.C. 1.59(C), 3704.01(O), 3714.01(H), 3734.01(G), and OAC 3745-27-01(P)(3) and 3745-400-01(DD).

9. Ohio Revised Code 3714.01(C) defines “construction and demolition debris” (“C&DD”) to mean those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any man-made physical structure, including, without limitation, houses, buildings, industrial or commercial facilities, or roadways. “Construction and demolition debris” does not include materials identified or listed as solid wastes pursuant to R.C. Chapter 3734 and the rules adopted thereunder.

10. At all times relevant to this Complaint, the Facility has been “construction and demolition debris facility” as defined in OAC 3745-400-01(G), and a “facility” as that term is defined by OAC 3745-20-01(B)(18) and 3745-15-01(P)

11. All rules referenced in this Complaint are lawfully adopted pursuant to R.C. 3704.03, 3714.02 or 3734.02 unless otherwise specified.

12. The allegations contained in paragraphs one (1) through eleven (11) are applicable to each count of this complaint and are incorporated by reference as if fully restated therein.

COUNT ONE

Unlawful Acceptance of Pulverized and/or Unrecognizable C&DD

13. Ohio Revised Code 3714.13(A) through (C) state that no person shall violate any section of R.C. Chapter 3714 or rule adopted under it.

14. Ohio Administrative Code 3745-400-11(A)(1), provides that the owner or operator of an active C&DD facility shall conduct all operations at the facility in compliance with all of the requirements and operational criteria contained in OAC 3745-400-11.

15. Ohio Administrative Code 3745-400-11(B)(1), provides that the owner or operator of a C&DD facility shall conduct all operations at the facility in strict compliance with its license, any orders and other authorizing documents issued in accordance with Chapter 3714 of the Revised Code.

16. Ohio Administrative Code 3745-400-11(F) says that the owner or operator of a C&DD facility shall accept only C&DD as defined in OAC 3745-400-01. It further provides that "Such debris shall be readily identifiable as [C&DD] and shall not be shredded, pulverized, or otherwise rendered to the extent that the debris becomes unidentifiable prior to acceptance by the facility."

17. Ohio Revised Code 3714.081(A) states, "A [C&DD] facility shall not accept pulverized debris."

18. When waste is not readily identifiable as C&DD and/or pulverized debris, in accordance with OAC 3745-400-11(F), it can no longer be defined as C&DD, may not be

disposed at a C&DD landfill, and must be managed, at a minimum, as a solid waste.

19. Beginning on or around March 23, 2005, and continuing periodically until Defendants ceased accepting waste at the Facility on February 21, 2009, Defendants accepted waste not readily identifiable as C&DD for disposal at the Facility.

20. The acts and omissions alleged in this Count constitute violations R.C. 3714.13(A) and (B), 3714.081, and OAC 3745-400-11(A) and (B), for which each Defendant, pursuant to R.C. 3714.11(A) and (B), is subject to injunctive relief and is jointly and severally liable for a civil penalty of up to ten thousand dollars (\$10,000.00) for each day of each violation.

COUNT TWO

Unlawful Acceptance and Disposal of Solid Waste at a C&DD Facility

21. Ohio Revised Code 3714.13(A) through (C) state that no person shall violate any section of R.C. Chapter 3714 or rule adopted under it.

22. Ohio Administrative Code 3745-400-11(F)(2) prohibits the owner or operator of a C&DD facility from disposing of any solid wastes except packaging which results from the use of construction materials incidental to a load, tree stumps, trunks, and clean branches over four inches in diameter, and asbestos materials subject to 40 CFR Part 61, Subpart M, if the owner or operator has the necessary air pollution permits.

23. Beginning on or around April 15, 2005, and continuing periodically until Defendants ceased accepting waste at the Facility on February 21, 2009, Defendants have accepted and disposed of unpermitted solid waste at the Facility.

24. The acts and omissions alleged in this Count constitute violations of R.C. 3714.13(A) and (B), 3714.081, and OAC 3745-400-11(F), for which each Defendant, pursuant to

R.C. 3714.11(A) and (B), is subject to injunctive relief and is jointly and severally liable for a civil penalty of up to ten thousand dollars (\$10,000.00) for each day of each violation.

COUNT THREE

Unlawful Clipping of Debris

25. Ohio Revised Code 3714.13(A) through (C) state that no person shall violate any section of R.C. Chapter 3714 or rule adopted under it.

26. Ohio Administrative Code 3745-400-11(F)(3)(c) provides that once prohibited materials are removed, the owner or operator shall evenly spread and compact the debris on the working face to the smallest practical volume.

27. Ohio Administrative Code 3745-400-11(F)(3)(d) prohibits “clipping,” the formation of an edge by the placement of debris to the working face without compacting.

28. Beginning on or around January 12, 2007, and continuing periodically until Defendants ceased accepting waste at the Facility on February 21, 2009, Defendants have placed waste in the working face of their Facility in a manner that has resulted in clipping.

29. The acts and omissions alleged in this Count constitute violations of R.C. 3714.13(A) and (B) and OAC 3745-400-11(F), for which each Defendant, pursuant to R.C. 3714.11(A) and (B), is subject to injunctive relief and is jointly and severally liable for a civil penalty of up to ten thousand dollars (\$10,000.00) for each day of each violation.

COUNT FOUR

Improper Use of Unloading Zone

30. Ohio Revised Code 3714.13(A) through (C) state that no person shall violate any section of R.C. Chapter 3714 or rule adopted under it.

31. Ohio Administrative Code 3745-400-11(F)(3) provides that the owner or operator

shall deposit incoming loads of debris at a designated unloading zone where the debris shall be inspected and any prohibited wastes removed.

32. On dates yet unknown to Plaintiff, but at least on June 29, 2006, waste that had been shredded, pulverized, or otherwise rendered unrecognizable as C&DD was unloaded directly onto the working face of the facility.

33. The acts and omissions alleged in this Count constitute violations of R.C. 3714.13(A) and (B), and OAC 3745-400-11(F), for which each Defendant, pursuant to R.C. 3714.11(A) and (B), is subject to injunctive relief and is jointly and severally liable for a civil penalty of up to ten thousand dollars (\$10,000.00) for each day of each violation.

COUNT FIVE

Failure to Manage Surface Water

34. Ohio Revised Code 3714.13(A) through (C) state that no person shall violate any section of R.C. Chapter 3714 or rule adopted under it.

35. Ohio Administrative Code 3745-400-11(B)(16) provides that the owner or operator shall not cause water pollution.

36. On dates yet unknown to Plaintiff, but at least on September 19, 2006, September 26, 2006, December 27, 2006, and April 21, 2007, Defendants failed to properly manage surface water at the Facility and permitted sediment-laden water, used for cleaning at the Site, to be discharged into Patterson Creek.

37. The acts and omissions alleged in this Count constitute violations of OAC 3745-400-11(B)(16) and R.C. 3714.13(A) and (B), for which each Defendant, pursuant to R.C. 3714.11(A) and (B), is subject to injunctive relief and is jointly and severally liable for a civil penalty of up to ten thousand dollars (\$10,000.00) for each day of each violation.

COUNT SIX

Failure to Apply Weekly Cover

38. Ohio Revised Code 3714.13(A) through (C) state that no person shall violate any section of R.C. Chapter 3714 or rule adopted under it.

39. Ohio Administrative Code 3745-400-11(H)(1) mandates that all combustible debris must be covered with soil, clean hard fill, or other noncombustible material.

40. On dates yet unknown to Plaintiff, but at least on September 29, 2005, and on February 18, 2007, Defendants did not apply soil, clean hard fill or other non combustible materials as weekly cover at the Facility.

41. The acts and omissions alleged in this Count constitute violations of R.C. 3714.13(A) and (B), for which each Defendant, pursuant to R.C. 3714.11(A) and (B), is subject to injunctive relief and is jointly and severally liable for a civil penalty of up to ten thousand dollars (\$10,000.00) for each day of each violation.

COUNT SEVEN

Failure to Comply with Director's Orders

42. Ohio Revised Code 3714.13(A) through (C) state that no person shall violate any section of R.C. Chapter 3714 or rule adopted under it.

43. On March 1, 2005, Defendant A&L Salvage, LLC entered into consensual Director's Final Findings and Orders ("DFFO's), issued pursuant to R.C. Chapters 3714 and 3745.

44. The March 1, 2005, DFFO's required Defendant A&L Salvage, LLC to, among other actions, implement its proposed explosive gas monitoring plan. The explosive gas monitoring plan required A&L, in part, to install a landfill gas monitor and to sample landfill gas

at a monitoring location near a building which qualifies as an occupied structure pursuant to OAC 3745-27-12(A)(5).

45. Beginning on June 26, 2007, and continuing until November 27, 2007, Defendants failed to install the landfill gas monitor and failed to sample landfill gas at the monitoring location near the occupied structure pursuant to the consensual DFFO's.

46. The acts and omissions alleged in this Count constitute violations of R.C. 3714.13(C), 3714.081, and OAC 3745-400-11(A) and (B), for which Defendant A&L Salvage, LLC, pursuant to R.C. 3714.11(A) and (B), is subject to injunctive relief and is jointly and severally liable for a civil penalty of up to ten thousand dollars (\$10,000.00) for each day of each violation.

COUNT EIGHT

Failure to Pay Disposal Fees

47. Ohio Revised Code 3714.13(A) through (C) state that no person shall violate any section of R.C. Chapter 3714 or rule adopted under it.

48. Revised Code 3714.07 states that owners and operators of C&DD facilities shall submit disposal fee reports and the appropriate fees, as mandated by R.C. 3714.07, 3734.071, and 3734.073, to Ohio EPA no later than thirty days after the last day of the month for which the fees were collected. Further, R.C. 3714.07 states that if payment is not made on time, owners and operators shall pay at 10% per month late fee.

49. Beginning on or around June 1, 2008 and continuing to present, Defendants have failed to pay any of the required disposal fees, including late fees, for disposal at the Facility.

50. The acts and omissions alleged in this Count constitute violations of R.C. 3714.07, for which each Defendant, pursuant to R.C. 3714.11(A) and (B), is subject to injunctive

relief and is jointly and severally liable for a civil penalty of up to ten thousand dollars (\$10,000.00) for each day of each violation, including each day of violation after the filing of this Complaint.

COUNT NINE

Nuisance – C&DD

51. Ohio Revised Code 3714.13(A) through (C) state that no person shall violate any section of R.C. Chapter 3714 or rule adopted under it.

52. Ohio Administrative Code 3745-400-11(B)(15) states that “[t]he owner or operator shall not cause or allow operations to create a nuisance or health hazard from noise, dust, odors, and the attraction and/or breeding of birds, insects, rodents, and other vectors.”

53. Based on information and belief, hydrogen sulfide (rotten egg) odors can be detected by the human nose at a rating of between 6-8 parts per billion.

54. Beginning on or around January 3, 2007, and continuing at various times to present, strong odors, often smelling like rotten eggs, have emanated from the landfill.

55. Beginning on or around January 3, 2007, and continuing at various times to present, Ohio EPA routinely monitored hydrogen sulfide gases at or beyond the facility boundary and documented readings as high as over 100 parts per billion as a one-hour average, and as high as 145 parts per billion as an instantaneous reading.

56. Beginning on or around January 3, 2007, and continuing to present, Ohio EPA has received over 350 odor-related complaints from several individuals residing near the landfill.

57. Beginning on or around January 3, 2007, and continuing at various times to present, Defendants have managed the Facility in such a manner as to create a nuisance.

58. The acts and omissions alleged in this Count constitute violations of R.C.

3714.13(A) and (B), 3714.081, and OAC 3745-400-11(B), for which each Defendant, pursuant to R.C. 3714.11(A) and (B), is subject to injunctive relief and is jointly and severally liable for a civil penalty of up to ten thousand dollars (\$10,000.00) for each day of each violation, including each day of violation after the filing of this Complaint.

COUNT TEN

Causing a Nuisance by Emitting Odors

59. Ohio Revised Code 3704.05(A) provides, in part, that no person shall cause, permit, or allow the emission of an air contaminant in violation of a rule adopted by the Director.

60. Ohio Revised Code 3704.05(A) provides that no person shall “cause, permit or allow” emission of an air contaminant in violation of any rule adopted pursuant to R.C. 3704.03(E).

61. Ohio Revised Code 3704.05(G) states that no person shall violate any order, rule, or determination of the Director.

62. Ohio Administrative Code 3745-15-07(A) states that no person shall cause, permit, or maintain a public nuisance, which includes the emission or escape into the open air from any source or sources whatsoever of smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, odors, or any other substances or combination of substances, in such manner or in such amounts as to endanger the health, safety or welfare of the public, or cause unreasonable injury or damage to property.

63. Beginning on or around January 3, 2007, and continuing at various times to present, strong odors caused by hydrogen sulfide gas, smelling like rotten eggs, were emanating from the landfill.

64. Beginning on or around January 3, 2007, and continuing at various times through the present, Ohio EPA routinely monitored hydrogen sulfide gases at or beyond the facility boundary and documented readings as high as 100 parts per billion as a one-hour average, and as high as 145 parts per billion as an instantaneous reading.

65. Beginning on or around January 3, 2007, and continuing to present, Ohio EPA has received over 350 odor-related complaints from several individuals who live near the landfill.

66. This odor is the source of the complaints from the public and/or other air emissions escaping from the landfill have endangered the health, safety, or welfare of the public.

67. The acts and omissions alleged in this Count constitute violations of OAC 3745-15-07(A), R.C. 3704.05(A) and 3704.05(G), for which Defendant A&L Salvage, LLC, pursuant to R.C. 3704.06(B), is subject to injunctive relief and is jointly and severally liable for a civil penalty of up to twenty-five thousand dollars (\$25,000.00) for each day of each violation, including each day of violation after the filing of this Complaint.

COUNT ELEVEN

Causing a Nuisance by Emitting Fugitive Dust

68. Ohio Revised Code 3704.05(C) provides that no person shall violate any term or condition of a permit issued by the Director pursuant to R.C. 3704.03.

69. Pursuant to R.C. 3704.03, the Director issued Permit to Install (“PTI”) No. 02-13949 to Defendant A&L Salvage, LLC on June 21, 2000 (attached as Exhibit A and incorporated fully herein).

70. Permit to Install No. 02-13949 says Defendant A&L Salvage, LLC shall not cause a nuisance.

71. On dates yet unknown to Plaintiff, but at least on April 17, 2008, fugitive dust was emitted from the facility in such a manner as to endanger the health, safety or welfare of the public, or cause unreasonable injury or damage to property.

72. Beginning on or around January 3, 2007, and continuing at various times to present, strong odors caused by hydrogen sulfide gas, smelling like rotten eggs, were emanating from the landfill endangering the health, safety or welfare of the public.

73. The acts and omissions alleged in this Count constitute violations of 3704.05(C), for which Defendant A&L Salvage, LLC, pursuant to R.C. 3704.06(B), is subject to injunctive relief and is jointly and severally liable for a civil penalty of up to twenty-five thousand dollars (\$25,000.00) per day for each violation, including each day of violation after the filing of this Complaint.

COUNT TWELVE

Failure to Properly Dispose and Bury Asbestos

74. Ohio Revised Code 3704.05(A) provides, in part, that no person shall cause, permit, or allow the emission of an air contaminant in violation of a rule adopted by the Director.

75. Ohio Revised Code 3704.05(C) states that no person shall violate any terms or conditions of a permit.

76. The Director issued PTI No. 02-18003 to A&L on September 9, 2003 (attached as Exhibit B and fully incorporated herein).

77. Permit To Install No. 02-18003 requires Defendant A&L Salvage, LLC to employ “Best Available Technology” during the disposal of asbestos at the facility.

78. Ohio Administrative Code 3745-20-06(B)(2), states, in relevant part, that “deposition and burial operations shall be conducted in a manner which prevents handling by

equipment or persons that causes asbestos-containing waste materials to be broken-up or dispersed before the materials are buried.”

79. Beginning on February 16, 2007, and continuing various times until the Facility ceased accepting waste for disposal on February 21, 2009, Defendants caused asbestos-containing waste materials to be broken-up or dispersed before the materials were buried.

80. The acts and omissions alleged in this Count constitute violations of OAC 3745-20-06(B)(2), R.C. 3704.05(A), and 3704.05(C), for which Defendant A&L Salvage, LLC, pursuant to R.C. 3704.06(B), is subject to injunctive relief and is jointly and severally liable for a civil penalty of up to twenty-five thousand dollars (\$25,000.00) for each day of each violation.

COUNT THIRTEEN

Failure to Properly Cover Asbestos

81. Ohio Revised Code 3704.05(A) provides, in part, that no person shall cause, permit, or allow the emission of an air contaminant in violation of a rule adopted by the Director.

82. Ohio Revised Code 3704.05(C) states that no person shall violate any terms or conditions of a permit.

83. Permit to Install No. 02-18003 requires Defendant A&L Salvage, LLC to cover asbestos-containing waste material deposited for disposal with at least twelve inches of non-asbestos containing material at the end of each operational day, and to employ “Best Available Technology” during the disposal of asbestos at the facility.

84. Ohio Administrative Code 3745-20-06(B)(3), states in relevant part, “[a]s soon as practicable after deposition of the asbestos-containing waste materials but no later than at the end of each operating day, the asbestos-containing waste material shall be covered with at least twelve inches of compacted nonasbestos-containing material.”

85. On dates yet unknown to Plaintiff, but at least on February 18, 2007, Defendant A&L Salvage, LLC, failed to cover asbestos-containing waste materials with at least twelve inches of compacted nonasbestos-containing material by the end of the operating day.

86. The acts and omissions alleged in this Count constitute violations of OAC 3745-20-06(B)(3), R.C. 3704.05(A), and 3704.05(C), for which Defendant A&L Salvage, LLC, pursuant to R.C. 3704.06(B), is subject to injunctive relief and is jointly and severally liable for a civil penalty of up to twenty-five thousand dollars (\$25,000.00) for each day of each violation.

COUNT FOURTEEN

Failure to Surround Asbestos Disposal Cell with Fencing

87. Ohio Revised Code 3704.05(A) provides, in part, that no person shall cause, permit, or allow the emission of an air contaminant in violation of a rule adopted by the Director.

88. Revised Code 3704.05(C) states that no person shall violate any terms or conditions of a permit.

89. Permit to install No. 02-18003 requires Defendant A&L Salvage, LLC to install and maintain fencing around the uncovered asbestos disposal cell and to employ “Best Available Technology” during the disposal of asbestos at the facility.

90. Ohio Administrative Code 3745-20-06(B)(4), states in relevant part, “[d]uring the unloading, deposition, burial and initial compaction of asbestos-containing waste materials, the owner or operator of the active waste disposal site shall establish a restricted area adequate to deter the unauthorized entry of the general public and any unauthorized personnel from any location within one hundred feet of the operations.”

91. On dates yet unknown to Plaintiff, but at least on August 1, 2007, Defendants failed to surround the active asbestos waste disposal site with fencing, and failed to establish a

restricted area sufficient to deter the unauthorized entry of the general public and unauthorized personnel from the asbestos operations.

92. The acts and omissions alleged in this Count constitute violations of OAC 3745-20-06(B)(4), R.C. 3704.05(A), and 3704.05(C) for which Defendant A&L Salvage, LLC, pursuant to R.C. 3704.06(B), is subject to injunctive relief and is jointly and severally liable for a civil penalty of up to twenty-five thousand dollars (\$25,000.00) for each day of each violation.

COUNT FIFTEEN

Failure to Display Signs

93. Ohio Revised Code 3704.05(A) provides, in part, that no person shall cause, permit, or allow the emission of an air contaminant in violation of a rule adopted by the Director.

94. Revised Code 3704.05(C) states that no person shall violate any terms or conditions of a permit.

95. Permit to install No. 02-18003 requires Defendant A&L Salvage, LLC to display asbestos warning signs at all entrances and at certain intervals along the perimeter of the section of the site where asbestos-containing waste material is being disposed, and to employ "Best Available Technology" during the disposal of asbestos at the facility .

96. Ohio Administrative Code 3745-20-06(B)(5), states, in relevant part, that each owner or operator shall display asbestos warning signs "at all entrances and at intervals of three hundred feet or less along the property line or fencing immediately surrounding the restricted area."

97. On dates yet unknown to Plaintiff, but at least on August 1, 2007, Defendants failed to display asbestos warning signs at the entrance(s) and along the perimeter of the restricted area where asbestos-containing material was being disposed.

98. The acts and omissions alleged in this Count constitute violations of OAC 3745-20-06(B)(5), R.C. 3704.05(A), and 3704.05(C), for which Defendant A&L Salvage, LLC, pursuant to R.C. 3704.06(B), is subject to injunctive relief and is jointly and severally liable for a civil penalty of up to twenty-five thousand dollars (\$25,000.00) for each day of each violation.

COUNT SIXTEEN

Failure to Prevent Visible Dust Emissions from Asbestos Operations

99. Ohio Revised Code 3704.05(A) provides, in part, that no person shall cause, permit, or allow the emission of an air contaminant in violation of a rule adopted by the Director.

100. Revised Code 3704.05(C) states that no person shall violate any terms or conditions of a permit.

101. Permit to install No. 02-18003 requires Defendant A&L Salvage, LLC to employ best available technology to eliminate visible dust emissions from asbestos containing waste materials during disposal of asbestos at the facility.

102. Ohio Administrative Code 3745-20-06(B)(1), states that “there shall be no visible dust emissions to the outside air from asbestos-containing waste materials during the on-site transportation, transfer, deposition or compacting operations.”

103. Beginning on September 13, 2007, and continuing at various until the Facility ceased accepting waste for disposal on February 21, 2009, Defendants failed to prevent visible dust emissions from asbestos containing waste material to the outside air during the transportation, transfer, deposition or compacting operations of asbestos-containing waste materials.

104. The acts and omissions alleged in this Count constitute violations of OAC 3745-20-06(B)(1), R.C. 3704.05 (A), and 3704.05(C), for which Defendant A&L Salvage, LLC,

pursuant to R.C. 3704.06(B), is subject to injunctive relief and is jointly and severally liable for a civil penalty of up to twenty-five thousand dollars (\$25,000.00) for each day of each violation.

COUNT SEVENTEEN

Failure to Maintain Equipment to Wet Asbestos

105. Ohio Revised Code 3704.05(A) provides, in part, that no person shall cause, permit, or allow the emission of an air contaminant in violation of a rule adopted by the Director.

106. Revised Code 3704.05(C) states that no person shall violate any terms or conditions of a permit.

107. Permit to install No. 02-18003 requires Defendant A&L Salvage, LLC to keep emission control equipment available for wetting asbestos maintained in a “ready to use condition” and in an appropriate location for use in the event of an asbestos release or a non-conforming load of asbestos waste.

108. On dates yet unknown to Plaintiff, but at least on August 28, 2007, Defendants failed to maintain equipment in a “ready to use condition” for wetting asbestos.

109. The acts and omissions alleged in this Count constitute violations of R.C. 3704.05(A) and 3704.05(C) for which Defendant A&L Salvage, LLC, pursuant to R.C. 3704.06(B), is subject to injunctive relief and jointly and severally liable for a civil penalty of up to twenty-five thousand dollars (\$25,000.00) for each day of each violation.

COUNT EIGHTEEN

Failure to Minimize or Eliminate Visible Dust Emissions from General Operations

110. Revised Code 3704.05(C) states that no person shall violate any terms or conditions of a permit.

111. Permit to install No. 02-13949 was issued to A&L on June 21, 2000.

112. Permit to install No. 02-13949 required Defendant A&L Salvage, LLC to eliminate any visible dust emissions from paved roadways and parking areas except for emissions for one minute over a sixty minute period, and to minimize or eliminate any visible dust emissions from unpaved roadways and parking areas except for three minutes over a sixty minute period, and to employ “Best Available Technology” to minimize or eliminate visible emissions of fugitive dust.

113. Beginning on July 19, 2007, and continuing at various times through the present, Defendants failed to control visible dust on a paved roadway by exceeding visible dust emissions of one minute over a sixty-minute period.

114. On dates yet unknown to Plaintiff but at least on August 29, 2007 Defendants failed to control visible dust on an unpaved roadway by exceeding visible dust emissions of three minutes over a sixty minute period.

115. The acts and omissions alleged in this Count constitute violations of R.C. 3704.05(C) for which Defendant A&L Salvage, LLC, pursuant to R.C. 3704.06(B), is subject to injunctive relief and is jointly and severally liable for a civil penalty of up to twenty-five thousand dollars (\$25,000.00) for each day of each violation, including each day of violation after the filing of this Complaint.

COUNT NINETEEN

Failure to Prevent Re-suspension of Earth or Other Materials on Paved Roads

116. Ohio Revised Code 3704.05(A) provides, in part, that no person shall cause, permit, or allow the emission of an air contaminant in violation of a rule adopted by the Director.

117. Revised Code 3704.05(C) states that no person shall violate any terms or conditions of a permit.

118. Permit to install No. 02-13949 requires Defendant A&L Salvage, LLC to promptly remove earth or other material from trucking or earth moving equipment in a manner to prevent re-suspension of the earth or other material on paved roads, and to employ “Best Available Technology” to minimize or eliminate visible emissions of fugitive dust.

119. Ohio Administrative Code 3745-17-08(B)(9), states, in relevant part, that no person shall cause or permit any fugitive dust source to be operated without taking reasonably available control measures to prevent fugitive dust from become airborne, including “the prompt removal, in such a manner as to minimize or prevent re-suspension, of earth or other material from paved streets onto which earth or other material has been deposited by trucking or earth moving equipment or erosion by water or other means.”

120. On dates yet unknown to Plaintiff but at least on July 19, 2007 and August 28, 2007, Defendants caused or permitted a fugitive dust source to be operated by failing to remove earth or other material from trucking or earth moving equipment causing the re-suspension of such material on paved streets.

121. The acts and omissions alleged in this Count constitute violations of OAC 3745-17-08(B)(9), and R.C. 3704.05(A), and 3704.05(C) for which Defendant A&L Salvage, LLC, pursuant to R.C. 3704.06(B), is subject to injunctive relief and is jointly and severally liable for a civil penalty of up to twenty-five thousand dollars (\$25,000.00) for each day of each violation.

COUNT TWENTY

Statutory Nuisance

122. Revised Code 3767.02 provides that “any person, who uses, occupies, establishes, or conduct a nuisance, or aids or abets in the use, occupancy, establishment, or conduct of a nuisance; the owner, agent, or lessee of an interest in any such nuisance; any person who is

employed in that nuisance by that owner, agent, or lessee; and any person who is in control of that nuisance is guilty of maintaining a nuisance.”

123. Pursuant to R.C. 3767.03, the Attorney General may bring an action in equity to abate a nuisance and perpetually enjoin persons from maintaining the nuisance.

124. Beginning on or around January 3, 2007, and continuing at various times to present, Defendants have, used, occupied, established, and conducted a nuisance, in conjunction with the ownership and operation of the Facility, because the Facility is a menace to public health, welfare, and safety due to severe hydrogen sulfide odors on and around the Site and significant heating occurring in the landfill.

125. The acts and omissions alleged in this Count constitutes maintaining a nuisance as defined in R.C. 3767.01(C)(1) for which Plaintiff is entitled, pursuant to R.C. 3767.03 and 3767.05(D), to a perpetual injunction against each Defendant from maintaining the nuisance and an order to abate such nuisance. Plaintiff is further entitled, pursuant to R.C. 3767.08, to the assessment of a tax of three-hundred dollars (\$300.00) against Defendants and/or their property.

PRAYER FOR RELIEF

Wherefore, Plaintiff State of Ohio respectfully requests that this Court order the following relief:

- A. Preliminarily and permanently order and enjoin Defendants to comply with the requirements of R.C. Chapter 3714 and the rules adopted thereunder;
- B. Preliminarily and permanently order and enjoin Defendants to comply with the requirements of R.C. Chapter 3734 and the rules adopted thereunder;
- C. Preliminarily and permanently order and enjoin Defendants to comply with the requirements of R.C. Chapter 3704 and the rules adopted thereunder;

- D. Preliminarily and permanently order and enjoin Defendants to immediately place twelve (12) inches of cohesive earthen material to the entire 42-acre site to reduce odors;
- E. Permanently order and enjoin Defendants to cease acceptance of waste that the Facility;
- F. Permanently order and enjoin Defendants to replace the leachate collection pond with leachate collection tanks;
- G. Permanently order and enjoin Defendants to pay all outstanding disposal fees, including late payment penalties, in accordance with R.C. 3714.07;
- H. Order each Defendant to pay all costs and fees for this action, including reasonable attorney fees assessed by the Office of the Ohio Attorney General;
- I. Pursuant to R.C. 3714.13(B), order each Defendant to pay the State a civil penalty of up to ten thousand dollars (\$10,000.00) per day for the violations set forth in Counts One (1) through Nine (9), including any violations occurring after the filing of this Complaint;
- J. Order Defendant A&L Salvage, LLC, pursuant to R.C. 3704.06(C), to pay a civil penalty of up to twenty-five thousand dollars (\$25,000) per day of each violation set forth in Counts Ten (10) through Nineteen (19), including each day of violation subsequent to the filing of this action;
- K. Order and assess a tax of three-hundred dollars (\$300.00) against each Defendant and/or their property, pursuant to R.C. 3767.08 for the violation set forth in Count Twenty (20);
- L. Retain jurisdiction of this case until all Orders issued by this Court are

complied with in all respects; and

- M. Grant such other relief as may be necessary and appropriate in law and equity.

Respectfully submitted

**RICHARD CORDRAY
OHIO ATTORNEY GENERAL**



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