

FILED
LUCAS COUNTY
IN THE COURT OF COMMON PLEAS
LUCAS COUNTY, OHIO

2018 MAY -4 PM 1:58

STATE OF OHIO ex rel.
MICHAEL DEWINE
OHIO ATTORNEY GENERAL

Plaintiff,

v.

HEMISPHERE, LTD., et al.

Defendants.

CASE NO. CI-0201402349
COMMON PLEAS COURT
BERNIE OWENS
JUDGE LINDA J. JENNINGS
CLERK OF COURTS

ORDER

Based on the data submitted to Ohio EPA in the February 2018 Monthly Report dated March 5, 2018 for the Stickney West C&DD Landfill, including the following: (1) all temperature probes registered less than 131 degrees Fahrenheit during monitoring events conducted in the following months: October 2017, November 2017, December 2017, January 2018 and February 2018; and (2) beginning October 2017 through the present, temperatures in all probes have not registered above 131 degrees Fahrenheit. Based upon that and the data indicating that CO has registered non-detect at all data points collected after the filing of the September 2014 Order, Plaintiff, the State of Ohio and Defendants Hemisphere, LTD., Stickney Holdings LLC, Stickney West C&DD, LLC, and obligated party Successor Brooklyn North Recycling, agree to modify the September 22, 2014 Order, as amended September 11, 2015, as amended September 23, 2016.

This amendment shall not be construed to authorize any activity, method, or waiver from the requirements of R.C. Chapters 3734 or 3714, or the regulations promulgated thereunder. This

Order shall not be interpreted to release Defendants from responsibility under R.C. Chapters 3704, 3734, 3714, or 6111. Nothing herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief for any new or future violations, including injunctive relief similar to the injunctive relief contained herein.

Upon the consent and agreement of the aforementioned parties, this Court orders the following modification to the Injunctive Relief:

VI. INJUNCTIVE RELIEF

Emergency Response Fire Abatement Investigation Plan

16. Notwithstanding any provision of this Consent Order, including Attachment B, to the contrary, Defendants are herein relieved of the obligations under Paragraph 16. The obligations under Paragraph 16 are terminated.

Resumption of Waste Acceptance or Disposal

17. Notwithstanding any provision of this Consent Order, including Attachment B or Attachment F, to the contrary, the obligations under Paragraph 17 are satisfied and terminated, and the Defendants may abandon the temperature probes and monitoring wells described in Attachment B to the Consent Order.

IT IS SO ORDERED.


JUDGE LINDA J. JENNINGS

Date: 5-4-18