

FILED  
LUCAS COUNTY

2015 SEP 11 PM 2:22

IN THE COURT OF COMMON PLEAS,  
LUCAS COUNTY, OHIO

COURT CLERK BEANIE QUILTER

CASE NO. CI-0201402349

STATE OF OHIO, ex rel. MICHAEL  
DEWINE, Attorney General of Ohio,

JUDGE LINDA J. JENNINGS

Plaintiff,

vs.

HEMISPHERE LTD., et al.,

Defendants.

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ORDER

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This Court, hereby accepts new Attachment F, dated July 10, 2015, as an amendment to the Consent Order. Further, this Court accepts the following amendment to the Consent Order, proposed by agreement of the parties:

**VI. INJUNCTIVE RELIEF**

**Emergency Response Fire Abatement Investigation Plan**

16. (d). Do not inject water, foam or other materials into the Stickney Landfill unless directed to do so in writing by the City of Toledo Fire Department.

(e). Notwithstanding any provision of this Consent Order including Attachment B to the contrary, maintain and extend, as necessary, the monitoring wells described in Attachment B as permanent monitoring wells.

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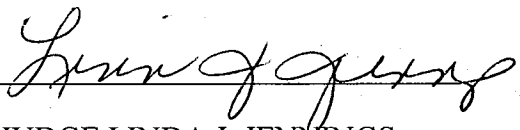
SEP 14 2015

(f). Notwithstanding any provision of this Consent Order including Attachment B to the contrary and after the criteria in 17(a) are met: continue to monitor for temperature on a weekly basis; and continue to monitor for carbon monoxide at least once and thereafter on a semi-annual basis for as long as carbon monoxide is detected above 100 ppm by volume in a monitoring well, or temperatures in any of the monitoring wells are above 131 degrees Fahrenheit.

17. (c). Notwithstanding any provision of this Order including Attachment B to the contrary, Defendants may dispose of debris in the area depicted in Attachment F provided:

1. Defendants construct and obtain certification of the fire barrier layer as depicted and described in Attachment F; and
2. Defendants obtain any modification to the 2015 license for the Facility that may be necessary to allow for the disposal of debris in the area depicted in Attachment F.

IT IS SO ORDERED.

  
JUDGE LINDA J. JENNINGS

Date: 9-11-15



cjones@calfee.com  
614.621.7004 **Direct**

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Calfee, Halter & Griswold LLP  
*Attorneys at Law*

1200 Huntington Center  
41 South High Street  
Columbus, Ohio 43215-3465  
614.621.1500 **Phone**  
*calfee.com*

September 9, 2015

Clerk of Court  
Lucas County Common Pleas Court  
700 Adams Street  
Toledo, Ohio 43604

Re: State of Ohio v. Hemisphere Ltd., et al., Case No. CI-0201402349

Dear Sir/Madam:

Enclosed is an original and two copies of a Motion to Amend The Consent Order by Agreement of the Parties, for filing with the Court in the above-captioned matter. Also enclosed is an original and two copies of a proposed Order.

Please return a time-stamped copy of each to the undersigned in the enclosed self-addressed, stamped envelope.

Thank you.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Christopher Jones".

Christopher Jones

Enclosures

cc: Robert Eubanks (via email)  
Wednesday M. Szollosi (via email)  
Todd Davis (via email)

**IN THE COURT OF COMMON PLEAS,  
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**STATE OF OHIO, ex rel. MICHAEL  
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**Defendants.**

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**MOTION TO AMEND THE CONSENT ORDER  
BY AGREEMENT OF THE PARTIES**

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On September 22, 2014, the Parties to this matter filed a Consent Order with the Court to resolve the issues presented in the State's Complaint regarding the Stickney Recycling Landfill (the "Landfill"). At the request of the Parties, the Court approved and entered the Consent Order in the Court's journal. On October 2, 2014, the Parties jointly moved the Court, and on October 14, 2014, the Court agreed to Amend Attachment C to the Consent Order, the Temporary Leachate Management Plan.

As the provisions of the Consent Decree and its various attachments have been implemented by the Parties, additional discussions have occurred with respect to the placement of materials in the northern cell of the Landfill. As a result of those discussions, the Parties jointly move the Court to amend the Consent Order as follows:

## **VI. INJUNCTIVE RELIEF**

### **Emergency Response Fire Abatement Investigation Plan**

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*Robert Eubanks per email authorization*

Robert Eubanks, Esq. (0073386)  
Assistant Attorneys General  
Environmental Enforcement Section  
30 East Broad Street, 25<sup>th</sup> Floor  
Columbus, Ohio 43215-3400  
Telephone: (614) 466-2766  
Facsimile: (614) 644-1926  
[Robert.Eubanks@OhioAttorneyGeneral.gov](mailto:Robert.Eubanks@OhioAttorneyGeneral.gov)

Wednesday M. Szollosi (0075655)  
Assistant Attorney General  
Environmental Enforcement Section  
Toledo Regional Office  
One Government Center, Suite 1340  
Toledo, Ohio 43604-2261  
Telephone: (419) 245-2550  
Facsimile: (877) 626-9316  
[Wednesday.szollosi@ohioattorneygeneral.gov](mailto:Wednesday.szollosi@ohioattorneygeneral.gov)

Attorneys for Counsel, State of Ohio

Respectfully submitted,



Michael A. Cyphert (0007086)  
[mcyphert@walterhav.com](mailto:mcyphert@walterhav.com)  
WALTER & HAVERFIELD, LLP  
The Tower at Erieview  
1301 E. Ninth Street, Suite 3500  
Cleveland, OH 44114-1821  
(216) 928-2897 Direct Dial  
(216) 781-1212 Telephone  
(216) 575-0911 Fax

ERIK J. WINELAND (0072088)  
[ewineland@gallaghersharp.com](mailto:ewineland@gallaghersharp.com)  
GALLAGHER SHARP  
420 Madison Avenue, Suite 1250  
Toledo, Ohio 43604  
(419) 241-4860 Telephone  
(419) 241-4866 Fax

CHRISTOPHER JONES  
[CJones@Calfee.com](mailto:CJones@Calfee.com)  
CALFEE, HALTER & GRISWOLD LLP  
1100 Fifth Third Center  
21 East State Street  
Columbus, Ohio 43215  
(614) 621-7004 Telephone  
(614) 621-0010 Fax

*Attorneys for Defendants Hemisphere Ltd., Stickney  
West C&DD LLC and Stickney Holdings LLC*

# Attachment F



## Memorandum

TO: John Pasquarette, P.E., Ohio EPA

FROM: Angela Gerdeman, P.E., Philip Hicks, P.E., and Trent Hathaway, P.E., Hull & Associates, Inc.

CC: John Hull, P.E., Hull & Associates, Inc., Jodi Vaughan, R.S., Toledo-Lucas County Health Department, Todd Davis, Esq., Stickney Recycling, Tyler Madeker, Ohio EPA

DATE: July 10, 2015

RE: Compacted Clayey Soil Fire Barrier Plan for the Stickney Recycling Construction and Demolition Debris (C&DD) Landfill; HEM139.100.0052

This memorandum documents the design and construction considerations for the compacted clayey soil fire barrier (Barrier) to be constructed between the existing construction and demolition debris (C&DD) material placed prior to the Consent Order dated September 22, 2014 (Existing C&DD Material) and future C&DD material for the Stickney Recycling C&DD Landfill (Landfill) located at 4425 Creekside Avenue, Toledo, Ohio. The following guidelines will be followed during construction of the Barrier, as required in accordance with the modification to the Consent Order to allow this construction to occur:

### General Tie-In/C&DD Material Placement Information

1. Figure 1 depicts the Typical Compacted Clayey Soil Fire Barrier Detail, which also indicates the lateral extent of Barrier construction. No additional C&DD material will be placed directly above the top crest of the Existing C&DD Material until allowed under the Consent Order.
2. The existing silt-laden tire shred drainage media along the Existing C&DD Material toe of slope shall be removed and replaced with a minimum 10-foot wide crushed aggregate (or approved equivalent) drainage layer and connected to the existing tire shred drainage layer.
3. A non-woven geotextile shall be placed above the newly placed crushed aggregate drainage layer along the toe of existing slope to minimize the intrusion of fines.

### Compacted Clayey Soil Fire Barrier Placement and Compaction

1. Due to the steepness of the Existing C&DD Material slope, the Barrier may be constructed to a thickness greater than 2.5 feet to allow for the use of conventional compaction equipment. The Landfill may elect to then cut away the residual Barrier thickness so the remaining thickness would not be less than the required 2.5-foot minimum perpendicular thickness, or conversely, may leave the extra thickness of the Barrier in place.



2. Barrier material shall be placed in horizontal lifts above the geotextile (see Figure 1). The material shall be placed in maximum eight-inch loose lifts and compacted with a minimum of six passes (12 contacts) of a sheepfoot compactor. Note that the first lift above the geotextile shall have a thickness of 12 inches to provide protection to the underlying geotextile. Prior to placement of each subsequent lift, the certifying engineer, or representative thereof, shall verify that the indentations created from the sheepfoot compactor are sufficient for lift bonding. If the indentations are deemed insufficient, then the soils shall be scarified with a disc.

**Additional Crushed Aggregate or Sand Filtration Layer**

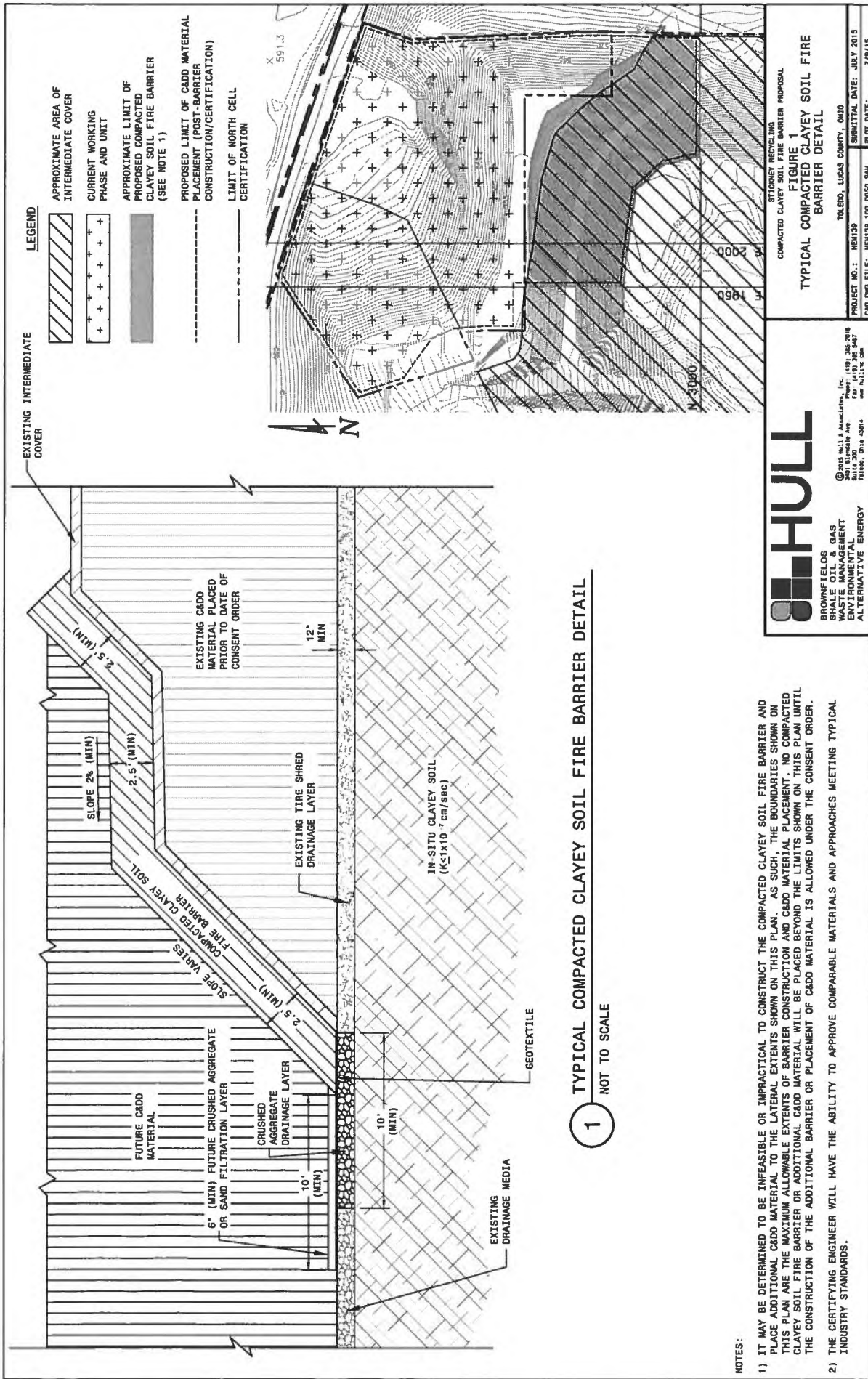
After the Barrier is constructed and thickness is verified, a six-inch crushed aggregate or sand filtration layer shall be placed above the non-woven geotextile from the toe of the Barrier to 10 feet beyond the toe of slope.

**Certification Surveying and Documentation**

1. The thicknesses of the Barrier and the filtration layer will be verified by a certified professional surveyor at locations determined by the certifying engineer.
2. It is anticipated that the Barrier will be constructed in sections, or lifts, with successive placement of C&DD material in the new area(s). Certification documentation for the construction of each section, including the survey data stated above, will be submitted to the Lucas County Health Department and Ohio EPA for approval prior to placing additional waste above the limits of the previously certified Barrier.
3. For purposes of clarity, once a determination is made that the May 2, 2014 fire is no longer present at the Landfill in accordance with the September 22, 2014 Consent Order, the Landfill shall not be required to continue to construct the Barrier in order to dispose of C&DD material and the Landfill.

## **FIGURE 1**

Typical Compacted Clayey Soil Fire Barrier Detail



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