

IN THE COURT OF COMMON PLEAS
LUCAS COUNTY, OHIO

FILED
LUCAS COUNTY
2016 SEP 23 PM 3:10
CASE NO. CI-0201402349
JUDGE LINDA J. JENNINGS
BERNIE GUNNINGS
CLERK OF COURTS

STATE OF OHIO ex rel.
MICHAEL DEWINE
OHIO ATTORNEY GENERAL

Plaintiff,

v.

HEMISPHERE, LTD., et al.

Defendants.

ORDER

Based on the data submitted in the July 2016 Monthly Report for the Stickney West C&DD Landfill, received by Ohio EPA August 1, 2016, including the following: (1) four consecutive rounds of carbon monoxide ("CO") monitoring without a CO detection; (2) eleven of twelve temperature probes registering less than 131 degrees Fahrenheit during July 2016; (3) one Intermediate temperature probe, MP #1, P2 registering a consistent temperature of 138.5 degrees Fahrenheit during July 2016, with the highest temperature reading in that probe being 143.7 degrees Fahrenheit during October 2015; and, based upon 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, and Stickney West C&DD, LLC agree to modify the September 22, 2014 Order, as amended September 11, 2015. Upon Motion of the Parties, this Court hereby Orders the following Modification to the Injunctive Relief:

Article VI, Section 16(f) shall be replaced, in total, as follows:

16. ...

(f). Notwithstanding any provision of this Consent Order including Attachment B to the contrary and after the criteria in Section 17(a) are met: (1) continue to monitor for temperature on a weekly basis; (2) continue to monitor for carbon monoxide on a semi-annual basis at all monitoring points, 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, including Intermediate temperature probe, MP #1, P2, are above 131 degrees Fahrenheit; (3) conduct additional monitoring for carbon monoxide on a quarterly basis at Intermediate probe, MP #1, P2 for as long as carbon monoxide is detected above 100 ppm by volume in the monitoring well, or temperatures are above 131 degrees Fahrenheit; and (4) if CO is detected above 100 ppm by volume in any monitoring well, conduct monitoring for carbon monoxide on a monthly basis, for as long as carbon monoxide is detected at or above 100 ppm by volume in that monitoring well, and when carbon monoxide is less than 100 ppm by volume resume quarterly or semi-annual carbon monoxide monitoring as applicable.

Article VI, Section 17(a)(1) shall be replaced, in total, as follows:

17. ...

(a)(1). When temperature readings required by the Emergency Response Fire Abatement Investigation Plan are less than 131 degrees Fahrenheit at all temperature probes, except Intermediate temperature probe, MP #1, P2; and when temperature readings required by the Emergency Response Fire Abatement Investigation Plan are less than 142.0 degrees Fahrenheit

at Intermediate temperature probe, MP #1, P2; and when carbon monoxide (CO) levels are below 100 parts per million by volume for at least two consecutive weeks, and [...]

Article VI, Section 43 shall be replaced, in total, as follows:

43. Until such time as temperatures are less than 131 degrees Fahrenheit at all temperature probes, except Intermediate temperature probe, MP #1, P2, and temperatures are less than 142.0 degrees Fahrenheit at Intermediate temperature probe, MP #1, P2, and carbon monoxide (CO) levels are less than 100 parts per million by volume for two consecutive weeks Defendants shall not remove any of the soil cover established over the landfill, except as allowed in the 2014 license or subsequently approved license, should one be issued, and/or plans attached and/or referred to in this Consent Order.

IT IS SO ORDERED.



JUDGE LINDA J. JENNINGS

Date: 9-23-16