



J. Mc P. 782

IN THE COURT OF COMMON PLEAS
PUTNAM, OHIO

**PUTNAM CO. GENERAL
HEALTH DISTRICT, et al.**

Plaintiffs,

v.

WILLIAM FORSTER

Defendant.

CASE NO.: 92 CVH 00117

JUDGE ROUTSON

ENTRY AND ORDER

On July 23, 2018, Plaintiff Ohio Environmental Protection Agency ("Ohio EPA") submitted to the Court a Motion to Amend Orders proposing amendments to Consent Orders dated March 17, 1994 (hereinafter "1994 Consent Order") and October 20, 2003 (hereinafter "2003 Consent Order") in the above referenced matter. Finding good cause for the requested additional authority and amendments to the 1994 Consent Order and the 2003 Consent Order, the Court hereby amends the orders and makes the additional orders, as follows:

1. **The 1994 Consent Order is hereby amended in the following manner:**

a. Paragraph 10 is amended to read as follows:

Defendant Forster is hereby enjoined to cause explosive gas (methane) monitoring pursuant to O.A.C. 3745-27-12 for a period of twenty years from the date of this order. Said monitoring system is to be installed and operational no later than September 30, 1994. Ohio EPA may conduct the explosive gas monitoring, for as long as there is money in the trust fund to reimburse Ohio EPA and the Director hereby agrees to release funds from the trust fund to pay for necessary equipment, training and employee time for Ohio EPA.

COMMON PLEAS COURT
TERESA J. LAIBERS, CLERK
PUTNAM COUNTY, OHIO
DEC 10 11:24

- b. Paragraph 13(b) is amended to read as follows:

The costs associated with explosive gas monitoring done in compliance with paragraph 10 of this Consent order. These costs include equipment and training for employees of Ohio EPA so that they may conduct the monitoring pursuant to Paragraph Ten (10); and

- c. Paragraph 13(c) is amended to read as follows:

The actual cost of disposing of leachate in compliance with paragraph 11 of this order, up to a maximum of eight cents per gallon, minus any costs for transportation. In order to receive reimbursement for this cost, the Defendant must submit documentation from the facility where leachate was disposed of and provide the Ohio Environmental Protection Agency (Northwest District Office) with a copy of the leachate analysis conducted by the treatment facility and a receipt including the amount of leachate treated and the date of treatment. The Director may revise the maximum amount paid per gallon from time to time.

- d. Paragraph 17 is amended to read as follows:

Forster shall allow representatives of the Ohio EPA to enter upon the Miller City Landfill to inspect, investigate, take samples and pictures and examine or copy records in order to determine compliance with the terms of this Consent Decree and R.C. Chapter 3734 and rules promulgated thereunder. Nothing in the Decree shall limit the rights of the Ohio EPA, U. S. EPA to conduct regular and inspections and/or investigations pursuant to statute, regulation or permit.

2. **The 2003 Consent Order is hereby amended in the following manner:**

- a. Paragraph 2 is amended to read as follows:

Ohio EPA may conduct post-closure care activities, which include explosive gas monitoring, ground water monitoring, leachate collection, and cap/road or other maintenance. Expenses for the post-closure care activities will be funded from the trust fund, which currently totals approximately \$248,000 (interest included). Ohio EPA may receive reimbursement of post-closure care expenses in accordance with the procedures established for Defendant Forster in paragraph 13 of the March 17, 1994 Consent Order. Copies of all requests for reimbursement and decisions of the Director on reimbursement requests shall be served on Defendant Forster. The Director of Ohio EPA may also use the trust fund money for remediation of ground water contamination or explosive gas migration.

4. The Putnam County Health Department no longer has authority to administer

Revised Code Chapter 3734 under the Consent Orders in this matter.


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5. In the event of a conflict between the 1994 Consent Order, the 2003 Consent Order, and this Order, the language of this Order shall take precedence and be binding.

6. This Court retains jurisdiction of this action for the purpose of making any order or decree which it deems appropriate to execute this Order, the 1994 Consent Order, and the 2003 Consent Order.

No costs will be assessed.

12/3/13
DATE



JUDGE ROUTSON

cc
B. SCHROEDER
S. BLOOM ANDERSON
JUDIE ROUTSON

COMMON PLEAS COURT
TERESA J. LAMMERS, CLERK
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