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**COURT OF COMMON PLEAS
CLERMONT COUNTY, OHIO**

STATE OF OHIO, ex rel. DAVE YOST, OHIO ATTORNEY GENERAL,	:	CASE NO. 2018 CVH 01272
	:	
	:	
Plaintiff,	:	Judge Anthony W. Brock
	:	
vs.	:	<u>ENTRY GRANTING PLAINTIFF'S</u>
	:	<u>MOTION FOR SUMMARY</u>
DONALD COMBS, et. al.,	:	<u>JUDGMENT AND IMPOSING</u>
	:	<u>INJUNCTIVE RELIEF</u>
Defendants.	:	

Pursuant to the decision filed herein on January 29, 2021, the Court granted summary judgment to Plaintiff on the issue of liability. In said decision, the Court instructed the parties to be prepared at the February 5, 2021 hearing to address the specific injunctive orders to be imposed regarding the removal of solid waste, commingled waste, and construction and demolition debris from both the Route 28 and Parker Road sites. On February 5, 2021, Defendant Donald Combs was present, represented by Jesse Lipcius and Reuel Ash. The State was represented by Casey Chapman and Sarah Bloom Anderson. Both parties were given an opportunity to address the terms of the injunctive relief to be imposed. Upon consideration of the pleadings, the evidence before the Court, the arguments of counsel, and for the reasons set forth in the January 29, 2021 decision which is hereby incorporated by reference, summary judgment is hereby granted as follows:

IT IS HEREBY ORDERED that judgment is awarded to Plaintiff, State of Ohio ex rel. Dave Yost, against Defendants Donald Combs, Donald Combs DBA Combs Trucking and Land Improvements; Donald Combs DBA Ace Dumpsters, and Anita Combs on each of the eight counts set forth in the within complaint. Pursuant to said judgment, **IT IS FURTHER ORDERED** that the Defendants shall:

1. Comply with R.C. Chapters 3704, 3714 and 3734, and the rules adopted thereunder;
2. Comply with the Clermont County Board of Health's Order to Abate Nuisance issued on January 13, 2016;
3. Comply with the Director's Final Findings and Orders issued on December 30, 2016;
4. Immediately and perpetually cease the open dumping of solid waste prohibited by R.C. 3734.03 and Ohio Adm.Code 3745-27-05;
5. Immediately and perpetually cease the illegal disposal of construction and demolition debris ("C&DD") prohibited by Ohio Adm.Code 3745-400-04;
6. Immediately and perpetually comply with Ohio Adm.Code Chapter 3745-19 by ceasing to conduct illegal open burning activity in unrestricted or restricted areas without prior notification and authorization by Ohio EPA;
7. Immediately and perpetually cease operating in the solid waste and C&DD industries regulated under R.C. Chapter 3714, R.C. Chapter 3734, Ohio Adm.Code Chapter 3745-27, and Ohio Adm.Code Chapter 3745-400. Prohibited operations include, but are not limited to: owning, operating, controlling, or managing a C&DD recycling facility, C&DD disposal facility, C&DD processing facility, C&DD transfer facility, solid waste recycling facility, solid waste disposal facility, or solid waste transfer facility. If a Defendant obtains a license or permit to operate one or more of the aforementioned facilities, then that Defendant may operate such

facility in accordance with the license or permit obtained, and in accordance with all applicable laws and regulations.

8. Immediately inventory all dumpsters, containers, trailers, and other similar storage units owned by any of the Defendants, identify each such item with a distinct number which shall be conspicuously placed on the item, and provide a copy of said inventory to the Ohio EPA and the Clermont County Public Health Department. Said inventory shall include a description of the item, its distinct number, and the current location of the item. This information will aid the Ohio EPA and the Clermont County Public Health Department in monitoring both the Parker Road and Route 28 sites to ensure material is being removed as ordered herein, and no new material is being brought onto either location.

9. Immediately cease accepting, unloading, and/or depositing any material, including but not limited to solid waste, commingled waste, construction and demolition debris, and scrap tires, at either the Parker Road site or the Route 28 site, and cease the transfer of any such material between the Parker Road and Route 28 sites;

10. Within 30 days of entry of this Order begin removing, and continue to remove, at least 80 cubic yards of solid waste, C&DD, and/or scrap tires from 1779 Parker Road, Loveland, Ohio (the "Parker Road Site") each week and provide receipts of lawful disposal to Ohio EPA and the Clermont County Public Health Department by the following Monday until all solid waste, C&DD, and scrap tires are removed from the Parker Road Site. Defendants shall also identify which dumpster, container, trailer, or similar storage unit was used to transport the material to the disposal facility;

11. Within one year of entry of this Order, remove all solid waste, C&DD, and scrap tires from the Parker Road Site;

12. Within one week of the complete removal of all solid waste, C&DD, and scrap tires from the Parker Road Site, but no later than one year from entry of this Order, begin removing, and continue to remove, at least 80 cubic yards of solid waste, C&DD, and/or scrap tires from 1503 State Route 28, Milford, Ohio (the "Route 28 Site") each week and provide receipts to Ohio EPA and the Clermont County Public Health Department by the following Monday until all solid waste, C&DD, and scrap tires are removed from the Route 28 Site. Defendants shall also identify which dumpster, container, trailer, or similar storage unit was used to transport the material to the disposal facility;

13. Within five years of entry of this Order, remove all solid waste, C&DD, and scrap tires from the Route 28 Site;

14. Provide Ohio EPA and the Clermont County Public Health Department, their contractors, agents, and assigns, access to the Parker Road Site and the Route 28 Site, for the following purposes: inspecting Defendants' compliance with R.C. Chapters 3704, 3714, and 3734, the rules adopted thereunder, and this Judgment Entry; obtaining samples at the Sites; developing plans for the Sites; and remediating the Site if the State determines it has the authority to collect clean-up costs from Defendants and sufficient funds to remediate; and

15. Pay the court costs of this action.

Given the Defendants' continual course of unlawful conduct, repeated defiance of court orders, and failure to respond to court sanctions, including the imposition of a jail sentence for contempt, the Court finds that the above orders are narrowly tailored and the least restrictive terms the Court can impose to ensure that the Defendants cease their unlawful dumping activities and comply with Ohio's environmental laws.

IT IS FURTHER ORDERED that if any new material, including but not limited to solid waste, commingled waste, construction and demolition debris, and scrap tires, is brought onto the Route 28 Site, the Court will order the closure of the Route 28 Site again, barring the Defendants from access to said property. If any new material, including but not limited to solid waste, commingled waste, construction and demolition debris, and scrap tires, is brought onto the Parker Road Site, the Court will entertain Plaintiff's request to restrict access to that location as well, consistent with the due process rights of the Defendants.

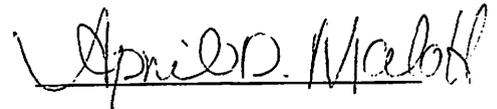
This Court retains jurisdiction of this case for the purpose of making any order or decree which it may deem necessary at any time to carry out its judgment. Additionally, an evidentiary hearing will be held on February 25, 2021 at 1:00 p.m. to determine a reasonable civil penalty pursuant to R.C. 3704.06, R.C. 3714.11 and R.C. 3734.13.



Judge Anthony W. Brock

Certificate of Service

I, April D. Malott, hereby certify that a copy of the foregoing was served upon Casey l. Chapman, Sarah Bloom Anderson, Jesse R. Lipcius, and Reuel Ash by email this 11th day of February, 2020.



April D. Malott
Administrative Assistant