

STATE OF OHIO :
: SS
CUYAHOGA COUNTY :

IN THE COURT OF COMMON PLEAS
CASE NO. 28657

STATE OF OHIO, ex rel. :
WILLIAM J. BROWN :
ATTORNEY GENERAL OF OHIO :

Plaintiff :

vs :

JUDGMENT ENTRY

NORHWAY ENVIRONMENTAL SERVICES, :
INC., et al :

Defendants :

BURT W. GRIFFIN, J.:

The Motion of Koppers Company, Inc. for a separate trial is granted.

The plaintiff's motions to dismiss with prejudice 62 Land Inc. and Rose Dumas as defendants are granted.

This matter then having come on for trial between the plaintiff State of Ohio, on the relation of its Attorney General, William J. Brown, and the defendants Northway Environmental Services, Inc., Ashtabula County Septic and Waste, Inc., Richard S. Brunzman, Morrel E. Dearing, and George Liviola, Jr., on September 10-11 and 14-18, 1981, on plaintiff's request for injunctive relief, and the Court having heard the evidence and argument of the parties, it is hereby ordered, adjudged, and decreed as follows:

I

Count 2 of the Complaint was previously dismissed by the plaintiff and Counts 12 and 13 were previously dismissed by order of the Court.

II

The plaintiff has not proven the violations set forth in Counts 1, 3, 4, 6, 8, and 9.

III

The plaintiff has proven the violations set forth in Counts 5, 7, 10, and 11 with respect to Northway Environmental Service, Inc.; Richard S. Brunzman, Norrell E. Dearing, and George Liviola, Jr. (hereinafter referred to as the "violating defendants"). No violation was established with respect to Ashtabula County Septic and Waste, Inc.

IV

The violating defendants are hereby enjoined from operating or establishing any facility for the receipt, storage, treatment, disposal, or recycling of any hazardous waste and from transporting any hazardous waste to any facility that has not obtained all federal and state licenses, permits, and approvals. Such defendants shall not conduct any of these activities either directly, or indirectly through any other individual, corporation, association or legal entity unless that entity has obtained all federal and state licenses, permits, and approvals.

V

The Ohio Environmental Protection Agency is authorized to immediately enter upon, without warrant, any premises that are operated, owned or used by the defendants in this case, including Ashtabula County Septic and Waste, Inc., and 62 Land Inc., or any other legal entity that is associated with the violating defendants and to prepare a plan for the proper containment or removal of any existing hazardous wastes.

VI

Beginning 5:00 p.m., September 18, 1981, the violating defendants shall install watchmen at the following sites -- 2434 West Fourth Street, Cleveland, Ohio, 4213 North Bend Road, Ashtabula County, Ohio, and 185 Water

Street, Geneva, Ohio -- who shall be on the premises 24 hours per day until the Ohio EPA certifies that all hazardous waste on the respective sites have been removed.

VII

The Ohio EPA and defendants shall submit to the Court by October 26, 1981 their joint plan for the containment or removal of the hazardous wastes at the sites listed in paragraph VI; but, if no agreement can be reached, their respective counter-proposals which shall be mutually served on opposing counsel. Hearing on any unresolved issues as to removal or containment shall be at 8:30 a.m., Monday, November 2, 1981.

BURT W. GRIFFIN
JUDGE

JUDGE BURT W. GRIFFIN

11/02/81
DATE

NOTICE OF SERVICE

Copies of the within Judgment Entry were sent by regular United States Mail on the 13th day of October, 1981 to Stephen P. Samuels, Esq., Robert J. Stryduhar, Esq., Ohio Attorney General's Office, Environmental Law Section, 30 East Broad Street, Columbus, Ohio, 43215, Attorneys for Plaintiff, State of Ohio; William P. Bobulsky, Esq., 1612 East Prospect Road, Ashtabula, Ohio, 44004, Attorney for Defendants Northway Environmental Services, Inc., Ashtabula Septic and Waste, Inc., Norrell E. Dearing, and George Liviola, Jr.; David Roloff, Esq., Alan B. Glassman, Esq., Stokes & Green, 620 Leader Building, Cleveland, Ohio, 44114, Attorney for Rose Dumas; Kenneth C. Moore, Esq., Squire, Sanders & Dempsey, 1800 Union Commerce Building, Cleveland, Ohio, 44115, Attorney for Kopper Company, Inc.

JUDGE BURT W. GRIFFIN