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2020 MAR -2 AM 8:06
BARBARA A. WEDEHBEIN
CLERK OF COMMON PLEAS COURT
CLERMONT COUNTY, OH

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

**STATE OF OHIO,
PLAINTIFF,**

VS.

**DONALD W. COMBS,
DEFENDANT.**

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CASE NO: 2020 -CR-00 223

INDICTMENT FOR:

- CT. #1: ILLEGAL OPEN BURNING**
- CT. #2: ILLEGALLY CAUSING OR ALLOWING
AIR POLLUTION**
- CTS. #3,7,8: ILLEGAL OPEN DUMPING OF
SOLID WASTE**
- CTS. #4,9: ILLEGAL OPERATION OF A
SOLID WASTE FACILITY WITHOUT
A LICENSE**
- CTS. #5,10: ILLEGAL OPERATION OF A
CONSTRUCTION AND DEMOLITION
DEBRIS FACILITY WITHOUT A
LICENSE**
- CTS. #6,11: ILLEGAL OUTSIDE STORAGE OF
SCRAP TIRES**
- CT. #12: ILLEGAL OPEN DUMPING OF SCRAP
TIRES**

THE STATE OF OHIO, CLERMONT COUNTY, ss. COURT OF COMMON PLEAS

IN THE JANUARY TERM, 2020, THE JURORS OF THE GRAND JURY IN AND FOR CLERMONT COUNTY, OHIO, ON THEIR OATHS, IN THE NAME AND BY THE AUTHORITY OF THE STATE OF OHIO, DO FIND AND PRESENT THAT:

COUNT 1: DONALD W. COMBS on or about the 12th day of March, 2018, in Clermont County, Ohio, did, recklessly dispose of solid wastes by open burning, at 1779 Parker Road, Goshen Township, **ILLEGAL OPEN BURNING**, in violation of Section 3734.03 of the Ohio Revised Code, and against the peace and dignity of the State of Ohio.

The penalty section of Chapter 3734, Section 3734.99(A) of the Ohio Revised Code, provides that whoever violates Section 3734.03 of the Ohio Revised Code commits an unclassified felony and shall be fined at least ten thousand (\$10,000.00) dollars, but not more than twenty-five thousand (\$25,000.00) dollars, or imprisoned for at least two (2) years, but not more than four (4) years, or both.

COUNT 2: DONALD W. COMBS on or about the 12th day of March, 2018, in Clermont County, Ohio, did, recklessly violate any rule adopted under Chapter 3704: Air Pollution Control, namely, open burning as defined in

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2020 MAR -2 AM 8:06

BARBARA A. WIEDENBEIN
CLERK OF COMMON PLEAS COURT
CLERMONT COUNTY, OH

PAGE 2/5

STATE V. COMBS

20-CR-00

Ohio Adm.Code Rule 3745-19-01(L) in an unrestricted area at 1779 Parker Road, Goshen Township, a violation of Ohio Adm.Code Rule 3745-19-04(A), **ILLEGALLY CAUSING OR ALLOWING AIR POLLUTION**, in violation of Section 3704.05(G) of the Ohio Revised Code and Rule 3745-19-04(A) of the Ohio Administrative Code, and against the peace and dignity of the State of Ohio.

The penalty section for Chapter 3704, Section 3704.99(A) of the Ohio Revised Code, provides that whoever violates Section 3704.05(G) of the Ohio Revised Code commits an unclassified misdemeanor and shall be fined not more than twenty-five thousand (\$25,000.00) dollars, or imprisoned not more than one (1) year, or both.

COUNT 3: DONALD W. COMBS culminating on or about the 31st day of May, 2017, and continuing as a course of conduct through the 16th day of April, 2018, and thereafter in 2018 and 2019, in Clermont County, Ohio, did, recklessly dispose of solid wastes by open dumping, at 1779 Parker Road, Goshen Township, a site not licensed as a solid waste facility, **ILLEGAL OPEN DUMPING OF SOLID WASTES**, in violation of Section 3734.03 of the Ohio Revised Code, and against the peace and dignity of the State of Ohio.

The penalty section of Chapter 3734, Section 3734.99(A) of the Ohio Revised Code, provides that whoever violates Section 3734.03 of the Ohio Revised Code commits an unclassified felony and shall be fined at least ten thousand (\$10,000.00) dollars, but not more than twenty-five thousand (\$25,000.00) dollars, or imprisoned for at least two (2) years, but not more than four (4) years, or both.

COUNT 4: DONALD W. COMBS culminating on or about the 31st day of May, 2017, and continuing as a course of conduct through the 16th day of April, 2018, and thereafter in 2018, 2019, and 2020, in Clermont County, Ohio, did, recklessly violate any rule adopted under Chapter 3734 of the Ohio Revised Code, namely, conducted municipal solid waste landfill operations without possessing a license issued by the licensing authority, namely the Clermont County Board of Health of the Clermont County General Health District, a violation of Ohio Adm.Code Rule 3745-37-01(A): Solid Waste Facility License Required, at 1779 Parker Road, Goshen Township, a site not licensed as a solid waste facility, **ILLEGAL OPERATION OF A SOLID WASTE FACILITY WITHOUT A LICENSE**, in violation of Section 3734.11(A) of the Ohio Revised Code and Rule 3745-37-01(A) of the Ohio Administrative Code, and against the peace and dignity of the State of Ohio.

The penalty section of Chapter 3734, Section 3734.99(A) of the Ohio Revised Code, provides that whoever violates Section 3734.11 of the Ohio Revised Code commits an unclassified felony and shall be fined of at least ten thousand (\$10,000.00) dollars, but not more than twenty-five thousand (\$25,000.00) dollars, or imprisoned for at least two (2) years, but not more than four (4) years, or both.

COUNT 5: DONALD W. COMBS culminating on or about the 31st day of May, 2017, and continuing as a course of conduct through the 16th day of April, 2018, and thereafter in 2018, 2019, and 2020, in Clermont County, Ohio, did, recklessly violate any rule adopted under Chapter 3734 of the Ohio Revised Code, namely, operated or maintained a construction and demolition debris facility without a license issued by the licensing authority, namely the Clermont County Board of Health of the Clermont County General Health District, a violation of Ohio Adm.Code Rule 3745-37-01(C): Construction and Demolition Debris Facility License Required, at 1779

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2020 MAR -2 AM 8:06

BARBARA A. WIEDENBEIN
CLERK OF COMMON PLEAS COURT
CLERMONT COUNTY, OH
20-CR-00

PAGE 3/5

STATE V. COMBS

Parker Road, Goshen Township, a site not licensed as a construction and demolition debris facility, **ILLEGAL OPERATION OF A CONSTRUCTION AND DEMOLITION DEBRIS FACILITY WITHOUT A LICENSE**, in violation of Section 3734.11(A) of the Ohio Revised Code and Rule 3745-37-01(C) of the Ohio Administrative Code, and against the peace and dignity of the State of Ohio.

The penalty section of Chapter 3734, Section 3734.99(A) of the Ohio Revised Code, provides that whoever violates Section 3734.11 of the Ohio Revised Code commits an unclassified felony and shall be fined at least ten thousand (\$10,000.00) dollars, but not more than twenty-five thousand (\$25,000.00) dollars, or imprisoned for at least two (2) years, but not more than four (4) years, or both.

COUNT 6: DONALD W. COMBS on or about the 28th day of February, 2018, and continuing as a course of conduct through the 16th day of April, 2018, and thereafter in 2018 and 2019 until on or about the 16th day of July, 2019, in Clermont County, Ohio, did, recklessly violate any rule adopted under Chapter 3734 of the Ohio Revised Code, namely, a rule or multiple rules governing outside storage of more than one hundred scrap tires at 1779 Parker Road, Goshen Township, namely, Ohio Adm.Code Rule 3745-27-60(B)(7)(e): failure to maintain sufficient fire breaks; Ohio Adm.Code Rule 3745-27-60(C)(1)(b): failure to keep tires free of water at all times; or Ohio Adm.Code Rule 3745-27-60(C)(2) or (3): failure to maintain mosquito control or records at the premises, **ILLEGAL OUTSIDE STORAGE OF SCRAP TIRES**, in violation of Section 3734.11(A) of the Ohio Revised Code and Rule 3745-27-60(B)(7)(e), or Rule 3745-27-60(C)(1)(b), or Rule 3745-27-60(C)(2) or (3) of the Ohio Administrative Code, and against the peace and dignity of the State of Ohio.

The penalty section of Chapter 3734, Section 3734.99(A) of the Ohio Revised Code, provides that whoever violates Section 3734.11 of the Ohio Revised Code commits an unclassified felony and shall be fined at least ten thousand (\$10,000.00) dollars, but not more than twenty-five thousand (\$25,000.00) dollars, or imprisoned for at least two (2) years, but not more than four (4) years, or both.

COUNT 7: DONALD W. COMBS on or about the 23rd day of August, 2018, and continuing as a course of conduct thereafter in 2018, 2019, and 2020 in Clermont County, Ohio, did, recklessly dispose of solid wastes by open dumping, at Clermont County Auditor Parcel No. 11-22-08F-114, real property owned by Donald W. Combs, 1503 State Route 28, Goshen Township, a site not licensed as a solid waste facility, **ILLEGAL OPEN DUMPING OF SOLID WASTES**, in violation of Section 3734.03 of the Ohio Revised Code, and against the peace and dignity of the State of Ohio.

The penalty section of Chapter 3734, Section 3734.99(A) of the Ohio Revised Code, provides that whoever violates Section 3734.03 of the Ohio Revised Code commits an unclassified felony and shall be fined at least ten thousand (\$10,000.00) dollars, but not more than twenty-five thousand (\$25,000.00) dollars, or imprisoned for at least two (2) years, but not more than four (4) years, or both.

COUNT 8: DONALD W. COMBS on or about the 29th day of January, 2019, and continuing as a course of conduct thereafter in 2019 and 2020 in Clermont County, Ohio, did, recklessly dispose of solid wastes by open dumping, at Clermont County Auditor Parcel No. 11-22-08F-107, real property owned by

FILED

2020 MAR -2 AM 8:06

PAGE 4/5

STATE V. COMBS
BARBARA A. WIEDENBEIN
CLERK OF COMMON PLEAS COURT
CLERMONT COUNTY, OH
20-CR-00

Donna Brock, 1503 State Route 28, Goshen Township, a site not licensed as a solid waste facility, **ILLEGAL OPEN DUMPING OF SOLID WASTES**, in violation of Section 3734.03 of the Ohio Revised Code, and against the peace and dignity of the State of Ohio.

The penalty section of Chapter 3734, Section 3734.99(A) of the Ohio Revised Code, provides that whoever violates Section 3734.03 of the Ohio Revised Code commits an unclassified felony and shall be fined at least ten thousand (\$10,000.00) dollars, but not more than twenty-five thousand (\$25,000.00) dollars, or imprisoned for at least two (2) years, but not more than four (4) years, or both.

COUNT 9: DONALD W. COMBS on or about the 29th day of January, 2019, and continuing as a course of conduct thereafter in 2019 and 2020 in Clermont County, Ohio, did, recklessly violate any rule adopted under Chapter 3734 of the Ohio Revised Code, namely, conducted municipal solid waste landfill operations without possessing a license issued by the licensing authority, namely the Clermont County Board of Health of the Clermont County General Health District, a violation of Ohio Adm.Code Rule 3745-37-01(A): Solid Waste Facility License Required, at multiple parcels of real property at 1503 State Route 28, Goshen Township, a site not licensed as a solid waste facility, **ILLEGAL OPERATION OF A SOLID WASTE FACILITY WITHOUT A LICENSE**, in violation of Section 3734.11(A) of the Ohio Revised Code and Rule 3745-37-01(A) of the Ohio Administrative Code, and against the peace and dignity of the State of Ohio.

The penalty section of Chapter 3734, Section 3734.99(A) of the Ohio Revised Code, provides that whoever violates Section 3734.11 of the Ohio Revised Code commits an unclassified felony and shall be fined of at least ten thousand (\$10,000.00) dollars, but not more than twenty-five thousand (\$25,000.00) dollars, or imprisoned for at least two (2) years, but not more than four (4) years, or both.

COUNT 10: DONALD W. COMBS on or about the 29th day of January, 2019, and continuing as a course of conduct thereafter in 2019 and 2020 in Clermont County, Ohio, did, recklessly violate any rule adopted under Chapter 3734 of the Ohio Revised Code, namely, operated or maintained a construction and demolition debris facility without a license issued by the licensing authority, namely the Clermont County Board of Health of the Clermont County General Health District, a violation of Ohio Adm.Code Rule 3745-37-01(C): Construction and Demolition Debris Facility License Required, at multiple parcels of real property at 1503 State Route 28, Goshen Township, a site not licensed as a construction and demolition debris facility, **ILLEGAL OPERATION OF A CONSTRUCTION AND DEMOLITION DEBRIS FACILITY WITHOUT A LICENSE**, in violation of Section 3734.11(A) of the Ohio Revised Code and Rule 3745-37-01(C) of the Ohio Administrative Code, and against the peace and dignity of the State of Ohio.

The penalty section of Chapter 3734, Section 3734.99(A) of the Ohio Revised Code, provides that whoever violates Section 3734.11 of the Ohio Revised Code commits an unclassified felony and shall be fined of at least ten thousand (\$10,000.00) dollars, but not more than twenty-five thousand (\$25,000.00) dollars, or imprisoned for at least two (2) years, but not more than four (4) years, or both.

COUNT 11: DONALD W. COMBS on or about the 15th day of November, 2017, and continuing as a course of conduct through the 23rd day of August, 2018, in Clermont County, Ohio, did, recklessly violate any rule adopted under Chapter 3734 of the Ohio Revised Code, namely, a rule or multiple rules governing outside storage of more than one hundred scrap tires at Clermont County Auditor Parcel No. 11-22-08F-114,

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2020 MAR -2 AM 8: 06

BARBARA A. WIEDENBEIN
CLERK OF COMMON PLEAS COURT
CLERMONT COUNTY, OH

PAGE 5/5

STATE V. COMBS

20-CR-00

real property owned by Donald W. Combs, 1503 State Route 28, Goshen Township, namely, Ohio Adm.Code Rule 3745-27-60(C)(1)(b): failure to keep tires free of water at all times or Ohio Adm.Code Rule 3745-27-60(C)(2) or (3): failure to maintain mosquito control or records at the premises, **ILLEGAL OUTSIDE STORAGE OF SCRAP TIRES**, in violation of Section 3734.11(A) of the Ohio Revised Code and Rule 3745-27-60(C)(1)(b) or Rule 3745-27-60(C)(2) or (3) of the Ohio Administrative Code, and against the peace and dignity of the State of Ohio.

The penalty section of Chapter 3734, Section 3734.99(A) of the Ohio Revised Code, provides that whoever violates Section 3734.11 of the Ohio Revised Code commits an unclassified felony and shall be fined at least ten thousand (\$10,000.00) dollars, but not more than twenty-five thousand (\$25,000.00) dollars, or imprisoned for at least two (2) years, but not more than four (4) years, or both.

COUNT 12: DONALD W. COMBS on or about the 23rd day of August, 2018, in Clermont County, Ohio, did, recklessly dispose of solid wastes consisting of scrap tires by open dumping, at Clermont County Auditor Parcel No. 11-22-08F-114, real property owned by Donald W. Combs, 1503 State Route 28, Goshen Township, a site not licensed as a scrap tire facility, **ILLEGAL OPEN DUMPING OF SCRAP TIRES**, in violation of Section 3734.03 of the Ohio Revised Code, and against the peace and dignity of the State of Ohio.

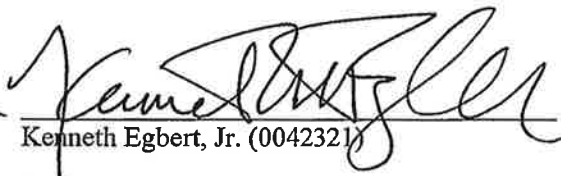
The penalty section of Chapter 3734, Section 3734.99(A) of the Ohio Revised Code, provides that whoever violates Section 3734.03 of the Ohio Revised Code with regard to scrap tires commits an unclassified felony and shall be fined at least ten thousand (\$10,000.00) dollars, but not more than twenty-five thousand (\$25,000.00) dollars, or imprisoned for at least two (2) years, but not more than four (4) years, or both.

Endorsed: A true bill.

Reported and filed this 27th day of February, 2020

DAVE YOST
ATTORNEY GENERAL OF OHIO


Foreman of the Grand Jury


Kenneth Egbert, Jr. (0042321)

Assistant Ohio Attorney General

Environmental Enforcement Section

30 E. Broad Street, 25th Floor

Columbus, Ohio 43215