



## I. JURISDICTION AND VENUE

1. This Court has jurisdiction over the subject matter herein, pursuant to Ohio Revised Code ("R.C.") Chapters 3734 and the rules adopted hereunder. The Complaint states a claim upon which relief can be granted against the Defendants. This Court has jurisdiction over the parties hereto. Venue is properly in this Court.

## II. PERSONS BOUND

2. The provisions of this Consent Order shall apply to and be binding upon the Defendants their agents, officers, employees, assigns, and successors in interest. The provisions of this Consent Order shall also apply to those in active concert or participation with the Defendants who receive actual notice of this Consent Order, whether by personal service or otherwise. Defendants shall provide a copy of this Consent Order to any consultants who will perform any work pursuant to this Consent Order. In addition, paragraphs 9, 11, and 12, below, as well as any other provisions of this consent order necessary to enforce those paragraphs, shall apply to and be binding upon Phillip Tefft, individually.

## III. SATISFACTION OF LAWSUIT

3. Plaintiffs allege in their Complaint that the Defendants and Phillip Tefft have violated various sections of R.C. Chapter 3734 and the rules adopted thereunder as the owners/operators of two solid waste landfills, known as the Bedford I landfill and Bedford II landfill, each located on and/or adjacent to Claycraft Road, Gahanna, Franklin County, Ohio (hereinafter "Bedford I" and "Bedford II").

4. Except as otherwise provided for by this Consent Order and/or by law, compliance with the terms of this Consent Order shall constitute full and complete satisfaction of Defendants' civil liability to Plaintiffs for all claims alleged in the Plaintiffs' Complaint and the violations identified in the notice of violation ("NOV") letters and inspection reports attached to this Consent Order as Attachment I. To the best of the Plaintiffs' knowledge, the violations set forth in the Complaint and in the attached NOV letters and inspection reports are the only solid waste environmental violations known to the Ohio EPA and the Franklin County Board of Health at the time of the filing of this Consent Order.

#### IV. RESERVATION OF RIGHTS

5. This Consent Order does not prevent Plaintiffs from seeking further relief for groundwater contamination or other contamination caused by Defendants that may be discovered after the entry of this Consent Order. In addition, nothing in this Consent Order shall be construed to release Defendants from any liability Defendants may have pursuant to R.C. §§3734.20 through 3734.27 or the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §9601 et seq., including any liability of Defendants for future response or oversight costs incurred by Plaintiffs. Nothing in this Order shall be construed to limit Defendants' ability to raise any and all defenses it may legally raise to any such allegations or claims.

6. Nothing in this Consent Order shall be construed to limit the authority of the Plaintiffs to seek relief for claims not referenced in the Complaint, including

but not limited to any claims and/or violations that occur after the filing of this Consent Order. Nothing in this Order shall be construed to limit Defendants' ability to raise any and all defenses that it may legally raise to any allegations or claims brought against Defendants in any other such action(s).

7. The Plaintiffs hereby reserve their rights to seek relief in a separate action to order and/or enjoin the Defendants to perform closure and/or post-closure activities at Bedford I and/or Bedford II in accordance with R.C. Chapter 3734 and O.A.C. 3745-27-11 and 3745-27-14. Nothing in this Consent Order shall be construed to limit the authority of the Plaintiffs to seek such relief. Nothing in this Order shall be construed to limit Defendants' ability to raise any and all defenses that it may legally raise, in the event that the Plaintiffs seek such relief.

8. Nothing in this Consent Order shall be construed to limit the authority of the Plaintiffs' to seek relief for any claims against Phillip Tefft, individually, including, but not limited to, the claims identified in the Complaint, and paragraphs 5 through 7, above, as such claims relate to Phillip Tefft, individually. Nothing in this Order shall be construed to limit Phillip Tefft's ability to raise any and all defenses that he may legally raise, in the event that the Plaintiffs seek such relief.

#### V. INJUNCTION

9. Not later than September 15, 1995, Defendants and Phillip Tefft are ordered and enjoined to cease accepting waste at Bedford I.

10. Not later than September 15, 1995, Defendants are ordered and enjoined to comply with O.A.C. 3745-27-11(H)(2), (4), (5), (6), and (7) at Bedford I.

11. Not later than November 15, 1995, the Defendants and Phillip Tefft are ordered and enjoined to submit to the Plaintiffs a financial accounting of receipts and disbursements, by a certified public accountant or the Defendants' current legal counsel, of the operation of Bedford I for the last eight months, including a verification that to the best of their knowledge, based upon a review of the books and records of the Defendants, there is compliance with paragraph 12, below. In addition, Phillip Tefft is ordered and enjoined to submit an affidavit to the Plaintiffs within sixty days of the entry of this order swearing or affirming to the compliance of paragraph, 12, below.

12. As of July 16, 1995, and continuing thereafter, Defendants, and Phillip W. Tefft, individually, or any entity in which Phillip W. Tefft or a member of his family owns an interest in, are enjoined from receiving any salary, bonus, profit, dividend, or revenue of any kind from the operation of Bedford I, provided however, Defendant Bedford may receive revenue for the purpose of paying creditors, to the extent not otherwise prohibited by this paragraph.

13. Attached to this Order as Attachment IV are approved updated cost estimates for closure and 30 years of post-closure care for Bedford I, as well as for closure and 4 years of post closure care for Bedford II.

14. Defendants are ordered and enjoined to fund the closure and post-closure trust fund, account no. Account Number 1083011707, ("trust fund") located at the Huntington National Bank, for the full amount of the approved cost estimate for closure and post-closure care for Bedford I and Bedford II as identified in paragraph 13, above, including any adjustments from updated cost estimates

approved by the Ohio EPA, as well as pay the outstanding monthly disposal fees owed to the State identified in Attachment I, according to the agreements attached to this Consent Order as Attachment II and III. Plaintiffs acknowledge that Defendants funding of the trust fund shall primarily come from the assignment set forth in Attachment II.

15. Within thirty (30) days of the entry of this Consent Order, Defendants are Ordered and enjoined to submit to the Ohio EPA for approval a revised instrument for the trust fund that provides for language that is identical in substance to O.A.C. 3745-27-17(A) and contains the following additional revisions:

- a. Any monies remaining in the trust fund after the completion of the thirty year post-closure period, shall be disbursed to the Ohio EPA for payment into the hazardous waste clean up fund established pursuant to R.C. Section 3734.28, or any successor fund identified by the Ohio EPA; and
- b. The Director, at his non-reviewable discretion, may allow, or provide for, the disbursement of any proceeds from the trust fund for the payment of any closure, post-closure care or other costs associated with environmental remedial activities or corrective measures at either Bedford I or Bedford II.
- c. There shall not be any further modifications or amendments to the trust instrument for the trust fund without the Director's written approval.

16. Defendants are permanently ordered and enjoined to comply with R.C. Chapter 3734, the solid waste regulations adopted thereunder, as well as all terms and conditions of all effective solid waste permits and operating licenses issued to the Defendants for Bedford I and Bedford II.

17. On or before October 15, 1995, Defendants are ordered and enjoined to submit map(s) specifically identifying the locations of the stockpiled clean fill materials located at Bedford I and Bedford II.

18. Upon the entry of this order, Defendants are ordered and enjoined to place daily and intermediate cover pursuant to O.A.C. 3745-27-19(F) and (G) over all waste disposal areas at Bedford I.

#### VI. COMPLIANCE WITH APPLICABLE LAWS

19. Nothing herein shall affect Defendants obligation to comply with all applicable federal, state, or local laws, regulations, rules, or ordinances. Defendants shall obtain all federal, state, or local permits and licenses necessary to comply with this Consent Order.

#### VII. CIVIL PENALTY

20. Defendants shall pay to the State of Ohio a civil penalty in the amount of not less than Two Hundred and Fifty Thousand Dollars (\$250,000.00). The money shall be deposited into the hazardous waste clean up fund, pursuant to R.C. Section 3734.28, trust fund identified in paragraph 15, above. Payment shall be made in accordance with the agreements attached hereto as Attachments II and III, and shall

be in satisfaction of all civil penalty claims relating to the Defendants for the violations identified in the Complaint and Attachment I. Notwithstanding anything else set forth herein, Plaintiff shall recover this civil penalty only from the trust fund as provided in paragraph 16(a) above.

#### VII. MONIES RELEASED FROM THE TRUST FUND

21. The Plaintiffs, pursuant to their mutual regulatory authority may, at their mutual nonreviewable discretion, perform closure and/or post closure and/or corrective measure activities at Bedford I and/or Bedford II at anytime by using the funds from the trust fund. In the event that the Franklin County Board of Health performs such activities, with the consent of the Ohio EPA, it will be doing so as the agent of the Ohio EPA. The Defendants waive any rights to challenge any of the activities identified in this paragraph.

#### IX. GENERAL PROVISIONS

22. This Court shall retain jurisdiction over this cause for the purpose of making any order or decree which it deems necessary to enforce this Consent Order.

23. Unless otherwise specified in this Consent Order, all references to the Ohio Administrative Code shall refer to the most recent version of the rule that is effective on the date of entry of this Consent Order.

24. Attachments I, II, III and IV of this Consent Order are each fully incorporated into this Order.

25. All court costs of this action shall be assessed against the Defendants.



26. Any references within this Consent Order to the Plaintiffs shall refer to the Plaintiffs both collectively and individually.

27. Unless otherwise specified by the Ohio EPA, and/or the Franklin County Board of Health, the following documentation required to be submitted pursuant to this Consent Order shall be submitted by the Defendants to the following designated individuals or their respective successors:

(a) Documents required to be submitted pursuant to paragraphs 11, 13 and 17 shall be submitted to:

Paul Wenning  
Franklin County Health Department  
410 South High Street, 3rd Floor  
Columbus, Ohio 43215

and

Duane Snyder, Group Leader  
Ohio EPA  
Central District Office/DSIWM  
3232 Alum Creek Drive  
Columbus, Ohio 43207-3461

(b) Documents required to be submitted pursuant to paragraphs 14 and 15 shall be submitted to:

Fanny Haritos  
Ohio EPA  
Central Office/DSIWM  
P. O. Box 1049  
Columbus, Ohio 43216-1049

Michael P. O'Neill  
JUDGE O'NEILL  
COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO

APPROVED:  
BETTY D. MONTGOMERY  
ATTORNEY GENERAL OF OHIO

MICHAEL MILLER  
FRANKLIN COUNTY PROSECUTING  
ATTORNEY

BY Terrence S. Finn  
TERRENCE S. FINN (0039391)  
Assistant Attorney General  
Environmental Enforcement Section  
30 East Broad Street, 25th Floor  
Columbus, Ohio 43215-3428  
(614) 466-2766

Attorney for Plaintiff  
State of Ohio

BY James R. Durham  
JOSEPH DURHAM (0051697)  
Assistant Prosecuting Attorney  
Franklin County Prosecuting Attorney  
410 South High Street, 4th Floor  
Columbus, Ohio 43215  
(614) 462-3837

BY Richard T. Ricketts  
RICHARD T. RICKETTS (0033538)  
RICKETTS AND ONDA CO., L.P.A.  
300 South 2nd Street  
Columbus, Ohio 43215  
(614) 229-4100

Attorney for Defendants

BY Phillip Tefft  
PHILLIP TEFFT, individually, but  
only pursuant to the provisions  
of paragraph 2

BY Phillip Tefft, President  
PHILLIP TEFFT,  
as President of Claycraft Company and  
Bedford Ecol Company, aka Bedford-  
Ecol Company and Bedford-Ecol, Inc.

IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO  
CIVIL DIVISION

10/15/97  
filed

11/6/96  
137 am  
do

STATE OF OHIO, ex. rel.  
BETTY D. MONTGOMERY, et al.,

CASE NO. 94CVH07-5297

Plaintiffs,

JUDGE O'NEILL

vs.

CLAYCRAFT COMPANY, et al.,

Defendants.

**AGREED ENTRY; FINDING OF CONTEMPT**

On August 10, 1995, by Consent Order, the defendants agreed, in paragraph twelve (12), that defendants are prohibited from "receiving any salary, bonus, profit, dividend or revenue of any kind from the operation of Bedford I." Bedford I ceased operating as a solid waste disposal facility on September 15, 1995. On October 30, 1996, the Plaintiffs filed a Motion for Contempt Citation alleging that the defendants violated paragraph twelve (12) of the Consent Order. On November 6, 1996, the parties filed a First Amended Consent Order "to resolve the allegations of contempt". Pursuant to the First Amended Consent Order, corporate defendants the Claycraft Company, Bedford Ecol Company, a.k.a. Bedford-Ecol Company and Bedford-Ecol, Inc. agreed to make four separate payments of three thousand dollars (\$3,000.00), totalling twelve thousand dollars (\$12,000.00), payable on: September 25, 1996; October 25, 1996; November 25, 1996; and December 25, 1996, to the Closure Trust Fund..

The Plaintiffs have filed a Second Motion for Contempt Citation on June 30, 1997.

Whereas, the defendants now stipulate that they were in Contempt as a result of the default in the payment plan. The parties stipulate that the defendants made a nine thousand dollar (\$9,000.00) payment to the Closure Trust Fund on June 11, 1997 and a payment of three thousand three hundred fifty-seven dollars and eighty-one cents (\$3,357.81) on August 19, 1997. The parties stipulate that the three hundred fifty-seven dollars and eighty-one cents (\$357.81) is the amount of interest the Closure Trust Fund would have earned had the payments been made in accordance with the First Amended Consent Order.

NOW THEREFORE, upon the stipulations of the parties hereto, the Court finds that the defendants are in contempt of the First Amended Consent Order. Whereas, the Court finds that the defendants have purged themselves of any ongoing contempt. Further, all provisions of the Consent Order dated August 10, 1995 shall remain in full force upon this agreement, as well as the additional order requiring the <sup>corporate</sup> defendants to make twenty-four payments of one thousand six hundred and nineteen dollars and fifty cents (\$1,619.50) to Bedford-Ecol for the benefit and in order to pay its creditors and shall be tendered to and deposited into the IOLTA Trust Account of Ricketts and Onda Co., L.P.A., for the purpose of making payments to outstanding creditors of Bedford-Ecol, Inc.

**IT IS SO ORDERED:**

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MAGISTRATE ENSMINGER  
COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO

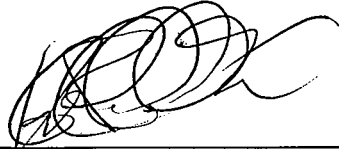
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JUDGE O'NEILL  
COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO


**APPROVED:**

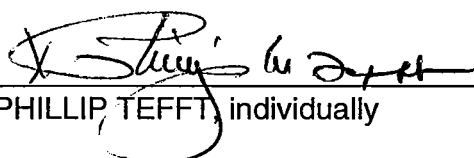
BETTY D. MONTGOMERY  
ATTORNEY GENERAL OF OHIO

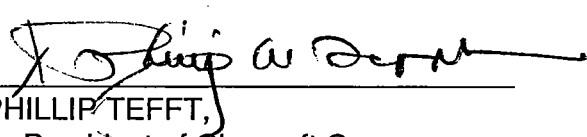
RON O'BRIEN  
FRANKLIN COUNTY  
PROSECUTING ATTORNEY

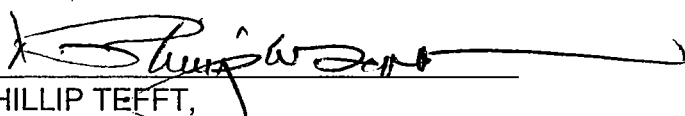
BY   
KARL COLON  
Assistant Attorney General  
Attorney for the Plaintiff  
Environmental Enforcement Section  
30 East Broad Street, 25th Floor  
Columbus, Ohio 43215-3428  
(614) 466-2766

BY \_\_\_\_\_  
JOSEPH R. DURHAM 0051697  
Assistant Prosecuting Attorney  
Attorney for the Plaintiff  
Franklin County Prosecuting Attorney  
410 South High Street, 4th Floor  
Columbus, Ohio 43215-4562  
(614) 462-3837

BY   
RICHARD T. RICKETTS 0033538  
Ricketts and Onda Co., L.P.A.  
Attorney for the Defendant  
30 South Second Street  
Columbus, Ohio 43215  
(614) 229-4100

BY   
PHILLIP TEFFT, individually

BY   
PHILLIP TEFFT,  
as President of Claycraft Company  
and Bedford Ecol Company, aka  
Bedford-Ecol Company and Bedford-  
Ecol, Inc.

BY   
PHILLIP TEFFT,  
as President of Ceramitec, Inc.