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DIV. of SOLID & INF. WASTE MGT.

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IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

(F)

STATE OF OHIO, ex rel.  
LEE FISHER  
ATTORNEY GENERAL OF OHIO,  
  
Plaintiff,

v.

INLAND RECLAMATION, INC.  
6705 Richmond Road  
Glenwillow, Ohio 44139

and

OLON SANITARY LANDFILL, INC.  
6705 Richmond Road  
Glenwillow, Ohio 44139

and

JAMES A. PALLADINO  
PRESIDENT, OLON SANITARY  
LANDFILL, INC. AND INLAND  
RECLAMATION, INC.  
180 Shepard Road  
Macedonia, Ohio

and

JON A. PALLADINO  
VICE PRESIDENT, OLON  
SANITARY LANDFILL, INC.  
5982 Allyn Road  
Hiram, Ohio 44234

CASE NO. 224024

JUDGE Joseph F. McManus

CONSENT ORDER

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1st

and

AUGUST M. PALLADINO  
 VICE PRESIDENT, INLAND  
 RECLAMATION, INC.  
 180 Shepard Road  
 Macedonia, Ohio 44056

Defendants.

Plaintiff State of Ohio, by its Attorney General, Lee Fisher ("the State" or "Plaintiff"), filed the Complaint in this civil action against the Defendants, Inland Reclamation, Inc., Solon Sanitary Landfill, Inc., James A. Palladino, Jon A. Palladino, and August M. Palladino ("Settling Defendants") to enforce the State solid waste laws and rules promulgated thereunder, at Inland Reclamation Landfill, located at 6705 Richmond Road, Glenwillow, Cuyahoga County, Ohio (hereinafter "the Inland Landfill"), and the Solon Sanitary Landfill, located at 6640 Cochran Road, Solon, Cuyahoga County, Ohio (hereinafter "the Solon Landfill"). Plaintiff and its Settling Defendants having consented to entry of this Decree, therefore, without admission of any liability and without trial or admission of any issue of law or of fact alleged in the Complaint or in this Order, and upon the consent of the parties hereto, it is hereby ORDERED, ADJUDGED and DECREED as follows:

I. JURISDICTION AND VENUE

This Court has jurisdiction over the parties and the subject matter of this civil action. Venue is proper in this

Court. The Complaint states a claim upon which relief can be granted under Chapter 3734 of the Ohio Revised Code ("R.C.") and rules promulgated thereunder. Solely for purposes of this Consent Decree and the underlying Complaint, Settling Defendants waive all objections and defenses they may have to jurisdiction of this Court or to venue.

## II. CONTINUING JURISDICTION

This Court shall retain jurisdiction over this action solely for the purpose of overseeing the implementation of this Consent Order by the Settling Defendants and solely in accordance with the terms herein.

## III. PERSONS BOUND

This Consent Order shall apply to and be binding upon the Plaintiff and upon Settling Defendants and/or their officers, agents, servants, employees, assigns, and successors in interest and those persons acting in active concert or participation with them.

## IV. SATISFACTION OF CLAIMS AND EFFECT UPON OTHER ACTIONS

Compliance with the terms of this Consent Order by Settling Defendants shall constitute full accord and satisfaction of any and all civil liability of Settling Defendants for all claims alleged in the Complaint.

Notwithstanding compliance with the terms of this Consent Order by Settling Defendants, nothing in this Consent Order shall limit the authority of the State to seek any legal or equitable relief, including civil penalties, for claims or conditions not alleged in the Complaint, including but not limited to violations which occur after the filing of the Complaint. Settling Defendants reserve all rights and defenses they may lawfully have.

Nothing in this Consent Order shall be construed or considered to be admissions by Settling Defendants

#### V. CIVIL PENALTY

Settling Defendants shall pay a civil penalty of Two Hundred Fifty-Two Thousand Five Hundred Dollars (\$252,500.00) in settlement of Plaintiff's claims in the Complaint. This amount shall be paid by check made payable to "Treasurer, State of Ohio", which check shall be delivered by mail or otherwise to Janis Miller or her successor at the Office of the Ohio Attorney General, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43266-0410. Of this amount, Eighty-Four Thousand Five Hundred Dollars (\$84,500) shall be paid within thirty (30) days of the Court's entry of this Consent Order. The balance of this amount, One Hundred Sixty-Eight Thousand Dollars (\$168,000.00) shall be paid by check within sixty days of the Court's entry of the Consent Order. The payment shall be deposited in the fund created by

R.C. 3734.20. This payment is in no way to be construed or considered an admission of liability by the Settling Defendants.

#### VI. INJUNCTION

Settling Defendants are permanently enjoined to comply with R.C. §§3734.02(C) and 3734.05(A)(1) and O.A.C. §§3745-27-19(A) as regards any vertical or horizontal limitations on the placement of waste contained in any solid waste license or permit or plan approvals which any of them has obtained or may obtain regarding the Inland Landfill and/or Solon Landfill, and are permanently enjoined from placing any solid waste in any area where placement of waste is not authorized by a solid waste permit granted by the Director and are permanently enjoined to comply with O.A.C. 3745-27-09(F)(1) and (F)(2), 3734-27-19(M) and (O).

#### VII. RIGHT OF ENTRY

Settling Defendants are ordered to allow Plaintiff, its agents, employees, and authorized representatives to enter, without a search warrant and at any reasonable time, onto the Inland Landfill and Solon Landfill to inspect and investigate conditions and operations at the Landfills, including the taking of photographs and samples and the examination or copying of records, in order to determine compliance with the terms of this Consent Order and R.C. Chapter 3734 and rules promulgated thereunder. Nothing in this Consent Order shall

limit the statutory or other lawful authority of the State, its agents, employees and authorized representatives to enter and inspect or investigate conditions or operations at the Inland and/or Solon Landfills.

#### VIII. TERMINATION OF DECREE

Subject to compliance with the terms of Articles V and IX of this Consent Order and upon application by any party and approval by the Court, the jurisdiction of this Court and the provisions of this Consent Order shall terminate upon:

(A) The occurrence of both:

(1) The lawful change of ownership of the Inland Landfill to an individual or entity unrelated to Settling Defendants; and

(2) The assignment of the management agreement for the operation of the Solon Landfill to an individual or entity unrelated to any Settling Defendant; or

(B) Occurrence of all of the following:

(1) Submission to the Director of written certification that closure of the Solon and Inland Landfills has been completed as required by closure plans approved by the Director;

(2) Review and approval by the Director of the closure activities; and

(3) Implementation of the post-closure plan approved

by the Director.

The Court shall enter an order terminating the provisions of this Consent Order upon application to the Court by any party and submission of documentation or other evidence, acceptable to the Court, that either of the above conditions has been satisfied, provided that Plaintiff has thirty days after being served with any termination application to file memoranda, documentation or other evidence opposing settling Defendants claim that the conditions for termination have been met.

**IX. COURT COSTS**

Settling Defendants shall pay the court costs of this action.

*J. F. W...*  
\_\_\_\_\_  
JUDGE  
COURT OF COMMON PLEAS

APPROVED:

LEE FISHER  
ATTORNEY GENERAL OF OHIO

*Bryan F. Zima by A. H. ...*  
\_\_\_\_\_  
(0022136)

BY  
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30 E. Broad Street, 25th Fl.  
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INLAND RECLAMATION, INC.  
SOLON SANITARY LANDFILL, INC.

BY: *James A. Palladino*  
\_\_\_\_\_  
JAMES A. PALLADINO  
President, Inland  
Reclamation, Inc. and  
Solon Sanitary Landfill, Inc.

*Robert S. Stone*  
\_\_\_\_\_  
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CLERK OF COURT  
BY *[Signature]* OFF.

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JAN 24 1992

CASE NO. 224021

ASSIGNED JUDGE JF McManamon

State of Ohio, ex rel

vs Inland Reclamation Inc. et al.

<input type="checkbox"/> 02 REASSIGNED	DISPOSITION	<input type="checkbox"/> 81 JURY TRIAL	<input type="checkbox"/> 88 BANKRUPTCY STAY
<input type="checkbox"/> 03 REINSTATED (C/A)		<input type="checkbox"/> 82 ARBITRATION DECREE	<input type="checkbox"/> 89 DIS. W/PREJ.
<input type="checkbox"/> 04 REINSTATED		<input type="checkbox"/> 83 COURT TRIAL	<input type="checkbox"/> 91 DEFAULT-COGNOVITS
<input type="checkbox"/> 20 REFEREE		<input type="checkbox"/> 85 PRETRIAL	<input type="checkbox"/> 93 TRANS TO COURT
<input type="checkbox"/> 40 ARBITRATION		<input type="checkbox"/> 87 DIS W/O PREJ	<input type="checkbox"/> 95 TRANS TO JUDGE
<input type="checkbox"/> 69 SUBMITTED			

NO. JURORS _____	COURT REPORTER _____	<input type="checkbox"/> PARTIAL
START DATE ____/____/____	START DATE ____/____/____	<input checked="" type="checkbox"/> FINAL
END DATE ____/____/____	END DATE ____/____/____	<input checked="" type="checkbox"/> POST CARD

DATE 1 / 22 / 92 (NUNG PRO TUNC ENTRY AS OF & FOR \_\_\_\_/\_\_\_\_/\_\_\_\_)

AGREED CONSENT ORDER SIGNED BY THE COURT.

OSJ (FINAL)

*[Signature]*

JUDGE

CLERK OF COURTS

JOURNAL

CIVIL CASE STATUS FORM

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ATTY GENERAL  
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