

IN THE COURT OF COMMON PLEAS
GREENE COUNTY, OHIO

FILED
97 FEB -4 AM 8:07
TERRI A. MANDER, CLERK
COMMON PLEAS COURT
GREENE COUNTY, OHIO

STATE OF OHIO
ATTORNEY GENERAL OF OHIO
State Office Tower
30 East Broad Street - 25th Floor
Columbus, Ohio 43215,

CASE NO. 96 CV 0025
JUDGE REID

and

GREENE COUNTY COMBINED
HEALTH DISTRICT
360 WILSON AVENUE
P. O. BOX 250
XENIA, OHIO 45385

Plaintiffs,

v.

WILLIAM STROUD
3153 E. Spring Valley-Paintersville Road
Jamestown, Ohio 45335

and

VIRGINIA STROUD
3153 E. Spring Valley-Paintersville Road
Jamestown, Ohio 45335

Defendants.

JOINT STIPULATION TO AMEND THE COMPLAINT
AND CONSENT ORDER BY ADDING A PARTY

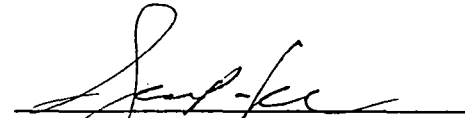
The parties jointly stipulate that the Greene County Combined Health District should be added as a Plaintiff to this case. The front pages of the Consent Order and Complaint, as amended, are attached hereto.

Respectfully submitted,

BETTY D. MONTGOMERY
ATTORNEY GENERAL OF OHIO



SHAUN PETERSON (0055467)
Rose & Dobyns
97 North South Street
Wilmington, Ohio 45177
Attorney for Defendant



JOSEPH P. KONCELIK (0061692)
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Attorney for Plaintiffs

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IN THE COURT OF COMMON PLEAS
GREENE COUNTY, OHIO

97 FEB -7 PM 4: 26

STATE OF OHIO, ex rel.
BETTY D. MONTGOMERY
ATTORNEY GENERAL OF OHIO
State Office Tower
30 East Broad Street - 25th Floor
Columbus, Ohio 43215,

CASE NO. 96 CV 0025
JUDGE REID

TERRI A. HAZOUR, CLERK
COMMON PLEAS COURT
GREENE COUNTY, OHIO

and

GREENE COUNTY COMBINED
HEALTH DISTRICT
360 WILSON AVENUE
P. O. BOX 250
XENIA, OHIO 45385

Plaintiffs,

v.

WILLIAM STROUD, et al.

Defendants.

AMENDED CONSENT ORDER

This matter came for a Sanction Hearing before this Court on October 31, 1996 and upon the Plaintiff's Complaint for Injunctive Relief and Civil Penalties. The Court finds the parties have reached an agreement, it is therefore hereby ORDERED, ADJUDGED AND DECREED as follows:

V. PERMANENT INJUNCTION

6. The Defendants are hereby ordered and enjoined to immediately comply with all the requirements set forth in Chapter 3734 and 3714 of the Ohio Revised Code and the terms and conditions of the rules adopted thereunder, except as provided in Section VI "Compliance Schedule" of this Consent Order.

7. Defendants are hereby permanently ordered and enjoined from disposing of any solid waste on the ground at either property. The Defendants are hereby permanently ordered and enjoined from bringing any additional solid waste onto either property. Defendants are permanently ordered and enjoined from burying any solid waste at either property. Defendants are permanently ordered and enjoined from burning any solid waste at either property.

8. For the activities set forth in Section VI "Compliance Schedule", the Defendants are ordered and enjoined to comply with the terms and conditions specified in paragraphs 9 through 14 of this Consent Order.

VI. COMPLIANCE SCHEDULE

9. Defendants shall pay to the Plaintiffs the sum of \$5,000.00 within fourteen (14) days from the date of entry of this Consent Order as specified in Section VIII. PENALTY. In addition, Defendant shall deposit into an escrow account, to be established at a commercial bank in Greene County, the sum of \$5,000.00 within fourteen (14) days from the date of entry of this Consent Order. The bank where the account is established shall be made the agent on the account and the terms of the

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account shall include that the money in the escrow account cannot be removed without, either the approval of the Greene County Combined Health District or the Greene County Court of Common Pleas.

10. Within sixty (60) days of the date of the Consent Order Defendants are ordered and enjoined to remove, in compliance with paragraph 12 of this Consent Order, all solid waste from both properties, including but not limited to the following items:

A. BALES ROAD PROPERTY:

1) All solid waste items behind the Chemical Resources truck, which include the following:

- a) books and records
- b) boxes of fram filters
- c) boxes of miscellaneous items
- d) truck batteries
- e) bag of aluminum cans
- f) loose bolts on the ground
- g) all items disposed on the ground on the southside of the Chemical Resources truck.

2) All solid waste on, around or under the Mac trucks, which include the following:

- a) boxes of new truck parts
- b) hoses and bolts on the ground
- c) truck tail gates

3) Big blue metal item made by the Magnaflux Corp.

4) Pile of bolts

5) Piles of miscellaneous parts, hoses, cables and metal rods

6) Pile of bicycles nest to the CAT D-8 dozer

7) Boxes underneath International dump truck and parts on the ground

8) Top part of metal shed should be removed or re-installed appropriately as roofing material.

9) Everything in and around the unsecured aluminum covered shed, including but not limited to nails,

mufflers, truck parts, pumps, motors, brakes, heaters, and other items.

- 10) Everything on, around or near the yellow Dodge pick-up truck and trailer
- 11) Everything around or near the blue Dodge van, including but not limited to boxes of bolts, plumbing fixtures, belts hoses, boots, metal parts, air filters, large aluminum box, gears, wiring large gray box (by Aeroquip)
- 12) All solid waste around the eastern third of the property.

B. POWERS ROAD PROPERTY:

- 1) Burned out tractor next to the road
- 2) Trailer full of respirators
- 3) Area between pond, all items that have been dumped or burned
- 4) Trailer with mortar shell holders
- 5) Trailer (white) at the Northwest edge of property also all debris on the ground in this area. If the trailer is made secure it may be used for storage.
- 6) All solid waste items found along the western edge of the property, including but not limited to, 55 gallon drums-sheets of steel, gas cylinders, engine blocks, and long white item.
- 7) Fuel tanks, hot water tank, swimming pool, 55 gallon drums, buckets, bed springs, beer bottles at southwest corner of the property

Within sixty (60) days Defendants must uncover any solid waste

that was buried or covered with earth and remove those items in compliance with paragraph 12 of this Consent Order.

11. In order to abate or prevent the maintenance of a public nuisance at either property, Defendant is ordered and enjoined to do the following:

- A) Within sixty (60) days the trailers which remain on either property must be made secure and the roofs repaired where damaged or rotten.
- B) Within one hundred Eighty (180) days the roof on the cement block building at the Powers Road property must

be repaired to make it weather tight. The doors to the building must be closed and secured. If the building is not made weather tight, then all items within the building must be removed.

- C) If any additional nuts, bolts, nails, or other marketable material is brought to the property those materials must be stored in 55 gallon drums, provided those drums are stored on pallets and covered with tarps to protect them from the weather.

12. The Defendants are ordered and enjoined that all items removed from both properties must be legally disposed or reclaimed at licensed and permitted solid waste facility. Defendants must submit receipts from any and all facilities that accepted the solid waste removed from both properties, as proof of their legal disposal or reclamation. Said receipts must be submitted to Deborah A. Leopold, Greene County Combined Health District.

13. If the Defendants complete the necessary tasks specified paragraphs 6 through 12 of this Consent Order, and the Defendants are deemed in compliance with Ohio law by the Board of Health and Ohio EPA, then the Plaintiffs will waive any and all claims of civil penalties for the violations set forth in Plaintiffs Complaint and Plaintiffs shall give permission to the escrow agent that the funds contained in the account may be returned to the Defendants, William Stroud or Virginia Stroud.

14. If the Plaintiffs do not believe that, within sixty (60) days of the date of entry of this Consent Order, Defendants are in compliance with paragraphs 6 through 12 of this Consent Order, then either Plaintiff may move this Court for a hearing to determine if the Defendants are in compliance with the terms of the

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direct expenses incurred in this case, if necessary. If said monies are not necessary for insuring that the Stroud properties, under the terms of this Order, are cleaned up properly, then said monies shall be used to help clean up any other open dumps which may be identified by the solid waste management committee or plan.

X. RIGHT OF ENTRY

17. Nothing in this Consent Order limits Plaintiffs authority under R.C. Chapter 3734 or any other statutory authority to enter upon either property to determine compliance with this Consent Order and R.C. Chapter 3734.

XI. GENERAL PROVISIONS



18. 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.

19. All court costs of this action shall be assessed against the Defendant.

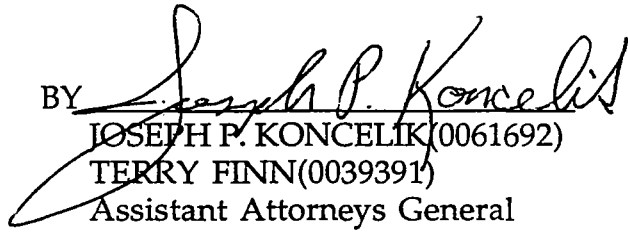
20. All citations to the Ohio Administrative Code identified in this Consent Order refer to the most current version of the rule as of the date of filing of this Consent Order.

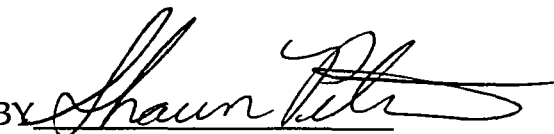
XII. AUTHORITY TO ENTER INTO THE CONSENT ORDER

21. The signatory of the Defendants represents and warrants that he/she has been duly authorized to sign this document and so bind Defendant to all terms and conditions thereof.


JUDGE, COURT OF COMMON PLEAS
GREENE COUNTY, OHIO 

APPROVED:
BETTY MONTGOMERY
ATTORNEY GENERAL OF OHIO

BY 
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Attorney for Defendants
William and Virginia Stroud

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