

COMMON PLEAS COURT  
FILED  
IN THE COURT OF COMMON PLEAS, ALLEN COUNTY, OHIO

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STATE OF OHIO, ex rel.  
ANTHONY J. CELEBREZZE, JR.  
ATTORNEY GENERAL OF OHIO

ROBERT H. DUGAN, CLERK OF COURTS  
CASE NO. 83 CIV 037

Plaintiff ALLEN COUNTY, OHIO

-vs-

TRANSVAC, DIVISION OF  
INTERDYNE CORPORATION, et. al.

ORDER

Defendants

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Pursuant to the order of this Court dated January 28, 1986 each party timely filed a Plan for Soil Sampling and Analysis for the Court's consideration to implement the Consent Judgment rendered herein on September 27, 1985. The Court's review of the proposed plans also includes a review of the evidence adduced at a hearing on June 14, 1984 at which time the Court continued the matter of implementation pending final determination of liability. (See Judgment Entry, August 14, 1984, Docket No. 57)

The plan submitted by plaintiff is the same as the one previously submitted. However Defendant's plan is not the same but is authored by Bill M. Dalton, P.E. under date of November 21, 1983. Defendant's original plan was authored by S. O. Loughheed and Associates, Inc. under date of May 1, 1984. These two (2) proposed plans differ in the basic premise for which the analysis is being implemented. The plaintiff's plan "... is ambitious and provides for a comprehensive, one time, environmental assessment ..." On the other hand, Defendant's plan is by its former general manager and is designed "... to assure the absence of stored, discarded or buried hazardous contaminants ... "

The issue presented in the case at bar is a classic example of balancing the interests of private citizens with that of the State. In this case the State has established, clearly and convincingly, that public interests dictate that steps be taken to insure that the ansvac site at 1046 North Jefferson Street has not been utilized as

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a hazardous waste burial site nor that the ground area below the surface storage area has been and remains infiltrated with hazardous product. The public health of this community dictates such a conclusion. It is time that steps be taken forthwith to identify any environmental problem, and if present, move to eliminate the same.

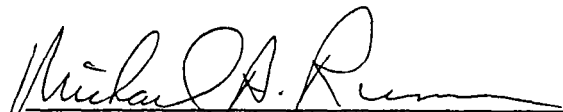
Therefore, this Court concludes that the "Plan" proposed by the Plaintiff will be accepted by the Court with the deferring of two (2) sampling methods for later implementation (1) subsurface soil borings and (2) ground water samples. These two (2) methods will be implemented immediately if any quantitative hazardous waste is identified at the site and attributable to defendants through the analytical procedures.

IT IS THEREFORE ORDERED that the "Sampling Plan" attached hereto be forthwith implemented under the supervision of the Ohio Environmental Protection Agency.

IT IS FURTHER ORDERED that the following calendar be adopted for the implementation of the "Sampling Plan" on or before the date specified:

April 1, 1986	grid system established and marked.
May 1, 1986	surface soil samples taken and split
June 1, 1986	surface soil sample analysis completed
June 1, 1986 to July 1, 1986	surface water samples taken and split
July 1, 1986	subsurface soil sample analysis completed
August 1, 1986	surface water sample analysis completed
August 15, 1986	Plaintiff's Preliminary Report to Court as to "Sampling Plan" findings and conclusions
September 1, 1986	Defendants response to Preliminary Report
September 15, 1986	Hearing as to remedial actions, if any, necessary on site.

The Clerk of this Court shall forward a file stamped copy of this ORDER to each attorney of record who is not represented by counsel. The filing shall be entered on the docket and charged as costs.

  
MICHAEL A. RUMER, JUDGE