

II. PERSONS BOUND

2. The provisions of this Consent Order shall apply to and be binding in accordance with Rule 65(D) of the Ohio Rules of Civil Procedure.

III. SATISFACTION OF LAWSUIT

3. Plaintiff alleges in its Complaint that the Defendant has violated R.C. Chapter 3734, the rules adopted and orders issued thereunder, as the owner/operator of a solid waste transfer station, known as the Rumpke Transfer Station, located at 21955 Hassel Drive, Circleville, Pickaway County, Ohio (hereinafter the "facility").

4. Defendant disputes the allegations and claims made by the State, and makes no admission of fact or violation of any statute, rule or regulation or liability or any alleged violation of the same.

5. 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 and accord of Defendant's alleged civil liability to Plaintiff at the facility for all claims alleged in the Plaintiff's Complaint, as well as for the violations noted in the notice of violation letters that are identified in Appendix I of this Consent Order.

IV. RESERVATION OF RIGHTS

6. Nothing in this Consent Order, including the settlement of claims for civil penalties, shall limit the authority of the State of Ohio to:

(a) Seek relief for claims or conditions not identified in paragraph 5, above;

(b) Seek relief for claims or conditions alleged in the Complaint which occur after the entry of this Consent Order;

(c) Enforce this Consent Order through a contempt action or otherwise for violations of this Consent Order;

(d) Bring any action against Defendant or against any other person, under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), as amended, 42 U.S.C. §9601, et seq. and/or R.C. §§ 3734.20 through 3734.27, and/or R.C. Chapter 6111 to: (1) recover natural resource damages, and/or (2) to order the performance of, and/or recover costs for any removal, remedial or corrective activities not conducted within the scope of this Consent Order.

(e) Take any action authorized by law against any person, including the Defendant, to eliminate or mitigate conditions at the facility which may present an imminent threat to the public health or welfare, or the environment.

7. Nothing in this Consent Order shall constitute a waiver of any right of the Defendant to challenge or appeal any action of the State.

V. INJUNCTION

8. On March 31, 1995, Defendant submitted an application for a permit to install ("PTI") to the Ohio EPA for review and approval, which includes leachate control measures to manage and control the leachate at the facility in accordance with Ohio Administrative Code ("O.A.C.") 3745-27-21(C)(3)(c) and 27-22(L) and (M).

9. Within sixty (60) days of receipt of Ohio EPA's approval of the PTI identified in the previous paragraph, Defendant is ordered and enjoined to implement and comply with the leachate control measures contained within the PTI, as approved by the Ohio EPA.

10. The Defendant is ordered and enjoined to comply with the litter control requirements set forth in O.A.C. 3745-27-23(J).

11. The Defendant is ordered and enjoined to comply with the requirements set forth in O.A.C. 3745-23(K).

12. Defendant is ordered and enjoined to comply with O.A.C. 3745-27-23 at the facility.

VI. CIVIL PENALTY CLAIMS

13. Defendant agrees to pay to the State of Ohio in settlement of the State's claims for civil penalties the amount of Forty-Seven Thousand Five Hundred Dollars (\$47,500.00). This payment for the State's civil penalty claims shall be suspended so long as Defendant makes the following payments within the time periods specified in this paragraph. Within ten (10) days of the entry of this Consent

Order, Defendant shall deposit Twelve Thousand Five Hundred Dollars (\$12,500.00) into a fund administered by the Guernsey County Health District for the closure of the Cherry Hill tire dump located in Guernsey County, Ohio ("Cherry Hill closure fund"). Within one hundred and eighty (180) days of the entry of this Consent Order, Defendant shall deposit Twelve Thousand Five Hundred Dollars (\$12,500.00) into the Cherry Hill closure fund, and Twenty-Two Thousand Five Hundred Dollars (\$22,500.00) into the closure trust fund for the Bedford landfills located in Franklin County, Ohio. Each payment shall be made in accordance with instructions provided to counsel for the Defendant by counsel for the State as to the existence and location of each closure fund.

VII. RIGHT OF ENTRY

14. Nothing in this Consent Order limits or expands Plaintiff's authority under R.C. Chapter 3734. or any other statutory authority to determine compliance with this Consent Order and R.C. Chapter 3734. at the facility.

VIII. GENERAL PROVISIONS

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

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

17. Unless specified otherwise, all documentation required to be submitted pursuant to this order shall be submitted by the Defendant to the following designated individuals or their respective successors:

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

18. 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.

IX. TERMINATION

19. If at anytime subsequent to two (2) years after the entry of this Consent Order the Defendant determines it has complied with all of the requirements of the Consent Order, it shall submit to Plaintiff a certification of compliance. If Ohio EPA concurs that Defendant has satisfied the requirements of this Consent Order, the parties shall file a joint motion with the Court to terminate this Consent Order. Upon approval of the Court, this Consent Order and the obligations hereunder shall terminate.

20. If Plaintiff does not agree that Defendant has complied with and/or fully satisfied the requirements of this Consent Order in accordance with the previous paragraph, the Defendant may file a motion pursuant to Rule 60(B) of the

Ohio Rules of Civil Procedure requesting that the Court terminate this Order. The Plaintiff reserves all rights to respond to any motion to terminate that Defendant may file.

X. AUTHORITY TO ENTER INTO THE CONSENT ORDER

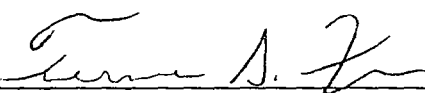
21. The signatory for Defendant represents and warrants that he/she has been duly authorized to sign this document and so bind Defendant to the terms and conditions thereof.


JUDGE, COURT OF COMMON PLEAS
PICKAWAY COUNTY, OHIO

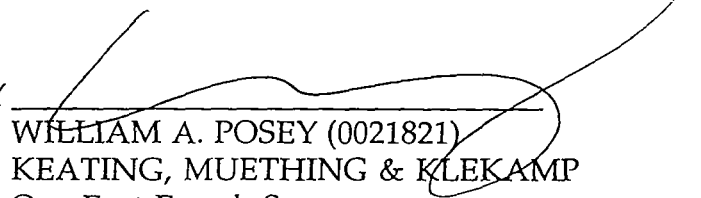
4-30-96

APPROVED:


BETTY MONTGOMERY
ATTORNEY GENERAL OF OHIO

BY 
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 
WILLIAM A. POSEY (0021821)
KEATING, MUETHING & KLEKAMP
One East Fourth Street
Cincinnati, Ohio 45202

Attorney for Defendant
Rumpke Waste, Inc.

BY 
Authorized Representative
of Rumpke Waste, Inc.

APPENDIX I

PICKAWAY COUNTY

The following are the dates of the notice of violation letters issued by the Ohio EPA or the local Board of Health for the Rumpke facility, which are referenced in paragraph 5 of the Consent Order.

September 8, 1992
October 6, 1992
November 25, 1992
February 2, 1993
March 4, 1993
March 29, 1993
April 13, 1993
May 5, 1993
June 23, 1993
July 22, 1993
August 16, 1993
September 16, 1993
October 19, 1993
November 30, 1993
December 22, 1993
January 28, 1994
January 19, 1994
February 2, 1994
February 10, 1994
February 18, 1994
June 20, 1994
July 29, 1994
October 18, 1994
January 26, 1995
April 4, 1995
May 17, 1995
December 18, 1995
March 12, 1996

SHARON OLIVE
CLERK OF COURTS
PICKAWAY COUNTY

95 APR 30 PM 3:06

FILED--COMM. PLEAS