

**IN THE COURT OF COMMON PLEAS
MORROW COUNTY, OHIO**

STATE OF OHIO, ex rel.	:	CASE NO. 25661
ATTORNEY GENERAL OF OHIO,	:	
	:	JUDGE HOWARD E. HALL
Plaintiff,	:	
	:	
v.	:	
	:	
LAWRENCE RADER,	:	
	:	
Defendant.	:	

JUDGMENT ENTRY

This matter came before the Court on Plaintiff State of Ohio's ("Plaintiff") at a hearing on January 9, 2004, and having granted Plaintiff's Motion for Summary Judgment on August 18, 2003, this Court hereby orders the following:

1. Pursuant to Ohio Revised Code ("R.C.") §§3734.10 and 3734.13, Defendant is ORDERED and ENJOINED to immediately implement mosquito control measures at Defendant's property located at 4959 County Road 25, Marengo, Harmony Township, Morrow County, Ohio 43334 (hereinafter referred to as the "Rader Tire Dump"), in accordance with the provisions of Ohio Admin. Code Rule 3745-27-60(B)(8). Defendant shall provide copies of the requisite mosquito control records to Ohio EPA Central District Office within ten (10) days after each application of the registered pesticide or larvicide. Defendant shall continue to apply mosquito control measures at the Rader Tire Dump in accordance with Ohio Admin. Code Rule 3745-27-60(B)(8) until all of the scrap tires at the Rader Tire Dump have been removed and properly disposed of; and

2. Pursuant to Ohio Revised Code ("R.C.") §§3734.10 and 3734.13, Defendant is ORDERED and ENJOINED to, not later than ninety (90) days after the effective date of this

Judgment Entry, establish storage piles and fire lanes at the Rader Tire Dump in accordance with Ohio Admin. Code Rule 3745-27-60(B)(1) through (6); and

3. Pursuant to Ohio Revised Code (“R.C.”) §§3734.10 and 3734.13, Defendant is ORDERED and ENJOINED to, not later than one hundred eighty (180) days after the effective date of this Judgment Entry, remove all scrap tires from the Rader Tire Dump, including, but not limited to, scrap tires dumped onto the ground and/or buried scrap tires, and shall arrange for their transportation, by a registered transporter, to a scrap tire storage, monocell, monofill, or recovery facility licensed under R.C. §3734.81, to a facility in another state operating in compliance with the laws of the state in which it is located, or to any other solid waste disposal facility in another state that is operating in compliance with the laws of that state, or transported by a registered transporter to a location that is an authorized beneficial use project. Defendant shall obtain receipts from the registered transporter and the facility, including the weight, volume and number of scrap tires received. Defendant shall forward such documentation to Ohio EPA, Central District Office within ten (10) days after removal of all of the scrap tires at the Rader Tire Dump; and

4. In the event Defendant fails to remove all scrap tires from the Rader Tire Dump within one hundred eighty (180) days of this Judgment Entry, Defendant shall provide the Director of Ohio EPA and his employees, representatives and contractors with access to the Property to perform whatever measures the Director considers reasonable and necessary to remove and properly manage the scrap tires located at the Rader Tire Dump; and

5. In the event that the Director of Ohio EPA removes the scrap tires from the Rader Tire Dump, Defendant shall reimburse the Director, within thirty (30) days of written request, for the costs incurred by the Director for conducting the removal, operation, storing at a scrap tire storage facility, storing or disposing at a scrap tire monocell or monofill facility, processing scrap tires so removed, the transporting of the scrap tires from the Rader Tire Dump to the scrap tire

storage, monocell, monofill, or recovery facility where the scrap tires were stored, disposed of, or processed, and for the administrative and legal expenses incurred by the Director in connection with the removal operation; and

6. Pursuant to R.C. §3734.13, Defendant is ORDERED to pay a civil penalty to the State of Ohio in an amount of \$731,000.00, by submitting a certified check in that amount, payable to the order of “Treasurer, State of Ohio” c/o Administrative Assistant, Environmental Enforcement Section, Office of the Attorney General of Ohio, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3400, to be deposited as follows:

- a. \$368,000 shall be deposited into the scrap tire abatement fund; and
 - b. \$368,000.00 shall be deposited into the environmental remediation fund established pursuant to R.C. 3734.281
7. Defendant is hereby ordered to pay the costs of this litigation

SO ORDERED,

DATE

**JUDGE HOWARD E. HALL
MORROW COUNTY COURT OF
COMMON PLEAS**

Copies of this Order are to be served by ordinary mail to the following parties:

Ms. Summer J. Koladin Plantz, Esq.
Mr. Michael E. Idzkowski, Esq.
Assistant Attorneys General
Environmental Enforcement Section
30 East Broad Street, 25th Floor
Columbus, Ohio 4215-3428

*Attorneys for Plaintiff
State of Ohio*

Mr. Lawrence Rader
4959 County Road 25
Marengo, Ohio 43334

Defendant