

Agriculture

State of Ohio ex rel. Dann v. Monte and Shelia Tuck

Monte and Shelia Tuck own and operate a small swine operation located at 7895 Parker Road, Bloomville, Ohio 44818, in Crawford County. Monte and Shelia's farm did not have enough swine to fall under the farming operations that are permitted by the Ohio Department of Agriculture (ODA). However, due to mismanagement of manure at the farm, the Chief of the Division of Soil and Water at the Ohio Department of Natural Resources referred Monte and Shelia to the Director of the ODA requesting that they be required to obtain a Permit to Operate from the Director. The Tucks filed an incomplete permit application.

The AGO filed a complaint seeking injunctive relief in the Crawford County Court of Common Pleas requiring the Tucks to obtain permits, and comply with R.C. Chapter 903 and OAC Chapter 901:10, including manure setbacks and manure levels in the manure pits. The Complaint also sought a civil penalty. The correct information was submitted and the AGO entered into a consent order with the Tucks. They will pay a \$2,000.00 civil penalty and comply with the injunctive relief. Since they have resolved their issues, the ODA has issued them a Permit to Operate.

Air Pollution

United States, et al. v. E.I. DuPont DeNemours & Co.

This is a case filed in the U.S. District Court, Southern District of Ohio (Cincinnati) by the United States Environmental Protection Agency for violations of the Clean Air Act at four sulfuric acid plants owned and operated by DuPont in Hamilton County. The Ohio EPA joined this action as a Plaintiff-Intervenor on July 23, 2007. The matter is subject to a Consent Decree among the parties (including the States of Louisiana, Virginia and Kentucky). Under the Consent Decree, DuPont has agreed to either install air pollution controls at the Ohio location or cease operations. DuPont has also agreed to pay in excess of \$4 million in penalties, including approximately \$500,000 to the State of Ohio. Louisiana, Virginia and Kentucky will be filing their intervenor complaints shortly. It is presently anticipated that the Decree will be able to be signed by Judge Beckwith in mid-September 2007.

State ex rel. Dann v. The Shelly Holding Company, et al.

The Shelly Company was referred to the AGO for air pollution violations at 58 facilities located across the State, many of which are from mobile asphalt plant sources. Violations include installing and modifying sources of air pollutants without permits to install, operation of sources of air pollutants without permits to operate, failing to comply with terms and conditions of permits, exceeding emissions limits for several different air pollutants, burning used oil containing high levels of lead and mercury, and burning used oil containing high levels of halogens without showing that the oil was hazardous waste. The State's complaint asks the Court to order Shelly to obtain appropriate permits for all facilities, comply with the terms and conditions of all applicable permits, and comply with all applicable restrictions on any used oil burned at Shelly's facilities and seeks civil penalties for all the violations.

The Belden Brick Company, L.L.C. and Robert F. Belden

The Belden Brick Company, L.L.C. (“Belden Brick”) is a major brick manufacturing company, producing various architectural and industrial bricks used in construction, paving, and other specialty purposes. The major production facility is located in Sugarcreek, Tuscarawas County, Ohio. Since 1999, Belden Brick has violated numerous Ohio air pollution control laws at its Sugarcreek facility. The most significant of the violations relate to the construction and operation of brick kilns without obtaining the proper permits from the Ohio EPA. Additional violations include failing to comply with the terms of permits issued by the Ohio EPA, failing to submit reports, and failing to comply with the orders of the Director of the Ohio EPA.

The Attorney General of Ohio has filed a complaint in the Tuscarawas County Court of Common Pleas against the company, as well as its president, Robert F. Belden, in his individual capacity for these violations. The complaint seeks civil penalties for the violations, as well as injunctive relief to compel the defendants to comply with Ohio air pollution control law and the orders of the Director.

State of Ohio ex rel. Dann v. Eslich Environmental, Inc. and Richard M. Eslich

Eslich Environmental, Inc. (“Eslich”) owns and operates a portable crusher that processes building debris and other solid material. The crusher is located in Summit County with business headquarters in Stark County. As part of the process, Eslich is allowed to have four storage piles in addition to roads and parking lots. The crusher releases particulate matter during operation and therefore constitutes an air emission source and regulated by Ohio EPA. The company has been lax in its compliance with the air pollution laws. In the complaint, we alleged violations for exceeding its emission limitation for visible emissions of particulate matter for three days in 2001, 2003, and 2005. Eslich also created a large storage pile of soil on its site which was not covered in its permit. In addition, Eslich failed to seek a new site approval for the crusher after the last site approval expired in July 2003. Finally, Eslich failed to comply with its reporting requirements since 2000.

The Attorney General of Ohio has filed a complaint in the Summit County Court of Common Pleas against the company, as well as its president, Richard M. Eslich, in his individual capacity for these violations. The complaint seeks civil penalties for the violations, as well as injunctive relief to compel the defendants to seek a new permit to install, a new site approval, comply with visible emissions limits, and comply with Ohio air pollution control law.

State of Ohio ex rel. Dann v. Swiss Woodcraft, Inc. Summary

Swiss Woodcraft, Inc. (“Swiss”) owns and operates a facility that manufactures custom wood cabinets and trims in Rittman, Wayne County, Ohio. Swiss paints the cabinets and trims as part of the manufacturing process. The application of the paint to the cabinets and trims constitutes an air emission source and therefore regulated by Ohio EPA. The company has been lax in its compliance with the air pollution laws. In the complaint, we alleged violations for exceeding its emission limitation for volatile organic compounds for several days in 2004 and 2005. Swiss also installed new emission sources in 2001 and 2003 without a permit to install and a permit to operate. Finally, Swiss failed to comply with its record-keeping and reporting requirements

since at least 1998. The Attorney General of Ohio has filed a complaint in the Wayne County Court of Common Pleas against the company for these violations. The complaint seeks civil penalties for the violations as well as injunctive relief to compel the defendant to comply with Ohio air pollution control law.

State of Ohio ex. rel. Dann v. CertainTeed Corp.

CertainTeed is an asphalt roofing company located in Milan, Ohio, that specializes in the manufacture of asphalt roofing shingles used in the construction industry. CertainTeed has failed to apply for and comply with the permitting requirements associated with the operation of its business. With the installation of a roofing line in late 1996, CertainTeed's two large fuel oil-fired boilers became subject to regulation under the Prevention of Significant Deterioration program, which insures that air remains safe. The company was also subject to the Title V (major permit) permitting requirements since the promulgation of the rules on April 20, 1994 but had failed to obtain a Title V permit, operated a Title V source without a Title V permit, and submitted deficient Title V fee emissions reports. Further, the company installed two sources of air contaminants without obtaining Permits to Install, and exceeded emissions limitations for particulate matter contained in their Permit to Install No. 03-8992. Along with a civil penalty, the State is requesting injunctive relief that includes ordering the company to apply for and obtain a PSD permit, Permits to Install for sources which require them, and a Title V permit, as well as enjoining the company to comply with all permit obligations and emissions limitations.

Asbestos

State ex rel. Dann v. Levio Baldarelli

In early 2003, Saint Patrick's Church and the Catholic Diocese of Youngstown ("Church") hired Levio Baldarelli to demolish three houses owned by the Church. The Church's maintenance supervisor contacted a member of the Church who is also a construction contractor about the demolition. The contractor had the buildings inspected for asbestos, and each was found to contain regulated asbestos in some quantity. The contractor told the Church that it would cost approximately \$8,000 to properly remove the asbestos prior to demolition. The Church informed the contractor that it did not have that much money to spend on the demolition. The Church then contacted Baldarelli, who, after reviewing the asbestos inspection report, assured the Church that he was licensed to do the abatement (he was not) and offered to demolish the buildings in exchange for the right to salvage anything of value from them. Baldarelli demolished the buildings sometime in June, 2003. The State's complaint includes counts for failure to provide notice prior to demolition and failure to inspect for asbestos prior to demolition.

State ex rel. Dann v. Demetrius "Duke" Ball

Duke Ball is a demolition contractor operating in the Cincinnati, Ohio area. Over the past several years, Ball has conducted multiple demolition operations in violation of Ohio's Asbestos Emission Control Standards. Ball has repeatedly failed to provide prior notice of his demolitions, failed to have properties inspected for the presence of asbestos, mishandled asbestos-containing demolition debris, and begun demolition and/or renovation activities prior to removing asbestos. The State's complaint asks the Court to order Ball to comply with the

Asbestos Standards when conducting demolitions and/or renovations in the future and seeks a civil penalty.

State of Ohio ex rel. Dann v. Eslich Wrecking

The State filed a Complaint and Consent Order in Summit County against Eslich Wrecking, Inc. and its principal Richard Eslich for violating both solid waste and air laws by demolishing six buildings that had been previously identified as containing asbestos containing material and crushing a portion of the construction and demolition debris for placement into the basement foundations of newly constructed buildings on the property without the proper permits. By signing the Consent Order, the Defendants agreed to put a deed restriction on the property, properly cap the property, and pay a civil penalty of \$99,674.00

Drinking Water

State of Ohio ex rel. Dann v. Joel Helms, dba Countryview South Apartments, et al.

Named Defendants are: Joel Helms, d/b/a Countryview South Apartments, Joel Helms, James J. Helms d/b/a Countryview South Apartments, Unknown Heirs, Executors, Assigns of the Estate of Mildred L Helms, Deceased, and Unknown Helms Family Partnership, Individual Members, and Partners.

This is a combined Drinking Water/Surface Water enforcement case that is designed to address current and ongoing problems at Countryview South Apartments in the City of Green, Summit County, Ohio. The Complaint has 34 counts seeking to enjoin numerous violations of safe drinking water laws and rules that require regular monitoring for a wide variety of contaminants and chemicals that could be harmful to human health. We are also asking the Court to order Defendants to connect to the available public water line in light of the magnitude of potentially harmful effects to human health as a result of the operation of the drinking water system. The Complaint also contains 5 counts pertaining to wastewater violations. Generally, these counts address unauthorized discharges of pollutants to an adjacent wetland without a permit. The Complaint also asks the Court to require the Defendants to abandon their wastewater treatment system and to connect to the publicly owned sewage treatment system that is currently being installed along the road that fronts the apartments.

State of Ohio, ex rel. Dann v. Maurer Mobile Home Court, Inc.

This complaint alleging drinking water violations was filed against Maurer Mobile Home Court, Inc. in Wood County Commons Pleas Court on July 16, 2007. Maurer Mobile Home Court, Inc., is a trailer park located in Bowling Green, Ohio and has an approximate population of 220. The owner of Maurer Mobile Home Court, Inc. ("MMHC") is James Maurer and the President of the corporation is Alan E. Steinke.

MMHC is a public water system providing water for human consumption to the residents of MMHC that has had assorted violations of Ohio drinking water rules. MMHC changed from a liquid chlorine to a gaseous chlorine treatment system without notifying the Ohio EPA or attempting to obtain approval of plans to install the new gaseous chlorine system. In addition, MMHC has not properly notified the public and the Ohio EPA of the positive bacteria samples as

required, nor has MMHC conducted all required testing for bacteria, lead and copper. In addition, inspections revealed other reporting and paperwork violations. The injunctive relief sought would require MMHC to complete a permit to install application for the installation of the gaseous chlorine treatment system as well as submitting the bacteria siting plan and the employment contract for the certified operator of the wastewater system. The Complaint also seeks a civil penalty.

Miscellaneous

State of Ohio ex rel. Dann v. Pat Gitler d.b.a. Peaceful Acres Mobile Home Park

A complaint was filed against Pat Gitler, d.b.a. Peaceful Acres Mobile Home Park, to have her declared a vexatious litigator. She continues to file pleadings that are repetitive and irrelevant, as well as untimely, in cases that have already been fully litigated. The State must then use its time and energy to respond to these improper pleadings. The complaint asks the court to declare her a vexatious litigator and issue an order preventing her from initiating civil proceedings or continuing any proceedings in the Lucas County Court of Common Pleas or an Ohio court of appeals without first obtaining permission from the appropriate court.

State of Ohio ex rel. v. Spectrum Metal Finishing, Inc.

Spectrum is an architectural coatings company located in Youngstown, Ohio, that specializes in coating aluminum and steel items used in the architectural industry. The Complaint is for failure to obtain and comply with all permitting requirements associated with Spectrum's November, 2000, dismantling and relocation of an existing coating line. A portion of the new line was comprised of entirely new equipment. As such, the company was required to obtain a Permit to Install prior to installation, a Title V (major source) permit, and a PSD permit. Additionally, Ohio EPA's Northeast District Office has received a number of odor complaints. The State is seeking a civil penalty and injunctive relief that includes requiring the company to apply for and comply with all permitting requirements.

Solid Waste/Landfills/Hazardous Waste

State of Ohio, ex rel. Dann v. Naypaver, et al.

This case was triggered by a citizen's complaint to the Trumbull County Health Department ("TCHD") and subsequent referral from the Ohio EPA. The Defendants violated Ohio's solid waste laws concerning a property commonly located in Leavittsburg, Warren Township, Trumbull County, Ohio ("Site"). At the Site location, several thousand tires were employed in stabilizing the embankment at artificial lake and were the source of a fire this past winter. The Site has never been a licensed or permitted solid waste facility and has never been a licensed or permitted scrap tire facility. The Complaint seeks preliminary and permanent injunctive relief to remove remaining scrap tires and to seek civil penalties.

State of Ohio, ex rel. Dann v. Summit Transfer & Recycling Inc., et al.

This case involves violations of Ohio's construction and demolition debris ("C&DD") laws in R.C. Chapter 3714, solid waste laws in R.C. Chapter 3734, and water pollution laws in R.C.

Chapter 6111. Defendants are the owners and operators of an unlicensed and unpermitted C&DD landfill site and/or dump located in Akron, Ohio. The Defendants are in possession of a Class IV composting license which allows only for the composting of yard waste and the like; however Defendants took other kinds of waste and C&DD at their site. The Complaint seeks civil penalties and injunctive relief in the form of preliminarily and permanently ordering Defendants to remove the solid waste and C&DD and ordering Defendants to cease any current and future construction of any disposal systems at the site and submit a complete Permit to Install pursuant to R. C. Chapter 6111.

State of Ohio, ex rel. Dann v. Smith Chemical Corp., et al.

The Attorney General's office filed this case in Ashtabula County alleging that Smith Chemical Company and owners Elizabeth Smith and Lois Smith never fully complied with facility decommissioning requirements when they shut down their bulk chemical storage operation in November of 2001. The U.S. EPA removed hazardous wastes from six above-ground tanks and storage sump in October of 2004. At that time the tanks were decontaminated, demolished and disposed of and the sump was pumped and back filled with on-site soils. The specific allegations against the company and owners include illegal storage of hazardous waste, failure to have a closure plan and to close a hazardous waste facility, failure to remove hazardous waste in accordance with an approved closure plan, failure to establish liability coverage, failure to obtain cost estimate for facility closure, and failure to establish financial assurance for facility closure. The AG's office is seeking to preliminarily and permanently enjoin Defendants to comply with R.C. Chapter 3734 and to comply with all closure requirements and is seeking civil penalties for the violations.

International Steel Services, Inc., Walter Sieckman, Re-Gen, Inc., and Michael Sieckmann

International Steel Services, Inc. ("International Steel") and its subsidiary Re-Gen, Inc. ("Re-Gen") own and operate a hydrochloric acid regeneration and iron oxide production facility in Warren, Trumbull County, Ohio. Hydrochloric acid regeneration and iron oxide production is a secondary industry associated with steel production. Since 1999, when the company obtained the facility, the corporations have failed to obtain the proper permit from the Ohio EPA to lawfully operate the facility. In addition, the corporations have failed to submit reports to the Ohio EPA or submit requisite fees for the facility.

Incidentally, International Steel had its license to conduct business as a foreign corporation cancelled by the Secretary of State of Ohio for failure to pay its franchise tax, and Re-Gen, Inc. has never been licensed to transact business in Ohio as foreign corporation. The Attorney General of Ohio has filed a complaint against both the corporations, and the presidents of the corporations in their individual capacities, namely, Walter Sieckman of International Steel and Michael Sieckmann of Re-Gen, for the violations at the facility. The complaint seeks civil penalties as well as injunctive relief to compel the defendants to obtain the proper permit, submit the necessary reports, and pay the requisite fees.

**State of Ohio ex rel. Dann v. Tri-State Group, Inc. and Glenn Straub,
Written Charges in Contempt, Motion to Show Cause, and Request for Hearing**

The September 2, 2003 Judgment requires Defendants, jointly and severally, to conduct an environmental closure of a non-operating fly ash disposal site, establish and implement a ground water monitoring system, pay a civil penalty of \$362,185, plus interest, and pay additional per day penalties if the closure and ground water monitoring requirements are not conducted pursuant to the schedules set forth in the Judgment. Defendants have failed to fully comply with the Judgment. The Contempt Charges seek an order requiring Defendants to complete all closure requirements, establish and implement the ground water monitoring system after submitting an approvable hydrogeologic investigation report, pay the balance of the unpaid civil penalty, and pay additional civil penalties for later violations.

State ex rel. Dann v. Harvard Refuse, Inc., et al.

The State filed a Complaint in Cuyahoga County against Harvard Refuse, Inc. and its principal, Stanley Lojek, for not complying with Director's Orders, failing to properly close and maintain a Solid Waste Facility, thus causing a public nuisance, allowing leachate to enter nearby Mill Creek from various locations, making unauthorized modifications to both a solid waste facility and a waterway of the United States. The State is seeking proper closure of the landfill, proper leachate collection and monitoring, and civil penalties.

State ex rel. Dann v. Warren Recycling, et al.

The State filed contempt charges against Warren Recycling Inc., Warren Hills LLC, and Anthony DiCenso III for their failure to comply with a Court Order and Consent Order. The charges were for failing to properly manage and control leachate, failure to submit an approvable closure plan, failure to submit a Post-Closure Plan, failure to implement groundwater monitoring, and the failure to pay a \$325,000 civil penalty owed by Warren Recycling, Inc. and Warren Hills. The injunctive relief includes the posting of adequate financial assurance for post-closure care, proper management and control of leachate, the performance of required ground water monitoring and any required groundwater assessments and corrective action, and the payment of the civil penalty.

State ex rel. Marc Dann v. Tremont Landfill Company et al.

This is an enforcement action against the Tremont Landfill Company, Thomas Danis individually, and Danis Environmental Services, Inc. regarding violations pertaining to the Tremont Landfill. The Tremont Landfill is located in Tremont City, Clark County, Ohio. The landfill closed in 1995. However, Defendants have failed to meet many post-closure care requirements. The 18 count complaint includes counts pertaining to the failure to maintain and properly operate gas extraction system and leachate collection system, failure to properly conduct gas and groundwater monitoring, failure to post adequate financial assurance, failure to maintain surface water structures, failure to comply with Directors Findings and Order to address gas related issues, and other violations.

The primary injunctive sought is for Defendants to fully fund the financial assurance required for post-closure care, to properly maintain and operate the gas extraction system, to properly

maintain and operate the surface water management system, to properly operate and maintain the leachate collection system, and comply with the Ohio EPA Director's Final Findings and Orders to the Tremont Landfill Company regarding explosive gas migration issues.

State of Ohio ex rel. Dann v. Clark Envelope, Inc. and Robert Clark

Robert Clark owned a printing business known as Clark Envelope, Inc., which manufactured envelopes. During an inspection, approximately twenty three 55-gallon drum containers were found to contain hazardous waste. The containers were stored outside and found to be in generally poor condition, with evidence of release into soil underneath the containers. The Complaint alleges a failure to conduct waste evaluation, illegal storage, and illegal transportation of hazardous waste to an unpermitted facility. Relief requested includes an injunction to properly close the facility and civil penalties.

State of Ohio ex rel. Dann v. ACN-Columbus LLC and American Container Net, Inc.

ACN-Columbus LLC and American Container Net, Inc. transported two drums of hazardous waste to its Franklin County business from an off site source, believed to be PPG. The drums were found at the site during an Ohio EPA inspection. ACN did not have a permit to store hazardous waste, so the drums being left on their property made ACN liable for unpermitted storage. ACN did remove the waste for proper disposal. A consent order was agreed to between the parties and included a requirement that ACN follow the law in the future and pay a civil penalty of \$12,000. The consent order was filed with the complaint. The Court approved the consent order on or about May 22.

State, ex rel. Marc Dann v. Republic Environmental Systems (Ohio), Inc., Republic Environmental Systems, Inc., BRAC, Inc., Edward McCabe, McCabe Engineering Corporation, and McCabe Corporation

The subject of this action is the soil and ground water contamination beneath the former Ecolotec Facility, a hazardous waste facility located in Dayton, Ohio. In 1998, Republic Environmental Systems (Ohio), Inc., Republic Environmental Systems, Inc., and BRAC, Inc. the Defendants entered into a Consent Order for violations of Ohio's hazardous waste laws and rules occurring at the Facility, requiring Defendants to take numerous steps to address soil and groundwater contamination at the Facility and to otherwise come into and maintain compliance. The Consent Order is also binding on Defendants Edward McCabe, McCabe Engineering Corporation, and McCabe Corporation as a result of their purchase of the original Ecolotec, Inc., on June 19, 1998. The State of Ohio has moved the Court for a Show Cause Order compelling the original Defendants and Edward McCabe, McCabe Engineering Corporation, and McCabe Corporation to explain why they have not complied with the Court's Order.

Tire Dumps

State of Ohio ex rel. Dann v. John Abbott, Alisha Abbott, and Cynthia Abbott.

The Abbotts stored tires and other solid waste located on their property in Peebles (Adams County), OH without a license to operate a solid waste facility or a scrap tire facility. Because of this failure, the Abbotts were in violation of operating a scrap tire facility without a license, open

dumping, and unlawfully storing scrap tires. In addition, the Abbotts failed to perform mosquito control as required by Ohio EPA Director's Orders.

This Complaint sought civil penalties and injunctive relief, and access to the site for Ohio EPA for these violations. Cynthia and Alisha Abbott were deeded the property from their father John Abbott and none of the Abbotts have the monetary means to clean the property. The case was dismissed voluntary without prejudice by the State after the Abbotts agreed to give the Ohio EPA access to the property to remove the scrap tires from their facility. The State will seek cost recovery by placing a lien on the property after tire removal is complete.

State of Ohio ex rel. Dann v. Theodore and Deborah Tsesmilles

This case involves an illegal tire dump maintained on the Tsesmilles' property in Salineville, Columbiana County, OH. After the Tsesmilles failed to clean up the dump and refused to discuss the situation with Ohio EPA, the State filed a Complaint to force the clean up of the 5,000 -10,000 tires on the site. Ohio EPA had previously issued Notices of Violation and Findings and Orders with which the Tsesmilles had not complied. After the case was filed the Tsesmilles agreed to an Order that allows access to the property to the State of Ohio and leaves open the question of any civil penalties to be paid until after clean up

State of Ohio ex rel. Dann v. American Scrap Tire Recycling, Inc.,

ASTRI failed to store or dispose of tire derived solid waste (piles of tire shreds) properly on its property after ASTRI lost its license to operate as a scrap tire recycler. Because of its failure to dispose of /remove waste after losing its license, ASTRI is also in violation of open dumping, operating without a license, failing to properly operate a scrap tire facility, and failure to conduct mandatory final closure of the facility in Geneva (Ashtabula County), OH. This complaint seeks civil penalties and injunctive relief, and access to the site for Ohio EPA for these violations. The Company was already in violation of Findings and Orders from the Director of Ohio EPA and two Court Orders from an Ashtabula County case brought by the Ashtabula County Health Department, all ordering the removal of the solid waste from its property.

State ex rel. Dann v. Douglas Earl, et al.

The State filed Contempt Charges in Richland County against Douglas Earl and the Hoffman Revocable Living Trust for violating the terms of a 2004 Consent Order wherein they agreed to clean up an illegal tire dump. The State was seeking enforcement of the Consent Order, i.e., cleaning up the tire dump, civil penalties, and jail time for Mr. Earl. The Defendants were found in contempt, assessed jail time, but the civil penalties has not yet been assessed.

State of Ohio ex rel. Dann v. Sue Taylor

The State filed a Complaint in Clark County against Sue Taylor for illegally operating a scrap tire storage facility, illegally owning a scrap tire storage facility, open dumping of scrap tires, unlawfully storing scrap tires, failing to perform mosquito controls on scrap tires and not complying with the Ohio EPA Director's Orders. The State was seeking an injunction, clean up of the property, and civil penalties. Ms. Taylor signed an access agreement to her property, agreed to not burn further, and agreed to pay for cleanup of the property.

Underground Storage Tanks

State of Ohio ex rel. Dann v. Cenci Enterprises, Cassady Sunoco and Nicholas A. Cenci

The Defendants violated Ohio Revised Code Chapter 3737 governing underground storage tanks. Defendants failed to do a required evaluation of the situation following a release of product from tanks on the property in Bexley, Ohio, as well as a proper tank abandonment. The release resulted in the existence of free product at the residence of a neighbor of the gas station. The tank owner ultimately provided a Tier 2 Evaluation, but the evaluation was determined to be deficient by BUSTR. The complaint seeks injunctive relief in the form of compliance with the BUSTR laws including obtaining a satisfactory Tier 2 Evaluation and doing any necessary cleanup. There have been citizen complaints made due to the presence of free product.

State of Ohio ex rel. Dann v. J. Paul Basinger (a/k/a Poole Trucking)

The Complaint is for violations of Chapter 3737, the laws governing underground storage tanks. Basinger failed to comply with BUSTR requirements regarding an out-of-service underground service tank located in North Lima, Ohio. The tank went out of service in 1998. Basinger refused to do a closure assessment or the resulting report, which was due ten years ago. BUSTR still does not know if there has been any release as a result of the abandonment of this tank. BUSTR has sought injunctive relief including a change in service for the tank or removal as well as penalties.

State of Ohio ex rel. Dann v. RHW, Inc., et al.

The State filed a Complaint and Consent Order in Franklin County against RHW, Inc. and its principal Mohammad Jallaq for violating BUSTR (underground storage tank) rules by failing to monitor his underground storage tanks, and failing to maintain proper insurance coverage for his underground storage tanks. By signing the Consent Order, the Defendants agreed to monitor their tanks monthly, obtain proper insurance coverage (and pay past due costs) restriction on the property, and pay a civil penalty of \$2,000.00.

State of Ohio, ex rel. Dann v. Fuel Plus, Inc., et al.

The State filed a Complaint in Franklin County against Sullivant Ave., Inc., Fuel Plus, Inc. and their principals Nafez Jallaq, Amer Alahmad, and Atef Jallaq for violating the Bureau of Underground Storage Tank Regulations (BUSTR) rules by failing to monitor his underground storage tanks, and failing to maintain proper insurance coverage for his underground storage tanks at a Sunoco station in Columbus. The State is seeking payment of past insurance fees and an updated insurance coverage, monthly monitoring of the USTs at the stations and civil penalties.

State of Ohio ex rel. Dann v. Sullivant Ave., Inc., et al.

The State filed a Complaint in Franklin County against Sullivant Ave., Inc., Fuel Plus, Inc., and their principals Nafez Jallaq, Amer Alahmad, and Atef Jallaq violating the Bureau of Underground Storage Tank Regulations (BUSTR) rules by failing to monitor his underground storage tanks, and failing to maintain proper insurance coverage for his underground storage

tanks at a Marathon station in Columbus. The State is seeking payment of past insurance fees and an updated insurance coverage, monthly monitoring at both stations and civil penalties.

State of Ohio ex rel. Dann v. American Petroleum, Inc., et al.

The State filed a Complaint in Lucas County against American Petroleum, Inc. and principals, Herbert Howard and Tammy Howard; The Four Howard's, LTD., and its principals, Michael Howard, John Howard, and Habib Howard; and Dakroub & Howard, LLC and its principal Habib Howard. The Complaint addresses five sites in Lucas County at which Defendants fail to comply with the Bureau of Underground Storage Tank Regulations (BUSTR) laws and rules regarding abandoned underground storage tanks, insurance coverage, monitoring, and petroleum spill clean up. The State is seeking proper closure of the sites that still have tanks in the ground, attainment of insurance coverage, proper monitoring of the tanks, clean-up procedures to be implemented where necessary, and payment of civil penalties.

State of Ohio ex rel. Dann v. American Petroleum, Inc., et al.

The State filed a Complaint in Allen County against American Petroleum, Inc., and principals, Herbert Howard and Tammy Howard; The Four Howard's, LTD., and its principals, Michael Howard, John Howard, and Habib Howard; and Dakroub & Howard, LLC and its principal Habib Howard. The Complaint addresses a site where Defendants fail to comply with the Bureau of Underground Storage Tank Regulations (BUSTR) laws and rules regarding out of service underground storage tanks, registration of tanks, insurance coverage, and monitoring. The State is seeking attainment of insurance coverage, registration of the tanks, proper monitoring of the tanks, and payment of civil penalties.

State of Ohio ex rel. Dann v. Coen Oil Co., et al., separate cases filed in eight counties

The Attorney General has filed lawsuits in Common Pleas courts in Stark, Summit, Cuyahoga, Belmont, Monroe, Tuscarawas, Lorain and Jefferson counties, allege that Donald C. Coen and Robert D. Coen, who control or operate the four companies named in the suits: Coen Company, the Coen Oil Company, Rocket Oil Company and Carlton B. Coen Land Company violated the law by failing to register underground storage tanks, by refusing to take corrective action on leaking tanks, and by failing to clean up tank spills.

The lawsuits ask the courts to force the Coens to immediately register tanks that are currently in use, to take the steps necessary to responsibly and legally close or remove inoperable tanks, and to take corrective measures at contaminated sites. The suits also seek civil penalties, attorney fees, and court costs from the defendants.

State of Ohio, ex rel. Dann v. Mary Caudil, d.b.a. Crossroads Gas Station

The State of Ohio brought this action for violating Ohio Revised Code Chapter 3737 governing underground storage tanks ("UST"). Crossroads Gas Station was located at Route 61 and State Route 98, in Richland County, Ohio. Defendant, who was the owner operator of the Site, failed to comply with numerous rules since 1996 when the site was placed out of service. Defendant had failed to obtain valid certificate of coverage for the UST system. In addition, the Defendant failed to close or perform a change-in-service of the UST system after a twelve (12) month out-

of-service period. In addition, Defendant failed take response actions due to a suspected release. Free product was discovered at the site and Defendant failed to perform the required free product removal response action. The Compliant seeks injunctive relief in the form of compliance with the BUSTR laws, doing any and all necessary cleanup and civil penalties.

Wastewater Treatment/Storm water Runoff

State ex rel. Dann v. Mahoning County; Mahoning County Common Pleas Court

The Complaint was filed against the Board of Commissioners for Mahoning County concerning violations by the County of its National Pollutant Discharge Elimination System (NPDES) permits for three of the County's wastewater treatment plants. These plants are the Meander Creek Wastewater Treatment Plant in Trumbull County and the Boardman and Campbell Wastewater Treatment Plants in Mahoning County, which, in total, serve about 38,000 customers, with a total average discharge of 11 million gallons per day of treated wastewater.

The County has had approximately 815 violations by exceeding the permit limits for the discharge of certain pollutants into the waters of the state, equaling over 5,000 days of violations. Among these violations is the County's failure to perform some of the testing required by its NPDES permits. The County has also failed to carry out its responsibility to operate a pretreatment program through which discharge of industrial wastes to the County's wastewater plants is regulated by the County, in part, due to the County having not replaced its pretreatment coordinator who retired in 1999. There were also documented raw sewage overflows from the Campbell sewer system and other failures by the County to meet compliance dates set forth in its NPDES permits. In this case the State is seeking civil penalties and asking that the county be ordered to perform specific work to correct problems with the plants, eliminate overflows at Campbell and otherwise complete work that is already required by the terms and conditions of the NPDES permits.

State of Ohio ex rel. Dann v. Board of Commissioners of Holmes County

The Attorney General's office filed charges in contempt on July 20, 2007 for violations of a 1998 Consent Order to apply for permits to install upgrades to the Holmes County wastewater treatment plants and to comply with NPDES permit limitations. The focus for the charges in contempt were the Defendant's violations of the 1998 Consent Order at five of its wastewater treatment plants (Holmes County Administration Building, Berlin Village, Mt. Hope, October Hills, and Walnut Creek), the failure to pay stipulated penalties for not meeting various compliance deadlines in the Consent Order, stipulated penalties for various permit violations, and the failure to complete a Supplemental Environmental Project (SEP) and to pay the associated stipulated civil penalties. The Complaint seeks injunctive relief including compliance with the terms of the 1998 Consent Order and the NPDES permits, payment of stipulated penalties, and other civil penalties authorized by statute.

State of Ohio ex rel. Dann v. Utility Operators Corp. and Edward A. Bishoff

Utility Operators Corp. operates the Rolling Hills wastewater treatment plant outside the Village of Byesville in Jackson Township, Guernsey County. The Complaint alleges numerous by-passes and NPDES permit violations. The case originally included a motion for a temporary

restraining order and preliminary injunction when filed on May 17, 2007. After the Court granted the TRO, an Amended Complaint was filed and an agreed entry appointed the Village of Byesville as the receiver to operate the wastewater treatment plant.

Defendants' operation of the Rolling Hills wastewater treatment plant had caused untreated and partially treated sewage and sewage sludge to discharge into a stream that runs through a public school complex serving grades K-12, endangering the public health and safety in the immediate vicinity of three public schools located and the health and safety of residents of the adjacent residential subdivision. The case seeks injunctive relief including an order requiring that Defendants cease further discharges from point sources not authorized by their permits, permanently enjoining Defendants from violating R.C. Chapter 6111 and their permit, and civil penalties.

Vreba-Hoff Dairy Development, LLC and Vreba-Hoff Dairy Leasing, LLC

The Attorney General's office filed a Complaint against Vreba-Hoff Dairy Development, LLC and Vreba-Hoff Dairy Leasing, LLC in the Fulton County Court of Common Pleas on July 20, 2007. The Complaint alleges violations of the National Pollutant Discharge Elimination System General Permit for storm water discharges associated with construction and Ohio Revised Code 6111 (Surface water). In total, the Complaint alleges permit violations relating to construction activities at twenty dairies located in the following counties: Defiance; Fulton; Hardin; Henry; Madison; Marion; Paulding; Putnam; Van Wert; Williams and Wood. Each count relates to violations at a different dairy where Vreba-Hoff has either failed to obtain the required storm water permits prior to engaging in construction, failed to install measures to control or prevent construction storm water discharge to streams, or failed to comply with the permits once coverage was granted. The Complaint seeks an injunction ordering Defendants to obtain permit coverage before commencing future construction, to comply with the terms of the permit(s), and to properly prepare and implement Storm Water Pollution Prevent Plans.

State of Ohio ex rel. Dann v. Evergreen Land Development Ltd., Alfonso Valdes, and Thomas A. Zebrasky

The complaint was filed against Defendants for construction storm water violations of Ohio Revised Code Chapter 6111. Evergreen and Valdes are the owners and/or developers of an approximately 108-acre piece of property known as Pine Lake Reserve in Beaver Township, Ohio. Zebrasky is a former partner in Evergreen and was the owner and/or developer of Pine Lake Reserve up until at least 2004. Defendants were granted coverage under the National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction Activities. Defendants violated this Permit on numerous occasions by not controlling the storm water runoff from their construction activities, and allowing sediment-laden storm water to discharge into Pine Lake. In addition, Defendants failed to obtain a Permit to Install from Ohio EPA prior to the installation of a sanitary sewer extension. The complaint seeks injunctive relief in the form of compliance with the water pollution control laws, as well as compliance with the General NPDES Permit. The complaint also asks for a civil penalty and attorneys' fees.

State of Ohio ex rel. Dann v. Philip Delp

Defendant violated Ohio Revised Code Chapter 6111 governing water pollution control. Defendant owns and operates Logan Lodge in Circleville, OH, a commercial operation consisting of a restaurant and motel. The wastewater treatment plant located at Logan Lodge has discharged raw and/or partially treated sewage into Scippo Creek or a tributary of Scippo Creek since at least 2002 and without a permit from Ohio EPA authorizing the discharge. The complaint seeks injunctive relief in the form of compliance with the water pollution control laws and asks for a civil penalty and attorney's fees.

State of Ohio ex rel. Dann v. City of Jackson, Ohio

The State's Complaint includes allegations that the City of Jackson discharged untreated or partially treated sewage from unlawful sanitary sewer overflow points on its sewer system, discharged untreated or partially treated wastewater from bypasses around its wastewater treatment works; and failed to bring enforcement action against industrial dischargers to its wastewater treatment works that were in significant noncompliance with federal, state, and local pretreatment standards and requirements, all in violation of R.C. Chapter 6111.

Under the terms of the Consent Order Jackson will remove the bypasses, eliminate sanitary sewer overflows, complete the upgrades to its treatment works necessary to achieve compliance with its discharge permit, bring appropriate enforcement actions against industrial dischargers that are currently in significant non-compliance, and pay a civil penalty of \$190,000.