

Date: 3/8/2007

Time: 10:03 AM

Page 1 of 1

Clearfield County Court of Common Pleas

ROA Report

User: LMILLER

Case: 2006-01069-CD

Current Judge: Fredric Joseph Ammerman

PA Department of Environmental Protection vs. James Hile

Civil Other

Date		Judge
7/6/2006	New Case Filed.	No Judge
	✓ X Filing: Petition to Compel Compliance with Order of Department Paid by: PA Department of Environmental Protection (plaintiff) Receipt number: 1914578 Dated: 07/06/2006 Amount: \$85.00 (Check) 2CC Atty and 1 CC shff.	No Judge
7/11/2006	✓ X Order, NOW, this 10th day of July, 2006, a Rule is issued upon the Respondent, The Respondent shall file an answer to the Petition within 20 days of service upon the Respondent, Argument shall be held on August 31, 2006 @ 9:00 a.m. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty., 1CC Shff	Fredric Joseph Ammerman
7/21/2006	✓ X Sheriff Return, July 18, 2006 at 12:53 pm served the within Petition to Compel Compliance with Order & Order on James Hile. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Comm./DEP \$30.39	Fredric Joseph Ammerman
9/1/2006	✓ X Praeipce, Stipulation, filed by s/ David M. Chuprinski, Assistant Counsel, PA DEP, 1CC Atty. Chuprinski	Fredric Joseph Ammerman
9/6/2006	✓ X Order, NOW, this 31st day of August, 2006, upon consideration of the Dept. of Environmental Protection's Petition to Compel Compliance with Order of Dept., and upon stipulation and agreement of the parties, it is Ordered: (see original). By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Chuprinski	Fredric Joseph Ammerman
9/11/2006	✓ X Certificate of Service, filed. Hereby certifies that on the date notice below a copy of this Court's Order dated August 31, 2006 has been sent to James Hile, filed by s/ David M. Chuprinski Esq. 1CC Atty Chuprinski.	Fredric Joseph Ammerman
1/24/2007	✓ X Petition For Finding of Contempt of Court Order, filed by s/ David M. Chuprinski, Esquire. 2CC Atty	Fredric Joseph Ammerman
1/29/2007	✓ X Rule To Show Cause, NOW, this 26th day of Jan., 2007, upon consideration of Petitioner's Petition for Finding of Contempt, a Rule is entered upon James Hile by answering the Petition on or before the 14th day of Feb., 2007. Rule returnable the 14th day of Feb., 2007, at 9:30 a.m. in Courtroom 1. By The Court, /s/ Fredric J Ammerman, Pres. Judge	Fredric Joseph Ammerman
2/14/2007	✓ X Unopposed Motion for Continuance, filed by s/ David M. Chuprinski Esq. 1CC Atty Chuprinski.	Fredric Joseph Ammerman
	✓ X Certificate of Service, filed. That on February 12, 2007 the foregoing Unopposed Motion for Continuance has been mail to James Hile, filed by s/ David M. Chuprinski Esq. 1CC Atty Chuprinski.	Fredric Joseph Ammerman
2/22/2007	✓ X Order, NOW, this 21st day of Feb., 2007, the hearing of the Department of Environmental Protection's Petition for Finding of Contempt of Court Order scheduled for Feb. 14, 2007 is rescheduled to March 14, 2007 at 1:30 p.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty. Chuprinski	Fredric Joseph Ammerman

3-14-07 ✓ Certificate of Service.

3-14-07 Order, dated 3-14-07

3-19-07 Return of Service

Clearfield County Court of Common Pleas
Fees Distribution Report
CT COMMON PLEAS, Prothonotary CT Location Only
All Case Types
From 02/01/2007 08:00 AM to 02/28/2007 05:00 PM
Sorted by Fee Distribution Type and Effective Date

User: LMILLER

Effective Date: 5/9/2006

Writ of Execution / Possession - Number of fees collected: 23

Receipt Date	Receipt Number	Proth Co Fees	Dept Rev Proth Tax	
2/13/2007	03:05 PM 1917635	19.50	.50	
	Payor: Phelan Hallinan & Schmieg			Case: 2006-01716-CD
2/16/2007	01:06 PM 1917673	19.50	.50	
	Payor: Goldbeck McCafferty & McKeever			Case: 2006-01157-CD
2/16/2007	02:32 PM 1917681	19.50	.50	
	Payor: Gairo, Margaret (attorney for Beneficial Consumer			Case: 2006-01550-CD
2/22/2007	12:42 PM 1917744	19.50	.50	
	Payor: Warmbrodt, James C. (attorney for Capital One Bank			Case: 2006-01314-CD
2/22/2007	01:00 PM 1917745	19.50	.50	
	Payor: Hallinan, Francis S. (attorney for TCIP Bar, LLC)			Case: 2006-00873-CD
2/22/2007	01:11 PM 1917746	19.50	.50	
	Payor: Drenzo, Lori M. (attorney for Beneficial Consumer			Case: 2006-01776-CD
2/26/2007	10:59 AM 1917777	19.50	.50	
	Payor: Anthou, Kristine M. Esq (attorney for Chase Home F			Case: 2006-01852-CD
2/26/2007	11:15 AM 1917779	19.50	.50	
	Payor: Reiber, Thomas E. Esq (attorney for First Commonwe			Case: 2006-00625-CD
2/27/2007	01:46 PM 1917806	19.50	.50	
	Payor: Commonwealth Financial Systems, Inc. (plaintiff)			Case: 2006-02037-CD
2/28/2007	01:29 PM 1917824	19.50	.50	
	Payor: Hallinan, Francis S. (attorney for PHH Mortgage Co			Case: 2006-01619-CD
2/28/2007	01:41 PM 1917825	19.50	.50	
	Payor: Saltzman, Rob (attorney for Champion Mortgage)			Case: 2006-01853-CD
2/28/2007	02:10 PM 1917828	19.50	.50	
	Payor: Mix, Robert A. (attorney for Bassett Furniture Ind			Case: 2007-00109-CD
2/28/2007	03:41 PM 1917834	19.50	.50	
	Payor: Hopkins, David J. (attorney for FNB Consumer Disco			Case: 2006-01951-CD
Distribution totals:		448.50	11.50	
				450.00

**COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA**

CIVIL ACTION—Law and Equity

No. 06-1069-CD

Type of Case: Petition to Compel Compliance with Order of Department

Type of Pleading: Petition to be heard pursuant to Pa.R.C.P. 206.7 filed on behalf of PA Department of Environmental Protection

Petitioner: PA Department of Environmental Protection

Counsel of Record for Petitioner:

David M. Chuprinski, Assistant Counsel
PA Supreme Court I.D. Number 75540
208 West Third Street - Suite 101
Williamsport, PA 17701
Telephone: (570) 321-6568

v.

Respondent: James Hile, Respondent
RD 1, Box 318
Clearfield, PA 16830

Counsel of Record for Respondent:

None.

Dated: July 3, 2006

FILED Amy pd. 85.00
JUL 06 2006 2cc Atty
William A. Shaw 1cc Shff
Prothonotary/Clerk of Courts

CA

IN THE
CLEARFIELD COUNTY COURT OF COMMON PLEAS

COMMONWEALTH OF
PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

FILED 2cc
9/10/14 601 Aty
JUL 11 2006 1cc
Shff
William A. Shaw
Prothonotary/Clerk of Courts (CR)

Petitioner, : Civil Action in Law and Equity
: Compel Compliance with
: December 5, 2005 Order of
: Department

v. : No. 2006-1009-CD

JAMES HILE,
Respondent.

ORDER

AND NOW, this 10th day of July, 2006, upon consideration of the foregoing Petition, it is hereby ordered that:

1. A RULE is issued upon the Respondent to show cause why the Petitioner is not entitled to the relief requested;
2. The Respondent shall file an answer to the Petition within twenty (20) days of service upon the Respondent;
3. The Complaint shall be decided under Pa. R.C.P. No. 206.7;
4. Argument shall be held on August 31, 2006 in Courtroom Number 1 of the Clearfield County Courthouse; and 9:00 A.M.
5. Notice of the entry of this Order shall be provided to all parties by the Petitioner.

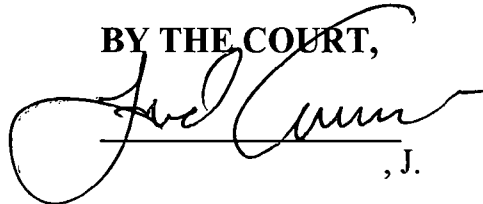
NOTICE

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE MATTERS SET FORTH IN THE FOLLOWING PETITION, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE AN ANSWER IN WRITING WITH THE PROTHONOTARY SETTING FORTH YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU AND SERVE A COPY ON THE ATTORNEY OR PERSON FILING THE PETITION. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR THE RELIEF REQUESTED BY THE PETITIONER. YOU MAY LOSE RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830
(814) 765-2641, Ext. 50-51

BY THE COURT,



, J.

**IN THE
CLEARFIELD COUNTY COURT OF COMMON PLEAS**

COMMONWEALTH OF
PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

Petitioner,

Civil Action in Law and Equity

Compel Compliance with
December 5, 2005 Order of
Department

No. 2006-

v.

JAMES HILE,

Respondent.

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages; you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE
TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY
OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO
FEE.

MidPenn Legal Services
211 ½ E. Locust Street
Clearfield, PA 16830
(814) 326-9177

COMMONWEALTH OF
PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

Civil Action in Law and Equity

V.

Respondent.

1. Your Petitioner, the Department, is the Administrative agency with the authority and responsibility to administer and enforce the Solid Waste Management Act, the Act of July 7, 1980, P.L. 380, *as amended*, 35 P.S. §§ 6018.101 *et seq.* ("SWMA"); The Clean Streams Law, Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. §§ 691.1 *et seq.* ("Clean Streams Law"); the Hazardous Sites Cleanup Act, the Act of October 18, 1988, P.L. 756, No. 1988-108, 35 P.S. § 6020.101 *et seq.*; Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S.

§ 510-17 (“Administrative Code”); and the rules and regulations promulgated thereunder.

2. Respondent James Hile, (“Hile”) is a person as that term is defined in Section 103 of the SWMA, 35 P.S. § 6018.103. Hile’s mailing address is RD 1, Box 318, Clearfield, PA 16830.

3. This Court has jurisdiction over this proceeding pursuant to Sections 761 and 931 of the Judicial Code, 42 Pa. C.S.A. §§ 761 and 931.

4. Pursuant to the SWMA at 35 P.S. § 6018.602, on December 5, 2005 the Department issued an Enforcement Order against Hile (hereinafter “Enforcement Order”). The December 5, 2005 Enforcement Order is incorporated herein by reference as though fully set forth, and a copy is attached hereto marked as “Exhibit A”.

5. On January 4, 2006 Department employee James D. Greene personally served Hile with the Enforcement Order.

6. Pursuant to 25 Code § 1021.52(a)(1), Hile had thirty (30) days after receipt of the Enforcement Order in which to file an appeal with the Environmental Hearing Board (“EHB”), or by February 6, 2006.

7. As documented in an EHB Certification of Official Records dated April 14, 2006, Hile did not file an appeal of the Enforcement Order with the EHB by February 6, 2006. *See* Certification of Official Records attached hereto marked as “Exhibit B” and incorporated herein by reference as though fully set forth.

8. Because Hile did not appeal the Enforcement Order, he is precluded from

contesting its content or validity in this proceeding. *DER v. Wheeling-Pittsburgh Steel Corp.*, 473 Pa. 432, 375 A.2d 320 (1977); *DER v. Williams*, 57 Pa. Cmwlth. 8, 425 A.2d 871 (1981).

9. The following facts and violations are conclusively established by the Enforcement Order:

- a. James Hile maintains a mailing address of RD 1, Box 318, Clearfield, PA 16830.
- b. Hile owns approximately 19.96 acres on Flegal Road in Lawrence Township, Clearfield County, identified in the Clearfield County Tax Assessment Office as Tax Parcel Number 123-K07-00041 (hereinafter referred to as "Site A") and approximately six (6) acres on the Martin Street Extension where an office and recycling building are located in Lawrence Township, Clearfield County, identified in the Clearfield County Tax Assessment Office as Tax Parcel Numbers J08-000-00165 and J08-000-00165 (hereinafter referred to as "Site B").
- c. On July 16, 2003, the Department conducted an inspection at Site A. At that time it was determined that Hile had deposited onto the ground at the Site approximately 3,000 waste tires in violation of Section 6018.610(1) of the SWMA, 35 P.S. § 6018.610(1), for dumping or depositing solid waste onto the surface of the ground without a permit and Section 610(2) of the SWMA, 35 P.S. § 6018.610(2), for operating a solid waste storage or disposal facility without a permit.
- d. On March 9, 2004, the Department conducted an inspection at Site A. No tires had been removed from the Site since the initial inspection on July 16, 2003.
- e. On March 29, 2004, the Department issued Hile a Notice of Violation (NOV) for violations observed at Site A during the March 9, 2004 inspection. Hile was found in violation of Section 6018.610(1) of the SWMA, 35 P.S. § 6018.610(1), for dumping or depositing solid waste onto the ground without a permit and Section 610(2) of the SWMA, 35 P.S. § 6018.610(2), for operating a solid waste storage or disposal facility

without a permit. The Department recommended that Hile come into compliance at the Site by removing all waste tires from the Site to a permitted processing facility by August 30, 2004 and retain all receipts from the tire removal for review by the Department.

- f. On July 8, 2005, the Department conducted an inspection at Site A. The waste tires remained on the Site. No tires had been removed from the Site since the initial inspection of July 16, 2003. Hile was in violation of Section 6018.610(1) of the SWMA, 35 P.S. § 6018.610(1), for dumping or depositing solid waste onto the surface of the ground without a permit and Section 610(2) of the SWMA, 35 P.S. § 6018.610(2), for operating a solid waste disposal facility without a permit.
- g. On October 26, 2005, an inspection conducted by the Department at Site B revealed that non-marketable recyclable materials including brown beer bottles, clear glass beakers, clear glass bowls and plastic sheeting are being buried on site. The dumping and burial area is approximately 50 feet by 15 feet and 6 feet deep. The Department has estimated at least 30 tons of waste is disposed of in this pile. There was also a burn area consisting of approximately thirty (30) 5-gallon paint buckets, thinner buckets, wood and paper.
- h. On or about October 30, 2005, a tire fire occurred at Site A off Flegal Road in Lawrence Twp. Approximately 1/2 of the 3,000 tires were burned. It was not determined how the fire started.
- i. Hile has never applied for nor received a permit from the Department to burn, dump, dispose of or deposit solid waste onto the surface of the ground at Site A or Site B.
- j. Under Section 103 of the Solid Waste Management Act, 35 P.S. § 6018.103, the definition of "disposal" provides in part, that the storage of any waste in excess of one year constitutes disposal.
- k. Section 610(1) of the SWMA, 35 P.S. § 6018.610(1), states, in part that: "It shall be unlawful for any person or municipality to ...[d]ump or deposit, or permit the dumping or depositing, of any solid waste onto the surface of the ground...unless a permit for the dumping of such solid wastes has been obtained from the [D]epartment..."

- l. Section 610(2) of the SWMA, 35 P.S. § 6018.610(2), in part states, that: "It shall be unlawful for any person or municipality to ...[c]onstruct, alter, operate or utilize a solid waste storage, treatment, processing or disposal facility without a permit from the [D]epartment as required by this act or in violation of the rules or regulations adopted under this act, or orders of the [D]epartment, or in violation of any term or condition of any permit issued by the [D]epartment."
 - m. Section 610(3) of the SWMA, 35 P.S. § 6018.610(3), in part states, that: "It shall be unlawful for any person or municipality to ...[b]urn solid wastes without a permit from the [D]epartment."
 - n. The conditions described in [Subparagraphs 9c, d, e, f and g], above, constitute violations of Sections 610(1) and 610(2) of the SWMA, 35 P.S. § 6018.610(1), and § 6018.610(2).
 - o. The conditions described in [Subparagraphs 9f and g], above, constitute violations of Section 610(3) of the SWMA, 35 P.S. § 6018.610(3).
 - p. The violations described in [Subparagraphs 9n and o], above, constitute unlawful conduct under Section 610 of the Solid Waste Management Act, 35 P.S. § 6018.610; a statutory nuisance under Section 601 of the SWMA, 35 P.S. § 6018.601; and subject Hile to civil penalty liability under Section 605 of the SWMA, 35 P.S. § 6018.605.
10. Pursuant to 35 P.S. § 6018.602(a), the Enforcement Order was effective as of the day of receipt of the Enforcement Order: January 4, 2006.
 11. The Enforcement Order required Hile to:
 - (a) Effective [upon receipt of the Order, January 4, 2006], not accept, store or dispose of any solid waste at Site A or Site B including waste tires, non-marketable recyclable items, glass, paper or wood.
 - (b) Effective [upon receipt of the Order, January 4, 2006], not burn any solid

waste on Site A or Site B including paper, wood or waste tires.

(c) Within 60 days of receipt of the Order [by March 6, 2006], remove all solid waste, including but not limited to waste tires, waste non-marketable recyclable items, burned waste and other solid waste disposed of or buried at the two sites, for processing or disposal at a permitted or approved waste disposal or waste processing facility. Such removal shall be in compliance with all applicable state and federal statutes, rules and regulations.

(d) Submit to the Department all receipts indicating that all solid waste and recyclable materials found at Site A and Site B have been properly processed or disposed of at permitted disposal and processing facilities. The receipts must be submitted within 67 days after Hile's receipt of the Order [by March 13, 2006].

12. On March 7, 2006 the Department conducted an inspection of the facility at Martin Street Extension ("Site B") and observed that

(a) Burning had stopped;

(b) Waste tires that had been removed from Flegal Street ("Site A") were taken to Site B and placed in a building;

(c) The waste glass that had been dumped over the bank had not been recovered, and additional glass had been dumped over the bank since the October 26, 2005 inspection.

13. On April 4, 2006 the Department conducted an inspection of the facility at Martin Street Extension ("Site B") and observed that a portion of the brown glass that was dumped over the bank has been recovered and piled at the western end of the Site mixed with dirt. Some partially buried glass, plastics and some metal items remained on top of and over the bank.

14. On May 24, 2006 the Department conducted an inspection of the facility at Martin Street Extension ("Site B") and observed that:

(a) Some of the waste glass and metal that had been dumped over the bank had been removed, but the glass had been piled at the west end of the property;

(b) There still was buried glass, metal and plastic over the bank behind the building; and

(c) There was a large pile of cardboard and wooden pallets behind the building.

14. The conditions observed on March 7 and May 24, 2006 at Hile's facility at Martin Street Extension ("Site B") are in direct violation of the Department's Enforcement Order.

15. To the date of the filing of this Petition, the Department has not received any receipts indicating that all solid waste and recyclable materials found at Site A and Site B have been properly processed or disposed of at permitted disposal and processing facilities.

WHEREFORE, the Department respectfully requests that this Honorable Court:

1. Enter the attached Rule to Show Cause;
2. After hearing, pursuant to 35 P.S. § 6018.603, order Hile to immediately stop accepting or disposing of any solid waste at his facilities in Lawrence Township, Clearfield County at Flegal Road ("Site A") and Martin Street Extension ("Site B") ;
3. After hearing, pursuant to 35 P.S. § 6018.603, order Hile, within fifteen (15) days of the date of hearing, to:
 - a. Remove from his facility in Lawrence Township, Clearfield County at Martin Street Extension ("Site B") all solid waste, including but not limited to waste tires, waste non-marketable recyclable items, burned waste and other solid waste disposed of or buried at the two sites, for processing or disposal at a permitted or approved waste disposal or waste processing facility. Such removal shall be in compliance with all applicable state and federal statutes, rules and regulations and
 - b. Submit to the Department any and all receipts and other documentation such as invoices, waste manifests, and bills of lading confirming all solid waste at Site B was processed or disposed of properly and legally.
4. After hearing, pursuant to 35 P.S. § 6018.603, Order that Hile pay a fine of \$50.00 per day for each day he fails to comply with this Court's Order, with costs to be calculated at the time of any finding of contempt by this Honorable Court;
5. Find that the facts and violations set forth in the December 5, 2005 Enforcement Order are conclusively established;

6. Grant the Department attorney's fees and costs;
7. Order such other relief that the Court deems just and proper; and
8. Retain continuing jurisdiction of this matter .

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

DATE: 7-3-06



David M. Chuprinski

Assistant Counsel

PA Supreme Court I.D. Number 75540

208 West Third Street - Suite 101

Williamsport, PA 17701

Telephone: (570) 321-6568



Pennsylvania Department of Environmental Protection

208 West Third Street, Suite 101

Williamsport, PA 17701-6448

December 5, 2005

Northcentral Regional Office

Fax 570 327-3420

CERTIFIED MAIL NO. 7005 1160 0001 3430 9866

Mr. James Hile
RD 1, Box 318
Clearfield PA 16830

Re: Administrative Order
Solid Waste Disposal Violations
Lawrence Twp., Clearfield County

Dear Mr. Hile:

Enclosed is an Administrative Order issued by the Department of Environmental Protection for violations of the Solid Waste Management Act and rules and regulations promulgated thereunder occurring on the dates specified therein.

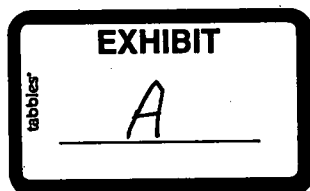
We believe this document to be self-explanatory, however, if you have any questions please contact me at 570 327-3653.

Sincerely,

James E. Miller
Environmental Program Manager

Enclosure

cc: Community Relations Coordinator
Chief Counsel
Regional File
Compliance
Field



**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In the Matter of:
James Hile
RD 1, Box 318
Clearfield, PA 16830

: Unpermitted Disposal of
: Solid Waste without a Permit
: Lawrence Township, Clearfield County

ORDER

AND NOW, this 5th day of December 2005, the Commonwealth of Pennsylvania Department of Environmental Protection (hereinafter referred to as "Department") has determined that:

A. The Department is the Administrative agency with the authority and responsibility to administer and enforce the Solid Waste Management Act, the Act of July 7, 1980, P.L. 380, *as amended*, 35 P.S. §§ 6018.101 *et seq.* ("SWMA"); The Clean Streams Law, Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. §§ 691.1 *et seq.* ("Clean Streams Law"); the Hazardous Sites Cleanup Act, the Act of October 18, 1988, P.L. 756, No. 1988-108, 35 P.S. § 6020.101 *et seq.*; the Air Pollution Control Act, Act of January 8, 1960, P.L. 2119 (1959), *as amended*, 35 P.S. §§ 4001 *et seq.*; Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. § 510-17 ("Administrative Code"); and the rules and regulations promulgated thereunder.

B. James Hile maintains a mailing address of RD 1, Box 318, Clearfield, PA 16830.

C. Hile owns approximately 19.96 acres on Flegal Road in Lawrence Township, Clearfield County, identified in the Clearfield County Tax Assessment Office as Tax Parcel Number 123-K07-00041 (hereinafter referred to as "Site A") and approximately 6 acres on the Martin Street Extension where an office and recycling building are located in Lawrence Township, Clearfield County identified in the Clearfield County Tax Assessment Office as Tax Parcel Numbers J08-000-00165 and J08-000-00165 (hereinafter referred to as "Site B").

D.

1. On July 16, 2003, the Department conducted an inspection at the Site A. At that time it was determined that Hile had deposited onto the ground at the site approximately 3,000 waste tires in violation of Section 6018.610(1) of the SWMA, 35 P.S. § 6018.610(1), for dumping or depositing solid waste onto the surface of the ground without a permit and Section 610(2) of the SWMA, 35 P.S. § 6018.610(2), for operating a solid waste storage or disposal facility without a permit.

2. On March 9, 2004, the Department conducted an inspection at the Site A. No tires had been removed from the site since the initial inspection on July 16, 2003.

3. On March 29, 2004, the Department issued Hile a Notice of Violation (NOV) for violations observed at Site A during the March 9, 2004 inspection. Hile was found in violation of Section 6018.610(1) of the SWMA, 35 P.S. § 6018.610(1), for dumping or depositing solid waste onto the ground without a permit and Section 610(2) of the SWMA, 35 P.S. § 6018.610(2), for operating a solid waste storage or disposal facility without a permit. The Department recommended that Hile come into compliance at the Site by removing all waste tires from the Site to a permitted processing facility by August 30, 2004 and retain all receipts from the tire removal for review by the Department.

4. On July 8, 2005, the Department conducted an inspection at the Site A. The waste tires remained on site. No tires had been removed from the site since the initial inspection of July 16, 2003. Hile was in violation of Section 6018.610(1) of the SWMA, 35 P.S. § 6018.610(1), for dumping or depositing solid waste onto the surface of the ground without a permit and Section 610(2) of the SWMA, 35 P.S. § 6018.610(2), for operating a solid waste disposal facility without a permit.

5. On October 26, 2005, an inspection conducted by the Department at Site B revealed that non-marketable recyclable materials including brown beer bottles, clear glass beakers, clear glass bowls and plastic sheeting are being buried on site. The dumping and burial area is approximately 50 feet by 15 feet and 6 feet deep. The Department has estimated at least 30 tons of waste disposed of in

this pile. There was also a burn area consisting of approximately thirty 5-gallon paint buckets, thinner buckets, wood and paper.

6. On or about October 30, 2005, a tire fire occurred at Site A off Flegal Road in Lawrence Twp. Approximately 1/2 of the 3,000 tires were burned. It was not determined how the fire started.

E. Hile has never applied for nor received a permit from the Department to burn, dump, dispose of or deposit solid waste onto the surface of the ground at Site A or Site B.

F. Under Section 103 of the Solid Waste Management Act, 35 P.S. § 6018.103, the definition of "disposal" provides in part, that the storage of any waste in excess of one year constitutes disposal.

G. Section 610(1) of the SWMA, 35 P.S. § 6018.610(1), states, in part that: "It shall be unlawful for any person or municipality to ...[d]ump or deposit, or permit the dumping or depositing, of any solid waste onto the surface of the ground...unless a permit for the dumping of such solid wastes has been obtained from the [D]epartment..."

H. Section 610(2) of the SWMA, 35 P.S. § 6018.610(2), in part states, that: "It shall be unlawful for any person or municipality to ...[c]onstruct, alter, operate or utilize a solid waste storage, treatment, processing or disposal facility without a permit from the [D]epartment as required by this act or in violation of the rules or regulations adopted under this act, or orders of the [D]epartment, or in violation of any term or condition of any permit issued by the [D]epartment."

I. Section 610(3) of the SWMA, 35 P.S. § 6018.610(3), in part states, that: "It shall be unlawful for any person or municipality to ...[b]urn solid wastes without a permit from the [D]epartment."

J. The conditions described in Paragraphs D1, D2, D4, D5 and D6, above, constitute violations of Sections 610(1) and 610(2) of the SWMA, 35 P.S. § 6018.610(1), and § 6018.610(2).

K. The conditions described in Paragraphs D5, and D6, above, constitute violations of Section 610(3) of the SWMA, 35 P.S. § 6018.610(3).

J. The violations described in Paragraph J and K, above, constitute unlawful conduct under Section 610 of the Solid Waste Management Act, 35 P.S. § 6018.610; a statutory nuisance under Section 601 of the SWMA, 35 P.S. § 6018.601; and subject Hile to civil penalty liability under Section 605 of the SWMA, 35 P.S. § 6018.605.

NOW, THEREFORE, pursuant to Section 1917-A of the Administrative Code, 71 P.S. § 510-17, Sections 104(7), 601 and 602 of the SWMA, 35 P.S. § 6018.104(7), § 6018.601 and § 6018.602, it is ORDERED as follows:

Cease disposal immediately.

(a) Effective immediately, Hile shall not accept, store or dispose of any solid waste at Site A or Site B including waste tires, non-marketable recyclable items, glass, paper or wood.

Cease burning immediately.

(b) Effective immediately, Hile shall not burn any solid waste on Site A or Site B including paper, wood or waste tires.

Properly dispose of solid waste.

(c) Within 60 days of receipt of this Order, Hile shall remove all solid waste, including but not limited to waste tires, waste non-marketable recyclable items, burned waste and other solid waste disposed of or buried at the two sites, for processing or disposal at a permitted or approved waste disposal or waste processing facility. Such removal shall be in compliance with all applicable state and federal statutes, rules and regulations.

Submit Receipts

(d) Hile shall submit to the Department all receipts indicating that all solid waste and recyclable materials found at Site A and Site B have been properly processed or disposed of at permitted disposal and processing facilities. Receipts shall be sent to the Department at the address noted below. The receipts must be submitted within 67 days after Hile's receipt of this Order. Receipts shall be sent to:

James E. Miller
Environmental Program Manager
Department of Environmental Protection
Northcentral Regional Office
208 West Third Street, Suite 101
Williamsport, PA 17701-6448

NOTICE OF APPEAL

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa. C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Market Street State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717-787-3483) FOR MORE INFORMATION.

FOR THE DEPARTMENT OF
ENVIRONMENTAL PROTECTION:



James E. Miller
Environmental Program Manager
Waste Management Program
Northcentral Regional Office


COMMONWEALTH OF PENNSYLVANIA
ENVIRONMENTAL HEARING BOARD
2nd Floor, Rachel Carson State Office Building
400 Market Street
PO Box 8457
Harrisburg, PA 17105-8457

CERTIFICATION OF OFFICIAL RECORDS

I, William T. Phillipy IV, Secretary of the Environmental Hearing Board of the Commonwealth of Pennsylvania ("Board"), appointed pursuant to Section 3(f) of the Environmental Hearing Board Act, 35 P.S. '7513(b), DO HEREBY CERTIFY in accordance with the provisions of 42 Pa.C.S.A. '6103(a) and (b), that I am legal custodian of the records and documents maintained by the Board. After having caused to be made a thorough examination of said records, I further certify that no appeal of any compliance order issued by the Pennsylvania Department of Environmental Protection on or after December 5, 2005 to James Hile, Lawrence Township, Clearfield County, regarding an unpermitted dump site on his property, has been filed with the Board by or on behalf of Mr. Hile.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the Environmental Hearing Board to be affixed.




WILLIAM T. PHILLIPY IV
Secretary to the Board

April 14, 2006
Date: _____

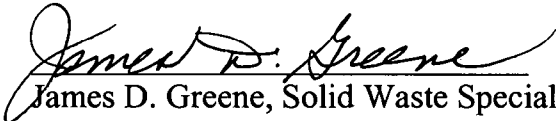


VERIFICATION

I, James D. Greene, Solid Waste Specialist, Solid Waste Program, Commonwealth of Pennsylvania, Department of Environmental Protection, Northcentral Regional Office, hereby certify that I am authorized to make this verification on behalf of the Department of Environmental Protection and that the facts recited in the foregoing Petition to Compel Compliance with Order of Department are true and correct to the best of my knowledge, information and belief.

I understand that this Verification is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

DATE: 6-26-06


James D. Greene, Solid Waste Specialist,
Solid Waste Program,
PA Department of Environmental
Protection

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101703
NO: 06-1069-CD
SERVICE # 1 OF 1
PETITION TO COMPEL COMPLIANCE WITH

ORDER & ORDER

PLAINTIFF: PA DEPARTMENT OF ENVIRONMENTAL PROTECTION
vs.
DEFENDANT: JAMES HILE

SHERIFF RETURN

NOW, July 18, 2006 AT 12:53 PM SERVED THE WITHIN PETITION TO COMPEL COMPLIANCE WITH ORDER & ORDER ON JAMES HILE DEFENDANT AT RD#1 BOX 318, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JAMES HILE, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL PETITION TO COMPEL COMPLIANCE WITH ORDER & ORDER AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN / HUNTER

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	COMM./DEP	11142	10.00
SHERIFF HAWKINS	COMM/DEP	11142	20.39

FILED
012:30 cm
JUL 21 2006
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2006

So Answers,


by Marilyn Hamer
Chester A. Hawkins
Sheriff

IN THE
CLEARFIELD COUNTY COURT OF COMMON PLEAS

COMMONWEALTH OF
PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

Petitioner,

Civil Action in Law and Equity

: No. 06-1069-CD

v.

JAMES HILE,

Respondent.

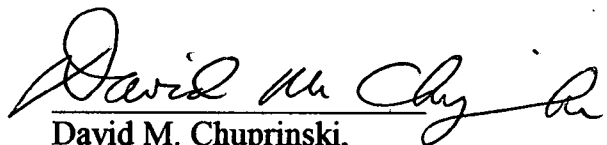
PRAECIPE

Via Facsimile (814) 765-7649 and Regular Mail

To the Prothonotary:

Please forward to the Court the attached Stipulation and Order, for entry of the Order. The argument scheduled in this matter for Thursday, August 31 at 9:00 A.M. in Courtroom Number 1 should be cancelled. Upon the Court's entry of the Order, please forward a file stamped copy of same to me in the enclosed, postage paid envelope. Thank you for your consideration.

8-30-06
DATE


David M. Chuprinski,
Assistant Counsel, PA DEP

c: James Hile
RD 1, Box 318
Clearfield, PA 16830

FILED
m/j 2:45/61
SEP 01 2006
ICC
Amy
Chuprinski
William A. Shaw
Prothonotary/Clerk of Courts (6P)

IN THE
CLEARFIELD COUNTY COURT OF COMMON PLEAS

COMMONWEALTH OF
PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

Petitioner,

Civil Action in Law and Equity

No. 06-1069-CD

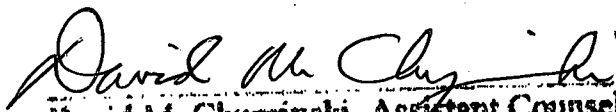
v.

JAMES HILE,

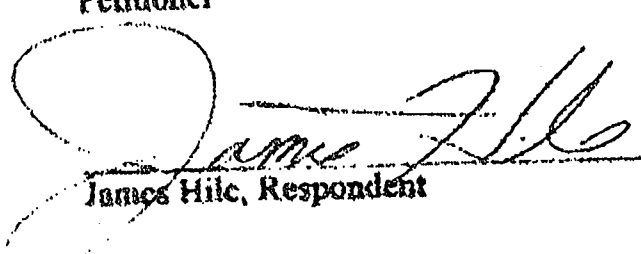
Respondent.

Stipulation for Entry of Order

The undersigned agree on behalf of the parties to the entry of the attached
Order.


David M. Chapinski, Assistant Counsel
For Commonwealth of Pennsylvania,
Department of Environmental Protection,
Petitioner

8-30-06
DATE


James Hile, Respondent

8-30-06
DATE

**IN THE
CLEARFIELD COUNTY COURT OF COMMON PLEAS**

COMMONWEALTH OF
PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

Petitioner,

v.

JAMES HILE,

Respondent.

Civil Action in Law and Equity

: No. 06-1069-CD

FILED ICCA
09:16 am Chuprinski
SEP 06 2006 CP

William A. Shaw
Prothonotary/Clerk of Courts

ORDER

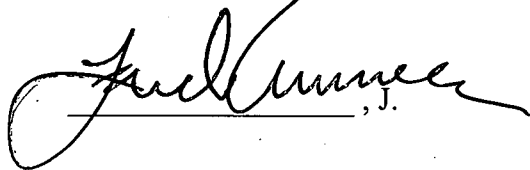
AND NOW, this 31ST day of August 2006, upon consideration of the Department of Environmental Protection's Petition to Compel Compliance with Order of Department, and upon stipulation and agreement of the parties, it is ORDERED and DIRECTED as follows:

1. The Commonwealth of Pennsylvania, Department of Environmental Protection ("Department") is entitled to enforcement of its Administrative Order issued on December 5, 2005.
2. The facts and violations set forth in the Department's December 5, 2005 Enforcement Order are conclusively established.
3. Within thirty (30) days of the date of this Order, James Hile shall:
 - a. Remove from his facility in Lawrence Township, Clearfield County at Martin Street Extension ("Site") all solid waste buried in the embankment behind the building on the Site, for processing or

disposal at a permitted or approved waste disposal facility, waste processing facility or recycling facility; and

- b. Remove from the Site all waste tires currently existing on the Site and in the building on the Site, for processing or disposal at a permitted or approved waste disposal or waste processing facility.
3. Within sixty (60) days of the date of this Order, James Hile shall remove from the Site all solid waste already excavated from the embankment behind the building and now stockpiled at the west end of the Site, for processing or disposal at a permitted or approved waste disposal facility, waste processing facility or recycling facility.
4. Within seventy (70) days of the date of this Order, James Hile shall submit to the Department any and all receipts and other documentation such as invoices, waste manifests, and bills of lading, confirming all solid waste at the Site as referenced hereinabove was processed or disposed of at a permitted or approved waste disposal facility, waste processing facility or recycling facility.
5. This Court retains continuing jurisdiction of this matter.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Paul K. ...", is written over a horizontal line. The signature is fluid and cursive.

FILED

SEP 06 2006

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9-6-2006

☒ You are responsible for serving all appropriate parties.

☐ The Prothonotary's office has provided service to the following parties:

☐ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

**IN THE
CLEARFIELD COUNTY COURT OF COMMON PLEAS**

COMMONWEALTH OF
PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

Petitioner,

Civil Action in Law and Equity

: No. 06-1069-CD

v.

JAMES HILE,

Respondent.

FILED

SEP 11 2006

W. 12:45 PM
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date noted below a copy of this Court's Order dated August 31, 2006 has been sent via postage-paid, First Class, U.S. mail to:

James Hile
RD 1, Box 318
Clearfield, PA 16830

FOR THE COMMONWEALTH OF PA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

Date: September 8, 2006


David M. Chuprinski

Assistant Counsel

Northcentral Region Office of Chief Counsel

208 West Third Street, Suite 101

Williamsport, PA 17701-6448

NOTICE OF THE COURT OF THE DISTRICT OF COLUMBIA

NOTICE OF THE COURT OF THE DISTRICT OF COLUMBIA

FILED
SEP 11 2006
William A. Shaw
Prothonotary/Clerk of Courts

IN RE: [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

IN THE
CLEARFIELD COUNTY
COURT OF COMMON PLEAS

COMMONWEALTH OF
PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

Petitioner,

v.

JAMES HILE,

Respondent.

Civil Action in Law and Equity

: No. 06-1069-CD

FILED
JAN 24 2007

William A. Shaw
Prothonotary/Clerk of Courts

Petition for Finding of Contempt of Court Order

AND NOW COMES the Commonwealth of Pennsylvania, Department of Environmental Protection (hereinafter referred to as "the Department"), pursuant to 42 Pa. C.S.A § 4132, who files this Petition for Finding of Contempt of Court Order. In support thereof, the Department respectfully represents as follows:

1. Your Petitioner, the Department, is the Administrative agency with the authority and responsibility to administer and enforce the Solid Waste Management Act, the Act of July 7, 1980, P.L. 380, *as amended*, 35 P.S. § 6018.101 *et seq.* ("SWMA"); The Clean Streams Law, Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. § 691.1 *et seq.* ("Clean Streams Law"); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. § 510-17 ("Administrative Code"); and the

rules and regulations promulgated thereunder.

2. Respondent James Hile, ("Hile") is a person as that term is defined in Section 103 of the SWMA, 35 P.S. § 6018.103. Hile's last known mailing address is RD 1, Box 318, Clearfield, PA 16830.

3. This Court has jurisdiction over this proceeding pursuant to 42 Pa. C.S.A. § 4132.

4. Hile stipulated to the entry of an Order by this Court, with said Order dated August 31, 2006 being entered on September 6, 2006. The Order entered on September 6, 2006 (hereinafter "September 6, 2006 Order") is incorporated herein by reference as though fully set forth, and a copy is attached hereto marked as "Exhibit A".

5. On September 8, 2006 the Department mailed the September 6, 2006 Order to Hile via postage prepaid first class mail. The Certificate of Service, filed with the Court on September 11, 2006, is incorporated herein by reference as though fully set forth, and a copy is attached hereto marked as "Exhibit B".

6. The September 6, 2006 Order required Hile, within thirty (30) days of the date of the Order [by October 10, 2006] to remove from his facility in Lawrence Township, Clearfield County at Martin Street Extension ("Site") all solid waste buried in the embankment behind the building on the Site, for processing or disposal at a permitted or approved waste disposal facility, waste processing facility or recycling facility; and to remove from the Site all waste tires currently existing on the Site and in the building on the Site, for processing or disposal at a permitted or approved waste disposal or waste processing facility.

7. The September 6, 2006 Order required Hile, within thirty (60) days of the date of the Order [by November 6, 2006] to remove from the Site all solid waste already excavated from the embankment behind the building and now stockpiled at the west end of the Site, for processing or disposal at a permitted or approved waste disposal facility, waste processing facility or recycling facility.

8. The September 6, 2006 Order required Hile, within thirty (70) days of the date of the Order [by November 15, 2006] to submit to the Department any and all receipts and other documentation such as invoices, waste manifests, and bills of lading, confirming all solid waste at the Site as referenced [in Paragraphs 6 and 7 hereinabove] was processed or disposed of at a permitted or approved waste disposal facility, waste processing facility or recycling facility.

9. Pursuant to 42 Pa.C.S.A. § 5571, Hile had thirty (30) days after the entry of the September 6, 2006 Order in which to file an appeal with the Superior Court, or by October 6, 2006.

7. Hile did not file an appeal of the September 6, 2006 Order with the Superior Court by October 6, 2006.

8. As of an inspection conducted by Department personnel on October 20, 2006, Hile had not removed any tires from the Site, with the tires remaining inside of a building on the Site and in a roll-off container on the Site; the previously excavated glass stored at the western end of the Site remained; and Hile had not sent to the Department any disposal receipts for waste that had been removed from the Site. The October 20,

2006 Inspection Report is incorporated herein by reference as though fully set forth, and a copy is attached hereto marked as "Exhibit C".

8. As of an inspection conducted by Department personnel on December 13, 2006, Hile had not removed any tires from the Site, with the tires remaining inside of a building on the Site and in a roll-off container on the Site; the previously excavated glass stored at the western end of the Site remained; and Hile had not sent to the Department any disposal receipts for waste that had been removed from the Site. The December 13, 2006 Inspection Report is incorporated herein by reference as though fully set forth, and a copy is attached hereto marked as "Exhibit D".

9. Under the September 6, 2006 Order, this Court retained continuing jurisdiction of this matter.

11. Mr. Hile has demonstrated by his inaction that he has no intention of complying with this Court's September 6, 2006 Order.

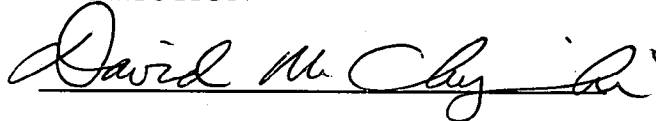
WHEREFORE, the Department respectfully requests that this Honorable Court:

- a. Enter the attached Rule to Show Cause;
- b. After hearing, find Mr. Hile to be in contempt of this Court's September 6, 2006;
- c. Order that Mr. Hile be sentenced to a period of incarceration in the Clearfield County Prison, said sentence to be stayed pending Mr. Hile's compliance with the September 6, 2005 Order within fifteen (15) days of service of this Court's Order finding Mr. Hile in contempt, either by personal service or service by posting upon the Site, and;

d. Retain continuing jurisdiction of this matter.

Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

A handwritten signature in cursive script, reading "David M. Chuprinski", written over a horizontal line.

DATE: 1-22-07

David M. Chuprinski
Assistant Counsel
PA Supreme Court I.D. Number 75540
208 West Third Street - Suite 101
Williamsport, PA 17701
Telephone: (570) 321-6568

IN THE
CLEARFIELD COUNTY COURT OF COMMON PLEAS

COMMONWEALTH OF
PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

Petitioner,

Civil Action in Law and Equity

v.

: No. 06-1069-CD

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

JAMES HILE,

Respondent.

SEP 06 2006

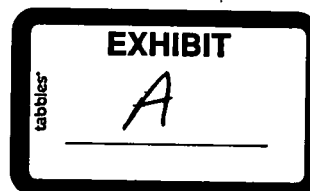
Attest.

William L. Hines
Prothonotary/
Clerk of Courts

ORDER

AND NOW, this 31st day of August 2006, upon consideration of the Department of Environmental Protection's Petition to Compel Compliance with Order of Department, and upon stipulation and agreement of the parties, it is ORDERED and DIRECTED as follows:

1. The Commonwealth of Pennsylvania, Department of Environmental Protection ("Department") is entitled to enforcement of its Administrative Order issued on December 5, 2005.
2. The facts and violations set forth in the Department's December 5, 2005 Enforcement Order are conclusively established.
3. Within thirty (30) days of the date of this Order, James Hile shall:
 - a. Remove from his facility in Lawrence Township, Clearfield County at Martin Street Extension ("Site") all solid waste buried in the embankment behind the building on the Site, for processing or



disposal at a permitted or approved waste disposal facility, waste processing facility or recycling facility; and

- b. Remove from the Site all waste tires currently existing on the Site and in the building on the Site, for processing or disposal at a permitted or approved waste disposal or waste processing facility.
3. Within sixty (60) days of the date of this Order, James Hile shall remove from the Site all solid waste already excavated from the embankment behind the building and now stockpiled at the west end of the Site, for processing or disposal at a permitted or approved waste disposal facility, waste processing facility or recycling facility.
4. Within seventy (70) days of the date of this Order, James Hile shall submit to the Department any and all receipts and other documentation such as invoices, waste manifests, and bills of lading, confirming all solid waste at the Site as referenced hereinabove was processed or disposed of at a permitted or approved waste disposal facility, waste processing facility or recycling facility.
5. This Court retains continuing jurisdiction of this matter.

BY THE COURT:

/s/ Fredric J Ammerman, J.

**IN THE
CLEARFIELD COUNTY COURT OF COMMON PLEAS**

COMMONWEALTH OF
PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

Petitioner,

Civil Action in Law and Equity

: No. 06-1069-CD

v.

JAMES HILE,

Respondent.

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

SEP 11 2006

CERTIFICATE OF SERVICE

Attest.

William L. Brown
Prothonotary,
Clerk of Court

The undersigned hereby certifies that on the date noted below a copy of this
Court's Order dated August 31, 2006 has been sent via postage-paid, First Class, U.S.
mail to:

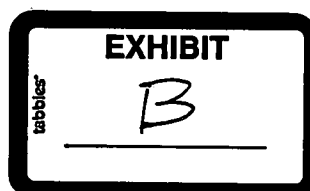
James Hile
RD 1, Box 318
Clearfield, PA 16830

FOR THE COMMONWEALTH OF PA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

Date: September 8, 2006

David M. Chuprinski
David M. Chuprinski
Assistant Counsel
Northcentral Region Office of Chief Counsel
208 West Third Street, Suite 101
Williamsport, PA 17701-6448

SEP 13 2006



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF LAND RECYCLING AND WASTE MANAGEMENT



GENERAL INSPECTION REPORT

Type of Inspection <i>Follow-up</i>	WM Identification Number <i>Site #80866</i>	Entry Time/Date <i>10-20-06</i>	Exit Time/Date
Facility/Incident Name and Location <i>Hile Recycling</i>		Municipality <i>Lawrence</i>	
<i>Martin St.</i>		County <i>Clearfield</i>	

Name, Address of Responsible Official <i>James Hile</i> <i>RD 1 Box 318</i> <i>Clearfield Pa 16830</i>	Title <i>Owner/Operator</i>	Telephone <i>765-6637</i> <i>577-9763</i>	Interviewed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
---	--------------------------------	---	--

REMARKS: On Aug 31, 2006 the Dept extended dates to comply with the Dec. 5, 2005 Order. As part of this extension the Dept allowed that within 30 days of 8-31-06 the buried solid waste was to be excavated and transported to a permitted landfill, processing or recycling facility and that waste tires be removed and taken to a permitted processing or disposal facility.

The findings are as follows: The solid waste has been excavated. The Dept. has not received any ^{disposal} receipts for this material. The waste tires have not been removed. They remain inside the building and in a roll off parked outside.

Mr. Hile is in violation of the order of 12-5-05 and the agreement of 8-31-06.

VIOLATIONS Act 97 610 (9) Violation of the 201906 Dec. 5, 2005 Order.

Sample Collected <input type="checkbox"/> Yes <input type="checkbox"/> No	Sample Numbers	Analyses
--	----------------	----------

Inspector Name <i>James Greene</i>	Inspector Signature <i>James D. Greene</i>	Headquarters <i>MOJO</i>	Date <i>10-20-06</i>
Person Interviewed Name	Signature of Person Interviewed	Title	Telephone <i>342-8200</i>

This document is official notification that a representative of the Department of Environmental Protection inspected the above-mentioned facility. The findings of the inspection are set forth above and on any attached pages. Violations discovered as a result of this inspection are indicated on the attached pages. Notification will be forthcoming if such violations are discovered.

EXHIBIT

C

1586239

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF LAND RECYCLING AND WASTE MANAGEMENT



GENERAL INSPECTION REPORT

Type of Inspection <i>Follow-up</i>	WM Identification Number <i>Site 480866</i>	Entry Time/Date <i>12-13-06</i>	Exit Time/Date
Facility/Incident Name and Location <i>Hile Recycling Martin St</i>			Municipality <i>Lawrence</i>
			County <i>Clearfield</i>

Name, Address of Responsible Official <i>James Hile RD1 Box 318 Clearfield, PA. 16830</i>	Title <i>owner/operator</i>	Telephone <i>765-6637 cell 577-9763</i>	Interviewed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
--	--------------------------------	--	--

REMARKS: *This is a follow-up inspection to determine compliance with the Dept's extension given to Mr. Hile to comply with the Dec. 5, 2005 order.*

The extension gave Mr. Hile until Sept 30, 2006 to excavate the buried glass and to remove all waste tires. The glass was excavated and removed from the site. The tires were not removed. Tires remain inside building and in a roll-off outside.

Mr. Hile was given 60 days, until Oct. 30, 2006, to remove the previously excavated glass stored at the western end of site. This waste remains on site.

By Nov. 9, 2006 was to have submitted disposal receipts. The Dept has not received any receipts for the waste that was removed from the site in Oct 2006.

Mr. James Hile is in violation of Act 97 610 (9) The 906 has caused or assisted in a violation of the order.

Sample Collected <input type="checkbox"/> Yes <input type="checkbox"/> No	Sample Numbers	Analysis
--	----------------	----------

Inspector Name <i>James Greene</i>	Inspector Signature <i>James D. Greene</i>	Headquarters <i>MODO</i>	Date Telephone <i>342-8200</i>
Person Interviewed Name	Signature of Person Interviewed	Title	Date Telephone

This document is official notification that a representative of the Department of Environmental Protection inspected the above-mentioned facility. The findings of the inspection are shown above and on any attached pages. Violations discovered as a result of this inspection are indicated. Violations may also be discovered upon examination of the results of laboratory analyses, review of pertinent documents and further investigation. Notification will be forthcoming if such violations are discovered.

EXHIBIT

tabbies

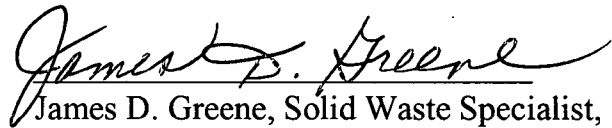
D

VERIFICATION

I, James D. Greene, Solid Waste Specialist, Solid Waste Program, Commonwealth of Pennsylvania, Department of Environmental Protection, Northcentral Regional Office, hereby certify that I am authorized to make this verification on behalf of the Department of Environmental Protection and that the facts recited in the foregoing Petition for Finding of Contempt of Court Order are true and correct to the best of my knowledge, information and belief.

I understand that this Verification is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

DATE: Jan 18, 2007


James D. Greene, Solid Waste Specialist,
Solid Waste Program,
PA Department of Environmental
Protection

JA

FILED 3cc
01/19/07 4:48 PM Amy Chuprinski
JAN 29 2007

IN THE
CLEARFIELD COUNTY
COURT OF COMMON PLEAS

William A. Shaw
Prothonotary/Clerk of Courts

COMMONWEALTH OF
PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

Petitioner,

Civil Action in Law and Equity

No. 06-1069-CD

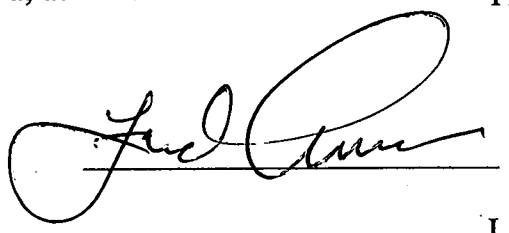
v.

JAMES HILE,

Respondent.

RULE TO SHOW CAUSE

AND NOW, this 26 day of JAN, 2007, upon consideration of
Petitioner's Petition for Finding of Contempt, a Rule is hereby entered upon James Hile to
show cause why the relief should not be granted for Hile's failure to follow the August
31, 2006 Court Order, by answering the Petition on or before the 14th day of
February, 2007. Rule returnable the 14th day of February, 2007, at
9:30 (a.m./p.m.), in Courtroom No. 1, Clearfield County of Common Pleas, 230
East Market Street, Clearfield, Pennsylvania, at which time James Hile shall appear and
the matter will be heard.



, J.

FILED

JAN 29 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/29/07

☒ You are responsible for serving all appropriate parties.

☐ The Prothonotary's office has provided service to the following parties:

☐ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

OK

**IN THE
CLEARFIELD COUNTY
COURT OF COMMON PLEAS**

COMMONWEALTH OF
PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

Petitioner,

Civil Action in Law and Equity

: No. 06-1069-CD

v.

JAMES HILE,

Respondent.

UNOPPOSED MOTION FOR CONTINUANCE

COMES the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department"), and respectfully moves for a continuance of the hearing scheduled for February 14, 2007, at 9:30 a.m. in Courtroom No. 1, Clearfield County Courthouse. In support thereof, it is averred as follows:

1. This action was initiated by a Petition for Finding of Contempt of Court Order ("Petition") filed by the Department.

FILED ICC Atty
4/3:20 cm Chaprinski
FEB 14 2007
William A. Shaw
Prothonotary/Clerk of Courts

2. The September 6, 2006 Order of this Court required the cleanup of real property owned by the Respondent ("Site").

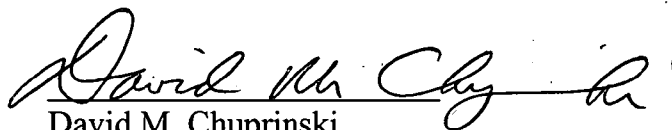
3. On February 12, 2007 Department personnel spoke to the Respondent. The Respondent noted some progress in the required cleanup, including the removal of 350 waste tires from the Site, and the engagement of a trucking company for transportation of the recyclable glass from the Site. Respondent indicated that he requires additional time to complete the cleanup of the Site as ordered, and requested a continuance of the hearing on the Department's Petition.

4. The Department is agreeable to the continuance of the hearing on the Petition.

WHEREFORE, the Department respectfully requests this Honorable Court to continue the hearing scheduled for February 14, 2007, at 9:30 a.m., to be rescheduled for no later than 30 days from the date of this filing, the Court's calendar permitting.

Respectfully submitted,

FOR THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

A handwritten signature in cursive script, reading "David M. Chuprinski", written over a horizontal line.

David M. Chuprinski

Assistant Counsel

Supreme Court I.D. No. 75540

Department of Environmental Protection

Northcentral Region Office of Chief Counsel

208 West Third Street, Suite 101

Williamsport, PA 17701-6448

Telephone: 570-321-6568

DATE: February 12, 2007

_____, J.

**IN THE
CLEARFIELD COUNTY
COURT OF COMMON PLEAS**

COMMONWEALTH OF
PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

Petitioner,

v.

JAMES HILE,

Respondent

Civil Action in Law and Equity

: No. 06-1069-CD

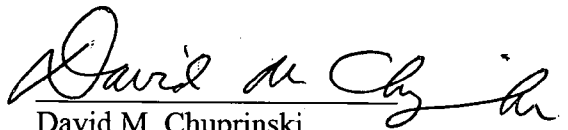
CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date noted below the foregoing
Unopposed Motion for Continuance has been sent via postage-paid, First Class, U.S. mail to:

James Hile
RD 1, Box 318
Clearfield, PA 16830

FOR THE COMMONWEALTH OF PA,
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Date: February 12, 2007



David M. Chuprinski

Assistant Counsel

Northcentral Region Office of Chief Counsel

208 West Third Street, Suite 101

Williamsport, PA 17701-6448

FILED

M/3/2007
FEB 14 2007

William A. Shaw
Prothonotary/Clerk of Courts

LD

[illegible]


No. 06-1069-CD

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ORDER

21

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

3cc
Atty Chuprinski
(GK)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE
CLEARFIELD COUNTY
COURT OF COMMON PLEAS

FILED
01/23/2007
MAR 14 2007
Atty
Chuprinski
William A. Shaw
Prothonotary/Clerk of Courts

COMMONWEALTH OF
PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

Petitioner,

Civil Action in Law and Equity

No. 06-1069-CD

v.

JAMES HILE,

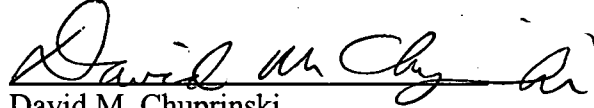
Respondent

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the Order of this Court dated February 21, 2007 setting a March 14, 2007 hearing of the Department's Petition for Finding of Contempt was served upon the Respondent via Certified Mail, Return Receipt Requested. Said Order was received by the Respondent on or about March 5, 2007.

A copy of the Domestic Return Receipt is attached hereto.

FOR THE COMMONWEALTH OF
PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION



David M. Chuprinski

Assistant Counsel

Supreme Court I.D. No. 75540

Northcentral Region Office of Chief Counsel
208 West Third Street, Suite 101
Williamsport, PA 17701-6448
Telephone: (570) 321-6568
Fax: (570) 327-3565

DATE: March 14, 2007

UNITED STATES POSTAL SERVICE

05 MAR 2007 PM 2:11

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Department of Environmental Protection
Northcentral Region Office of Chief Counsel DMC
208 West Third Street, Suite 101
Williamsport, PA 17701-6448

MAR - 7 2007

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

James Hile
64 Color Lane
Clearfield, PA 16830

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Signature] ☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

JAMES HILE

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number
(Transfer from service label)

7000 0600 0024 1099 2664

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

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IN THE
CLEARFIELD COUNTY
COURT OF COMMON PLEAS

FILED
011:30/BD
MAR 14 2007

William A. Shaw
Prothonotary/Clerk of Courts
3 CC Atty Chuprinski
(served all in person)

COMMONWEALTH OF
PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

Petitioner,

Civil Action in Law and Equity

: No. 06-1069-CD

v.

JAMES HILE,

Respondent.

BEFORE: HON. FREDERIC J. AMMERMAN

ORDER

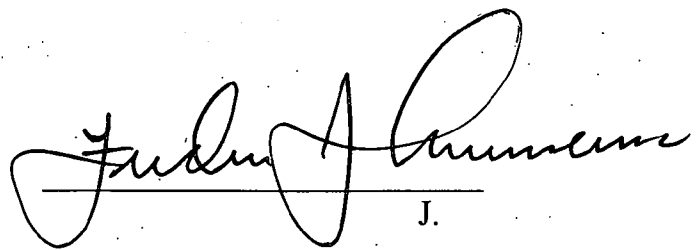
AND NOW, this 14th day of March 2007, upon consideration of the Department of Environmental Protection's ("Department") Petition for Finding of Contempt by the Respondent of this Court's Order dated August 31, 2006, (hereinafter "August 31, 2006 Order"), and after hearing, it is ORDERED and DIRECTED as follows:

1. Respondent, James Hile, is found in contempt of the August 31, 2006 Order and is hereby ORDERED to be incarcerated in the Clearfield County Prison for twenty (20) days.
2. The sentence in Paragraph 1, above, is suspended pending a purge hearing on April 13, 2007, at 11:00 A.m., on or before which time Respondent Hile may purge himself of such contempt by complying within

fifteen (15) days of service of this Order with each and every term of the August 31, 2006 Order, which is attached hereto and made a part hereof as though incorporated at length herein, notwithstanding the deadlines for compliance included in said Order. Said purge hearing may be cancelled upon Praecept of the Department affirming Respondent Hile's compliance with the August 31, 2006 Order and the date of said compliance.

3. Respondent Hile's failure for any reason to appear at the purge hearing on April 13, 2007 shall be cause for immediate issuance of a bench warrant for Respondent Hile's arrest and incarceration pursuant to Paragraph 1 of this Order.
4. This Court empowers the Pennsylvania State Police to enforce Paragraph 1 of this Order upon the issuance of a bench warrant for Respondent Hile's arrest and incarceration.
5. Respondent Hile is ordered to immediately contact the Department's Moshannon District Office and speak to Solid Waste Specialist James D. Greene at telephone number 814-342-8134 for any questions he may have in regard to compliance with this Order, which incorporates the terms of the August 31, 2006 Order.

6. The attorney for the Department is responsible for insuring that this Order, including its attachment, is served upon Respondent:
 - a. By personal service, if possible; and/or
 - b. By sending a copy of this Order and its attachment to Respondent Hile by regular first class mail postage pre-paid.
7. In addition to the sentence of incarceration in the Clearfield County Prison and regardless of the purging thereof, Respondent Hile is ordered to pay a fine of \$30.00 per day from the date of this Order until the date he purges himself of this Contempt.


J.

IN THE
CLEARFIELD COUNTY COURT OF COMMON PLEAS

COMMONWEALTH OF
PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

Petitioner,

v.

JAMES HILE,

Respondent.

Civil Action in Law and Equity

No. 06-1069-CD

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

SEP 06 2006

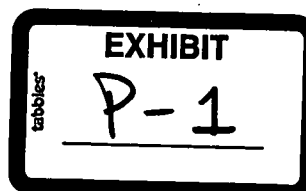
Attest.

William H. Hile
Prothonotary/
Clerk of Courts

ORDER

AND NOW, this 31st day of August 2006, upon consideration of the Department of Environmental Protection's Petition to Compel Compliance with Order of Department, and upon stipulation and agreement of the parties, it is ORDERED and DIRECTED as follows:

1. The Commonwealth of Pennsylvania, Department of Environmental Protection ("Department") is entitled to enforcement of its Administrative Order issued on December 5, 2005.
2. The facts and violations set forth in the Department's December 5, 2005 Enforcement Order are conclusively established.
3. Within thirty (30) days of the date of this Order, James Hile shall:
 - a. Remove from his facility in Lawrence Township, Clearfield County at Martin Street Extension ("Site") all solid waste buried in the embankment behind the building on the Site, for processing or



disposal at a permitted or approved waste disposal facility, waste processing facility or recycling facility; and

- b. Remove from the Site all waste tires currently existing on the Site and in the building on the Site, for processing or disposal at a permitted or approved waste disposal or waste processing facility.
3. Within sixty (60) days of the date of this Order, James Hile shall remove from the Site all solid waste already excavated from the embankment behind the building and now stockpiled at the west end of the Site, for processing or disposal at a permitted or approved waste disposal facility, waste processing facility or recycling facility.
4. Within seventy (70) days of the date of this Order, James Hile shall submit to the Department any and all receipts and other documentation such as invoices, waste manifests, and bills of lading, confirming all solid waste at the Site as referenced hereinabove was processed or disposed of at a permitted or approved waste disposal facility, waste processing facility or recycling facility.
5. This Court retains continuing jurisdiction of this matter.

BY THE COURT:

/s/ Fredric J Ammerma, J.

IN THE
CLEARFIELD COUNTY
COURT OF COMMON PLEAS

FILED ^{NP} ^{CC}
m/12:57/61
MAR 19 2007
William A. Shaw
Prothonotary/Clerk of Courts

COMMONWEALTH OF
PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

Petitioner,

Civil Action in Law and Equity

: No. 06-1069-CD

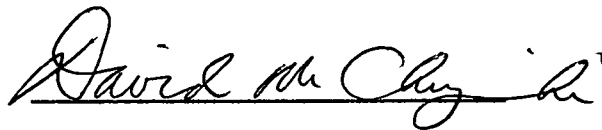
v.

JAMES HILE,

Respondent.

RETURN OF SERVICE

I, David M. Chuprinski, Assistant Counsel for the Department of Environmental Protection, certify that on March 14, 2007 at approximately 1:40 p.m. I served Respondent James Hile with the March 14, 2007 Order of this Court in the above captioned matter, by personally handing a copy of same to him while in the Clearfield County Prothonotary's Office. The March 14, 2007 Order, *inter alia*, sets a hearing in this matter for April 13, 2007 at 11:00 a.m. in the Clearfield County Courthouse, Clearfield, PA.



Date: March 15, 2007

David M. Chuprinski, Assistant Counsel
PA-DEP Northcentral Region Office
208 West Third Street, Suite 101
Williamsport, PA 17701-6448
Telephone: (570) 321-6568

FILED

MAR 19 2007

William A. Shaw
Prothonotary/Clerk of Courts

FILED
CLERK OF COURTS
JAN 17 2007 10:00 AM

RECEIVED
MAR 17 2007
CLERK OF COURTS

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IN THE
CLEARFIELD COUNTY
COURT OF COMMON PLEAS

COMMONWEALTH OF
PENNSYLVANIA,
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Petitioner,

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v.

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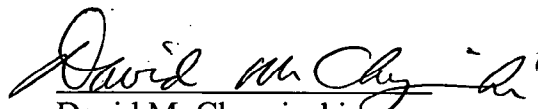
Respondent.

PRAECIPE

To the Prothonotary:

The hearing scheduled in this matter for Friday April 13, 2007 at
11:00 A.M. should be cancelled as unnecessary. Thank you for your
consideration.

4-3-07
DATE


David M. Chuprinski,
Assistant Counsel, PA DEP

c: James Hile
64 Color Lane
Clearfield, PA 16830

FILED ^{icc}
APR 05 2007
Atty Chuprinski
William A. Shaw
Prothonotary/Clerk of Courts

COMMONWEALTH OF
PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

Civil Action in Law and Equity

 \mathbf{V}_i

Respondent

Williamsport, PA 17701-6448