

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OCT 12 2007

ENTERED DIRECTOR'S JOURNAL

In the Matter Of:

Republic Services Inc.	:	Director's Final
5131 Drinkle Road SW	:	Findings and
Amanda, OH 43102	:	Orders

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

PREAMBLE

It is agreed by the parties hereto as follows:

By: *Angela Jackson* Date: 10-12-07

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Republic Services, Inc., ("Republic") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Section 3734.02(G) and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Republic.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meanings as defined in ORC Chapter 3734 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA ("Director") has determined the following findings:

1. Reynolds Avenue Transfer Facility, located at 821 Reynolds Avenue, Columbus, Ohio, is owned by Republic Services of Ohio IV, LLC, which is a subsidiary of Republic Services Holding Company, Inc. Republic Services Holding Company, Inc. is a subsidiary of Republic Services, Inc. The Reynolds Avenue Transfer Facility is a "solid waste transfer facility" as that term is defined in Ohio Administrative Code ("OAC") Rule 3745-27-01(S).
2. Pine Grove Regional Landfill, located at 5131 Drinkle Road SW, Amanda, Ohio, is owned and operated by Republic Services of Ohio III, LLC, which

is a subsidiary of Republic Services Holding Company, Inc. Republic Services Holding Company, Inc. is a subsidiary of Republic Services, Inc. The Pine Grove Regional Landfill is a "sanitary landfill facility" as that term is defined in OAC Rule 3745-27-01(S).

3. All material received at the Reynolds Avenue Transfer Facility that is transferred from the facility for disposal is transported to the Pine Grove Regional Landfill. Both construction and demolition debris and solid waste are received at the Reynolds Avenue Transfer Facility. The construction and demolition debris and solid waste are mixed together prior to being transported to the Pine Grove Regional Landfill for disposal.
4. ORC Section 3734.57(A) requires the owners or operators of solid waste transfer facilities and landfill facilities to collect a \$3.50 per ton fee on the receipt of solid waste. If solid waste is received by a transfer facility prior to being sent to a landfill, ORC Section 3734.57(A) requires the fee to be collected by the transfer facility and it is not collected by the landfill.
5. Republic collects the fee required by ORC Section 3734.57(A) on solid waste that is received at the Reynolds Avenue Transfer Facility prior to the solid waste being mixed with construction and demolition debris.
6. ORC Section 3714.07(A) requires the owners or operators of construction and demolition debris facilities and solid waste disposal facilities to collect a fee of sixty cents per ton (or thirty cents per cubic yard) on the disposal of construction and demolition debris. ORC Section 3714.073(A) requires the owner or operator of construction and demolition debris facilities and solid waste facilities to collect an additional \$1.00 per ton (or fifty cents per cubic yard) on the disposal of construction and demolition debris. In combination, the owners or operators of construction and demolition debris facilities and solid waste disposal facilities must collect fees of \$1.60 per ton (eighty cents per cubic yard) on the disposal of construction and demolition debris.
7. If solid waste and construction and demolition debris are combined into a mixed load, the mixed load is solid waste. As a result, solid waste fees of \$3.50 per ton apply to such a load of solid waste.
8. Daily logs are maintained at both the Reynolds Avenue Transfer Facility and the Pine Grove Regional Landfill on a system that allows the operators of the Pine Grove Regional Landfill to determine the types and quantities of material received at the Reynolds Avenue Transfer Facility on a daily basis.
9. Republic has represented to Ohio EPA that it is capable of collecting and remitting the fee on construction and demolition debris that is received at the Reynolds Avenue Transfer Facility and disposed of at the Pine Grove

Regional Landfill based on the daily logs maintained at the Reynolds Avenue Transfer Facility.

10. Pursuant to ORC Section 3734.02(G) the Director, by order, may exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes or hazardous waste, or processing solid wastes that consist of scrap tires, in such quantities or under such circumstances that, in the determination of the Director, are unlikely to adversely affect the public health or safety or the environment from any requirement to obtain a registration certificate, permit, or license or comply with the manifest system or other requirements of the chapter.
11. Because Republic is capable of collecting and remitting the fee on construction and demolition debris disposed of at the Pine Grove Regional Landfill based on the daily logs maintained at the Reynolds Avenue Transfer Facility, and because Republic collects the fee required by ORC Section 3734.57(A) on solid waste that is received at the Reynolds Avenue Transfer Facility prior to the solid waste being mixed with construction and demolition debris, granting Republic an exemption from the requirement in ORC Section 3734.57(A) to collect the disposal fee on mixed loads transported from the Reynolds Avenue Transfer Facility to the Pine Grove Regional Facility is unlikely to adversely affect the public health or safety or the environment, provided Republic complies with these Orders.

V. ORDERS

1. Republic shall be responsible for the required assessment, collection, and remittance of fees at the Reynolds Avenue Transfer Facility and the Pine Grove Regional Landfill in accordance with these Orders.
2. Republic is hereby exempted from the requirement to assess, collect, and remit fees in accordance with ORC Section 3734.57(A) on the disposal of loads of mixed construction and demolition debris and solid waste that are transported from Reynolds Avenue Transfer Facility to the Pine Grove Regional Landfill. This exemption applies solely to Republic, and in the event of a change in ownership of the Reynolds Avenue Transfer Facility or the Pine Grove Regional Landfill is not transferable.
3. When a load of solid waste is received at the Reynolds Avenue Transfer Facility, Republic shall assess, collect, and remit all applicable solid waste fees in accordance with ORC 3734.57 and rules promulgated thereunder.
4. When construction and demolition debris and solid waste is combined into mixed loads at the Reynolds Avenue Transfer Facility prior to

being transported to the Pine Grove Regional Landfill for disposal, each load received by the Pine Grove Regional Landfill shall be recorded in the daily logs with a unique code signifying that it is solid waste received from the Reynolds Avenue Transfer Facility.

5. At the end of each day, an entry shall be made in the daily logs of the Pine Grove Regional Landfill to indicate:
 - a) The total amount of waste received from the Reynolds Avenue Transfer Facility during the day;
 - b) The amount of construction and demolition debris that was received at the Reynolds Avenue Transfer Facility and sent to the Pine Grove Landfill as part of mixed loads;
 - c) The amount of solid waste that was received at the Reynolds Avenue Transfer Facility and sent to the Pine Grove Regional Landfill as part of mixed loads.
6. Republic shall assess and remit the construction and demolition debris fees required under ORC 3714.07(A) and 3714.073(A) based on the amount of construction and demolition debris received at the Reynolds Avenue Transfer Facility and sent to the Pine Grove Regional Landfill for disposal as part of mixed loads.
7. Nothing in these Orders shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations except as specified herein. These Orders shall not be interpreted to release Republic from responsibility under ORC Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.

VI. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the operation of the Reynolds Avenue Transfer Facility and the Pine Grove Regional Landfill.

VII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Republic, the Reynolds Avenue Transfer Facility, or the Pine Grove Regional Landfill.

VIII. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

IX. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal, or equitable action as deemed appropriate and necessary, including seeking penalties against Republic for noncompliance with these Orders. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require Republic to perform additional activities pursuant to ORC Chapter 3734 or any other applicable law in the future. Nothing herein shall restrict the right of Republic to raise any administrative, legal, or equitable claim or defense with respect to such further actions which Ohio EPA may seek to require of Republic. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations not addressed in these Orders.

X. WAIVER

Republic consents to the issuance of these Orders and agrees to comply with these Orders. Republic hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Republic hereby waives any and all rights Republic may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Republic agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Republic retains the right to intervene and participate in such appeal. In such an event, Republic shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XI. EFFECTIVE DATE

The effective date of these Orders is the date these Orders were entered into the Ohio EPA Director's Journal.

XII. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency



Chris Korleski, Director
Ohio Environmental Protection Agency

IT IS SO AGREED:

Republic Waste Services Inc.



Signature

8-10-07

Date

A.F. Furgione

Printed or Typed Name

Gen. Mgr.

Title