

IV. FINDINGS

1. Pike Sanitation, Inc. ("Pike") is the owner, permittee, and licensee of Pike Sanitation Landfill located at 11775 State Route 220 East, Waverly, Pike County, Ohio (the "Facility"). The Facility is a sanitary landfill as that term is defined in Ohio Administrative Code ("OAC") Rule 3745-27-01.
2. Rumpke Waste, Inc. ("Rumpke") is the operator of the Facility and asserts that it intends to purchase the Facility.
3. Pike and Rumpke are each a "person" as that term is defined in ORC Section 3734.01(G) and in OAC Rule 3745-27-01(P)(3).
4. On July 31, 2013 the Director and Respondents consented to Director's Final Findings and Orders ("July 2013 Orders") to resolve violations at the Facility.
5. Since the issuance of the July 2013 Orders Respondents have requested the ability to accept a limited amount of tires at the Facility in order to serve its customers. Respondents assert that any tires accepted at the Facility would be properly managed in accordance with OAC Chapter 3745-27 and these Orders.
6. In light of the foregoing, and in accordance with Section IX of the July 2013 Orders, the Director finds that these Modified Director's Final Findings and Orders are necessary and appropriate to address the issues at the Facility. These Modified Director's Final Findings and Orders are intended to revise and modify Sections IV and V of the July 2013 Orders.

V. ORDERS

The Director hereby issues the following Orders:

1. Section IV of the July 2013 Orders is hereby modified to replace Finding number 5 with the following:
 - "5. OAC Rule 3745-27-65 provides general criteria applicable to the storage and management of scrap tires, and includes provisions regarding mosquito control, fire contingencies, and the size of scrap tire storage piles and fire breaks."
2. Section V of the July 2013 Orders is hereby modified to replace Order numbers 1 and 2 with the following:

- “1. Upon the effective date of these Orders and until such time as Order No. 2 requires that the scrap tires at the Facility be stored and managed in compliance with OAC Rule 3745-27-65(E)(3)(a)(i), Respondents shall accept not more than one thousand five hundred (1,500) tons of scrap tires at the Facility. All scrap tires accepted at the Facility after the effective date of these Orders shall be stored and managed in a manner that conforms to Appendix 1 of OAC Rule 3745-27-65.
2. Except as otherwise specified in these Orders, not later than one hundred eighty (180) days after the effective date of these Orders, Respondents shall store and manage all scrap tires in compliance with OAC Rule 3745-27-65.”
3. Except as specifically set forth in Order numbers 1 and 2 above, all provisions of the July 2013 Orders remain unchanged and in effect.

VI. TERMINATION

Respondents' obligations under these Orders shall terminate when Respondents certify in writing and demonstrate to the satisfaction of Ohio EPA that Respondents have performed all obligations under these Orders and the Chief of Ohio EPA's Division of Materials and Waste Management acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondents of the obligations that have not been performed, in which case Respondents shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "Rumpke Waste, Inc. and Pike Sanitation Inc. certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by the Respondents to Ohio EPA and shall be signed by a responsible official of Respondents. For purposes of these Orders, a responsible official is the principal executive officer, the ranking elected official, or other duly authorized employee.

VII. 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 Facility.

VIII. 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 Respondents.

IX. 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.

X. NOTICE

All documents required to be submitted by Respondents pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Southeast District Office
Division of Materials and Waste Management
2195 Front Street
Logan, Ohio 43138

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondents each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondents consent to the issuance of these Orders and agree to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondents' liability for the violations specifically cited herein.

Respondents hereby waive the right to appeal the issuance, terms and conditions, and service of these Orders, including but not limited to any rights Respondents may have to appeal final actions issued by Ohio EPA pursuant to these Orders, and Respondents hereby waive any and all rights Respondents may have to seek administrative or judicial review of these Orders either in law or equity.

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

XIII. EFFECTIVE DATE

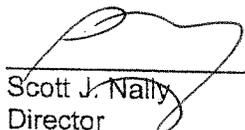
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. 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:

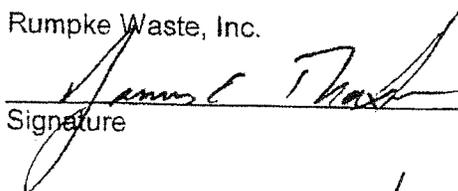
Ohio Environmental Protection Agency



Scott J. Nally
Director

IT IS SO AGREED:

Rumpke Waste, Inc.



Signature

8/6/2013
Date

JAMES E. THAXTON
Printed or Typed Name

Secretary & General Counsel
Title

Pike Sanitation, Inc.

Michael V. Micyanko
Signature

08-07-13
Date

MICHAEL V. MICYANKO
Printed or Typed Name

PRESIDENT
Title