

Appendix I

List of Designated Facilities

Sample Designation Agreement



Darke County Solid Waste Management District

603 Wagner Ave; Suite C. • Greenville, Ohio 45331
Phone: (937) 547-0827 • Fax (937) 547-1496

Michael E. Stegall, County Commissioner
Chairman Solid Waste Policy Committee

Krista K. Fourman, District Director
Melissa L. Werling, Adm. Assistant

NOTICE:

ONLY THE FOLLOWING DISPOSAL FACILITIES ARE DESIGNATED TO ACCEPT SOLID WASTE GENERATED WITHIN THE DISTRICT

Pursuant to Resolutions No: R-139-03, adopted November 12, 2003, and Resolution No. R-254-13, adopted November 13, 2013, by the Board of Commissioners of Darke County, Ohio, in its capacity as the Board of Directors of the Darke County Solid Waste Management District ("District"), you are hereby notified of the adoption of facility designations in accordance with Section 343.014 of the Ohio Revised Code and as authorized by the Darke County Solid Waste Management Plan. The following facilities have been designated by the District as the only facilities to which solid waste generated within the District may be delivered:

Allied Waste Industries, Inc., Owned/Operated:

Celina Sanitary Landfill (Countryside)
6141 Depweg Road, Celina, OH 45822

Board of Miami Co. Commissioners:

Miami County Transfer Station
2200 N CR 25-A
Troy, OH 45373

Maharg, Inc., Owned/Operated:

Maharg Transfer Station
3726 Monroe Rd
Celina, OH 45822

Randolph Farms, Inc., Owned/Operated:

Randolph Farms, Inc.,
Sanitary Landfill (Best Way)
7256 West C.R., 600 South
Modoc, IN 47358

Rumpke, Owned/Operated:

Rumpke Sanitary Landfill
10795 Hughes Road
Cincinnati, OH 45251

Rumpke, Owned/Operated:

Greenville Transfer Station
5474 Jaysville-St. Johns Rd.
Greenville, OH 45331

Montgomery County Transfer Station South

2550 Sandridge Drive
Dayton, OH 45419

Richmond Transfer Station

275 Ft. Wayne Ave.
Richmond, IN 47374

Montgomery County Transfer Station North

6589 Webster St
Dayton, OH 45414

Georgetown Landfill

9427 Beyers Rd
Georgetown, OH 45121

District Rule 6-96 provides that: "No person shall deliver Acceptable Waste to any Solid Waste Facility other than a Designated Solid Waste Facility except pursuant to a waiver granted to such Person by the Solid Waste District." District Rule 7-96 provides a process for requesting a waiver from such designations. In addition to District Rule 6-96, Ohio Revised Code Section 343.01(I)(2) prohibits the delivery of solid waste to facilities other than those designated by the District, and Section 343.99 of the Ohio Revised Code provides for the imposition of a fine of not more than five thousand dollars (\$5,000.00) for each day of a violation.

The District has entered into Designation Agreements with each Designated Facility pursuant to which each Designated Facility agrees to pay to the District a Designation Fee in the amount of \$6.00 per ton of Solid Waste received which was generated within the District.

DESIGNATION AGREEMENT

THIS AGREEMENT, is made and entered into by and between the Board of County Commissioners of Darke County, Ohio (the "Board"), in its capacity as the Board of Directors of the Darke County Solid Waste Management District, with offices located at 520 South Broadway, Greenville, Ohio 45331 (the "District") and Miami County Commissioners, (the "Contractor"), an Ohio Corporation with an office located at 201 W Main St, Troy, OH 45373.

RECITALS

WHEREAS, the Board, as provided in the Darke County Solid Waste Management District, Solid Waste Management Plan, approved by the Director of the Ohio Environmental Protection Agency (the "Director") on April 22, 1992 (the "Plan") and which was updated by the District and most recently approved by the Director on February 19, 2009 (the "Updated Plan") and as authorized by Revised Code Section 343.014, has designated the Greenville Transfer Station/Rumpke Removal Systems Transfer Station as the only solid waste facility located within the State of Ohio designated to receive solid waste generated within the District; and

WHEREAS, the Board has determined that to finance implementation of the Plan, as required by Ohio law and the Findings and Orders of the Director, it is necessary to contract with and designate solid waste facilities whereby designated facilities agree to pay a fee to the District as consideration for such designation (the "Contract Fee") as authorized by the Plan and as authorized pursuant to sections 343.01(H), 343.014, 343.02 and 343.022 of the Ohio Revised Code; and

WHEREAS, the Board adopted Resolution No. R-103-03, the Resolution of Intent to Designate on August 25, 2003, and has completed all actions required Section 343.014 of the Ohio Revised Code; and

WHEREAS, the Contractor owns and operates a solid waste facility located at **2200 N County Rd 25A, Troy, OH 45373 (Miami County Transfer Station)** (the "Contractor's Facility"), as more particularly described in Exhibit A hereto, and has submitted a Request for Designation for such facility in conformance with the Invitation for Designation; and

WHEREAS, the Board has reviewed the Contractor's Request for Designation and has determined that the Contractor's Facility meets the requirements of the Invitation for Designation and the Board desires to designate the Contractor's Facility for the receipt of solid waste generated within the District for disposal or transfer.

NOW, THEREFORE, in consideration of the promises and mutual covenants contained herein, it is hereby agreed between the parties as follows:

ARTICLE I - DISTRICT'S DESIGNATION OF CONTRACTOR'S FACILITY

- 1.1 The District hereby designates the Contractor's Facility pursuant to Section 343.014 of the Ohio Revised Code, as now existing or hereafter amended, as a solid waste facility authorized to receive solid waste generated within the District for disposal or transfer.
- 1.2 The parties acknowledge and agree that Section 343.01(H)(2) of the Ohio Revised Code provides that solid waste generated within the District can be disposed of only at facilities designated by the Board under Section 343.014 of the Ohio Revised Code and that such designations by the Board include or will include facilities other than the Contractor's Facility. It is the further understanding of the parties that the District does not contemplate requiring any person, municipal corporation, township or other political subdivision located within the District to deliver or cause to be delivered any solid wastes to any

particular designated facility.

ARTICLE II - CONTRACTOR'S OBLIGATIONS

- 2.1 The Contractor shall perform and complete in a workmanlike manner all work required to operate and maintain the Contractor's Facility, or cause the Contractor's Facility to be operated and maintained, in strict compliance with all applicable federal, state and local laws as well as the terms and conditions of any applicable licenses or permits. The Contractor agrees that the Contractor's Facility will comply with Subtitle D Regulations as implemented by the U.S. EPA or applicable state law, including the Best Available Technology (BAT) requirements thereof.
- 2.2 The Contractor agrees to accept any or all solid waste generated within the District which may be delivered to the Contractor's Facility during the term of this Designation Agreement. The Contractor agrees to pay to the District a Contract Fee of **Six Dollars (\$6.00)** per ton of solid waste generated within the District that is received at the Contractor's Facility during the term of this Designation Agreement. Before the end of each calendar month, the Contractor shall submit to the District a monthly certified Contract Fee statement, on a form prescribed by the District, in which the Contractor shall separately identify the tonnage (expressed in tenths of a ton) of solid waste generated within the District that was delivered to the Contractor's Facility during the preceding calendar month, and the amount of the Contract Fee due on that tonnage. The Contractor shall forward payment to the District of the total amount of the Contract Fee identified in the monthly report at the same time the Contractor submits the monthly report.
- 2.3 Failure to make timely payment of the Contract Fee as provided herein shall constitute a default by the Contractor for which the District may terminate this Designation Agreement, in addition to any other rights or remedies the District may have.

ARTICLE III - TERM

- 3.1 This Designation Agreement shall be effective as of January 1, 2014 with payment of the Contract Fee to commence on solid waste generated within the District and received at the Contractor's Facility on and after January 1, 2014 and shall terminate on December 31, 2018.
- 3.2 The District reserves the right to cancel or terminate this Designation Agreement for any reason upon ninety (90) days' written notice to the Contractor.

ARTICLE IV - MISCELLANEOUS

- 4.1 This Designation Agreement may be assigned by the Contractor to any successor in interest at the Contractor's Facility with the consent of the District, which consent shall not be unreasonably withheld.
- 4.2 This Designation Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their successors, respective heirs, personal representatives, and assigns.
- 4.3 This Designation Agreement shall constitute the entire understanding between the parties hereto relating to the matters herein contained.
- 4.4 No amendments or variations of the terms and conditions of this Designation Agreement shall be valid unless the same are in writing and signed by all the parties hereto.

- 4.5 This Designation Agreement shall be construed and enforced pursuant to the laws of the State of Ohio.
- 4.6 Any action regarding this Agreement shall be brought in a Court of competent jurisdiction in Darke County, Ohio.
- 4.7 By signing this agreement, you acknowledge that you are an independent contractor and you were notified that you and your employees are NOT "Public Employees" and it is your responsibility to notify all individual employees employed by your business entity who provide personal services to Darke County that they are not public employees and will not have contributions made to OPERS.

IN WITNESS WHEREOF, the parties have duly executed this Designation Agreement in duplicate originals the date and year first above written.

BOARD OF COMMISSIONERS OF
DARKE COUNTY, OHIO

Diane L. Delaplane

Michael W. Rhoades

Michael E. Stegall

Date

Miami County Commissioners

By: _____
Name

Title

Date

Approved as to form:

Margaret B. Hayes, Assistant Prosecuting Atty.
Darke County Prosecutor's Office

Designation of Solid Waste Facilities

Pursuant To O.R.C. Section 343.014

The Board of Commissioners of Darke County, Ohio (the "Board"), in its capacity as the Board of Directors of the Darke County Solid Waste Management District (the "District"), met in regular session in the office of said Board on the 13th day of November, 2013.

Mr. Rhoades moved the adoption of the following
RESOLUTION:

WHEREAS, the Board, as authorized by the Darke County Solid Waste Management District's Solid Waste Management Plan (the "Plan") and pursuant to Section 343.014 of the Ohio Revised Code, has determined that in order to fully finance implementation of the Plan it is necessary to designate those facilities to which all solid waste generated within Darke County must be delivered for transfer or disposal; and

WHEREAS, on August 25, 2003, the Board adopted a Resolution of Intent to Designate (R-139-03) one or more solid waste facilities for the receipt of solid waste generated within the District; and

WHEREAS, on October 16, 2013 and October 23, 2013 (or the newspapers closest print date), the district placed an Invitation for Designation in four local newspapers and mailed letters to those facilities that were previously designated by the board; and

WHEREAS, Requests for Designation were received in response to the Invitation for Designation, and a list of the solid waste disposal and transfer facilities was compiled for the board to designate the facilities which have met the requirements for designation outlined in the Invitation for Designation, and;

"NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Darke County, Ohio, that the foregoing recitals be incorporated herein; and that:

1. The Board hereby designates pursuant to Section 343.014 of the Ohio Revised Code the following facilities as the only facilities authorized to receive solid waste generated within the District for disposal and/or transfer:

Allied Waste Industries, Inc.,
Owned/Operated:
Celina Sanitary Landfill (Countryside)
6141 Depweg Road, Celina, OH 45822

Randolph Farms, Inc., Owned/Operated:
Randolph Farms, Inc., Sanitary Landfill
7256 West C.R., 600 South, Modoc, IN 47358

Rumpke Owned/Operated:
Rumpke Sanitary Landfill
10795 Hughes Road, Cincinnati, OH 45251

Greenville Transfer Station
5474 Jaysville-St. Johns Rd., Greenville, OH
45331

Rumpke Owned/Operated: (con't)
Montgomery County Transfer Station (South)
2550 Sandridge Drive, Dayton, OH 45419

Montgomery County Transfer Station (North)
6589 Webster St, Dayton, OH 45414

Richmond Transfer Station
275 Ft. Wayne Ave., Richmond, IN 47374

Georgetown Landfill
9427 Beyers Rd; Georgetown, OH 45121

Board of Miami Co. Commissioners:
Miami County Transfer Station
2200 N CR 25-A, Troy, OH 45373

Michael I. Maharg:
Maharg Solid Waste Transfer Facility
3726 Monroe Rd
Celina, OH 45822

Any such designation is contingent upon the facility entering into a Designation Agreement with the District as specified in the Invitation for Designation.

Mr. Stegall seconded the motion and the roll being called upon its adoption, the vote resulted as follows:

Robin R. Blinn
Robin R. Blinn; Adm Sec/ Clerk

absent
Diane L. Delaplaine
Michael W. Rhoades
Michael W. Rhoades
Michael E. Stegall
Michael E. Stegall
DARKE COUNTY
BOARD OF COMMISSIONERS

YEA

YEA

YEA

DATE: 11/13/13
JL 49 PG 422

FILED

NOV 13 2013

DARKE COUNTY, OHIO
BOARD OF COMMISSIONERS