OHIO E.P.A.

DEC 11 2006

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter Of:

Evergreen Recycling and Disposal Facility, Inc.: 2625 East Broadway Northwood, Ohio 43619	: : :	Director's Final Findings and Orders
and		
SC Holdings, Inc. f.k.a. Ohio Waste Systems, Inc. 1001 Fannin Street Suite 4000 Houston, Texas 77002	: : : : :	
Respondents		

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.

By: _____ **Date:** 12-11-06

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Evergreen Recycling and Disposal Facility, Inc. and SC Holdings, Inc., f.k.a. Ohio Waste Systems, Inc. (collectively, the "Respondents"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3704.03, 3734.13, 3745.01, and 6111.03.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondents and successors in interest liable under Ohio law. No change in ownership of the Respondents or of the Facility (as hereinafter defined) shall in any way alter Respondents' obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapters 3704., 3734., and 6111. and the rules promulgated thereunder.

IV. FINDINGS

All of the findings necessary for the issuance of these Orders pursuant to ORC §§ 3704.03, 3734.13, 3745.01 and 6111.03 have been made and are outlined below. Nothing in the findings shall be considered to be an admission by Respondents of any matter of law or fact. The Director of Ohio EPA has determined the following findings:

1. The Evergreen Recycling and Disposal Facility (the "Facility") is located at 2625 East Broadway, Northwood, Wood County, Ohio.

2. Respondent Evergreen Recycling and Disposal Facility, Inc. ("Evergreen") is the "owner" and the "operator" of the Facility as those terms are defined in Ohio Administrative Code ("OAC") Rule 3745-27-01(O)(7) and (O)(5), respectively, and is also the license holder for the Facility.

3. Respondent SC Holdings, Inc. f.k.a. Ohio Waste Systems, Inc. holds title to the property on which the Facility is located.

4. The Facility is a "sanitary landfill facility" as that term is defined under OAC Rule 3745-27-01(S)(4) and is authorized to accept "solid waste" as that term is defined under ORC Section 3734.01(E) and OAC Rule 3745-27-01(S)(24).

5. Respondents are "person[s]" as that term is defined in ORC Section 3734.01(G) and in OAC Rule 3745-27-01(P)(3).

Findings Related to S-K Handtool

Water Pollution Control Violations

6. On July 13, 1997, Ohio EPA received from Waste Management of Ohio, Inc. for its subsidiary Evergreen, an application for a permit to install (PTI) one mixing bin for "solidification of non-hazardous waste which does not pass the paint filter test" at the Facility. Based on this application, PTI No. 03-10750 for a solidification bin [the second such bin authorized at the Facility] for the Facility was issued, effective August 1, 1997.

7. On October 5, 1999, Ohio EPA received from Waste Management of Ohio, Inc. for its subsidiary Evergreen, an application for a PTI for a third mixing bin at the Facility. The application stated that "[a]ll bins are used to mix liquid containing non-hazardous waste with solidification agent or agents to create non-hazardous solid waste for disposal." Based on this application, PTI No. 03-12035 for solidification bin no. 3 for the Facility was issued, effective December 20, 1999.

8. On March 22, 2001, Ohio EPA received from Waste Management-Evergreen RDF, an application for a PTI for solidification bins #4, #5, and #6. The PTI application

identified the type of establishment as a "[n]on-haz[ardous] liquid solidification facility," and stated that the "[o]bjective is to solidify the liquid containing non-hazardous waste using soil, saw dust, and auto fluff, with the resulting mixture being disposed of properly." Based on this application, PTI No. 03-12821 for "Solid Waste Solidification Bins for Evergreen RDF..." was issued effective June 14, 2001. A provision of the PTI states: "No liquids, sludges, or toxic or hazardous substances other than those set forth in the approved permit shall be accepted for disposal without the prior written approval of the Ohio Environmental Protection Agency."

9. Respondents did not seek nor obtain written approval of Ohio EPA to accept hazardous substances for disposal prior to receiving the vibratory sludge, a characteristic hazardous waste, on September 9, 2005, from S-K Handtool, located in Defiance, Ohio.

10. Respondents mixed the vibratory sludge from S-K Handtool, a characteristic hazardous waste, in the solidification bins, in violation of PTIs Nos. 03-10750, 03-12035, and 03-12821.

11. In correspondence dated September 21, 2005, Ohio EPA sent a Notice of Violation, which described the PTI violations, to the Facility manager.

12. ORC Section 6111.07(A) prohibits any person from violating, or failing to perform any duty imposed by ORC Sections 6111.01 to 6111.08 or violating any order, rule, or term or condition of a permit issued or adopted by the Director of Environmental Protection pursuant to those sections. Each day of violation is a separate offense.

Solid and Infectious Waste Management Violations

13. In accordance with OAC Rule 3745-27-19(B)(1), "[t]he owner or operator shall conduct all operations at a sanitary landfill facility in strict compliance with the terms and conditions of the solid waste disposal license issued for the facility in accordance with Chapter 3745-37 of the Administrative Code."

14. In accordance with OAC Rule 3745-27-19(B)(2), "[t]he owner or operator shall conduct all construction and operation at a sanitary landfill facility in strict compliance with the applicable authorizing document(s), including permit(s) to install, a plan approval, an operational report, an approved closure plan, an alteration(s) concurred with in writing by Ohio EPA, or any other document(s) listed in paragraph (I) of rule 3745-27-09 of the Administrative Code. . ."

15. In accordance with OAC Rule 3745-27-19(E)(8)(b), the owner or operator shall not accept for disposal or dispose of containerized bulk liquids or non-containerized liquids without authorization from the director.

16. In accordance with OAC Rule 3745-27-19(E)(8)(c), the owner or operator shall not accept for disposal or dispose of materials that are defined as hazardous wastes pursuant to rule 3745-51-03 of the Administrative Code at a sanitary landfill facility.

17. In accordance with OAC Rule 3745-27-19(L), "...the owner or operator shall implement a written program at the sanitary landfill facility with procedures that are sufficient to detect and prevent the disposal of regulated hazardous wastes as defined in rule 3745-51-03 of the Administrative Code and polychlorinated biphenyls (PCB) wastes as defined in 40 CFR Part 761, July 1, 2003. The owner or operator shall place the 'PCB and hazardous waste prevention and detection program,' inspection records, generator certifications, waste screening information, and notifications required by this rule into the operating record in accordance with rule 3745-27-09 of the Administrative Code..."

18. In accordance with ORC Section 3734.11(A), no person shall violate any section of this chapter, any rule adopted under it, or any order issued under ORC Chapter 3734.

19. On September 12, 2005, Respondent Evergreen notified Ohio EPA that approximately 3,000 gallons of hazardous waste had been accepted at the Facility on September 9, 2005. The hazardous waste was a vibratory sludge from S-K Handtool.

20. According to the manifest that Respondent Evergreen provided to Ohio EPA on September 12, 2005, the hazardous waste had a pH of 12.8, which, pursuant to OAC Rule 3745-51-22(A)(1), exhibits the characteristic of corrosivity (D002).

21. In correspondence dated October 6, 2005, Ohio EPA cited Respondent Evergreen in violation of OAC Rule 3745-27-19(E)(8)(c) for accepting for disposal a material defined as hazardous waste and ORC Section 3734.11(A) for violating a rule adopted under ORC Chapter 3734.

22. In correspondence dated October 19, 2005, Ohio EPA cited Respondent Evergreen in violation of OAC Rule 3745-27-19(E)(8)(b) for accepting for disposal containerized bulk liquids without authorization from the director, OAC Rule 3745-27-19(E)(8)(c) for accepting for disposal a material defined as hazardous waste, and ORC Section 3734.11(A) for violating a rule adopted under ORC Chapter 3734.

23. In correspondence dated November 29, 2005, Ohio EPA cited Respondent Ohio Waste Systems, Inc. in violation of OAC Rule 3745-27-19(E)(8)(b) for accepting for disposal containerized bulk liquids without authorization from the director, OAC Rule 3745-27-19(E)(8)(c) for accepting for disposal a material defined as hazardous waste, and ORC Section 3734.11(A) for violating a rule adopted under ORC Chapter 3734.

Findings Related to Delta Fuels, Inc.

Hazardous Waste and Solid Waste Management Violations

24. On November 25, 2005, approximately 103,000 gallons of gasoline were released into soils, both on and off-site of Delta Fuels Inc.'s (Delta) property, located at 1820 Front Street, Toledo, Lucas County. The source of the gasoline was an aboveground storage tank owned and operated by Delta.

25. On November 29, 2005, Ohio EPA's Division of Emergency and Remedial Response was notified of the release of gasoline. The release occurred from a two million gallon aboveground gasoline storage tank via an overfill pipe . Free product was observed in test pits excavated inside the secondary containment system surrounding the aboveground storage tank. Gasoline vapors had been detected emanating from a storm sewer catch basin on an adjacent property owned by the Ohio Department of Transportation, in an exit ramp construction area identified as "Ramp X," which is geographically downgradient from Delta. Following an examination of the existing storm sewer drainage system between Delta and the Ramp X area, Ohio EPA determined that the general flow of liquid in the storm sewer system indicated that the gasoline present in storm sewer catch basins in the Ramp X area was attributable to the release of gasoline from Delta.

26. On November 29, 2005, Ohio EPA commenced emergency response activities and observed Delta's ongoing efforts to construct test pits, create free product recovery trenches, and collect soil samples at both Delta and the Ramp X area to determine the extent of gasoline contamination. As a result of these activities, as well as excavation activities conducted outside the immediate area surrounding the aboveground gasoline storage tank, a stockpile of contaminated soils was excavated at Delta and subsequently stored at Delta's facility. Respondents have stated that acceptance of the soils at Respondent's Facility was based upon analytical data and waste representations by Delta.

27. Beginning on December 15, 2005, the stockpile of contaminated soils, referenced in Finding No. 26 of these Orders, was transported to Respondents' Facility.

28. Beginning on December 23, 2005 and continuing until at least January 12, 2006, contaminated soils were excavated from the Ramp X area and transported to Respondents' Facility for treatment in Respondents' bioremediation unit.

29. From December 15, 2005 until January 13, 2006, approximately 1,000 trucks transported a total of 21,368 tons of gasoline contaminated soils to Respondent Evergreen's bioremediation unit and approximately 916 tons of material containing gasoline contaminated soil to Respondent Evergreen's solid waste landfill and disposed.

30. In correspondence dated February 22, 2006, Delta submitted sampling results from the soil sampling activities conducted in the Ramp X area, which the Director has determined indicated that a portion of the excavated soil, referenced in Finding No. 28 of these Orders and a portion of the stockpiled soil referenced in Finding Nos. 26 and 27 of these Orders, was hazardous waste and exhibited the characteristic of benzene (D018).

31. On March 14 and 21, 2006, Ohio EPA's Division of Hazardous Waste Management conducted a compliance evaluation inspection at Respondent Evergreen. The purpose of the inspection was to determine the location and disposition of hazardous waste soils transported from Delta to Respondents' Facility. Ohio EPA observed the 21,368 tons of soil, which contained an undetermined volume of hazardous waste, stored in two stockpiles on-site awaiting treatment in the bioremediation unit. Based upon Ohio EPA's observations during the inspection, as well as documentation obtained during the inspection, Ohio EPA has determined that Respondents have established and operated an unpermitted hazardous waste storage and disposal facility by accepting and storing 21,368 tons of soil, which contained an undetermined volume of hazardous waste, in Respondents' bioremediation unit, in violation of ORC § 3734.02(E) and (F).

32. By letter dated June 9, 2006, Ohio EPA notified Respondent Evergreen of the violation referenced in Finding No. 31 of these Orders.

33. In correspondence dated June 28, 2006, Respondent Evergreen provided responses to Ohio EPA's June 9, 2006 letter.

34. On October 4, 2006, Ohio EPA's Division of Solid and Infectious Waste Management conducted an inspection at Respondent Evergreen. The purpose of the inspection was to determine if soils from Delta were directly disposed in the landfill. Based upon the information obtained as a result of the inspection, Ohio EPA determined that Respondent Evergreen disposed 916 tons of material containing gasoline contaminated soil in the landfill, in violation of OAC Rule 3745-27-19(E)(8) and ORC § 3734.11(A).

35. By letter dated October 11, 2006, Ohio EPA notified Respondent Evergreen of the violations referenced in Finding No. 34 of these Orders.

Air Pollution Control Violations

36. In a letter dated August 28, 2006, Ohio EPA's Northwest District Office Division of Air Pollution Control issued a notice of violation to Respondent Evergreen for accepting 21,368 tons of soil which contained hazardous waste, in violation of the terms and conditions of PTI #03-7275 which states that Respondent Evergreen shall only accept non-hazardous petroleum contaminated soils or oil dry, corn cobs,

and straw. The PTI states that Respondent Evergreen shall not store, treat, or dispose of any hazardous waste as defined by 40 CFR Part 261 and OAC Rule 3745-51.

V. ORDERS

Respondents shall achieve compliance with ORC Chapters 3734. and 6111. and the rules promulgated thereunder according to the following compliance schedule:

1. Within thirty (30) days after the effective date of these Orders, Respondents shall evaluate and revise, as necessary, the Facility's PCB and hazardous waste prevention and detection program, which is required by OAC Rule 3745-27-19(L), so as to prevent future occurrences of illegal hazardous waste acceptance at the Facility. Respondents shall provide to Ohio EPA written verification of training to appropriate Facility personnel on the Facility's PCB and hazardous waste prevention and detection program within ninety (90) days after the effective date of these Orders.

2. Within forty-five (45) days after the effective date of these Orders, Respondents shall submit the Facility's revised PCB and hazardous waste prevention and detection program to Ohio EPA for comment, and within fourteen days after receipt of Ohio EPA's comments, Respondents shall address Ohio EPA's comments and place the revised document into the operating record.

3. Respondents shall comply with the terms and conditions of PTIs Nos. 03-10750, 03-12035, and 03-12821.

4. Respondents shall not accept any hazardous wastes or substances, including but not limited to PCBs and radioactive waste, for treatment in the mixing bins.

5. Respondents shall place the solidification bins:

   a. on top of a portion of the landfill which includes a Best Available Technology (BAT) liner system.
   b. at least two hundred (200) feet from all edges of the limits of waste placement, and
   c. the solidification bins shall be completely moved or removed from the landfill when the landfill is required to cap the area where any of the mixing bins are located.

6. If Respondents remove loads from the solidification bins for disposal into the sanitary landfill facility, the loads shall meet the definition of solid waste as defined in OAC Rule 3745-27-01(S)(24). Any loads that do not pass the paint filter test shall be re-mixed with additional bulking agent and tested in accordance with EPA SW846, method 9095.

7. Within thirty (30) days after the effective date of these Orders, Respondents shall submit to Ohio EPA, for review and approval, a Waste Management Plan (Plan) that details the measures necessary to ensure the proper management and disposition of the 21,368 tons of soil, which contained an undetermined volume of hazardous waste, stockpiled at the Facility. The Plan shall, at a minimum, describe the immediate management activities to be conducted to ensure that hazardous waste or hazardous waste constituents do not continue to be released to the environment through incidental leaching, precipitation run-off, evaporation and/or volatilization. The Plan shall also describe a method of proper management for the hazardous waste soils that is protective of human health and the environment. The Plan shall describe the technical, scientific and reasonable basis upon which Respondents' decision on the proposed proper method of management for the hazardous waste was founded. If applicable, the plan shall also describe the methods that will be used to determine the amount of contaminants that will be released to the air should Respondents choose to treat the soils on site and to determine if the air emissions will exceed the permit limits in PTI #03-7275. Upon approval of the Plan, Respondents shall implement the Plan in accordance with the specifications and schedules contained in the approved Plan and any conditions attached thereto.

8. Within sixty (60) days after Respondents complete implementation of the Plan, referenced in Order No. 7, Respondents shall submit to Ohio EPA a closure plan prepared in accordance with OAC rules 3745-55-11/3745-66-11 through 3745-55-20/3745-66-20, and comply with Order Nos. 9 through 12.

9. The closure plan is subject to Ohio EPA approval. If Ohio EPA does not approve the closure plan and provides Respondents with a written statement of deficiencies, Respondents shall, within thirty (30) days after receipt of such written statement, revise the closure plan or submit a new closure plan to Ohio EPA addressing the deficiencies. Upon receipt of Respondents' new or revised closure plan, Ohio EPA will notify Respondents in writing that Ohio EPA either approves the closure plan or approves the closure plan with modifications. If Ohio EPA modifies the closure plan, the modified closure plan shall become the approved closure plan.

10. Upon receiving Ohio EPA's written approval of the closure plan, Respondents shall implement the approved closure plan pursuant to OAC rules 3745-55-11/3745-66-11 through 3745-55-20/3745-66-20, the specifications and schedules contained in the approved closure plan, and any modifications attached to the approved closure plan.

11. Within sixty (60) days after completion of closure, Respondents shall submit to Ohio EPA a closure certification in accordance with OAC rules 3745-55-15/3745-66-15.

12. Within thirty (30) days after submitting the closure plan referenced in Order No. 8, Respondents shall submit to Ohio EPA a closure cost estimate and documentation

demonstrating that Respondents have established financial assurance and liability coverage for the area of the Facility subject to closure in accordance with OAC rules 3745-55-42/3745-66-42 through 3745-55-47/3745-66-47. Completion of Order Nos. 7 through 12 will abate the ORC § 3734.02(E) and (F) violation referenced in Finding No. 31 of these Orders.

13. Within forty-five (45) days after the effective date of these Orders, Respondents shall pay to the Ohio EPA the amount of one thousand nine hundred sixty-eight dollars ($1,968.00) in settlement of the Ohio EPA's claim for civil penalties for violation of the PTIs for the solidification mixing bins, which may be assessed pursuant to ORC Chapter 6111. Payment shall be made by tendering an official check made payable to "Treasurer, State of Ohio" for the amount of one thousand nine hundred sixty-eight dollars ($1,968.00). The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying Respondents and the Facility to Ohio EPA, Office of Fiscal Administration, P,O, Box 1049, Columbus, Ohio 43216-1049. A copy of the letter and the check shall be sent to Ohio EPA, Northwest District Office, Division of Surface Water, 347 North Dunbridge Road, P.O. Box 466, Bowling Green Ohio 43402, Attn: DSW Enforcement Coordinator.

14. Within forty-five (45) days after the effective date of these Orders, Respondents shall pay the amount of thirteen thousand eight hundred forty dollars ($13,840.00) in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC Chapter 3734. and which will be deposited into the environmental protection remediation fund established pursuant to ORC § 3734.281. Payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for eleven thousand seventy-two dollars ($11,072.00) of the total amount. The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying the Respondents and the Facility. A copy of the check to shall be sent to Ohio EPA, Division of Solid and Infectious Waste Management, Supervisor, Systems Management Unit, P.O. Box 1049, Columbus, Ohio 43216-1049.

15. Within forty-five (45) days after the effective date of these Orders, Respondents shall pay the amount of forty thousand dollars ($40,000.00) in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC Chapter 3734. and which will be deposited into the hazardous waste cleanup fund established pursuant to ORC § 3734.28. Payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for twenty-six thousand four hundred dollars ($26,400.00) of the total amount. The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, Department L-2711, Columbus, Ohio 43260-2711, together with a letter identifying the Respondents and the Facility. A copy of this check shall be submitted in accordance with Section X. of these Orders.

16. Within forty-five (45) days after the effective date of these Orders, Respondents shall pay the amount of ten thousand dollars ($10,000.00) in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC Chapter 3704. Payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for six thousand six hundred dollars ($6,600.00) of the total amount. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying Respondents and the Facility to Ohio EPA, Office of Fiscal Administration, P,O, Box 1049, Columbus, Ohio 43216-1049. A copy of this check shall be submitted in accordance with Section X. of these Orders, and an additional copy of this check shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement, or his successor, Ohio EPA, Division of Air Pollution Control, P.O. Box 1049, Columbus, Ohio 43216-1049.

17. In lieu of paying one thousand three hundred eighty-four dollars ($1,384.00) of the total civil penalty identified in Order No. 14, six thousand eight hundred dollars ($6,800.00) of the total civil penalty identified in Order No. 15, and one thousand seven hundred dollars ($1,700.00) of the total civil penalty identified in Order No. 16, Respondents shall fund a Supplemental Environmental Project (SEP) by making a contribution in the total amount of nine thousand eight hundred eighty-four dollars ($9,884.00) to the Ohio EPA Clean Diesel School Bus Program (Fund 5CD). Respondents shall make payment within forty-five (45) days after the effective date of these Orders by tendering an official check made payable to "Treasurer, State of Ohio" for nine thousand eight hundred eighty-four dollars ($9,884.00). The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying the Respondents and the Facility. A copy of the check shall be sent to Ohio EPA, Division of Solid and Infectious Waste Management, Supervisor, Systems Management Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 and to Ohio EPA, Division of Air Pollution Control, Assistant Chief, SIP Development and Enforcement, P.O. Box 1049, Columbus, Ohio 43216-1049. An additional copy of this check shall be submitted to the Division of Hazardous Waste Management in accordance with Section X. of these Orders.

18. Should Respondents fail to fund the Diesel Bus SEP in accordance with Order No. 17, Respondent shall, within 7 days after failing to comply with Order No. 17, pay to Ohio EPA the amount of one thousand three hundred eighty-four dollars ($1,384.00) in accordance with the procedures in Order No. 14, the amount of six thousand eight hundred dollars ($6,800.00) in accordance with the procedures in Order No. 15, and the amount of one thousand seven hundred dollars ($1,700.00) in accordance with the procedures in Order No. 16.

19. Based upon Respondents' efforts to provide educational outreach to prevent the receipt of hazardous waste at facilities owned and/or operated by Respondents which are not permitted to accept hazardous waste, Ohio EPA has determined that such efforts meet the criteria of a SEP and warrant a credit in the amount of one

thousand three hundred eighty-four dollars ($1,384.00) of the remaining civil penalty identified in Order No. 14, six thousand eight hundred dollars ($6,800.00) of the remaining civil penalty identified in Order No. 15, and one thousand seven hundred dollars ($1,700.00) of the remaining civil penalty identified in Order No. 16. No further action is required of Respondent regarding the SEP credit referenced in Order No. 19.

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 Chiefs of Ohio EPA's Division of Solid and Infectious Waste Management and Division of Hazardous Waste Management acknowledge, 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: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondents to Ohio EPA and shall be signed by a responsible official of Respondents. For purposes of these Orders, a responsible official is a principal executive officer of at least one level of vice president or his duly authorized representative, if such a representative is responsible for the overall operation of the Facility.

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 Respondents' 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 or the Facility.

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 Order Nos. 1 through 6 shall be addressed to:

Ohio Environmental Protection Agency
Northwest District Office
Division of Solid and Infectious Waste Management
347 North Dunbridge Road
Bowling Green, Ohio 43402
Attn: Unit supervisor, DSIWM

and to:

Wood County Health Department
1840 East Gypsy Lane Road
Bowling Green, Ohio 43402
Attn: Health Commissioner

All documents required to be submitted by Respondents pursuant to Order Nos. 7 through 12 shall be addressed to:

Ohio Environmental Protection Agency
Northwest District Office
Division of Hazardous Waste Management
347 North Dunbridge Road
Bowling Green, Ohio 43402
Attn: DHWM Manager

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Joseph P. Koncelik, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Hazardous Waste Management
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Manager, Compliance Assurance Section

For deliveries to the building before December 31, 2006:

Joseph P. Koncelik, Director
Ohio Environmental Protection Agency
Lazarus Government Center

Division of Hazardous Waste Management
122 South Front Street
Columbus, Ohio 43215
Attn: Manager, Compliance Assurance Section

For deliveries to the building after December 31, 2006:

Joseph P. Koncelik, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Hazardous Waste Management
50 West Town Street, Suite 700
Columbus, Ohio 43215
Attn: Manager, Compliance Assurance Section

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

XI. RESERVATION OF RIGHTS

Ohio EPA reserves its right to exercise its lawful authority to require Respondents to perform corrective action at the Facility, at some time in the future, pursuant to ORC Chapter 3734. or any other applicable law. Respondents each reserve their rights to raise any administrative, legal or equitable claim or defense with respect to any final action of the Director regarding such corrective action. Ohio EPA and Respondents each reserve all other 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. Except for the rights to seek corrective action at the Facility by Respondents, which rights Ohio EPA do not waive, 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, 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

Joseph P. Koncelik
Director

IT IS SO AGREED:

Evergreen Recycling and Disposal Facility, Inc.

Signature

12-11-06
Date

Robert A. Smith
Printed or Typed Name

Vice President
Title

SC Holdings, Inc. f.k.a. Ohio Waste Systems, Inc.

Signature

12-11-06
Date

Robert E. Leininger
Printed or Typed Name

Senior Legal Counsel
Title