

OHIO E.P.A.

NOV 30 2006

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

ENTERED DIRECTOR'S JOURNAL

In the Matter of: :

Central Waste, Inc. :

12003 Oyster Road :

Alliance, Ohio 44601 :

Respondent :

PREAMBLE

The parties hereto agree as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Central Waste, Inc. ("Respondent"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 6111.03 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in the ownership or composition of Respondent or the ownership of the Central Waste Landfill shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

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

IV. FINDINGS

The Director of Ohio EPA makes the following findings:

1. Respondent is the owner and operator of the Central Waste Landfill located in Alliance, Mahoning County, Ohio.

I certify this to be a true and correct copy of the official documents on file in the records of the Ohio Environmental Protection Agency.

By: Will T. Hill Date: NOV 30 2006

Trans Load America
Director's Final Findings and Orders
Page 2 of 5

2. In October of 2006, TLA-Alliance, LLC ("TLA") purchased the stock of Central Waste, Inc. and assumed operation of the Central Waste Landfill.
3. There are four point source discharges from the Central Waste Landfill, which discharges are designated outfalls 3IN00313001, 3IN00313002, 3IN00313003 and 3IN00313004 respectively. Each of these outfalls is covered by an NPDES permit, Permit No. 3IN00313*BD. NPDES Permit No. 3IN00313*BD is due to expire November 30, 2006. To extend the term of NPDES Permit No. 3IN00313*BD beyond November 30, 2006 until a renewal permit could be issued, an application for renewal of NPDES Permit No. 3IN00313*BD should have been filed with the Ohio EPA by no later than 180 days prior to November 30, 2006. The prior owners of Central Waste, Inc. failed to file a timely renewal application and, as a result, NPDES Permit No. 3IN00313*BD will expire on November 30, 2006.
4. Upon learning in September of 2006 that the prior owners of Central Waste, Inc. had failed to timely file a renewal application, TLA promptly demanded that the prior owners file the required renewal application at the earliest possible convenience. At the same time, TLA contacted the Ohio EPA and informed the Ohio EPA that, as the potential purchaser of the stock of Central Waste, Inc., it may eventually face a situation where NPDES Permit No. 3IN00313*BD may expire before the Ohio EPA could complete the review and processing of a renewal application, including public review.
5. On September 28, 2006, the prior owners of Central Waste, Inc. filed the required application to renew the NPDES permit for the Central Waste Landfill facility. Ohio EPA's review and processing of the application for renewal of NPDES Permit No. 3IN00313*BD will not be completed by November 30, 2006.
6. Pursuant to ORC § 6111.04, no person shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage, sludge, sludge materials, industrial waste, or other wastes without a valid, unexpired permit.
7. OAC § 3745-33-02(A) provides that no person may discharge any pollutant or cause, permit, or allow a discharge of any pollutant from a point source without applying for and obtaining an Ohio NPDES individual permit in accordance with the requirements of Chapter 3745-33 of the Administrative Code.
8. OAC § 3745-38-02(A) provides that no person may discharge any pollutant or cause, permit, or allow a discharge of any pollutant from a point source without applying for and obtaining an Ohio NPDES individual permit in accordance with the requirements of Chapter 3745-33 of the Administrative Code, complying with the indirect discharge permit program pursuant to Chapter 3745-36 of the Administrative Code or obtaining authorization to discharge under an Ohio NPDES general permit in accordance with requirements of Chapter 3745-38 of the Administrative Code.
9. ORC § 6111.07(A) prohibits any person from violating, or failing to perform, any duty

TransLoad America, Inc. is hereby notified that the permit for the discharge of pollutants from the Central Waste Landfill, Permit No. 3IN00313*BD, expires on November 30, 2006. The permittee is required to file a renewal application with the Ohio EPA by no later than 180 days prior to the expiration date of the permit.

Trans Load America
Director's Final Findings and Orders
Page 3 of 5

imposed by ORC §§ 6111.01 to 6111.08, or violating any rule adopted by the Director pursuant to those sections.

10. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with these Orders and to evidence relating to conditions calculated to result from compliance with these Orders, and its relation to the benefits to the people of the State to be derived from such compliance in accomplishing the purposes of ORC Chapter 6111.

V. ORDERS

On and after November 30, 2006, Respondent shall not discharge industrial waste or other waste from the Central Waste Landfill into waters of the state except in full compliance with the terms of NPDES Permit No. 3IN00313*BD (which expires November 30, 2006), a copy of which is attached to these Orders. Respondent shall remain in compliance with the terms of NPDES Permit No. 3IN00313*BD, expiring November 30, 2006, until (1) a new permit is issued by the Director renewing or replacing NPDES Permit No. 3IN00313*BD, or (2) January 30, 2007, whichever occurs earlier.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and Ohio EPA's Division of Surface Water 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 Respondent of the obligations that have not been performed, in which case Respondent 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 Respondent to Ohio EPA and shall be signed by a responsible official of Respondent.

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.

VIII. OTHER APPLICABLE LAWS

Trans Load America
Director's Final Findings and Orders
Page 4 of 5

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 Respondent.

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 Respondent pursuant to these Orders shall be addressed to:

Ohio EPA
Lazarus Government Center
122 South Front Street
P.O. Box 1049
Columbus, Ohio 43215-1049

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges, defenses 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, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

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

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

Trans Load America
Director's Final Findings and Orders
Page 5 of 5

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 or 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 AGREED:

Central Waste, Inc.

Robert Lubin 11/30/06
Signature Date

Robert Lubin
Printed or Typed Name

VP- Finance
Title

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

Joseph P. Kencelik 11/30/06
Joseph P. Kencelik Date
Director