STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
WASTE AND HAZARDOUS MATERIALS DIVISION

In the matter of administrative proceedings against United Waste Water Services, Inc , a corporation organized under the laws of the State of Ohio and doing business at 11807 Reading Road, City of Cincinnati, County of Hamilton, State of Ohio

WHMD Fast Track Order No. 138-03-07

Site ID No. OH0 000 107 649

CONSENT ORDER

This proceeding results from allegations specified in the Letter of Warning ("LOW") issued on September 24, 2007, by the staff of the Michigan Department of Environmental Quality ("MDEQ") The MDEQ alleges that United Waste Water Services, Inc. (the "Respondent"), an Ohio corporation, doing business at 11807 Reading Road, Cincinnati, Hamilton County, Ohio, is in violation of Part 121, Liquid Industrial Wastes, of Michigan's Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, Michigan Compiled Laws ("MCL") 324.101 *et seq.* ("Act 451"); and Michigan's Hazardous Materials Transportation Act, 1998 PA 138, MCL 29.471 *et seq.* ("Act 138"). The Respondent and the MDEQ agree to resolve the alleged violations set forth in the LOW by entry of this Consent Order

I STIPULATIONS

The Respondent and the MDEQ stipulate as follows:

1.1 Act 138 specifies the requirements for a motor carrier to obtain and maintain a notice of registration form and permit in order to lawfully transport hazardous and liquid industrial wastes in Michigan

1.2 In addition to the requirements of Act 138, the transportation of hazardous and liquid industrial wastes is regulated by Part 121 and Part 111, Hazardous Waste Management, of Act 451, and the administrative rules promulgated under Part 111.

1.3 The MDEQ also regulates the identification, generation, treatment, storage, disposal, and transportation of liquid industrial waste pursuant to Part 121.

1.4 The Respondent is a motor carrier as defined by MCL 29.472(f). The Respondent owns and operates a facility at 11807 Reading Road, Cincinnati, Ohio, that transports hazardous waste and liquid industrial wastes (the "Facility"). The Respondent is an Ohio corporation.

1.5 The MDEQ is authorized by MCL 29.477(3) to enforce Act 138. Accordingly, the MDEQ has authority to enter into this Consent Order with the Respondent.

1.6 The Respondent stipulates to the issuance and entry of this Consent Order and that entry of the Consent Order is proper and acceptable. This Consent Order shall be considered a final order of the MDEQ and shall become effective on the date it is signed by the Chief of the Waste and Hazardous Materials Division ("WHMD").

1.7 The Respondent and the MDEQ agree that the signing of this Consent Order is for settlement purposes only and does not constitute an admission by the Respondent that the law has been violated

II. COMPLIANCE PROGRAM

2.1 The Respondent acknowledges, by entry of this Consent Order, the following:

2.1.1 All transportation of liquid industrial wastes in the state of Michigan has ceased.

2.1.2 A uniform application shall be submitted and approved for a registration and permit to transport liquid industrial wastes in the state of Michigan that meets the requirements of MCL 29.473(3), (4), and (5), and the applicable provisions of Part 121 for all future transportation of liquid industrial waste

2.1.3 Transportation of liquid industrial waste, when transported in the state of Michigan, shall be only under an approved permit and registration issued by the MDEQ pursuant to Act 138

2.1.4 Transportation of liquid industrial waste, when transported in the state of Michigan, shall be performed using a manifest and shall be performed in strict compliance with the provisions of MCL 324.12109

III. CIVIL FINES

3.1 The Respondent shall pay the sum of $4,000 upon the Respondent's signature of this Consent Order by mailing a certified check made payable to the "State of Michigan" to the MDEQ, Revenue Control Unit, P.O. Box 30657, Lansing, Michigan 48909-8157, or hand delivery to the MDEQ, Revenue Control Unit, 525 West Allegan, 5th Floor, South Tower, Lansing, Michigan 48933. This payment shall be in settlement of the MDEQ's claim for a civil fine arising from the violations alleged in the above-referenced LOW. The civil fine shall be deposited into the Hazardous Materials Transportation Permit Fund as designated in MCL 29.475 of Act 138. To ensure proper credit, all payments made pursuant to this Consent Order must include Payment Identification Number WHM 1072.

3.2 The Respondent agrees not to contest the legality of the civil fine paid pursuant to Paragraph 3.1, above.

IV. GENERAL PROVISIONS

4.1 With respect to any violations not specifically addressed and resolved by this Consent Order, the MDEQ reserves the right to pursue any other remedies to which it is entitled for any failure on the part of the Respondent to comply with the requirements of Act 138 or Act 451 and its rules

4.2 Notwithstanding any other provision of this Consent Order, an enforcement action may be brought by the MDEQ pursuant to Part 111 and Part 121 or other statutory authority where the transportation of hazardous waste and/or liquid industrial wastes by the Respondent may present an imminent and substantial hazard to the health of persons or

to the natural resources or is endangering or causing damage to public health or the environment.

4.3 The MDEQ and the Respondent consent to enforcement of this Consent Order in the same manner and by the same procedures for all final orders.

4.4 This Consent Order in no way affects the Respondent's responsibility to comply with any other applicable local, state, or federal laws or regulations including, without limitation, any corrective action or similar requirements applicable to the Facility pursuant to Part 111; Part 121; the federal Resource Conservation and Recovery Act of 1976, as amended, Title 42 of the United States Code, Section 6926(b); and their rules.

4.5 The provisions of this Consent Order shall apply to and be binding upon the Respondent, the MDEQ, and their successors and assigns. The Respondent shall give notice of this Consent Order to any prospective successor in interest prior to transfer of ownership and shall notify the MDEQ of such proposed sale or transfer.

V. TERMINATION

5.1 This Consent Order shall terminate upon compliance with the requirements of Paragraph 2.1 and payment of the civil fine required in Paragraph 3.1 by a written Notice of Termination issued by the Chief of the WHMD.

SIGNATORIES

The undersigned CERTIFY they are fully authorized by the party they represent to enter into this Consent Order to comply by consent and to EXECUTE and LEGALLY BIND that party to it.

United Waste Water Services, Inc.

By: _____
David J. Emrick
Director of Operations

Date: 9/27/07

Michigan Department of Environmental Quality

Steven E. Chester
Director

By: _____
George W. Bruchmann, Chief
Waste and Hazardous Materials Division

Date: 10-9-07

Approved as to Form:

Michael A. Cox
Attorney General

_____
Kathleen L. Cavanaugh (P38006)
Environment, Natural Resources, and
Agriculture Division
Department of Attorney General
P.O. Box 30755
Lansing, Michigan 48909

Date: 10-8-07