

EXHIBIT 6

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

In the Matter of:

Sanicem Landfill
Orion Charter Township and the City of Auburn Hills,
Oakland County, Michigan

MDEQ Reference No. AOC-ERD-02-002

ADMINISTRATIVE ORDER BY CONSENT
FOR PAYMENT OF PAST COSTS

A. This Administrative Order by Consent ("Order") is entered into voluntarily by and between the Michigan Department of Environmental Quality ("MDEQ"), Jennifer M. Granholm, Attorney General for the State of Michigan ("Attorney General") (jointly "State"), and Mr. Daniel P. Fons, Alice M. Fons , J. Fons Company, Inc. (collectively herinafter, the "Fons Group") and the Brown Road Group, LLC ("BRG"), pursuant to the authority vested in the Attorney General and the MDEQ by Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). This Order concerns the settlement by the Fons Group of past response activity costs incurred by the State for response activities that addressed hazardous substances that exceeded the Part 201 cleanup criteria or Section 20120a(1)(a) or (17) of the NREPA, and that originated at property identified in Attachment A and are emanating or have emanated from Sanicem Landfill Facility, Oakland County, Michigan ("Facility"). This Order also provides for the release of the liens placed on the Facility as provided in Attachment B. Settlement of this claim is in the public interest and will minimize litigation.

B. The execution of this Order by the Fons Group is neither an admission of liability with respect to any issue dealt with in this Order nor an admission or denial of any findings of fact or legal determinations stated or implied herein.

C. This Order shall apply to and be binding upon the Fons Group, BRG and their successors and assigns. No change or changes in the ownership or corporate status of the Fons Group or BRG shall in any way alter the obligations of such parties under this Order. The signatories to this Order certify that they are authorized to execute this Order and legally bind the parties they represent.

D. Pursuant to Part 201 of the NREPA, the State has incurred costs in responding to the release or threat of a release of hazardous substances at the Facility.

E. The parties to this Order desire to resolve all claims for past response activity costs incurred and paid by the State.

BASED UPON THE FOREGOING FACTS, THE MDEQ, THE ATTORNEY GENERAL, MR. DANIEL P. FONS, ALICE M. FONS, THE J. FONS COMPANY INC., and BROWN ROAD GROUP, LLC, HEREBY AGREE, AND IT IS ORDERED THAT:

1. Within 180 days of the effective date of this Order, the BRG shall pay to the MDEQ the sum of nine hundred fifty-nine thousand five hundred ninety-four dollars (\$959,594.00) to resolve all claims for past response activity costs by the State against the Fons Group and BRG for the Facility. For the purposes of this Order, the term "past response activity costs" means

those costs that the State has paid or incurred for response activities at the Facility and paid through the effective date of this Order.

Payment is to be made by certified check payable to the "State of Michigan - Environmental Response Fund" and sent to:

Revenue Control Unit
Michigan Department of Environmental Quality
300 South Washington Square, Suite 457
P.O. Box 30657
Lansing, Michigan 48909-8157

To ensure proper credit, the payments made pursuant to this Order must be made by certified check referencing the Sanicem Landfill facility, the MDEQ Reference No. AOC-ERD-02-002, and the ERD Account Number ERD2156. A copy of the transmittal letter and the check shall be provided simultaneously to the Assistant Attorney General in Charge, Department of Attorney General, Natural Resources and Environmental Quality Division, Constitution Hall, 5th Floor South Tower, 525 W. Allegan Street, Lansing, Michigan 48933. Costs recovered pursuant to this Order shall be deposited in the Environmental Response Fund in accordance with the provisions of Section 20108(3) of the NREPA.

2. In the event that the BRG fails to pay the amount indicated in Paragraph 1 within the time frames set forth in this Order, the BRG shall pay the State interest on those unreimbursed costs at the rate provided in Section 20126a(3) of the NREPA. For payments more than 30 days past due, the BRG also shall pay the State stipulated penalties of \$500.00 per day for every day of noncompliance with Paragraph 1, commencing from the first day the payment was past due. If payment in full, including any interest and penalties due, has not been received by the MDEQ within 30 days after the date the payment is due pursuant to Paragraph 1, and the MDEQ has previously informed the Parties of its failure to make payment, the State may, at its

sole discretion, void this Order. The Order shall become null and void when the State sends the Fons Group and BRG notice that the Order is null and void due to nonpayment of past response activity costs.

3. Within seven (7) days of reimbursement of the MDEQ in Paragraph 1, the MDEQ shall submit the Lien Release (Attachment C) to the Oakland County Register of Deeds for recording.

4. In consideration of the payments to be made by the BRG under the terms of this Order, and except as provided in Paragraph 6, the State covenants not to sue or to take further administrative action against the Fons Group or the BRG for the past response activity costs addressed in Paragraph 1. With respect to liability for response activity costs, the State's covenant not to sue shall take effect upon receipt by the MDEQ of full payment of the amount specified in Paragraph 1 and of any associated interest and penalties that may have accrued pursuant to Paragraph 2. This covenant not to sue applies only to past response activity costs and shall not be construed as a covenant not to sue for any other liability that the Fons Group or BRG may have to the State for the Facility. The covenant not to sue shall extend only to the Fons Group and the BRG and does not extend to any other person.

5. Nothing in this Order shall be construed as releasing or discharging any liability of any person to the Fons Group or the BRG, and the Fons Group and the BRG specifically reserve their rights against such persons.

6. Pursuant to Section 20129(5) of the NREPA, and to the extent provided in Paragraph 4, the Fons Group and BRG shall not be liable for claims for contribution for the matters

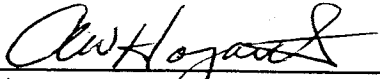
addressed in this Order. Execution of this Order does not discharge the liability of any other person that may be liable under Section 20126 of the NREPA, to the extent allowable by law. Pursuant to Section 20129(9) of the NREPA, any action by the Fons Group and BRG for contribution from any person not a party to this Order shall be subordinate to the rights of the State, if the State files an action pursuant to Part 201 of the NREPA or other applicable federal or state law.

7. The MDEQ and the Attorney General reserve all rights to take enforcement action and to perform response activities pursuant to any state or federal law, including, but not limited to, the right to seek injunctive relief; natural resource damages and costs incurred in the assessment of natural resource damages; monetary penalties; punitive damages for any violation of law or this Order; liability for criminal acts; and to seek recovery of response activity costs that are not addressed in this Order. The MDEQ and the Attorney General expressly reserve all rights and defenses that they may have to enforce this Order against the Fons Group and the BRG.

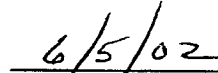
8. All terms used in this Order, which are defined in Part 201 of the NREPA and/or the Part 201 rules, 1990 AACR R 299.5101 *et seq.*, shall have the same meaning in this Order as in Part 201 of the NREPA and the Part 201 rules.

9. This Order shall become effective upon the date of BRG's closing on the Sanicem Landfill property. If the closing on the Sanicem Landfill property does not occur prior to July 15, 2002, this Order is null and void. All dates for the performance of obligations under this Order shall be calculated from the effective date of this Order. For the purposes of this Order, the term "day" shall mean a calendar day unless otherwise noted.

IT IS SO AGREED AND ORDERED BY:



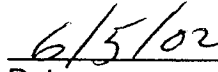
Andrew W. Hogan, Acting Chief
Environmental Response Division
Michigan Department of Environmental Quality



Date



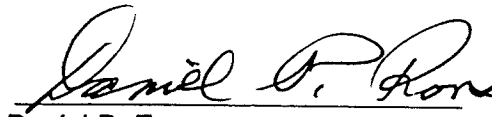
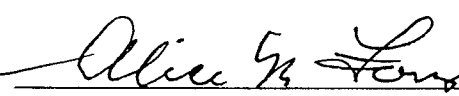
James L. Stropkai [P24588]
Assistant Attorney General
Natural Resources and Environmental Quality Division

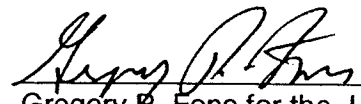


Date

IT IS SO AGREED BY:

Daniel P. Fons, Alice M. Fons, and
J. Fons Company, Inc.
6451 East McNichols
Detroit, Michigan 48212

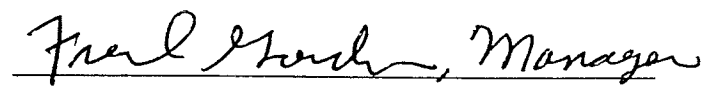
By:  By: 
Daniel P. Fons Alice M. Fons

By: 
Gregory P. Fons for the J. Fons Company

Dated: June 6, 2002

IT IS SO AGREED BY:

Brown Road Group, LLC

By:  , Manager

Dated: JUNE 6, 2002

EXHIBIT 6A

EXHIBIT 6B

LIEN PLACEMENT

First Party: State of Michigan
Department of Environmental Quality
P.O. Box 30426
Lansing, Michigan 48909-7926

Second Party: J. Fons Co. Inc.
6451 E. McNichols
Detroit, Mi 48212

Site No. 630060
District SE MI

NOTICE OF CLAIM OF INTEREST IN REAL PROPERTY

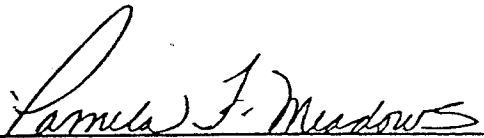
Notice is hereby given that the State of Michigan claims an interest by reason of assessment(s) listed below, issued by the Department of Environmental Quality (DEQ) under Section 20138(1) of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, as amended, MCL 324.20101 et seq., against the following property situated in Pontiac Township, County of Oakland, State of Michigan, described as:

T3N, R10E, SEC 2. N 12 Acres of NW FRC ¼ of NE FRC ¼ EXC That Part Taken For M-24 Hwy Widening.

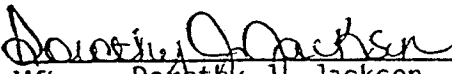
Document Date	Assessment Number	Amount
6/10/98	6-98-630060-52	\$550,211.75

Therefore, pursuant to Part 201 of NREPA, the above-listed amount, which is an estimate of the State's costs, is a lawful claim against the real property, in favor of the State of Michigan, DEQ, Environmental Response Division (ERD), upon the above-described property situated in Oakland County, State of Michigan. The amount of reimbursement may be more than the estimate, and will be based upon actual costs, including any and all interest as authorized to be recovered under state and federal law, calculated at the time of reimbursement.

STATE OF MICHIGAN, DEPARTMENT OF ENVIRONMENTAL QUALITY


Witness Pamela F. Meadows


Alan J. Howard, Chief Environmental Response Division


Witness Dorothy J. Jackson

STATE OF MICHIGAN, COUNTY OF INGHAM

The foregoing instrument was acknowledged before me this 21st day of August, 1998 by Alan J. Howard, Chief of the ERD, DEQ, an authorized representative, on behalf of the DEQ.


Notary Public

Prepared by:

Jacqueline Barnett, DEQ-ERD,
P.O. Box 30426, Lansing, Michigan 48909-7926

LINDA SHERRON DANIEL
Notary Public, Ingham Co., MI
My Comm. Expires Jan. 2, 2002

LIEN PLACEMENT

First Party: State of Michigan
Department of Environmental Quality
P.O. Box 30426
Lansing, Michigan 48909-7926

Second Party: J. Fons Co. Inc.
6451 E. McNichols
Detroit, Mi 48212

Site No. 630060
District SE MI

NOTICE OF CLAIM OF INTEREST IN REAL PROPERTY

Notice is hereby given that the State of Michigan claims an interest by reason of assessment(s) listed below, issued by the Department of Environmental Quality (DEQ) under Section 20138(1) of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, as amended, MCL 324.20101 et seq., against the following property situated in Pontiac Township, County of Oakland, State of Michigan, described as:

T3N, R10E, SEC 2. Part of the NE FRC ¼ Beg at Pt. Dist N 2603.87 Ft & E 91.42 Ft from Cen of Sec, Th N 88°53'00" E 650 Ft, Th S 32°45'50" W 490.04 Ft, Th S 40°34'40" W 133.25 Ft, Th S 88°53'00" W 302.38 Ft, Th N 00°28'00" E 100 Ft, Th N 00°16'00" W 400 Ft To Beg.

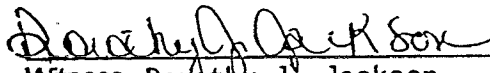
Document Date	Assessment Number	Amount
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STATE OF MICHIGAN, DEPARTMENT OF ENVIRONMENTAL QUALITY


Witness Pamela F. Meadows


Alan J. Howard, Chief Environmental Response Division


Witness Dorothy J. Jackson

STATE OF MICHIGAN, COUNTY OF INGHAM

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Notary Public

Prepared by:

Jacqueline Barnett, DEQ-ERD,
P.O. Box 30426, Lansing, Michigan 48909-7926

LINDA SHERRON DANIEL
Notary Public, Ingham Co., MI
My Comm. Expires Jan. 2, 2002

LIEN PLACEMENT

First Party: State of Michigan
Department of Environmental Quality
P.O. Box 30426
Lansing, Michigan 48909-7926

Second Party: J. Fons Co. Inc.
6451 E. McNichols
Detroit, Mi 48212

Site No. 630060
District SE MI

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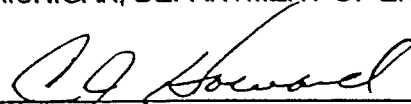
T3N, R10E, SEC 2. Part of the NE FRC ¼ Beg at Pt On Ely Line of Lapeer Rd N 1498.72 Ft & E 83.89 Ft from Center of Sec, Th N 01°10'00" E 261.96 Ft, Th N 00°28'00" E 343.20 Ft, Th N 88°53'00" E 302.38 Ft, Th N 40°34'40" E 133.25 Ft, Th N 32°45'50" E 490.04 Ft, Th N 88°53'00" E 558.06 Ft, Th S 01°08'00" E 400 Ft, Th S 01°09'00" E 704.73 Ft, Th S 88°53'00" W 1237.19 Ft to Beg.

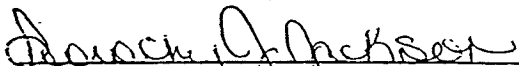
Document Date	Assessment Number	Amount
6/10/98	6-98-630060-54	\$550,211.75

Therefore, pursuant to Part 201 of NREPA, the above-listed amount, which is an estimate of the State's costs, is a lawful claim against the real property, in favor of the State of Michigan, DEQ, Environmental Response Division (ERD), upon the above-described property situated in Oakland County, State of Michigan. The amount of reimbursement may be more than the estimate, and will be based upon actual costs, including any and all interest as authorized to be recovered under state and federal law, calculated at the time of reimbursement.

STATE OF MICHIGAN, DEPARTMENT OF ENVIRONMENTAL QUALITY


Witness Pamela F. Meadows


Alan J. Howard, Chief Environmental Response Division


Witness Dorothy G. Jackson

STATE OF MICHIGAN, COUNTY OF INGHAM

The foregoing instrument was acknowledged before me this 21st day of August, 1998 by Alan J. Howard, Chief of the ERD, DEQ, an authorized representative, on behalf of the DEQ.

Prepared by:

Jacqueline Barnett, DEQ-ERD,
P.O. Box 30426, Lansing, Michigan 48909-7926


Notary Public

LINDA SHERRON DANIEL
Notary Public, Ingham Co., MI
My Comm. Expires Jan. 2, 2002

EXHIBIT 6C

LIEN RELEASE

First Party: State of Michigan
Department of Environmental Quality
P.O. Box 30426
Lansing, MI 48909

Second Party: J. Fons Co., Inc.
6451 E. McNichols
Detroit, MI 48212

Site No.: 630060

District: SE MI

NOTICE OF RELEASE OF CLAIM OF INTEREST IN REAL PROPERTY

I hereby certify that the liability for cost and damages asserted under Part 201 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.20101 et seq, for which the assessments listed below were issued, has been resolved, and hereby release the liens on property situated in Pontiac Township, County of Oakland, State of Michigan, described as:

(A) T3N, R10E, SEC 2. N 12 Acres of NW FRC ¼ of NE FRC ¼ EXC That Part Taken For M-24 Hwy Widening.
[Parcel ID Number 14-02-200-001]

Date of Notice of Lien 6/10/98; Assessment No. 6-98-630060-52; Recorded in Liber 19415; Page 164;

Filing Date 1/14/99; Place of Filing Oakland County Register of Deeds.

(B) T3N, R10E, SEC 2. Part of the NE FRC ¼ Beg at Pt. Dist N 2603.87 Ft & E 91.42 Ft from Cen of Sec, Th N 88°53'00" E 650 Ft, Th S 32°45'50" W 490.04 Ft, Th S 40°34'40" W 133.25 Ft, Th S 88°53'00" W 302.38 Ft, Th N 00°28'00" E 100 Ft, Th N 00°16'00" W 400 Ft To Beg.
[Parcel ID Number 14-02-200-002]

Date of Notice of Lien 6/10/98; Assessment No. 6-98-630060-53; Recorded in Liber 19415; Page 165;

Filing Date 1/14/99; Place of Filing Oakland County Register of Deeds.

(C) T3N, R10E, SEC 2. Part of the NE FRC ¼ Beg at Pt On Ely Line of Lapeer Rd N 1498.72 Ft & E 83.89 Ft from Center of Sec, Th N 01°10'00" E 261.96 Ft, Th N 00°28'00" E 343.20 Ft, Th N 88°53'00" E 302.38 Ft, Th N 40°34'40" E 133.25 Ft, Th N 32°45'50" E 490.04 Ft, Th N 88°53'00" E 558.06 Ft, Th S 01°08'00" E 400 Ft, Th S 01°09'00" E 704.73 Ft, Th S 88°53'00" W 1237.19 Ft to Beg.
[Parcel ID Number 14-02-200-003]

Date of Notice of Lien 6/10/98; Assessment No. 6-98-630060-54; Recorded in Liber 19415; Page 166;

Filing Date 1/14/99; Place of Filing Oakland County Register of Deeds.

Lien Release
Assessment Number 6-98-630060-52
Assessment Number 6-98-630060-53
Assessment Number 6-98-630060-54

The liens for such costs and damages, notice of which was recorded on the date set forth above, are hereby released.

QUALITY

STATE OF MICHIGAN, DEPARTMENT OF ENVIRONMENTAL

Andrew W. Hogarth, Acting Chief, ERD

STATE OF MICHIGAN, COUNTY OF INGHAM

The foregoing instrument was acknowledged before me this _____ day of _____, 2002 by Andrew W. Hogarth, Acting chief of the ERD, DEQ, an authorized representative on behalf of the department.

Notary Public

Prepared by: Jacqueline Barnett,
DEQ-Environmental Response Division
P.O. Box 30426
Lansing, Michigan 48909-7926

ERD-COMPLIANCE

JA 14 99 01 7757

LIBER 19415PG166

\$ 7.00 MISCELLANEOUS RECORDING
\$ 2.00 REMONUMENTATION
14 JAN 99 9:18 A.M. RECEIVED
PAID RECORDED - OAKLAND COUNTY
G. WILLIAM CADWELL
CLERK/REGISTER OF DEEDS

LIEN PLACEMENT

First Party: State of Michigan
Department of Environmental Quality
P.O. Box 30426
Lansing, Michigan 48909-7926

Second Party: J. Fons Co. Inc.
6451 E. McNichols
Detroit, Mi 48212

Site No. 630060
District: SE MI

NOTICE OF CLAIM OF INTEREST IN REAL PROPERTY

Notice is hereby given that the State of Michigan claims an interest by reason of assessment(s) listed below, issued by the Department of Environmental Quality (DEQ) under Section 20138(1) of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, as amended, MCL 324.20101 et seq., against the following property situated in Pontiac Township, County of Oakland, State of Michigan, described as:

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14-02-200-003

Document Date	Assessment Number	Amount
6/10/98	6-98-630060-54	\$550,211.75

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STATE OF MICHIGAN, DEPARTMENT OF ENVIRONMENTAL QUALITY

Pamela F. Meadows
Witness Pamela F. Meadows

Alan J. Howard
Alan J. Howard, Chief Environmental Response Division

7D
220

Dorothy J. Jackson
Witness Dorothy J. Jackson

STATE OF MICHIGAN, COUNTY OF INGHAM

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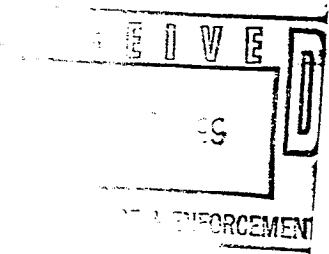
Linda Sherron Daniel
Notary Public

Prepared by:

Jacqueline Barnett, DEQ-ERD,
P.O. Box 30426, Lansing, Michigan 48909-7926

LINDA SHERRON DANIEL
Notary Public, Ingham Co., MI
My Comm. Expires Jan. 2, 2002

J.R. - LG



14 99 01 7756

LIBER 19415 PC 165

\$ 7.00 MISCELLANEOUS RECORDING
\$ 2.00 RECONUMENTATION
14 JAN 99 9:18 A.M. RECEIVED FOR
PAID RECORDED - OAKLAND COUNTY
G. WILLIAM CANNELL
CLERK - REGISTER OF DEEDS

LIEN PLACEMENT

First Party: State of Michigan
Department of Environmental Quality
P.O. Box 30426
Lansing, Michigan 48909-7926

Second Party: J. Fons Co. Inc.
6451 E. McNichols
Detroit, Mi 48212

Site No. 630060
District: SE MI

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14-02-200-002

Document Date	Assessment Number	Amount
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STATE OF MICHIGAN, DEPARTMENT OF ENVIRONMENTAL QUALITY

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Alan J. Howard, Chief Environmental Response Division

Witness Dorothy J. Jackson

STATE OF MICHIGAN, COUNTY OF INGHAM

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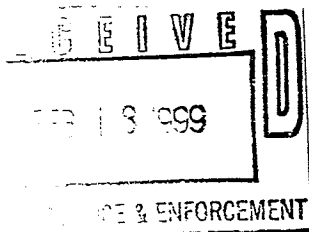
Prepared by:
Jacqueline Barnett, DEQ-ERD,
P.O. Box 30426, Lansing, Michigan 48909-7926

Notary Public

LINDA SHERRON DANIEL
Notary Public, Ingham Co., MI
My Comm. Expires Jan. 2, 2002

O.K. - LG

14-7



JA 14 99 017755

LIBER 19415PG164

\$ 7.00 MISCELLANEOUS RECORDING
\$ 2.00 REMONUMENTATION
14 JAN 99 9:18 A.M. RECEIPT# 66A
PAID RECORDED - OAKLAND COUNTY
B. WILLIAM CADDELL
CLERK/REGISTER OF DEEDS

LIEN PLACEMENT

First Party: State of Michigan
Department of Environmental Quality
P.O. Box 30426
Lansing, Michigan 48909-7926

Second Party: J. Fons Co. Inc.
6451 E. McNichols
Detroit, Mi 48212

Site No. 630060
District: SE MI

NOTICE OF CLAIM OF INTEREST IN REAL PROPERTY

Notice is hereby given that the State of Michigan claims an interest by reason of assessment(s) listed below, issued by the Department of Environmental Quality (DEQ) under Section 20138(1) of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, as amended, MCL 324.20101 et seq, against the following property situated in Pontiac Township, County of Oakland, State of Michigan, described as:

T3N, R10E, SEC 2. N 12 Acres of NW FRC 1/4 of NE FRC 1/4 EXC That Part Taken For M-24 Hwy Widening.

14-02-200-001

Document Date	Assessment Number	Amount
6/10/98	6-98-630060-52	\$550,211.75

Therefore, pursuant to Part 201 of NREPA, the above-listed amount, which is an estimate of the State's costs, is a lawful claim against the real property, in favor of the State of Michigan, DEQ, Environmental Response Division (ERD), upon the above-described property situated in Oakland County, State of Michigan. The amount of reimbursement may be more than the estimate, and will be based upon actual costs, including any and all interest as authorized to be recovered under state and federal law, calculated at the time of reimbursement.

STATE OF MICHIGAN, DEPARTMENT OF ENVIRONMENTAL QUALITY

Witness Pamela F. Meadows

Alan J. Howard, Chief Environmental Response Division

TWS
LW

Witness Dorothy J. Jackson

STATE OF MICHIGAN, COUNTY OF INGHAM

The foregoing instrument was acknowledged before me this 21st day of August, 1998 by Alan J. Howard, Chief of the ERD, DEQ, an authorized representative, on behalf of the DEQ.

Notary Public

Prepared by:

Jacqueline Barnett, DEQ-ERD,
P.O. Box 30426, Lansing, Michigan 48909-7926

LINDA SHERRON DANIEL
Notary Public, Ingham Co., MI
My Comm. Expires Jan. 2, 2002. - LG

b4-7

321319
 LIBER 26204 PAGE 653
 47.00 MISC RECORDING
 17.00 REMONIFICATION
 08/01/2012 02:22:41 A.M. RECEIVED
 FILED - RECORDED - OAKLAND COUNTY
 CLERK JAM CARROLL, CLERK OF DISTRICT CLERK

LIEN RELEASE

First Party: State of Michigan
 Department of Environmental Quality
 P.O. Box 30426
 Lansing, MI 48909

Second Party: J. Fons Co., Inc.
 6451 E. McNichols
 Detroit, MI 48212

NOTICE OF RELEASE OF CLAIM OF INTEREST IN REAL PROPERTY

Site No: 630060
 District: SE MI

I hereby certify that the liability for cost and damages asserted under Part 201 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.20101 et seq, for which the assessment(s) listed below were issued, has been resolved, and hereby release the lien on property situated in Pontiac Township, County of Oakland, State of Michigan, described as:

T3N, R10E, SEC 2, Part of the NE FRC 1/4 Beg at Pt On Ely Line of Lapeer Rd N 1498.72 Ft & E 83.89 Ft from Center of Sec, Th N 01°10'00" E 261.96 Ft, Th N 00°28'00" E 343.20 Ft, Th N 88°53'00" E 302.38 Ft, Th N 40°34'40" E 133.25 Ft, Th N 32°45'50" E 490.04 Ft, Th N 88°53'00" E 558.06 Ft, Th S 01°08'00" E 400 Ft, Th S 01°09'00" E 704.73 Ft, Th S 88°53'00" W 1237.19 Ft to Beg. [Parcel ID Number 14-02-200-003]

Date of Notice of Lien 6/10/98; Assessment No. 6-98-630060-54 Recorded in Liber 19415; Page 166;
 Filing Date 1/14/99; Place of Filing Oakland County Register of Deeds.

The lien for such costs and damages, notice of which was recorded on the date set forth above, is hereby released

STATE OF MICHIGAN, DEPARTMENT OF ENVIRONMENTAL QUALITY

Patricia A. McKay, Chief, Compliance and Enforcement Section,
 Environmental Response Division

for
 Andrew W. Hogarth, Acting Chief, Environmental Response Division

STATE OF MICHIGAN, COUNTY OF INGHAM

The foregoing instrument was acknowledged before me this 3rd day of June, 2002 by Patricia A. McKay of the Environmental Response Division, Department of Environmental Quality, an authorized representative on behalf of the department.

RETURN TO

FRUSCINE, TAYLOR BROWN

ATTN: PHIL F. BROWN

Prepared by: Jacqueline Barnett
 DEQ-ERD
 P.O. Box 30426
 Lansing, Michigan 48909-7926

4132010 SIX MILE RD #

NORTHVILLE MI 48167

Sandra J. Tompkins
 Notary Public

SANDRA J. TOMPKINS
 Notary Public, Eaton Co., MI
 Acting In Ingham Co., MI
 My Comm. Expires Dec 13, 2002

01-0747

321318
 LIBER 26204 PAGE 652
 \$7.00 MISC RECORDING
 \$2.00 REMONUMENTATION
 03/01/2002 08:22:10 A.M. RECEIPT: 52542
 PAID RECORDED - OAKLAND COUNTY
 G. WILLIAM CROBELL, CLERK REGISTER OF DEEDS

LIEN RELEASE

First Party: State of Michigan
 Department of Environmental Quality
 P.O. Box 30426
 Lansing, MI 48909

Second Party: J. Fons Co., Inc.
 6451 E. McNichols
 Detroit, MI 48212

NOTICE OF RELEASE OF CLAIM OF INTEREST IN REAL PROPERTY

Site No.: 630060
 District SE MI

I hereby certify that the liability for cost and damages asserted under Part 201 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.20101 et seq, for which the assessment(s) listed below were issued, has been resolved, and hereby release the lien on property situated in Pontiac Township, County of Oakland, State of Michigan, described as:

T3N R10E SEC 2 Part of the NE 1/4 Beg. at Pt. Dist N 2603.87 Ft & E 91.42 Ft from Cen of Sec, Th N86°53'00" E 650 Ft, Th S 32°45'50" W 490.04 Ft, Th S 40°34'40" W 133.25 Ft, Th S 88°53'00" W 302.38 Ft, Th N00°28'00" E 100 Ft, Th N 00°16'00" W 400 Ft To Beg. [Parcel ID Number 14-02-200-002]

Date of Notice of Lien 6/10/98; Assessment No. 6-98-630060-53; Recorded in Liber 19415; Page 165;
 Filing Date 1/14/99; Place of Filing Oakland County Register of Deeds.

The lien for such costs and damages, notice of which was recorded on the date set forth above, is hereby released

STATE OF MICHIGAN, DEPARTMENT OF ENVIRONMENTAL QUALITY

Patricia A. McKay, Chief, Compliance and Enforcement Section,
 Environmental Response Division

for

Andrew W. Hogarth, Acting Chief, Environmental Response Division

STATE OF MICHIGAN, COUNTY OF INGHAM

The foregoing instrument was acknowledged before me this 3rd day of June, 2002 by Patricia A. McKay of the Environmental Response Division, Department of Environmental Quality, an authorized representative on behalf of the department.

Sandra J. Tompkins
 Notary Public

Prepared by: Jacqueline Barnett
 DEQ-ERD
 P.O. Box 30426
 Lansing, Michigan 48909-7926

RECEIVED TO

FAUXNE, TAYLOR & BORN

ATTN: PAUL F. BORN

SANDRA J. TOMPKINS
 Notary Public, Eaton Co., MI
 Acting In Ingham Co., MI
 My Comm. Expires Dec 13, 2002

41320 W. SIX MILE RD

103

NORTH 11E 11E 11E 11E 11E

O.K. - AM

01-0747

321.320
LIBER 26204 PAGE 74
\$7.00 MISC RECORDING
\$2.00 LEND-RENTATION
08/01/2002 08:22:41 A.P. RECEIVED STATE
PAID RECORDED - OAKLAND COUNTY
G. WILLIAM CASSELL, CLERK/REGISTER OF DEEDS

LIEN RELEASE

First Party: State of Michigan
Department of Environmental Quality
P.O. Box 30426
Lansing, MI 48909

Second Party: J. Fons Co., Inc.
6451 E. McNichols
Detroit, MI 48212

NOTICE OF RELEASE OF CLAIM OF INTEREST IN REAL PROPERTY

Site No.: 630060
District: SE MI

I hereby certify that the liability for cost and damages asserted under Part 201 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.20101 et seq, for which the assessment(s) listed below were issued, has been resolved, and hereby release the lien on property situated in Pontiac Township, County of Oakland, State of Michigan, described as:

T3N, R10E, SEC 2, N 12 Acres of NW 1/4 of NE 1/4 EXC That Part Taken For M-24 Hwy Widening. [Parcel ID Number 14-02-200-001]

Date of Notice of Lien 6/10/98; Assessment No. 6-98-630060-52; Recorded in Liber 19415; Page 164;
Filing 1/14/99; Place of Filing Oakland County Register of Deeds.

The lien for such costs and damages, notice of which was recorded on the date set forth above, is hereby released.

STATE OF MICHIGAN, DEPARTMENT OF ENVIRONMENTAL QUALITY

D.K. - AW
Patricia A. McKay, Chief, Compliance and Enforcement Section,
Environmental Response Division
for
Andrew W. Hogarth, Acting Chief, Environmental Response Division

STATE OF MICHIGAN, COUNTY OF INGHAM

The foregoing instrument was acknowledged before me this 3rd day of June, 2002 by Patricia A. McKay of the Environmental Response Division, Department of Environmental Quality, an authorized representative on behalf of the department.

Prepared by: Jacqueline Barnett,
DEQ-ERD,
P.O. Box 30426
Lansing, Michigan 48909-7926

RETURN TO:
FRISONE, JAMES + BRIAN
ATTN: PAUL F. BRIAN
41320 W SIX MILE RD
#103
NORTHVILLE MI
48167

Sandra J. Tompkins
Notary Public

SANDRA J. TOMPKINS
Notary Public, Eaton Co., MI
Acting in Ingham Co., MI
My Comm Expires Dec 13, 2002

01-0747

EXHIBIT 7



JOHN ENGLER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



RUSSELL J. HARDING
DIRECTOR

March 11, 2002

Mr. William Bonanni
Brown Road Group, LLC
320 Touraine Court
Grosse Pointe Farms, Michigan 48236

Mr. Daniel P. Fons
J. Fons Company
6451 East McNichols
Detroit, Michigan 48212

Dear Messrs. Bonanni and Fons:

SUBJECT: Sanicem Landfill, Auburn Hills, Oakland County, Michigan

The Department of Environmental Quality (DEQ) understands that the Brown Road Group, LLC (BRG), intends to purchase the Sanicem Landfill, located at 4901 South Lapeer Road, and associated areas in Orion Charter Township and the city of Auburn Hills, Oakland County, Michigan (the Property). The DEQ also understands that the BRG intends to spend about \$100 million to redevelop the Property for light industrial use, which will be primarily for offices and research technology. Improvements to the Property will include extension of a major county road and installation of a methane venting system and a leachate collection system to be perpetually operated and maintained by the BRG or its successor.

The Property is a facility as defined under Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. The DEQ holds a lien on the Property, which is owned by Mr. Daniel P. Fons, for unreimbursed response activity costs at the facility. To facilitate redevelopment of the Property, the DEQ is negotiating an Administrative Order by Consent (AOC) that will provide for the release of the lien upon the reimbursement of the state's past response activity costs.

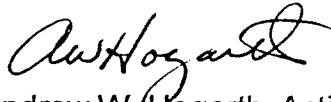
To further facilitate this redevelopment, the DEQ agrees to provide an extension, and will not seek recovery of any site reclamation grant or brownfield redevelopment financing funds expended at the Property to the extent the following provisions are met: (1) an AOC with Mr. Fons is executed and the state's past costs are reimbursed by July 15, 2002, and (2) operation of the methane venting and leachate collection systems, to the extent necessary to support the redevelopment, will be the obligation of the developer

and future owners and operators. The DEQ will only provide funds for activities necessary solely to promote redevelopment of the Property and is not, at this time, making any representation regarding whether funds will be made available, and if so, the amount of such funds.

Additionally, at the request of the BRG, if during the course of redevelopment activities conditions are created, uncovered, or otherwise come to exist for which the DEQ deems additional response activities are required to be undertaken, the DEQ will first request and provide reasonable opportunity to the BRG to undertake such response activities. The DEQ reserves the right, in the event the BRG cannot or will not comply with such requests, to take any other necessary action to conduct or to require other parties to conduct the response activities.

We look forward to the resolution of these matters and the successful redevelopment of this brownfield property.

Sincerely,



Andrew W. Hogarth, Acting Chief
Environmental Response Division
517-373-9838

cc: Mr. Paul Bohn, Fausone, Taylor & Bohn, L.L.P.
Mr. Richard Barr, Dean & Fulkerson, P.C.
Mr. James Stropkai, Department of Attorney General
Ms. Patricia A. McKay, DEQ
Mr. James Linton, DEQ
Mr. Oladipo Oyinsan, DEQ

Mr. William Bonanni
Mr. Daniel P. Fons

- 3 -

March 11, 2002

bcc: Ms. Carrie Olmsted, DEQ
Ms. Michelle Macuga, DEQ

EXHIBIT 8



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
SOUTHEAST MICHIGAN DISTRICT OFFICE



STEVEN E. CHESTER
DIRECTOR

October 20, 2003

Mr. Fred Gordon
Brown Road Group, LLC
Fred Gordon P.C.
115 South Main Street, Suite 300
Royal Oak, Michigan 48067

Dear Mr. Gordon:

SUBJECT: Current Status of Methane Investigation
Dutton Technology Park/Former Sanicem Landfill, Adjacent and Nearby Properties

The Department of Environmental Quality (DEQ) has closely monitored the progress of the recent methane investigation and response action at this facility. To date, two areas have been investigated for methane at the perimeter of the former Sanicem property: at the north, and more recently, the west, near the intersection of Brown and Lapeer Roads. The conclusion is clear that methane is migrating from the waste mass at this facility. The DEQ continues to believe that to protect the public health and safety, simultaneous actions are needed on both the landfill property and surrounding properties.

As such, it is essential that Brown Road Group, LLC (BRG) immediately conduct the investigations described in the outline presented to your consultant on August 4, 2003, for all areas on your property. This investigation should be conducted as soon as possible to encircle the entire waste fill area. It will be necessary to provide information on the subsurface soil to identify all possible layers where lateral movement of methane may occur. Subsurface soils should be investigated to a depth that this agency accepts as sufficiently defining and encompassing for both groundwater contamination and methane. Borings should be located at a final average spacing of 100 feet or less, depending on area characteristics.

In addition, BRG will be expected to provide periodic monitoring of all of these perimeter sample points at a frequency of not less than once every two weeks, until such time the DEQ agrees an alternate schedule is acceptable. For areas where potential receptors - buildings or enclosed structures - are at close proximity, and/or methane is present, greater sampling frequency may be required. This monitoring program is essential given the current site information showing that methane can and does migrate from this facility. The existing soil vapor extraction (SVE) system must be expanded and enhanced, since the current system has failed to prevent methane migration onto the adjacent property.

Given the severity of the situation, the DEQ expects these efforts to begin immediately, and continue for the foreseeable future. Please note that should BRG fail to respond, or fail to provide an adequate response in plan or action, the DEQ will pursue other options to insure the protection of the public health and safety for these areas.

Please provide a written response by October 23, 2003 stating whether BRG agrees to conduct this scope of work. In addition, provide a written work plan schedule by October 27, 2003. Work may be phased, but should begin immediately to provide initial results on all sides of the landfill.

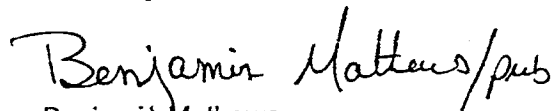
You are reminded that the information request of October 2, 2003, remains in effect for all data from on or off the property. This requires submittal of all laboratory results, field sampling, or other analysis or report within two days of receipt.

In regard to the other nearby properties, BRG has been repeatedly asked by the DEQ to conduct off-site efforts to adequately investigate the extent of methane, and to mitigate the known off-site exposures. The DEQ has characterized the efforts to date as inadequate on multiple occasions. The situation has not been rectified. As a result, the DEQ is hereby notifying BRG that effective immediately, this agency will undertake all investigative and interim response activities on adjacent and nearby properties, determined by the DEQ to be necessary to protect the public health and safety. This does not include the property owned by BRG itself.

The October 2, 2003, DEQ letter included an access request for the property (infrastructure) BRG has installed on these adjacent and other properties owned by others. Your attorney's response by e-mail of October 6th did not clearly and completely address the issue of access by the DEQ, particularly to the installed SVE remedial infrastructure. You are again requested to sign and return the access agreement included in the October 2nd letter not later than October 23, 2003.

If you have any questions or would like to discuss any of these items, please contact me. Thank you for your cooperation in this matter.

Sincerely,



Benjamin Mathews
Southeast Michigan District Office
Remediation and Redevelopment Division
734-953-1447

cc: Mr. Paul Bohn, Fausone, Taylor & Bohn, LLP
Mr. Robert Zwald, Fishbeck, Thompson, Carr & Huber, Inc.
Mr. James Stropkai, DAG
Mr. Andrew W. Hogarth, DEQ
Mr. Philip L. Schrantz, DEQ
Ms. Patricia McKay, DEQ
Ms. Cheryl Wilson, DEQ

EXHIBIT 9



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



STEVEN E. CHESTER
DIRECTOR

May 20, 2004

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Daniel P. Fons
7250 Jackson Park Drive
Bloomfield Hills, Michigan 48301

Dear Mr. Fons:

SUBJECT: Demand Letter for the Performance of Response Activities and Reimbursement of State Costs at the Sanicem Landfill Facility, Orion Charter Township and the City of Auburn Hills, Oakland County, Michigan; Site ID No. 63000060

This Demand Letter serves as the Department of Environmental Quality's (DEQ's) notice to you of your legal responsibility relating to the release or threatened release of hazardous substances on or emanating from the Sanicem Landfill property (Property), located at 4901 South Lapeer Road and associated areas in Orion Charter Township and the city of Auburn Hills, Oakland County, Michigan. The DEQ previously notified you by Demand Letters dated February 2, 1999, and October 31, 2000 (Attachments A and B), that areas of the Property contained hazardous substances in concentrations that exceed the requirements of Section 20120a(1)(a) or (17) of Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), or exceed the cleanup criteria for unrestricted residential use under Part 213, Leaking Underground Storage Tanks, of the NREPA. Any area of the Property where a hazardous substance in concentrations that exceed these requirements or criteria has been released, deposited, or disposed of, or otherwise comes to be located, and any other area, place, or property where a hazardous substance in concentrations that exceed these requirements or criteria comes to be located as a result of the migration of the hazardous substance from the Property (collectively, the Facility) constitutes a "facility" that is regulated under Part 201. State of Michigan (state) law authorizes the DEQ to use state funds to undertake response activities at a facility that are necessary to protect public health, safety, or welfare, or the environment.

In addition to the Demand Letters that were previously sent to you, the DEQ also sent a formal notice letter to the J. Fons Company, addressed to you as president of the company, on April 21, 1995. In the Demand Letters that the DEQ previously sent to you and to the J. Fons Company, you were notified of your liability for the Facility and were

requested to perform response activities at the Facility in accordance with state and federal laws. The DEQ also notified you of the state's intent to spend funds at the Facility if you did not perform these response activities.

As you are aware, in order to facilitate the redevelopment of the Facility, in March 2002, the DEQ agreed to first request the Brown Road Group LLC (BRG), the current property owner, to conduct any additional response activities that are created, uncovered, or otherwise come to exist during the course of redevelopment activities. The DEQ also reserved the right, in the event that the BRG could not or would not comply with such requests, to take any other necessary action to conduct or to require other parties to conduct the response activities. To date, after numerous requests by the DEQ, the BRG has not conducted the solicited response activities at the Facility, prompting the DEQ to undertake certain response activities with public funds and again directly seek your compliance with Part 201 and the Part 201 Administrative Rules (Part 201 Rules).

This Demand Letter requires you, Mr. Daniel P. Fons, to commit to undertake the necessary and appropriate response activities at the Facility; to reimburse state costs which have been incurred since June 12, 2002, and future response activity costs incurred by the state for responding to the release or threatened release of hazardous substances at the Facility; and to resolve the payment of civil fines for your failure to comply with state and federal laws. If you fail to resolve the above matters with the state voluntarily, the state will pursue any legal remedies available under state and federal laws.

SUMMARY OF SITE HISTORY AND RESPONSE ACTIVITIES

The Facility was operated as a landfill from 1964 to 1978, with the J. Fons Company operating the landfill from 1969 through 1978. According to records kept by the J. Fons Company, approximately 7,000 to 8,000 cubic yards of waste were disposed of daily during their operation of the Facility. During the Facility's operation, inspections conducted by the DEQ identified numerous deficiencies, including, but not limited to, waste being dumped into the water table, leachate outbreaks, inadequate placement of daily cover, failure to install perimeter drains for surface water management, and failure to determine the need for gas management at the Facility. Based upon these, as well as other conditions, the landfill was closed on June 7, 1978.

On September 25, 1978, a consent order was entered between the DEQ and the J. Fons Company. The consent order required that the J. Fons Company correct the deficiencies at the landfill and that the landfill remain closed until the issuance of the necessary permits and licenses. The J. Fons Company initiated corrective actions from August through October 1981 with the intent of reopening the landfill; however, the J. Fons Company never satisfactorily corrected the deficiencies at the landfill. Consequently, a license to operate was not obtained, and the landfill remained closed.

In 1995 and 1996, the DEQ conducted remedial investigations and interim response activities at the Facility. The activities conducted include, but are not limited to, drum removal, geophysical survey, installation of soil borings and monitor wells, soil and

groundwater sample collection and analyses, monitor well repair and replacement, and methane vent replacement.

The BRG purchased the Property from you sometime during the spring of 2003. During redevelopment activities on the Property, it became known that methane, generated by decomposition of the waste in the landfill, was present at potentially explosive levels at and beyond the Property boundary. Soil investigations in the fall of 2003 to the present have indicated the presence of high levels of methane in and around buildings located north of the Property. Further, investigations conducted by the DEQ to date have demonstrated that methane continues to migrate from the Property in multiple directions, but the full extent of methane migration has not been defined.

The presence of methane near buildings at potentially explosive levels may represent an imminent and substantial endangerment to public health and safety. In response, the United States Environmental Protection Agency (USEPA) issued letters on April 23, 2004, to the BRG, the current owner of the Property, and Jacob Properties, the owner of property along the north boundary of the Sanicem landfill where waste was also discovered, informing them of their potential liability for cleanup of the Sanicem landfill under the Comprehensive Environmental Response, Compensation, and Liability Act, 1980 PL 96-510, as amended (CERCLA), 42 USC Section 9601 *et seq.*; and/or the Resource Conservation and Recovery Act, 1976 PL 94-580, as amended, 42 USC Section 6901 *et seq.* The USEPA's letters indicate that an Extent of Methane Contamination Study, and the implementation of a Methane Extraction System or other control technology are necessary to mitigate or eliminate this threat to public health and safety.

IDENTIFICATION OF PERSON WHO IS LIABLE

Persons¹ who are liable for a facility pursuant to Section 20126 of the NREPA include the owners and operators of the facility who were responsible for an activity causing a release or threatened release of a hazardous substance and who owned or operated the facility on or after June 5, 1995.

As outlined in Attachments A and B, the DEQ considers you an owner and operator of the Facility who is responsible for an activity causing a release or threat of release of hazardous substances, and therefore, you are a person liable under Section 20126 of the NREPA.

REQUEST FOR RESPONSE ACTIVITIES

This Demand Letter serves as the DEQ's written request that you perform the response activities required under Section 20114(1)(a)-(g) and the Part 201 Rules; prepare and submit work plans for the performance of response activities required under Section 20114(1)(h); and upon receipt of the DEQ's approval, implement those plans. If you do not agree to undertake the necessary and appropriate response activities at the

¹ Section 301(g) of Part 3, Definitions, of the NREPA defines a "person" as an individual, partnership, corporation, association, governmental entity, or other legal entity.

Facility or do not diligently pursue the performance of these response activities, the state may perform these response activities and you will be legally liable to the state for the reimbursement of any costs, including any accrued interest, which the state incurs to perform these response activities.

Pursuant to Section 20114(1)(a)-(g) and the Part 201 Rules, you are required to do the following:

- Determine the nature and extent of the release at the Facility.
- Immediately stop or prevent the release at the source.
- Immediately implement source control or removal measures to remove or contain hazardous substances that were released after June 5, 1995.
- Immediately assure that all persons whose water supplies are contaminated or immediately threatened by contamination have alternate water service.
- Immediately identify and eliminate any threat of fire or explosion or any direct contact hazards, and notify local fire officials upon identification.
- Immediately initiate removal of a hazardous substance that is in a liquid phase, that is not dissolved in water, and that has been released; and remove reasonably recoverable free-phase liquid on an ongoing basis.
- Immediately mitigate or eliminate acutely toxic releases, either direct or through venting groundwater, to surface water.
- Immediately mitigate or eliminate surficial contamination that is acutely toxic to humans or wildlife.
- Diligently pursue response activities necessary to achieve the cleanup criteria specified in Part 201 and the rules promulgated thereunder.²

Compliance with your affirmative obligation to diligently pursue response activities at the Facility includes conducting response activities in a manner and according to a schedule which is responsive to known and reasonably anticipated threats to the public health, safety, or welfare, or to the environment.

² Any evaluation of whether response activity was diligently pursued, in the context of determining compliance with Section 20114 of the NREPA, shall include all of the following considerations: (a) whether an emergency situation existed, to which the liable person responded appropriately and in good faith, based on his or her knowledge at the time; (b) whether effective interim response activities were employed; (c) whether injury or unacceptable exposures were prevented, minimized, or mitigated (this consideration shall include evaluation of the presence of wellhead protection zones that may be affected by the Facility); (d) whether a determination of the nature and extent of contamination occurred at an appropriate pace based on a person's knowledge at the time; (e) whether off-property migration of hazardous substances, if any, was addressed in a timely manner after the person obtained knowledge of the condition; and (f) whether a response activity was identified and implemented within a reasonable time frame, given the relevant pathways of exposure and the hazardous substances of concern.

Therefore, you must take the following actions:

1. Provide a plan for and undertake interim response activities. This plan must provide for the performance of any response activities that are needed to comply with Section 20114(1)(c)-(f) and the Part 201 Rules, specifically:
 - a. Prevent or eliminate the migration of methane.
 - b. Mitigate unacceptable risk from the venting of gasses to the ambient air.
 - c. Prevent or eliminate any explosive hazard in buildings, above or below ground structures, or other confined spaces where methane may accumulate or has accumulated. Actions to be done immediately include venting any areas identified where methane levels in soil gas are at or above 1.25 percent by volume at or near any building or structure, and continued monitoring to verify methane abatement. Install and maintain methane alarm monitors in those buildings where methane has been identified at 1.25 percent of soil gas or greater in the nearby soil. For all additional areas and for those identified in the future where methane is identified in the soil gas at concentrations at or above 1.25 percent, install and maintain methane alarm monitors for all potentially affected buildings.
 - d. Eliminate any discharges to the surface water or groundwater above acute and chronic groundwater surface water interface (GSI) criteria at DEQ-approved GSI compliance points as provided in the Part 201 Rules, and provide adequate, continuous treatment for any contaminated groundwater extracted to comply with Part 201 and other state and federal laws.
 - e. Immediately cease the discharge of leachate or other inappropriate run-off from the Property to waters of the state.
 - f. Mitigate unacceptable risk from all direct contact hazards associated with contaminated soils or waste.

The plan, including an implementation schedule, shall be submitted to the DEQ for review and approval within 30 days from receipt of this Demand Letter and implemented in accordance with the approved schedule. The DEQ will consider an extension of this deadline, provided good-faith efforts are undertaken to address the fire and explosion hazard in a timely manner. A report describing these efforts, other work underway, and the status of work plans will be required by the 30-day deadline. The DEQ strongly encourages you to contact Mr. Jeffrey Kimble, USEPA On-Scene Coordinator, at 734-692-7688 to coordinate any response activities you undertake with those of the USEPA or the persons noticed of their liability by the USEPA.

2. Provide a plan for and undertake evaluation activities. This plan must include a remedial investigation to determine the nature and extent of the release at the

Facility as required by Section 20114(1)(a) of the NREPA and the Part 201 Rules. This plan should include a proposal to install sufficient soil borings and permanent monitor wells to fully define the extent of migration of all contaminants from the Facility, including, but not limited to, methane, leachate, and contaminated groundwater. The plans, including an implementation schedule, shall be submitted to the DEQ within 45 days of receipt of this Demand Letter for review and approval, and implemented in accordance with the approved schedule.

3. Take any other response activity determined by the DEQ to be technically sound and necessary to protect the public health, safety, or welfare, or the environment. In addition to the above requirements, should additional information indicate the need for other response actions, the DEQ reserves the right to request additional response actions at a later time.
4. Submit to the DEQ for approval a remedial action plan (RAP) that, when implemented, will achieve the cleanup criteria specified in Part 201 and the Part 201 Rules. The RAP shall address all releases of hazardous substances in all environmental media at the Facility consistent with Sections 20118, 20120a, 20120b, and 20120d of the NREPA and the Part 201 Rules.
5. Implement an approved RAP in accordance with a schedule approved by the DEQ pursuant to Part 201 and the Part 201 Rules. When implemented, the RAP shall:
 - a. Be protective of human health, safety, welfare, and the environment;
 - b. Achieve the cleanup criteria specified in Part 201; and
 - c. Ensure the effectiveness and integrity of the RAP.

The plans, and any subsequent documents, required pursuant to the Section 20114(1)(h) request above shall be submitted to the following:

Mr. Benjamin Mathews, Project Manager
Southeast Michigan District Office
Remediation and Redevelopment Division
Department of Environmental Quality
38980 West Seven Mile Road
Livonia, Michigan 48152-1006
Telephone: 734-953-1447
Fax: 734-953-1544

Within 14 days of the date of your receipt of this Demand Letter, please provide to Mr. Benjamin Mathews, Project Manager, at the address indicated above, a letter that expresses whether you commit to pursue diligently the response activities required under Sections 20107a and 20114(1)(a)-(g) at the Facility and to submit the plans

required under Section 20114(1)(h) within the time frame specified in this Demand Letter. Please include with that letter a description of the response activities you have taken or will take at the Facility to comply with Sections 20107a and 20114(1)(a)-(h) of the NREPA, and the Part 201 Rules.

DEMAND FOR PAYMENT OF COSTS AND CIVIL FINES

Please be advised that the state has incurred, and may continue to incur, costs for performing response activities at the Facility. Interest on these response activity costs shall begin to accrue on the date you receive this Demand Letter. To avoid liability for any interest that will accrue on these costs, you may arrange to reimburse these costs to the DEQ upon your receipt of this Demand Letter by contacting Mr. Mathews, at the address or telephone number indicated above, within 30 days of the date of this Demand Letter. Mr. Mathews will then make arrangements to send you an invoice and directions on making payment for these costs to the DEQ.

CIVIL FINES AND PENALTIES

Please also be advised that if you do not perform the response activities required by Part 201 and the Part 201 Rules, the state may take enforcement action to compel compliance with Part 201 and to seek civil fines pursuant to Part 201 and Part 31, Water Resources Protection, of the NREPA. Section 20137(1)(e)-(f) of the NREPA provides for a civil fine of \$1,000 to \$10,000 for each day of violation of Part 201 or the Part 201 Rules. In addition, pursuant to Section 20114a(1) of the NREPA, a person, who after June 5, 1995, is responsible for an activity causing a release in excess of the concentrations that satisfy the criteria established pursuant to Section 20120a(1)(a)-(e), as appropriate for the use of the Property, is subject to a civil fine as provided in Part 201, unless a fine or penalty has already been imposed for the release under another part of the NREPA, and unless that person has made a good faith effort to prevent the release and to comply with the provisions of Part 201. Any release or threatened release of a hazardous substance at the Facility that results in the direct or indirect discharge of this hazardous substance into the ground or surface waters of the state may also be a violation of Sections 3109(1) and 3112 of the NREPA, as well as other state and federal laws. Pursuant to Section 3115(1) of the NREPA, the state may seek a civil fine of \$25,000 per day for the unpermitted discharge or the direct or indirect discharge of injurious substances to the waters of the state.

If you fail to come into compliance with the provisions of the NREPA, including Part 201 and the Part 201 Rules, and perform the response activities as required in this Demand Letter pursuant to Section 20114(h) of the NREPA, the DEQ may pursue any of the following:


1. Perform the necessary response activities utilizing public funds. Please be advised that you are liable for all costs of response activity lawfully incurred by the state, including accrued interest. These funds are subject to cost recovery actions by the state pursuant to federal and state law, including Sections 20126a and 3115(1) of the NREPA, MCL 324.20126a and 324.3115(1); and the CERCLA, 42 USC 9607(a) *et seq.*

2. Request that you enter into a voluntary agreement with the state to resolve its outstanding liability to the state. This agreement would require you to perform response activities, to reimburse the state its past and future response activity costs, and to potentially require the payment of civil fines and natural resource damages to the state.
3. Issue an administrative order to you under Section 20119 of the NREPA, which would require you to perform response activities at the Facility.
4. Request the Department of Attorney General (DAG) to take enforcement action against you to seek to compel compliance with Part 201. Such action may include the assessment of civil fines for violations of Parts 201 and 31.

If you wish to review the DEQ's files on the Facility, please contact Mr. Mathews at the address or telephone number listed above. If you have questions regarding this Demand Letter, please contact Ms. Michelle Bakun, Remediation and Redevelopment Division Enforcement Case Manager, at 734-953-1463, or you may contact me.

A courtesy copy of this Demand Letter is being sent to the local unit of government in which the Facility is located and to the BRG, the current owner of the Property.

Sincerely,



Andrew W. Hogarth, Chief
Remediation and Redevelopment Division
517-335-1104

Attachments

cc/att: Mr. Gerald A. Dywasuk, Orion Charter Township
Mr. Michael Culpepper, City of Auburn Hills
Mr. Jeffrey W. Kimble, USEPA
Mr. Richard A. Barr, Dean & Fulkerson
Mr. Paul F. Bohn, Fausone, Taylor & Bohn, LLP
Mr. James Stropkai, DAG
Mr. Jim Sygo, Deputy Director, DEQ
Ms. Patricia A. McKay, DEQ
Mr. Philip L. Schrantz, DEQ
Mr. Oladipo Oyinsan, DEQ
Ms. Carrie Olmsted, DEQ
Ms. Michelle Bakun, DEQ
Mr. Benjamin Mathews, DEQ