



July 16, 2007

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SUBMITTED ELECTRONICALLY  
AND SENT VIA FEDERAL EXPRESS

U.S. Environmental Protection Agency  
Clerk of the Board  
Environmental Appeals Board  
Colorado Building  
1341 G Street, N.W., Suite 600  
Washington, D.C. 20005

Dear Clerk of the Board:

Re: In Re: Environmental Disposal  
Systems, Inc., Romulus, Michigan  
Permit Nos. MI-163-1W-C007 and  
MI-163-1M-2008;  
Appeal No. UIC 07-01

On behalf of Environmental Geo-Technologies, LLC ("EGT"), I enclose for filing one original and five copies of the following documents:

1. EGT's Motion for Leave to File Reply Brief and Exhibits.
2. Affidavit of Carolyn A. Sullivan in Support of Motion for Leave to File Reply Brief.
3. Certificate of Service.

EGT believes that it is essential for the Environmental Appeals Board ("EAB") to consider EGT's motion and grant EGT leave to file a reply brief in this matter,

Environmental Appeals Board  
July 16, 2007  
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because without receiving further input from EGT on this matter, the EAB will not have all the necessary information to make a decision.

Therefore, on behalf of EGT, I respectfully request that the EAB grant EGT's motion. Thank you.

Yours very truly,

A handwritten signature in black ink that reads "Donald P. Gallo". The signature is written in a cursive style with a large initial "D".

Donald P. Gallo

WAUKESHA\53236CAS:JO

Encs.

cc Thomas J. Krueger, Esq. (sent via Federal Express/with enclosures)  
Mr. Dimitrios Papas (sent via First Class Mail/with enclosures except exhibits)  
Henry J. Brennan, III, Esq. (sent via First Class Mail/with enclosures except exhibits)  
Gary A. Peters, Esq. (sent via First Class Mail/with enclosures except exhibits)  
Francis X. Lyons, Esq. (sent via First Class Mail/with enclosures except exhibits)  
Mr. Richard Powals (sent via First Class Mail/with enclosures except exhibits)

BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.

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In Re:

Environmental Disposal Systems, Inc.

Romulus, Michigan

Appeal No. UIC 07-01

Permit Nos. MI-163-1W-C007 and  
MI-163-1M-2008

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**MOTION FOR LEAVE TO FILE REPLY BRIEF**

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Environmental Geo-Technologies, LLC ("EGT"), by its Attorneys, Reinhart, Boerner, Van Deuren, s.c., moves for leave to file a brief in reply to the U.S. EPA's (the "EPA") response to EGT's May 10, 2007 informal letter of appeal, pursuant to 40 C.F.R. § 124.5(b). The EPA's response is dated June 27, 2007 and was received by counsel for EGT on July 2, 2007. In support of its motion, appellant states the following:

**Factual Background**

EGT is the proposed transferee of the above-referenced UIC permits, which were issued on September 6, 2005 to Environmental Disposal Systems, Inc. ("EDS") for a hazardous waste injection facility in Romulus, Michigan.

In November 2006, EDS received a notice of non-compliance ("NON") that primarily related to alleged reporting issues and some correctable operational issues. When it became apparent that EDS was not responding to EPA, RDD

Investment Corp. and RDD Operations, LLC (collectively "RDD")<sup>1</sup> stepped in to secure and "manage" the site and bring it into permit compliance, thus initiating five months of frequent communication and coordination between RDD, EGT, and the agencies (EPA and Michigan Department of Environmental Quality – "MDEQ"). The breadth and duration of efforts – by RDD, EGT, **and EPA** – to address compliance issues and to transfer the permits cannot be ignored. These significant efforts include at least all of the following matters:

- Mid-November 2006 – RDD promptly identified EGT as a candidate to operate the facility, based on its expertise and financial capability.
- Beginning as early as December 2006 and January 2007, RDD was in contact with representatives of MDEQ and EPA, keeping the agencies apprised of developments and completion of certain actions and responding to requests for information. RDD continues to keep the agencies fully informed.
- December 14, 2006 – RDD provided EPA and MDEQ with a detailed Interim Response to various regulatory correspondence, including a notice that RDD was in the process of developing a request for license permit modification and transfer (*see* Document #26 of EPA Administrative Record for Termination).
- January 8, 2007 – RDD submitted to MDEQ an Interim Status Report (addressing MDEQ correspondence) and Notice of Proposed Operating License Transfer. EPA received a copy of this document (*see* Document # 28 of EPA Admin. Record for Termination).
- January 30, 2007 – RDD submitted to EPA a response to EPA's January 12 requests, including discussion of RDD's intent to file a formal request to transfer the permits through modification.
- January 31, 2007 – RDD and EGT met with EPA to discuss the status of the facility's compliance issues and transfer of licenses and permits. RDD

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<sup>1</sup> Wholly-owned subsidiaries of the Police and Fire Retirement System of the City of Detroit ("PFRS"), which is the primary investor in the facility. RDD is now the owner of the real property.

again communicated the status of plans for transfer of the permits/licenses to a new owner/operator. EPA said it was generally satisfied with RDD's progress and a transfer request would likely be favorably received. (*See* chronology prepared by RDD's counsel, paragraph 69, p. 20, attached and incorporated herein at Exhibit B.)

- In reliance, in part, on the positive feedback during the January 31, 2007 meeting, RDD and EGT continued with their efforts to maintain compliance with permit requirements and to move forward with the formal request for transfer of the UIC permits.
- On or about February 8, 2007 – PFRS finalized agreement to transfer the facility and assets to EGT. RDD subsequently submitted financial responsibility documentation to MDEQ.
- February 15, 2007 – RDD, EGT, MDEQ and EPA met (EPA attended via phone) to discuss compliance status and transfer of the permits through modification.
- February 28, 2007 – RDD, EGT and EDS submitted the UIC permit transfer request to EPA.
- By March 9, 2007 – RDD completed various critical tasks for finalizing the request for permit transfer and on that date filed a draft request for transfer (of license) to MDEQ (copy of cover letter to EPA).
- March 13, 2007 – EPA requested additional information for processing the UIC transfer application package, and RDD responded with a March 19, 2007 update email and a March 26, 2007 letter with documents.
- March 29, 2007 – Final copies of UIC Permit Transfer Agreement were transmitted to EPA via email.
- By April 12, 2007 – Hard copies of original documents related to UIC permit transfer request were submitted to EPA.

In reliance on EPA's statements, RDD supplied substantial technical documentation to EPA and undertook substantial site work in order to bring the site into compliance, expending approximately \$1.2 million to do so. Throughout this 5-month time period, EPA never gave any indication to EGT or RDD that EPA would or may summarily refuse to consider the permit transfer request (the

"Permit Transfer Request") or that EPA was even considering that the compliance issues already remedied by RDD were significant enough to warrant considering the termination of the permits. Rather, EPA repeatedly asked for additional information and documentation, and EGT and RDD supplied the requested information (*see* index of documentation, attached and incorporated herein at Exhibit A which EGT also submitted to EPA with EGT's Comment on the permit termination proceedings<sup>2</sup>; *see also* chronology and summary/charts/timelines prepared by RDD's Attorney, Ronald King, attached and incorporated herein at Exhibit B and also submitted to the EPA with EGT's Comment on the permit termination proceedings).<sup>3</sup>

On April 12, 2007, EPA issued to EDS a Notice of Intent to Terminate the permits, and EPA simultaneously issued to EGT and RDD a separate notice stating that EPA would not consider the Permit Transfer Request (the "Permit Transfer Request Denial") due to EPA's simultaneous Notice of Intent to Terminate. At the time EPA issued its April 12 letters, there were no outstanding EPA information requests to EGT or RDD that EPA was waiting to receive in order to act on the Permit Transfer Request.

On May 10, 2007, EGT filed its informal letter of appeal (regarding the Permit Transfer Request Denial) with EPA pursuant to 40 C.F.R. § 124.5(b). On

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<sup>2</sup> EGT also submitted copies of the documentation with its Comment and index.

<sup>3</sup> RDD's Comment on the permit termination proceedings also included the chronology and summary/charts/timelines information.

May 17, 2007, the Environmental Appeals Board (the "EAB") requested that EPA provide relevant portions of the administrative record with a certified index of the entire record. EPA refused to file the record relating to its Permit Transfer Request Denial (*see* EPA's Response Brief at page 8), instead alleging that the matter is simply not ripe for review.

EGT files this motion for leave to file a reply brief, because EGT has a right to have its independent Permit Transfer Request heard promptly, and EPA's delay in consideration of EGT's request constitutes an effective and final denial of the request. EPA's limiting of its own review to only the termination effectively allows it to exclude all the permit transfer documentation submitted by EGT. When the situation is viewed in its totality, however, EPA should transfer, rather than terminate, the permits.

### **Procedural Status**

EPA is publicly pursuing the termination of the permits that it issued to EDS, despite EGT's valid and independent Permit Transfer Request. In response, EGT filed a Comment with EPA on June 21, 2007, including several hundred pages of documentation that EGT, RDD and/or EDS previously filed with EPA in support of the Permit Transfer Request and regarding RDD's substantial permit compliance efforts during the period from November 2006 through June 2007 (*see* Exhibits A and B). That documentation evidences that both prior and subsequent to the EPA's April 12, 2007 Permit Transfer Request Denial, EGT and RDD have proceeded in good faith to supply all of the documents requested by EPA,

including, but not limited to, financial assurance documentation. Moreover, the documentation submitted in support of the Permit Transfer Request provides a basis for EPA to decide to transfer the permits, which, in turn, renders the termination proceedings unnecessary and preserves scarce agency resources. EPA does not have the option of placing a transfer request on hold when a minor modification identifying the new permittee, and complying with the requirements of 40 C.F.R. § 144.41(d) has been submitted, as EGT has done.

#### **April 12, 2007 Decision was "De Facto" Final and Reviewable**

EPA's Response Brief to EGT's informal appeal letter states that EGT's appeal is premature and not ripe for review. EGT requests an opportunity to fully brief and explain why the Permit Transfer Request Denial is reviewable. The denial is reviewable because EPA's indefinite delay in considering and refusal to take further action on the Permit Transfer Request constitutes a final action as to EGT, since EPA may not be required to consider EGT's transfer request in the context of its separate action to terminate the EDS permits. While termination could arguably make EPA's decision on the Permit Transfer Request moot, it is improper to deny consideration of EGT's Permit Transfer Request now because it effectively denies EGT the independent right to have its Permit Transfer Request considered on its own merits. Moreover, the Permit Transfer Request Denial allows EPA to avoid considering EGT's technical and financial capabilities while deciding whether to terminate the EDS permits. In fact, EPA implicitly states that the Permit Transfer Request Denial is a final action when it explained when it



"would reopen its consideration of the permit transfer request" (*see* EPA's Response Brief at p. 7). In order for something to be "reopened," it must first be closed. The Permit Transfer Request Denial is final, because EPA has chosen to terminate the permits, has consummated its decision on transfer, "denied a right and fixed a legal relationship," by summarily ending its lengthy transfer negotiations with EGT. *See Bennett v. Spear, 520 U.S. 154 (1997)*.

### **EPA's Reasoning is Circular**

EPA justifies its Permit Transfer Request Denial on its claim that "the factual record relating to the permit transfer request was still incomplete" (*see* EPA's Response Brief at pp. 6-7). However, the EPA fails to acknowledge that the documentation that it received from EGT, RDD and/or EDS supported the Permit Transfer Request and constituted a complete record (*see* Exhibits A and B). Thus, all of EPA's requests for information had been responded to and EPA failed to act in good faith on the Permit Transfer Request. Furthermore, EPA now responds to EGT's appeal and the EAB's request that EPA provide an administrative record by claiming that there is no final appealable EPA decision and thus there is no complete administrative record. On the contrary, the Permit Transfer Request Denial is a final action, and EPA's files contain multiple documents and hundreds of pages that EGT/RDD/EDS submitted to EPA in support of the Permit Transfer Request. These documents constitute the "Record", and the EPA should produce it in response to the EAB's request.

## **Requested Action**

EGT requests an opportunity to fully brief the finality of the Permit Transfer Request Denial, the EPA's denial of due process when it summarily terminated the transfer process, and the effect of the EPA's failure to produce a record on the EAB's ability to determine whether EPA's April 12 letter effectively constitutes a final action of the agency as to EGT's Permit Transfer Request. The EPA is using its own internal procedures (*i.e.*, the purposeful failure to label the April 12, 2007 Permit Transfer Request Denial as "final" and its refusal to provide the EAB with a supporting record) to cease the transfer process without further review.

By granting EGT leave to file a reply brief, the EAB will be able to fully consider all of EGT's legal and factual arguments in support of its position that EPA's April 12 letter effectively constitutes a final agency action as to EGT. Only by allowing a reply brief to be filed will the EAB be able to meaningfully consider all of the necessary legal and factual arguments supporting EGT's claims. Therefore, EGT respectfully requests leave to file a reply brief to EPA's June 27, 2007 response to EGT's informal appeal.

Respectfully submitted this 16th day of July, 2007.

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Pamela H. Schaefer  
Carolyn A. Sullivan

BY Donald P. Gallo  
Attorneys for Environmental  
Geo-Technologies, LLC

# EXHIBIT A

**INDEX OF DOCUMENTS SUBMITTED ON BEHALF OF ENVIRONMENTAL GEO-TECHNOLOGIES LLC ("EGT") AS APPENDIX G TO THE COMMENT OF EGT PROPOSED TRANSFEREE OF PERMIT NOS. M1-163-C007 AND M1-163-C008 TO U.S. ENVIRONMENTAL PROTECTION AGENCY'S APRIL 12, 2007 NOTICE OF INTENT TO TERMINATE UIC PERMITS ISSUED TO ENVIRONMENTAL DISPOSAL SYSTEMS, INC., ROMULUS, MICHIGAN**

Bates Number(s)	Date	To	From	Regarding
00001-00003	10/20/06	D. Wicklund (EDS)	S. Buda (MDEQ)	Letter regarding Hazardous Waste Treatment and Storage Facility Operating License; Environmental Disposal Systems, Inc. (EDS); MIR 000 016 055
00004-00006	10/25/06	D. Wicklund (EDS)	R. Vugrinovich (MDEQ)	Letter regarding Well Leak and Injectate Loss, EDS 2-12 Well, Permit M453 Well Conditions, EDS 1-12 Well, Permit M452
00007-00008	10/25/06	D. Wicklund (EDS)	F. Davidson	Letter regarding Default on Loan Agreements/Transfer of Operations
00009-00010			Attachment	10/19/06 Police and Fire Retirement System of the City of Detroit – Meeting Number 2598 – Thursday, October 19, 2006 – Resolution regarding EDS
00011-00013	10/27/06	D. Wicklund (EDS)	W. Danyluk (MDEQ)	Letter regarding Well Leak and Injectate Loss, EDS 1-12 Well, Permit M452 Well Conditions, EDS 2-12 Well, Permit M453 (with 10/30/06 McTevia & Associates fax cover sheet)
00014-00017	11/2/06	D. Wicklund (EDS)	G. Bruchmann (MDEQ)	Letter regarding Letter of Warning and Suspension of Operations; Environmental Disposal Systems, Inc. (EDS); Site ID No. MIR 000 016 055
00018-00019	11/20/06	D. Wicklund (EDS)	J. Traub (EPA)	USEPA Notice of Noncompliance regarding Well #1-12 and Well #2-12, Wayne County, Michigan; Underground Injection Control (UIC) Permit Numbers MI-163-1W-C007 and MI-163-1W-C008
00020-00022			Attachment	11/20/06 USEPA Request for Information regarding Well #1-12 and Well #2-12, Wayne County, Michigan; Underground Injection Control Permit Numbers MI-163-1W-C007 and MI-163-1W-C008 [to D. Wicklund (EDS) from J. Traub (EPA)]
00023-00026			Attachment	11/2/06 Letter regarding Letter of Warning and Suspension of Operations; Environmental Disposal Systems, Inc. (EDS); Site ID No. MIR 000 016 055 [to D. Wicklund (EDS) from G. Bruchmann (MDEQ)]
00027-00029	11/28/06	D. Wicklund (EDS)	G. Bruchmann; H. Fitch (MDEQ)	Letter regarding Second Letter of Warning and Notice of Noncompliance; Environmental Disposal Systems, Inc. (EDS); MIR 000 016 055

Bates Number(s)	Date	To	From	Regarding
00030			Attachment	11/28/06 Environmental Disposal Systems, Inc., Office of Geological Survey List of Conditions Requiring Correction and Other Requested Information
00031-00032			Attachment	11/20/06 USEPA Notice of Noncompliance regarding Well #1-12 and Well #2-12, Wayne County, Michigan; Underground Injection Control (UIC) Permit Numbers MI-163-1W-C007 and MI-163-1W-C008 [to D. Wicklund (EDS) from J. Traub (EPA)]
00033-00035			Attachment	11/20/06 USEPA Request for Information regarding Well #1-12 and Well #2-12, Wayne County, Michigan; Underground Injection Control Permit Numbers MI-163-1W-C007 and MI-163-1W-C008 [to D. Wicklund (EDS) from J. Traub (EPA)]
00036-00039			Attachment	11/2/06 Letter regarding Letter of Warning and Suspension of Operations; Environmental Disposal Systems, Inc. (EDS); Site ID No. MIR 000 016 055 [to D. Wicklund (EDS) from G. Bruchmann (MDEQ)]
00039a	11/28/06	D. Rzeznik (EPA); R. Vugrinovich (MDEQ)	P. Wonsack (RDD)	Letter regarding circumstances beyond the control of the current operators (RDD) unable at this time to submit the Monthly Operating Reports
00040	11/30/06	D. Wicklund (EDS)	S. Buda (MDEQ)	Letter regarding Liability Coverage; Environmental Disposal Systems, Inc. (EDS); MIR 000 016 055
00041			Attachment	11/30/06 Letter regarding Notice of Nonrenewal of Insurance Policy EQ5844610 Environmental Disposal Systems, Inc.; MIR 000 016 055 [to American International Specialty Lines Insurance Company from D. Dailey (MDEQ)]
00042-00044	12/6/06	R. King	R. Blayer (MDEQ)	Email regarding EDS permit application (including previous emails back and forth between R. King and R. Blayer)
00045-00045a	12/7/06	D. Wicklund (EDS)	R. Harvey (EPA)	USEPA Notice of Inspection regarding Inspection of Well #1-12 and Well #2-12, Wayne County, Michigan; United States Environmental Protection Agency (U.S. EPA) Underground Injection Control (UIC) Permit Numbers MI-163-1W-C007 and MI-163-1W-C008
00046-00047	12/14/06	R. Blayer (MDEQ); L. Patterson (EPA)	R. King	Letter regarding Former Environmental Disposal System, Inc. Facility – 28470 Citrin Drive, Romulus, Michigan
00048-00074			Attachment	12/14/06 Letter regarding Environmental Disposal Systems, Inc. 28470 Citrin Drive Romulus, Michigan 48174 WHMD-MIR000016055

Bates Number(s)	Date	To	From	Regarding
00074a-00074h	12/14/06	S. Buda and R. Blayer (MDEQ); T. Sampson (MDEQ); R. Vugrinovich (MDEQ); W. Danyluk (MDEQ); W. Danyluk (MDEQ); L. Patterson (EPA); (received by L. Patterson 12/14/06)	P. Wonsack (RDD)	OGS-Permit 452 Well 1-12; OGS-Permit 453 Well 2-12 UIC-MI-163-1W-C007; UIC-MI-163-1W-C008 Interim Response to Regulatory Correspondence [to S. Buda and R. Blayer (MDEQ); T. Sampson (MDEQ); R. Vugrinovich (MDEQ); W. Danyluk (MDEQ); L. Patterson (EPA) from P. Wonsack (RDD)] Environmental Disposal Systems, Inc. 28470 Citrin Drive Romulus, Michigan 48174 WHMD-MIR00016055 OGS-Permit 452 Well 1-12; OGS-Permit 453 Well 2-12 UIC-MI-163-1W-C007; UIC-MI-163-1W-C008
00074h1-00074h226			Attachment	<ul style="list-style-type: none"> <li>Appendix A: Incident Report for October 23, 2006 Well 2-12</li> <li>Appendix B: Well Head Visual Inspection Plan</li> <li>Appendix C: Plan to Address Liquid Accumulation in Cellars</li> <li>Appendix D: Incident Report for October 26, 2006 Well 1-12</li> <li>Appendix E: Gauge Calibration Records and Available Chart Recordings</li> <li>Appendix F: Employee Summary Training Records</li> </ul>
00074i	12/27/06	D. Rzeznik (EPA)	P. Wonsack (RDD)	Email regarding calibration settings for three chart recorders
00074j-00074k	1/4/07	D. Rzeznik (EPA)	P. Wonsack (RDD)	Emails regarding mailing address, well testing results [also includes 12/26/06 emails] (w/o attachments referenced in emails)
00074l-00074m	1/4/07	P. Wonsack (RDD)	D. Rzeznik (EPA)	Emails regarding mailing address, temperature logs data
00074n-00074o	1/8/07	R. Blayer (MDEQ)	R. King	Letter regarding Former Environmental Disposal System, Inc. Facility – 28470 Citrin Drive, Romulus, Michigan – Interim Status Report/Notice of Proposed Operating License Transferee

Bates Number(s)	Date	To	From	Regarding
0007401-0007403			Attachment	Interim Status Report – Notice of Proposed Operating License Transferee – Hazardous Waste Management Facility – Site ID No. MIR000016055 – Romulus, Michigan
0007404-0007406			Attachment	Interim Status Report – Notice of Proposed Operating License Transferee – Hazardous Waste Management Facility – Site ID No. MIR000016055 – Romulus, Michigan
00075	1/10/07	R. King	T. Sampson (MDEQ)	Email regarding Romulus Facility – Update
00076	1/10/07	R. King	T. Sampson (MDEQ)	Email regarding EDS Quit Claim Deed (responding to R. King email)
00077-00078	1/12/07	D. Wicklund (EDS)	J. Traub (EPA)	USEPA Request for Information regarding Well #1-12 and Well #2-12, Wayne County, Michigan; Underground Injection Control Permit Numbers MI-163-1W-C007 and MI-163-1W-C008
00078a-00078e	1/12/07	D. Rzeznik (EPA)	P. Wonsack (RDD)	Fax enclosing: <ul style="list-style-type: none"> <li>January 11, 2007 letter from Baker Hughes/Baker Atlas to RDD Operations, LLC regarding review of Gamma Ray/Differential Temperature Log on the EDS #1-12</li> <li>January 11, 2007 correspondence from Baker Hughes/Baker Atlas to RDD Operations, LLC regarding review of Gamma Ray/Differential Temperature Log on the EDS #2-12</li> <li>January 11, 2007 correspondence from Baker Hughes/Baker Atlas to RDD Operations, LLC regarding review of Nuclear Tracer Log on the EDS #2-12</li> </ul>
00079	1/16/07	R. King	L. Patterson (EPA)	Email regarding Romulus facility meeting
00080-00081	1/17/07	R. King	L. Patterson (EPA)	Email regarding Romulus facility meeting (responding to R. King email responding to L. Patterson email)
00082	1/18/07	R. King	L. Patterson (EPA)	Email regarding Romulus facility meeting
00083	1/18/07	R. King	L. Patterson (EPA)	Email regarding Romulus facility meeting
00084-00085	1/18/07 (w/o attachments)	R. Blayer (MDEQ)	R. King	Letter regarding Former Environmental Disposal Systems, Inc. Facility – 28470 Citrin Drive, Romulus, Michigan – Acknowledgement and Assignment Agreement
00086-00087	1/22/07	L. Patterson (EPA)	R. King	Letter regarding Former Environmental Disposal Systems, Inc. Facility – 28470 Citrin Drive, Romulus, Michigan – Transfer Documents
00088-00102			Attachments	<ul style="list-style-type: none"> <li>Assignment of Permits</li> <li>Quit Claim Deed</li> <li>Acknowledgement and Assignment</li> </ul>



Bates Number(s)	Date	To	From	Regarding
00102a-00102b	1/26/07	D. Wicklund (EDS); R. King	G. Bruchmann (MDEQ); H. Fitch (MDEQ)	Letter regarding Notice of Violation for Environmental Disposal Systems, Inc. (EDS), 28470 Citrin Drive, Romulus, Michigan; MIR 000 016 055 (w/o attachment)
00103-00106	1/30/07 (w/o Appendices)	L. Patterson (EPA)	P. Wonsack (RDD Operations, LLC)	Letter regarding Environmental Disposal Systems, Inc. WHMD-MIR00016055 OGS-Permit 452 Well 1-12; OGS-Permit 453 Well 2-12 UIC-MI-163-1W0C-07; UIC-MI-163-1W-C008
00107-00108	1/31/07	R. King	L. Patterson (EPA)	Email regarding Letter of Credit (responding to R. King email)
00108a	2/8/07	Y. Mahmoud (EGT)	R. Lyle (Petrotek)	Letter regarding Environmental Geo-Technologies 2007 Plugging and Abandonment Cost Update UIC Permit Numbers: MI-163-1W-0007, MI-163-1W-0008
00108a1			Attachment	Environmental Geo-Technologies Disposal Well Plugging Cost Estimate
00108b-00108c	2/12/07	G. Bruchmann (MDEQ)	R. King	Letter regarding RDD Investment Corp./MIR 000 016 055/28470 Citrin Drive, Romulus, MI – Financial Assurance (w/o attachments)
00109-00110	2/15/07	R. King	L. Patterson (EPA)	Email regarding EDS facility compliance (responding to R. King email responding to L. Patterson email)
00110a-00110b	2/15/07			RDD Investigation and Remedy for Process Data Logging and RDD Investigation and Remedy for the Pump House Alarm Horn
00111	2/20/07	R. King	D. Rzeznik (EPA)	Email regarding Permit transfers
00111a	2/23/07	L. Patterson (EPA)	P. Wonsack (RDD)	Email regarding pressure test (w/o attachment referenced in email)
00112-00113	2/26/07	R. King	D. Dailey (MDEQ)	Letter regarding Financial Capability; 28470 Citrin Drive, Romulus, Michigan; MIR 000 016 055
00114-00116			Attachment	Letter of Credit Hazardous Waste Management to Department of Environmental Quality from Police and Fire Retirement System of the City of Detroit and listing of Insurance Policies Registered Professional Engineer's Certification to Owner
00116a	2/26/07			Application to Transfer Permit/MI-163-1W-C007 and MI-163-1W-C008
00117-00118	2/28/07	D. Rzeznik (EPA)	R. King	
00119-00123			Attachment 1	Application to Transfer Permit (EPA Form 7520-7) requesting transfer of permit from Environmental Disposal Systems, Inc. ("EDS") to Environmental Geo-Technologies, LLC ("EGT") for permit numbers MI-163-1W-C007 and MI-163-1W-C008

Bates Number(s)	Date	To	From	Regarding
00124-00142			Attachment 2	UIC Permit Transfer Agreement executed by EGT. ("We are still awaiting an executed copy of this document by EDS. Based on my discussions with the attorney for EDS, I expect to receive this document shortly. In the alternative, I have attached the Acknowledgement and Assignment executed by EDS which appoints the attorneys or designee of the Police and Fire Retirement System of City of Detroit as attorney in fact for EDS for purposes of executing any documents necessary to effectuate the transfer of the UIC permits.")
00143-00147			Attachment 3	An Irrevocable Standby Letter of Credit (effective February 22, 2007) issued on behalf of RDD Investment Corp., the present operator of the facility, for purposes of meeting the financial responsibility requirement set forth in 40 CFR 144.63 along with a February 8, 2007 cost estimate for plugging and abandonment prepared by Petrotek Engineering Corporation.
00148-00151			Attachment 4	A copy of an Irrevocable Standby Letter of Credit issued on behalf of EGT, effective immediately. The original will be forwarded upon receipt.
00152-00156			Attachment 5	An updated Plugging and Abandonment Plan certified by Austin Marshall on behalf of EGT for both wells.
00157-00177			Attachment 6	A copy of the resume and training qualifications for EGT's deep well operator, Donald A. Anderson, along with an expected work schedule for Mr. Anderson.
00178-00193			Attachment 7	A general overview of Personnel Qualification for EGT, including resumes for each expected individual employee.
00194-00196			Attachment 8	Documentation demonstrating the intended performance of an Ambient Reservoir Pressure Test by Baker Hughes.
00197-00201			Attachment 9	Documentation certifying repairs to the automatic warning and shut-off system, plans for installation of a well leak detection system, plan for lining system for well head cellars and certification of facility by Stantec.
00202-00205			Attachment 10	Documentation regarding electronic recordkeeping for process data logging, steps for maintaining electronic records by EGT and an investigation regarding missing chart recordings.
00206-00207	3/7/07	R. King	L. Patterson (EPA)	Email regarding former EDS facility compliance [R. King forwarded email]
00208-00209			Attachment	Note to R. King from L. Patterson (EPA) regarding materials sent with the Application to Transfer Permit, Compliance issues, Requested information and Information still needed)
00210	3/7/07	R. King	L. Patterson	Email regarding former EDS facility compliance

Bates Number(s)	Date	To	From	Regarding
00211-00212			(EPA)	To R. King from L. Patterson regarding materials sent with the Application to Transfer Permit, Compliance issues, Requested information and Information still needed.
00212a-00212d	3/9/07	L. Patterson (EPA)	P. Wonsack (RDD)	Fax noting will email the data we received from Baker Atlas and enclosing: <ul style="list-style-type: none"> <li>• 3/9/07 Baker Atlas Bottom Hole Pressure Survey</li> <li>• 2/27/07 Panex Calibration Certificate</li> </ul>
00213-00215	3/9/07	R. Blayer (MDEQ)	R. King	Letter regarding DRAFT Request for Transfer of Ownership/ Notice of License Modification/ Supporting Documentation – MIR 000 016 055, 28470 Citrin Drive, Romulus, MI
00216			Attachment	DRAFT Request for Transfer of Ownership/ Notice of License Modification/ Supporting Documentation MIR 000 016 055, 28470 Citrin Drive, Romulus, Michigan
00217-00242			Tab 1	<ul style="list-style-type: none"> <li>• Bureau of Commercial Services certification that annexed copy has been compared with record on file and is a true copy thereof.</li> <li>• Wicklund Development Company Certificate of Amendment to the Articles of Incorporation (filed 11/20/90)</li> <li>• Wicklund Development Company Articles of Incorporation (filed 5/9/86)</li> <li>• Wicklund Development Company Certificate of Assumed Name (filed 7/9/90)</li> <li>• Environmental Disposal Systems, Inc. Certificate of Assumed Name (filed 7/2/96)</li> <li>• Environmental Disposal Systems, Inc. Corporate Information Update (filed 4/10/98)</li> <li>• Remus Joint Venture Certificate of Co-Partnership (filed 1/4/02)</li> <li>• Bureau of Commercial Services certification that annexed copy has been compared with record on file and is a true copy thereof.</li> <li>• Romulus Deep Disposal Limited Partnership Certificate of Limited Partnership (filed 5/27/92)</li> <li>• Document to Frederick K. Hoops, Esq.</li> <li>• Romulus Deep Disposal Limited Partnership Supplement L</li> <li>• Romulus Deep Disposal Limited Partnership Supplement P</li> <li>• Romulus Deep Disposal Limited Partnership Certificate of Amendment (filed 6/21/93)</li> <li>• Romulus Deep Disposal Limited Partnership Supplement L</li> <li>• Romulus Deep Disposal Limited Partnership Supplement P</li> </ul>
00243-00257			Tab 2	Request for Director's Approval of Change in Ownership and Operation of Facility

Bates Number(s)	Date	To	From	Regarding
				<ul style="list-style-type: none"> <li>Notification of Minor Modification of License to Change Ownership and Operational Control of Facility and Identify New Licensee</li> <li>Notification of Minor Modification of License</li> <li>3/6/07 Letter to R. Blayer (MDEQ) from A. Marshall (EGT) regarding Application for License Transfer (MIR00006055)</li> <li>EGT 1.00 General Information (1.10 Application Forms)</li> <li>MDEQ Application Form for Construction Permits and Operating Licenses Hazardous Waste Treatment, Storage and Disposal Facilities (for EGT)</li> <li>EGT 1.20 Application Fee</li> <li>2/27/07 \$500.00 check from EGT to State of Michigan for license application transfer fee</li> </ul>
00258-00260			Tab 3	<ul style="list-style-type: none"> <li>2/7/07 Letter to EGT from R. Featherston (K &amp; D Industrial Services, Inc.) regarding Closure Cost Projection</li> </ul>
00261-00287			Tab 4	<ul style="list-style-type: none"> <li>EGT 1.30 Certifications and Signatures</li> <li>EGT Operator Certification</li> <li>EGT Owner and Titleholder Certification</li> <li>EGT Certification</li> <li>EDS Section 15.00 Disclosure Statement (Act 451, Part 111 Application, September 1, 1999)</li> <li>EGT Owner/Operator Certification Operator Certification</li> <li>EGT Figure 2.110-2 Organizational Chart (3/1/07)</li> <li>EGT Personnel Qualifications</li> <li>A. Marshall Resume</li> <li>Y. Mahmoud Resume</li> <li>K. Zreik Resume</li> <li>J. Frost Resume</li> <li>P. Wonsack Resume</li> <li>L. Simon Resume</li> </ul>
00288-00289			Tab 5	Registered Professional Engineer's Certification to Owner
00290			Tab 6	See Bates Numbered Documents 00436-01044
00291-00345			Tab 7	<ul style="list-style-type: none"> <li>Request for Transfer of Permit Part 625 Mineral Wells for Permit Nos. M-452/M-453</li> <li>Request for Transfer of Permit (M-452)</li> <li>Request for Transfer of Permit (M-453)</li> </ul>

Bates Number(s)	Date	To	From	Regarding
				<ul style="list-style-type: none"> <li>• Irrevocable Standby Letter of Credit (Blank)</li> <li>• EGT Figure 2.110-2 Organizational Chart (3/1/07)</li> <li>• Note from Y. Mahmoud to Mr. King regarding Deepwell operator hours</li> <li>• D. Anderson Resume</li> <li>• D. Anderson Quality Assurance Plan Examination</li> <li>• D. Anderson Certificate of Achievement (dated 2/6/06)</li> <li>• D. Anderson EDS Training and Educational Requirements Tracking Matrix</li> <li>• D. Anderson Hazmat Security Module Final Test Results</li> <li>• EGT Personnel Qualifications</li> <li>• A. Marshall Resume</li> <li>• Y. Mahmoud Resume</li> <li>• K. Zreik Resume</li> <li>• J. Frost Resume</li> <li>• P. Wonsack Resume</li> <li>• L. Simon Resume</li> <li>• RDD Investigation and Remedy for the Pump House Alarm Horn</li> <li>• Wells Leak Detection System</li> <li>• 3/8/07 Letter to Y. Mahmoud from J. Trowse (Trowse Technicians, Inc.) regarding quote for electrical installation of the level switches that will serve as leak detection</li> <li>• Lining System for Well Head Cellars #1-12 and #2-12</li> <li>• Registered Professional Engineer's Certification to Owner</li> <li>• RDD Investigation and Remedy for Process Data Logging</li> <li>• 2/21/07 Memo to R. King from P. Wonsack (RDD Operations, LLC) regarding Chart Recordings for week of 10-2-06 and 10-23-06 to 1-1-07</li> <li>• Note to Mr. King from Y. Mahmoud regarding Records Maintenance</li> <li>• 2/28/07 Letter to D. Rzeznik (EPA) from R. King regarding Application to Transfer Permit/MI-163-1W-C007 &amp; MI-163-1W-C008</li> <li>• Attachment 1: Application to Transfer Permit (EPA Form 7520-7) requesting transfer of permit from Environmental Disposal Systems, Inc. ("EDS") to Environmental Geo-Technologies, LLC ("EGT") for permit numbers MI-163-1W-C007 and MI-163-1W-C008</li> <li>• Attachment 2: UIC Permit Transfer Agreement executed by EGT. ("We are still awaiting an executed copy of this document by EDS. Based on my discussions with the attorney for EDS, I expect to receive this document shortly. In the</li> </ul>
00346-00435			Tab 8	

Bates Number(s)	Date	To	From	Regarding
				<p>alternative, I have attached the Acknowledgement and Assignment executed by EDS which appoints the attorneys or designee of the Police and Fire Retirement System of City of Detroit as attorney in fact for EDS for purposes of executing any documents necessary to effectuate the transfer of the UIC permits." )</p> <ul style="list-style-type: none"> <li>• Attachment 3: An Irrevocable Standby Letter of Credit (effective February 22, 2007) issued on behalf of RDD Investment Corp., the present operator of the facility, for purposes of meeting the financial responsibility requirement set forth in 40 CFR 144.63 along with a February 8, 2007 cost estimate for plugging and abandonment prepared by Petrotek Engineering Corporation.</li> <li>• Attachment 4: A copy of an Irrevocable Standby Letter of Credit issued on behalf of EGT, effective immediately. The original will be forwarded upon receipt.</li> <li>• Attachment 5: An updated Plugging and Abandonment Plan certified by Austin Marshall on behalf of EGT for both wells.</li> <li>• Attachment 6: A copy of the resume and training qualifications for EGT's deep well operator, Donald A. Anderson, along with an expected work schedule for Mr. Anderson.</li> <li>• Attachment 7: A general overview of Personnel Qualification for EGT, including resumes for each expected individual employee.</li> <li>• Attachment 8: Documentation demonstrating the intended performance of an Ambient Reservoir Pressure Test by Baker Hughes.</li> <li>• Attachment 9: Documentation certifying repairs to the automatic warning and shut-off system, plans for installation of a well leak detection system, plan for lining system for well head cellars and certification of facility by Stantec.</li> <li>• Attachment 10: Documentation regarding electronic recordkeeping for process data logging, steps for maintaining electronic records by EGT and an investigation regarding missing chart recordings.</li> </ul>
00436-00738			Attachment	<p>Volumes I and II – DRAFT Transfer License Application For A Hazardous Wastewater Treatment, Storage and Disposal Facility, Citron Drive Facility, Romulus, Michigan (see item #6, above)</p> <ul style="list-style-type: none"> <li>• Volume 1 Appendices: <ul style="list-style-type: none"> <li>• Engineering Drawings Revisions</li> <li>• Section 2.20-3: Waste Code List</li> <li>• Section 2.30: Waste Analysis Plan</li> <li>• Section 2.40: Security</li> </ul> </li> </ul>

Bates Number(s)	Date	To	From	Regarding
00739-01044			Attachment	<ul style="list-style-type: none"> <li>Section 2.50: Inspection</li> <li>Section 2.60: Preparedness and Prevention Requirements</li> <li>Section 2.70: Emergency and Contingency Plan</li> <li>Training Plan</li> <li>Volume 2 Appendices: <ul style="list-style-type: none"> <li>Section 5.00: Sampling and Analysis Plan</li> <li>Section 7.20: Management of Accumulated Liquid in Container Storage Area</li> <li>Section 8.72: Management of Accumulated Liquid in Tank System</li> <li>Section 9.130 Process Description</li> <li>Section 2.120: Closure Plan</li> </ul> </li> </ul>
01045	3/13/07	R. King	D. Rzeznik (EPA)	Email regarding Transfer of UIC permits from EDS to EGT
01046	3/13/07	T. Maffiore (The Insurance Company of the State of Pennsylvania)	D. Dailey (MDEQ)	Letter regarding Notice of Cancellation Rejected: Bond ESD7315026 (Bond); Environmental Disposal Systems, Inc. (EDS); MIR 000 016 055
01047-01047a	3/16/07	R. King	D. Rzeznik (EPA)	Letter regarding March 1, 2007 transmittal requesting transfer of ownership from EDS to EGT
01047b-01047c	3/16/07	D. Papas, A. Marshall (EGT)	D. Rzeznik (EPA)	Letter regarding March 1, 2007 transmittal requesting transfer of ownership from EDS to EGT
01048-01050	3/19/07	D. Rzeznik (EPA); R. Harvey (EPA)	R. King	Email regarding Transfer of UIC permits from EDS to EGT
01050a	3/21/07			U.S. EPA Notice of Inspection
01050b-01050g	3/21/07			EPA Field Inspection Report
01050h-01050i	3/23/07	L. Patterson (EPA)	P. Wonsack (RDD)	Email stating that P. Wonsack will "get started on this right away" responding to L. Patterson's 3/23/07 email regarding Radioactive Tracer Survey responding to P. Wonsack's 3/21/07 email regarding alarms/tests (EPA witnessed annulus pressure alarm system)
01051	3/23/07	R. King	L. Patterson (EPA)	Email regarding Complaint filed against EDS

Bates Number(s)	Date	To	From	Regarding
01052-01085			Attachment	3/22/07 J. Traub (EPA) letter to D. Wicklund (EDS) enclosing Complaint; 3/22/07 Complaint filed by USEPA against EDS
01086-01087	3/26/07	D. Rzeznik (EPA)	R. King	Letter regarding RDD Investment Corp./ 28470 Citrin Drive, Romulus, Michigan/ Financial Assurance.
01088-01096/ 01099-01107			Attachment	Two executed duplicate originals of the Standby Trust Agreement between RDD Investment Corp. ("RDD") ("Grantor") and the Police and Fire Retirement System of the City of Detroit ("Trustee").
01097-01098/ 01108-01109/ 01110-01117			Attachment	Cover letter (as required by 40 CFR 144.63(d)(4)) and two executed duplicate original Irrevocable Standby Letter of Credit effective November 7, 2006 for the account of RDD and EDS, along with the February 8, 2007 Plugging and Abandonment Cost Update prepared by Petrotek Engineering Corporation.
01118-01120			Attachment	UIC Permit Transfer Agreement executed on behalf of RDD.
01120a- 01120c	3/27/07	R. King	G. Bruchman, H. Fitch (MDEQ)	Environmental Disposal Systems, Inc. (EDS), Facility, 28470 Citrin Drive, Romulus, Michigan; MIR 000 016 055
01120d- 01120h	3/27/07	R. King	G. Tuma (MDEQ)	Email regarding 3/27/07 correspondence and status
01120i- 01120k	3/29/07		Rosemount Emerson Process Management	Calibration Reports
01121-01137	3/29/07	D. Rzeznik (EPA)	R. King	Email regarding executed documents attached authorization resolution (UIC permit transfer agreement, Wicklund affidavit) (Note: Also attached is 2/26/07 email to D. Rzeznik from R. King regarding permit transfers responding to D. Rzeznik email to R. King.)
01138	3/30/07	P. Wonsack (RDD)	J. Hoeh (MDEQ)	Email regarding Air permit conversation [P. Wonsack forwarded email]
01139			Attachment	4/11/07 letter to T. Sampson (MDEQ) from P. Wonsack (RDD Operations, LLC) regarding Waste Removal, Decontamination and Re-Certification of the EDS facility
01140-01142	4/6/07	T. Sampson (MDEQ)	P. Wonsack (RDD Operations, LLC)	Letter regarding Waste Removal, Decontamination and Re-Certification of the EDS Facility
01143-01145			Attachment	4/10/07 Letter regarding Proposal No. CH-9293 (Environmental Disposal Systems, Inc.



Bates Number(s)	Date	To	From	Regarding
				- Tank Cleaning) to P. Wonsack from J. Ozimek (Chemtron Corporation Field Service Division), Terms and Conditions
01146			Attachment	Email dated 4/9/07 to P. Wonsack from T. DeLong (Veolia) regarding Quote for Disposal of Liquids
01147-01150			Attachment	4/3/07 Letter regarding Quote Number: Q569001076 to P. Wonsack from J. Mouton (Veolia)
01151			Attachment	Email dated 4/9/07 to P. Wonsack from T. Lane (EQ - The Environmental Quality Company) regarding Tank Waste
01152-01158			Attachment	4/9/07 Letter regarding Quote #04052007tlssme to P. Wonsack from T. Lane (EQ)
01159			Attachment	Email dated 4/2/07 regarding Wells Drain Project to G. Goode from Y. Mahmoud
01160-01161			Attachment	Proposal
01162-01163			Attachment	4/3/07 Letter regarding Storm Water Vault - Request for Non-Hazardous Classification to T. Sampson (MDEQ) from P. Wonsack (RDD Operations, LLC)
01164-01165	4/12/07	D. Rzeznik (EPA)	R. King	Environmental Geo-Technologies, LLC/ 28470 Citrin Drive, Romulus, Michigan - Standby Trust Agreement/ Financial Assurance/ UIC Transfer Agreement
01166-01183			Attachment	Two fully executed duplicates of the Standby Trust Agreement between EGT ("Grantor") and Comerica Bank ("Trustee") effective March 22, 2007.
01184-01193			Attachment	Cover letter (as required by 40 CFR 144.63(d)(4)) and two executed duplicate original Irrevocable Standby Letters of Credit effective March 22, 2007, for the account of EGT, along with the February 8, 2007, Plugging and Abandonment Cost Update prepared by Petrotek Engineering Corporation.
01194-01203			Attachment	Two original executed copies of UIC Permit Transfer Agreements executed on behalf of RDD Investment Corp., EGT and EDS. (Previously sent the original execution page for RDD.)
01204-01205			Attachment	A copy of the Affidavit of Douglas Wicklund evidencing authority to execute various documents on behalf of EDS and related entities.
01206			Attachment	A copy of the Authorization Resolution of Remus Joint Venture.
01207	4/12/07	RDD Investment Corp. (c/o R. King); A. Marshall (EGT)	J. Traub (EPA)	Letter regarding Environmental Disposal Systems (EDS) Romulus, Michigan. "EPA will not consider or process your [transfer] request at the present time."
01208-01209	4/12/07	D. Wicklund	J. Traub (EPA)	Letter regarding Notice of Intent to Terminate Permit # MI-163-1W-C007 and Permit

Bates Number(s)	Date	To	From	Regarding
01210-01217		(EDS)		# MI-163-1W-C008 Environmental Disposal Systems, Inc., Romulus, Michigan
01218			Attachment	USEPA Underground Injection Control (UIC) Program Permits #MI-163-1W-C007 and #MI-163-1W-C008 Fact Sheet, EDS Permit Termination Decision, Administrative Record (index)
01219-01220	4/17/07	R. King	G. Tuma (MDEQ)	USEPA Public Notice Email regarding Summary of Meeting on April 11, 2007
01220a-01120b	4/25/07			Michigan Department of Labor & Economic Growth Filing Endorsement (Certificate of Dissolution for Environmental Disposal Systems, Inc. ID Number: 471073)
01221-01223	5/7/07	T. Sampson (MDEQ)	P. Wonsack (RDD Operations, LLC)	Letter regarding Waste Removal, Decontamination and Re-Certification of the EDS Facility
01223a-01223e	5/7/07	D. Rzeznik; L. Patterson (EPA)	P. Wonsack (RDD)	Email regarding annulus tank level sight glass marks (with attached photographs)
01223f	5/8/08	D. Rzeznik; L. Patterson (EPA)	P. Wonsack (RDD)	Email regarding Corrosion Prevention Plan for your review (w/o attachment referenced in email)
01224	5/8/07	P. Wonsack (RDD Operations, LLC)	D. Slayton (MDEQ)	Letter regarding Soil Samples; Spill Area Around Well Houses; Environmental Disposal Systems, Inc.; MIR 000 016 055
01225				2/27/07 Registered Professional Engineer's Certification to Owner
01225a	5/9/07	R. King	J. Stropkai (Michigan)	Email regarding EDS/RDD
01226-01227	5/10/07	J. Traub (EPA)	D. Gallo; P. Schaefer (RBVD)	Application to transfer UIC Permit No. MI-163-1W-C007 and MI-163-1W-C008, 28470 Citron Drive, Romulus, MI <b>Appeal of Denial of permit transfer request</b>
01228-01230			Tab A	2/28/07 Letter to D. Rzeznik from R. King regarding Application to Transfer Permit/MI-163-1W-C007 & MI-163-1W-C008
01231-01233			Tab B	3/26/07 Letter to D. Rzeznik from R. King regarding RDD Investment Corp./ 28470 Citrin Drive, Romulus, Michigan/ Financial Assurance
01234-01236			Tab C	4/12/07 Letter to D. Rzeznik from R. King regarding Environmental Geo-Technologies,

Bates Number(s)	Date	To	From	Regarding
01237-01238				LLC/ 28470 Citrin Drive, Romulus, Michigan – Standby Trust Agreement/ Financial Assurance/ UIC Transfer Agreement
01239-01250			Tab D Tab E	4/12/07 Letter to RDD Investment Corp. and A. Marshall from J. Traub regarding Environmental Disposal Systems (EDS) Romulus, Michigan 4/12/07 Letter to D. Wicklund from J. Traub regarding Notice of Intent to Terminate Permit #MI-163-1W-C007 and Permit #MI-163-1W-C008 Environmental Disposal Systems, Inc., Romulus, Michigan and Underground Injection Control (UIC) Program Permits #MI-163-1W-C007 and #MI-163-1W-C008 Fact Sheet
01251	5/10/07	L. Patterson, D. Rzeznik (EPA)	P. Wonsack (RDD)	Email regarding calibrations
01252-01254			Attachment	3/29/07 Calibration Report (Tag Number: Annulus #2) 3/29/07 Calibration Report (Tag Number: Annulus #1) 3/29/07 Calibration Report (Tag Number: Injection #1)
01255-01256	5/10/07	P. Wonsack (RDD)	L. Patterson (EPA)	Email regarding alarm (responding to P. Wonsack 5/10/07 email)
01257	5/11/07		Emerson Process Management – Rosemount Inc.	Calibration Data Sheet
01258	5/14/07	L. Patterson, D. Rzeznik (EPA)	P. Wonsack (RDD)	Email regarding Well Injection Calibration (w/o attachment referenced in email)
01259	6/11/07	R. Vugrinovich (MDEQ)	P. Wonsack (RDD)	Email regarding System Reports for 3rd quarter of 2006 (w/o attachments referenced in email)
01260	6/11/07	R. Vugrinovich (MDEQ)	P. Wonsack (RDD)	Email regarding reports for Feb, March and April of 2007 (w/o attachments referenced in email)
01261-01262	6/11/07	T. Sampson (MDEQ)	P. Wonsack (RDD)	Email regarding WRP Mini update
01263	6/12/07			Summary of Waste Disposal and Tank Decontamination as of June 12, 2007

# EXHIBIT B

## II. CHRONOLOGY OF RELEVANT FACTS

1. The Police and Fire Retirement System of the City of Detroit is a pension plan and trust established by the Charter and Municipal Code of the City of Detroit ("PFRS"). The Board of Trustees of the PFRS oversees the pension funds of the police and fire departments of the City of Detroit which secure retirement and disability benefits for all City of Detroit Police and Fire personnel.
2. In 1993, Environmental Disposal Systems, Inc. ("EDS") approached the PFRS with an investment opportunity related to construction and operation of a commercial Class I Hazardous Waste underground injection well and hazardous waste treatment and storage facility ("Facility" or "Project").
3. From 1993 to 2006, the PFRS loaned approximately \$40,000,000.00 to EDS, Romulus Deep Disposal Limited Partnership ("Romulus") and Remus Joint Venture, ("RJV") for construction and completion of the Project which is located at 28470 Citrin Drive in Romulus, Michigan.
4. As lender, the PFRS took a security interest in the real property on which the Facility is located and in all assets related to the Project.
5. The PFRS, through its advisors and representatives, monitored the progress of the Project solely in its capacity as a lender. Otherwise, the PFRS had no direct or indirect involvement in the construction or operations of the Facility.
6. On October 18, 2004, the Environmental Protection Agency ("EPA") Region 5 Administrator issued final underground injection control ("UIC") permits to EDS which authorized use of the two deep injection disposal wells located at the Facility.

7. On December 27, 2005, the Michigan Department of Environmental Quality ("MDEQ") issued a final Hazardous Waste Management Facility operating license to EDS for the storage and treatment of hazardous wastes at the Facility.

8. As of December 27, 2005, EDS had received all of the necessary regulatory permits and licenses required for operation of the Facility, including the Resource Conservation and Recovery Act ("RCRA") Land Ban Exemption, the UIC permits, the MDEQ Part 111 Hazardous Waste Management Facility construction permit and operating license, the MDEQ Part 625 well permit, the MDEQ National Pollutant Discharge Elimination System ("NPDES") permit, the MDEQ storage tank registrations, certifications, permits and licenses, the MDEQ Wetlands Protection permit, the Wayne County Storm Water System permit, and the City of Romulus Soil Erosion permit.

9. On or about December 27, 2005 EDS commenced operations at the Facility and began receiving and treating hazardous waste and injecting the hazardous waste in the deep disposal wells.

10. Throughout the first nine months of 2006, the PFRS received intermittent updates regarding the operations at the Facility through its business advisor. During this time, PFRS had no direct involvement in the Project, had no day to day access to the Facility and was not involved in the management or operations of the Facility in any manner.

11. Under the various loan agreements between the PFRS, EDS, Romulus and RJV, the PFRS had no specific right to possession of the Facility, provided EDS, Romulus and RJV were not in default under the agreements.

12. Additionally, during this period the PFRS had no indication or reason to suspect that operations at the Facility were not being conducted in full compliance with all license and permit conditions.

13. In early October of 2006, EDS approached the PFRS and requested additional capital to fund operations at the Facility. While unaware of the full scope of EDS' financial condition at that time, the PFRS was beginning to learn that EDS was not capable of operating the Facility in manner consistent with the PFRS' expectations or EDS' obligations under the various loan agreements.

14. It also became apparent at that time, that EDS' management of the Facility and declining financial condition were adversely affecting day to day operations at the Facility.

15. On October 13, 2006, personnel from the MDEQ conducted an inspection of the facility and noted staffing changes which were not consistent with EDS' Part 111 license application. The PFRS later learned that several of the staffing changes noted by MDEQ were the direct result of qualified and competent employees resigning from EDS due to disagreements with the operational decisions of EDS' management.

16. On October 19, 2006, the PFRS Board, after reviewing the status of the Project, passed a resolution authorizing special legal counsel to take steps to secure the PFRS' investment in the Facility and to seek the orderly transfer of the Facility and the regulatory licenses and permits from EDS to the PFRS' designee. (Exhibit 1, Resolution of PFRS Board).

17. The initial objective of the resolution was to complete the orderly transfer of the Facility and the licenses and permits without disrupting on-going operation of the Facility by, among other things, requesting a minor modification of the permits and licenses, as appropriate, under applicable federal and state law.

18. In correspondence to EDS dated October 20, 2006, the MDEQ outlined its concerns related to staffing issues at the Facility and requested specific information related to personnel and employee training. (Exhibit 2, October 20, 2006 Correspondence from MDEQ to EDS).

19. In correspondence to the PFRS dated October 23, 2006, EDS advised the PFRS for the first time that the Facility was about to close due to lack of operating capital. (Exhibit 3, October 23, 2006 Letter from EDS to PFRS). At this time, the PFRS was unaware of the full scope of EDS' financial situation.

20. On the same day, MDEQ inspectors were on-site at the Facility and observed a leak at the well head of well 2-12 during performance of a mechanical integrity test. It was ultimately determined that the leak was caused by a failed gasket resulting in the release of brine (salt) water which had been injected into the well to achieve sufficient head pressure to perform the mechanical integrity tests.

21. Notably, both wells demonstrated internal mechanical integrity during these tests.

22. In correspondence to EDS dated October 25, 2006, the MDEQ described the October 23, 2006 leak and requested information regarding the source of the leak, staffing and employee training. (Exhibit 4, October 25, 2006 Correspondence from MDEQ to EDS).

23. While steps were being taken to obtain the orderly transfer of the Facility operations from EDS to the PFRS designee, the PFRS was unaware of the day to day operational issues occurring at the Facility.

24. In correspondence to EDS dated October 25, 2006, special counsel to the PFRS advised EDS that it was in default on its agreements with the PFRS due to, among other things, its failure to meet its on-going obligations, and special counsel requested a meeting to work out an orderly transfer of the Facility.



25. On October 26, 2006, the MDEQ was on-site at the Facility and observed a leak at the well head of well 1-12. It was later determined that this leak was caused by the use of replacement bolt at the well head. The original bolt was used to make the repair of the gasket leak on well 2-12.

26. In correspondence to EDS dated October 27, 2006, the MDEQ requested a report regarding the leak at well 1-12 and the MDEQ suspended use of the well. (Exhibit 5, October 27, 2006 Correspondence from MDEQ to EDS).

27. In correspondence to EDS dated October 27, 2006, special counsel to the PFRS again requested EDS' cooperation in the orderly transfer of the Facility, including the regulatory permits and licenses, to the PFRS' designee. (Exhibit 6, October 27, 2006 Correspondence from PFRS to EDS regarding transfer of operations).

28. On or about October 27, 2006, representatives of the PFRS learned for the first time of the leaks at the respective wellheads.

29. Given the immediate and substantial concern about: 1) the safety and security of the Facility in light of the leaks at the wellheads; 2) the potential environmental risks associated with EDS' continued operation of the Facility; 3) appropriate staffing of Facility operations; and 4) the financial condition of EDS, the PFRS determined that it must move as expeditiously as possible to gain physical possession of the Facility.

30. At that time, the PFRS had no affirmative obligation of any manner or kind to take possession of the Facility or to take any action with respect to the Facility. The PFRS could have let EDS abandon the Facility, leaving any required clean-up and closure action to the appropriate governmental agencies.

31. Instead, the PFRS, through its designee, took immediate action, at a significant cost, to secure control of the Facility in order to fully and completely address any health and safety risks and to abate any risks of future leaks.

32. This was not necessarily the desired course of action. However, the PFRS felt it had little choice under the circumstance but to take immediate action.

33. On or about November 1, 2006, representatives of the PFRS met with the owner of EDS to negotiate terms of a transfer of ownership/operation of the Facility. In the absence of a court order or agreement with EDS, the PFRS or its designees had no legal right to entry at the Facility and no right to interfere with EDS' business relationships or expectancies.

34. At or about the same time, the PFRS directed the formation of RDD Investment Corp. and RDD Operations, LLC ("RDD"), as its designees to take assignment of EDS' interest in the permits and licenses of the Facility, and to assume control over the Facility.

35. In correspondence to EDS dated November 2, 2007, the MDEQ cited numerous permits and license compliance issues and suspended EDS' license to operate the hazardous waste storage and treatment facility. (Exhibit 7, November 2, 2006 Correspondence from MDEQ to EDS).

36. On November 2 and 3, 2006, the EPA staff conducted an inspection of the Facility.

37. On or about November 7, 2006, EDS executed a Quit Claim deed transferring ownership of the real property to RDD, an Acknowledgement and Assignment Agreement, assigning the assets of the Facility to RDD and an Assignment of Permits. EDS also surrendered physical possession of the Facility. (Exhibit 8, Transfer Documents, submitted by RDD under cover of letter on January 22, 2007 to EPA).

38. At the time RDD took possession of the Facility, RDD did not have the required staff and/or qualifications necessary to seek regulatory approval of the transfer of the licenses and permits from EDS to RDD. Additionally, RDD never intended to operate the facility. Rather, RDD's role was to secure the Facility, address regulatory concerns and assist in identifying a qualified owner and operator for the Facility.

39. RDD immediately took steps to retain key employees of EDS for purposes of providing sufficient staff to secure the Facility.

40. In early November 2006, RDD moved to immediately address the pressing regulatory concerns of the EPA and the MDEQ set forth in the various correspondences from October and November 2006.

41. RDD secured the facility and abated any potential environmental contamination or public health risk by immediately making the necessary repairs of the well heads, implementing cleanup procedures related to the October 23, 2006, brine water leak at well 2-12, making appropriate staffing changes, retaining 24 hour security service for the Facility, installing the required monitoring technologies, and formulating a plan to address any compliance issues resulting from EDS' past operation of the Facility.

42. Throughout the month of November, the PFRS and RDD began working to provide the MDEQ and the EPA with all information requested from EDS which RDD could locate and/or had in its possession or control.

43. At the time of the transfer of control of the Facility from EDS to RDD in November of 2006, most of the insurance policies for the Facility were in arrears and/or near expiration. In order to avoid any lapses in coverage, RDD paid all outstanding premiums and took steps to have all of the policies reissued in its name.

44. Concurrent with the on-site work at the Facility, the PFRS and RDD began searching for a qualified, fully capitalized owner and/or operator to replace EDS. RDD's role was to function as an interim manager of the Facility until such time as a qualified owner and/or operator could be identified.

45. On or about November 16, 2006, the PFRS and RDD identified Environmental GEO-Technologies, LLC ("EGT") as a candidate to operate the Facility. RDD and the PFRS performed due diligence on the credentials and financial condition of EGT and its officers and staff, and chose EGT because of the expertise of its staff and its financial capabilities to operate the Facility in full compliance with federal and state regulations, permits and licenses.

46. In late November and early December of 2006, RDD and EGT began negotiations for the transfer of the Facility and the eventual transfer of EDS' licenses and permits to EGT.

47. RDD and EGT also addressed specific staffing concerns related to maintaining compliance with the various permits and licenses for the Facility.

48. While RDD assumed operational control of the Facility in early November 2006, RDD did not assume any of the liability and/or obligations of EDS. Instead, RDD endeavored to address each and every issues raised by EPA or MDEQ without necessarily doing so on behalf of EDS.

49. EDS, having been removed from the Project, did not submit a response to the October and November 2006 MDEQ letters within the time frame set forth by the MDEQ, nor did it provide any of the information requested by the MDEQ to bring the Facility back into regulatory compliance.

50. On November 20, 2006, the EPA submitted a Notice of Noncompliance and a Request for Information to EDS, as a result of issues identified during EPA staff inspections of

the Facility. (Exhibit 9, EPA Notice of Noncompliance and Request for Information). The EPA cited EDS for administrative and staffing violations of its Underground Injection Control (“UIC”) permits, and required EDS to submit a compliance schedule within ten days of its receipt of the Notice, which would set forth the dates by which EDS would complete required staff training, update staff training records and calibrate all gauges that measured certain operations of the Facility.

51. The MDEQ issued a Second Letter of Warning and Notice of Noncompliance to EDS dated November 28, 2006, which required EDS to provide information regarding the cause of the past violations, and explain how it planned to resolve each violation that resulted in the suspension of the operations. (Exhibit 10, November 28, 2006 Correspondence from MDEQ to EDS).

52. On November 28, 2006, RDD sent a letter to the EPA and the MDEQ stating that, due to a computer malfunction, RDD would be unable to submit the monthly Operating Reports and monthly Mineral Well Injection Reports for October and November of 2006 as requested of EDS. RDD retained a consultant in an effort to retrieve the lost data. (Exhibit 11, November 28, 2006 Correspondence to MDEQ and EPA regarding computer failure).

53. On December 7, 2006, RDD met with staff of the MDEQ in Lansing, Michigan to discuss the status of operations, the role of RDD and the MDEQ’s Notice of Noncompliance and Warning Letters. (Exhibit 12, Email Correspondence between MDEQ and counsel for RDD).

54. On December 14, 2006, RDD provided the MDEQ and the EPA with a detailed Interim Response to the various regulatory correspondences, addressing all issues raised in the Letters of Warning and Notice of Noncompliance to the best of its ability. This response included detailed incident reports describing the circumstances and response efforts related to the

leaks observed on October 23, 2006 and October 26, 2006. (Exhibit 13, December 14, 2006 Interim Response of RDD). Not knowing the full extent of the EDS' outstanding liabilities, RDD was careful not to "step in the shoes of EDS" and provide this submittal on behalf of EDS directly. However, RDD made certain to address all of the regulatory compliance issues which had been directed to EDS in the various correspondences.

55. RDD's Interim Response also provided detailed reports of the remedial actions taken to date, and, with respect to unresolved issues, set forth the steps being taken to develop and implement an appropriate plan of response. RDD affirmatively communicated to MDEQ and EPA that RDD remained committed to securing the safe and compliant operation of the Facility and would meet all of the regulatory obligations imposed by the various licenses and permits.

56. On December 14 and 15, 2006, the EPA conducted additional inspections of the Facility.

57. On December 27, 2006 RDD submitted calibration settings for the chart recorders to the EPA. (Exhibit 14, December 27, 2006 Electronic Mail from RDD to EPA).

58. During the months of December 2006 and January 2007, RDD was in contact with representatives of MDEQ and the EPA, keeping the agencies apprised of developments and completion of certain actions and responding to requests for information.

59. On January 8, 2007, RDD submitted another Interim Status Report and a Notice of Proposed Operating License Transfer to the MDEQ, pursuant to Michigan Administrative Rules 299.9519 and 299.9522. (Exhibit 15, January 8, 2007 Interim Status Report and Notice). Included in the Status Report was a summary of recent work performed at the Facility to address the issues identified by the MDEQ in their correspondence of October and November of 2006,

including, detail of the repair work to wells 1-12 and 2-12 in response to the issues noted by the MDEQ during the October inspections.

60. On January 12, 2007, EPA requested additional information from EDS to determine whether cause existed to revoke and re-issue, modify or terminate the UIC permits. (Exhibit 16, January 12, 2007 Request for Information from EPA to EDS). The EPA required EDS to submit its records of injection pressure, calibration, monitoring of flow rate and injectate pH, a legend of the continuous monitoring charts, information regarding the hours worked by the well operators, and the causes of the failure of the automatic warning system.

61. In early January, RDD performed the EPA-required mechanical integrity testing, removed and properly disposed of roll-off boxes of hazardous waste left on-site from EDS' operations, developed and implemented a soil remediation plan, developed and implemented a well pump monitoring system, performed monitoring and testing of the wells, and extensively cleaned the Facility. (Exhibit 17, January 4, 2007 Electronic Mail from RDD to EPA enclosing temperature log data and January 12, 2007 Facsimile to EPA enclosing results of mechanical integrity testing).

62. On January 26, 2007, the MDEQ issued a Notice of Violation to EDS as licensee and permit holder, and to RDD as owner of the Facility and land upon which the Facility is located. (Exhibit 18, Notice of Violation). The Notice of Violation required certain actions to be taken before the MDEQ would approve transfer of either the Part 111 license or the Part 625 permit, including submission to the MDEQ of written verification of the approval of the transfer of the EPA UIC permits.

63. RDD scheduled a meeting with the MDEQ to discuss the implementation of the actions required by the Notice of Violation, and began compiling the information requested by the MDEQ for submission.

64. Concurrent with its efforts to respond to MDEQ, RDD hand delivered to EPA staff a response to all of the information requested in its January 12, 2007 Request for Information at a meeting in Chicago, Illinois on January 31, 2007. (Exhibit 19, January 30, 2007 Response to Request for Information to the EPA).

65. Included in this response was detailed information regarding the causes of the November 2, 2006 leak, all injection pressure, calibration and monitoring records requested and available (to the extent that EDS maintained these records), a legend of the continuous monitoring charts, and an initial response regarding the cause of the failure of the automatic warning system. The only information RDD was unable to provide in response to EPA's January 12, 2007 RFI was information regarding the hours worked by the well operators, as such records were maintained by EDS and were not turned over to RDD at the time of transfer.

66. At the January 31, 2007, meeting, RDD and EGT discuss the status of the Facility with EPA staff, the status of the transfer of the licenses and permits, and the efforts of RDD in addressing EPA's concerns.

67. At the same meeting, RDD communicated to the EPA that it was in the process of developing plans for transfer of the permits/licenses to a new owner/operator.

68. RDD affirmatively stated its intention to supplement its response as it received additional information, and also confirmed that it was aware of the order to suspend operations, and that it would continue to ensure that the Facility was not operated until authorization from the was received from EPA and MDEQ.



69. Also at the meeting, the EPA indicated that it was generally satisfied with RDD's progress in ensuring Facility compliance, and that a transfer application would likely be favorably received. RDD also indicated that an operator had been identified and that a formal request for transfer of the UIC permits would be submitted soon.

70. In reliance, in part, on the positive feedback during the January 31, 2007 meeting, RDD and EGT continued with their efforts to maintain compliance with permit requirements and to move forward with the formal request for transfer of the UIC permits.

71. In correspondence to the Honorable John D. Dingell dated February 8, 2007, EPA Region 5 Administrator, Mary A. Gade, acknowledged that RDD had provided recent calibration records for the pH meter and copies of the majority of requested circle charts. Ms. Gade acknowledged that both wells demonstrated internal mechanical integrity during testing in October of 2006.

72. On or about February 8, 2007, the PFRS finalized its agreement to transfer the Facility and assets to EGT.

73. On February 15, 2007, RDD and EGT met with the MDEQ (in person) and the EPA (by phone) to discuss the January 26, 2007 Notice of Violation issued by the MDEQ and to address and update EPA and MDEQ on the status of the various licenses and permits under each agencies jurisdiction.

74. Concurrent with its meeting and communication with EPA and the MDEQ, PFRS, RDD and EGT were completing the appropriate documentation for formally requesting a transfer of the UIC permits from EDS to EGT, including, but not limited to, preparing and obtaining insurance coverage and a closure bond for the Facility, and preparing a demonstration of financial responsibility.

75. On February 12 and 13, 2007, RDD submitted a replacement Letter of Credit to the MDEQ and an insurance policy summary for purposes of demonstrating financial responsibility for the Facility. (Exhibit 20, Letter of Credit and Insurance Policy Summary).

76. On February 28, 2007, RDD, EGT and EDS submitted its UIC permit transfer request to the EPA, pursuant to 40 CFR §144.41. (Exhibit 21, Transfer Application Package).

77. As of March 7, 2007, RDD had completed a number of critical tasks for purposes of finalizing the request for transfer of the Part 111 Hazardous Waste Management Facility Operating License, the Part 625 Mineral Wells Permits, and the EPA UIC permits, including, but not limited to:

- RDD coordinated with the Michigan Attorney General's office to finalize the form of the Part 111 transfer request, pursuant to the Part 111 administrative rules, and discussed the timing and content of the submittal in detail with staff of the WHMD.
- RDD outlined steps to obtain information regarding the leak at well 2-12 in October, at the request of the MDEQ.
- EGT prepared written qualifications of its staff and management team, including a summary of the training and experience of the well operators.
- RDD and EGT met on March 5, 2007 regarding the transfer of the NPDES and air quality permits, and finalized the content of the request for the license transfer to be submitted to the MDEQ.
- RDD hired Stantec Consulting Michigan, Inc., the original Facility design engineering company, which performed an engineering review of the Facility to certify repairs to the Facility and recertify the Facility's capability for treating, storing and disposing of

hazardous waste in compliance with applicable federal and state laws and administrative rules. (Exhibit 22, February 26, 2007 Certification).

- EGT continued, during this time period, to identify qualified personnel, including a Facility Manager, an Environmental Control Manager and a trained Well Operator, and identified and/or retained additional staff to fill positions required when the Facility returns to operational status.

78. On March 9, 2007, RDD and EGT submitted a draft request for transfer of the Part 111 license to the MDEQ, pursuant to Michigan Administrative Rules 299.9519 and 299.9522, including numerous exhibits and attachments addressing the MDEQ's January 26, 2007 Notice of Violation . (Exhibit 23, Draft Request for Transfer of Part 111 License).

79. During this time, RDD and EGT made progress in moving towards compliance with and transfer of the Part 625 permit including, obtaining the conformance bonds for each of the wells, completing an application for transfer of the permit, preparing statements regarding the qualifications of the well operator and an organizational chart of EGT, and coordinating with OGS staff on the transfer process.

80. On March 9, 2007, RDD submitted results from a Bottom Hole Pressure Survey of the wells to EPA as required under the EDS UIC permits. (Exhibit 24, March 9, 2007 facsimile from RDD to EPA enclosing testing results).

81. On March 13, 2007, the EPA requested additional information from RDD and EGT for the processing of its UIC transfer application package. (Exhibit 25, March 13, 2007 Electronic Mail from EPA to RDD and March 16, 2007 Correspondence from EPA to RDD and EGT).

82. On March 19, 2007, counsel for RDD submitted an update to EPA on the information requested on March 13, 2007 via electronic mail, and in a letter dated March 26, 2007 provided the Standby Trust Agreement between RDD and the PFRS and Standby Letter of Credit for the account of RDD and EDS.

83. On March 29, 2007, final copies of the UIC Permit Transfer Agreement, executed by RDD, EGT and EDS, were transmitted to EPA, via electronic mail, and by April 12, 2007, hard copies of all of the original documents related to the UIC permit transfer request were submitted to EPA. (Exhibit 26, March 19, 2007 Electronic Mail from counsel for RDD to the EPA), (Exhibit 27, March 26, 2007 Letter from RDD to the EPA), (Exhibit 28, April 12, 2007 Letter from RDD to the EPA).

84. On March 21, the EPA staff conducted an inspection of the Facility (Exhibit 29, March 21, 2007 Inspection Results). The Facility Manager for RDD was onsite for this inspection, and demonstrated a successful test of the annulus pressure alarm system as requested by EPA.

85. In a letter dated March 27, 2007, the MDEQ acknowledged the February 15, 2006 meeting between MDEQ, RDD and EGT and the completion by RDD of a number of the required actions set forth in the Notice of Violation. The MDEQ correspondence identified additional issues to be remedied before transfer of the Part 111 license and Part 625 permits could be transferred. (Exhibit 30, March 27, 2007 Letter from MDEQ to RDD).

86. Pursuant to the March 27, 2007 letter from the MDEQ, on April 6, 2007, RDD submitted to the MDEQ a work plan and schedule to address issues relating to removal of waste from storage tanks on-site dating back to EDS' operations, including a plan for decontamination

and re-certification of the Facility to bring the Facility into compliance with the conditions of the Part 111 license. (Exhibit 31, Work Plan).

87. On April 11, 2007, RDD and EGT again met with the MDEQ to discuss the transfer of the Part 111 license and the Part 625 permit. MDEQ indicated that it had performed only a preliminary review of RDD's and EGT's draft Part 111 license transfer request submission, because the EPA approval of the transfer of UIC permits was still pending.

88. At that meeting, the MDEQ also requested that EDS' previous violations of the financial assurance requirements be remedied. In response to this request, RDD and EGT immediately undertook to ensure that the Facility closure bond remained in place. RDD and EGT further agreed to continue to develop the work plan to address the remaining waste stored at the Facility, and confirmed that an amended work plan would be submitted based on MDEQ's comments to the April 6, 2007 work plan. (Exhibit 32, April 17, 2007 Electronic Mail from MDEQ to RDD summarizing April 11, 2007 Meeting).

89. On April 12, 2007, RDD and EGT received notice from the EPA that, while it had received the supplemental information requested in order to process the transfer request, the EPA had decided instead to terminate EDS' permits. (Exhibit 33, April 12, 2007 Correspondence to RDD and EGT from the EPA).

90. At no time prior to April 12, 2007, in the many communications and meetings between EPA, RDD and/or EGT, was there ever any mention or indication whatsoever that EPA intended to terminate the UIC permits. In fact, there was virtually no expression of dissatisfaction with the actions of RDD related to Facility.

91. Up until April 12, 2007, RDD and EGT were under the belief that the request for transfer of the UIC permits was being duly processed and considered by EPA.

92. Also, on April 12, 2007, the EPA indicated for the first time that it would not consider or process the RDD/EGT UIC transfer request, as the termination would render the transfer request moot.

93. On that same date, the EPA issued a Notice of Intent to Terminate the UIC permits to EDS, pursuant to 40 CFR §124.5 and 40 CFR §144.40, due to "EDS' noncompliance with numerous provisions of the permits," referring to EDS' historical violations and compliance issues occurring prior to November 2006. (Exhibit 34, Notice of Intent to Terminate).

94. Nearly all of EDS' compliance issues identified by the EPA in the Fact Sheet that accompanied the Notice of Intent to Terminate were remedied in full by RDD in the months leading up to its February 28, 2007 transfer request, including the submission of responses to EPA (and MDEQ) requests for information, providing calibration and continuous monitoring records, providing an adjusted cost estimate for closure, maintaining a trained operator on site when the well is in operation, testing and maintaining an emergency warning system, conducting the test for reservoir pressure, and provision of EPA-required reports.

95. As of April 12, 2007, the PFRS and RDD complied, substantially, if not completely, with the EPA's and the MDEQ's requests for information, remedied the staffing concerns, implemented testing and provided results of same to the MDEQ and EPA, and made necessary repairs to the Facility to prevent leaks or other unsafe conditions.

96. Importantly, RDD had taken specific steps and action to ensure the mechanical integrity of the deep disposal wells at the Facility.

97. Additionally, RDD and EGT have submitted financial assurance documentation, securing an irrevocable Letter of Credit and closure bond related to the wells. (Exhibit 27, April 12 Letter Enclosing Financial Documents from RDD to EPA).

98. On April 25, 2007, EDS filed a Certificate of Dissolution with the Michigan Department of Labor and Economic Growth. (Exhibit 35, Certificate of Dissolution).

99. On or about the same time, the MDEQ issued notice to RDD that it would table consideration of RDD's request to transfer the Part 111 permit, pending a decision by the EPA on the UIC permits.

100. On May 7, 2007, RDD submitted to the MDEQ an updated work plan and detailed schedule regarding waste removal, decontamination and re-certification of the Facility, implementing the "First In - First Out" plan to remove EDS' waste material from the Facility safely and in compliance with all applicable laws and regulations. (Exhibit 36, May 7, 2007 Work Plan and Schedule, and May 24, 2007 Correspondence from MDEQ to RDD approving Work Plan).

101. In an email dated May 9, 2007, James Stropkai of the Michigan Attorney General's office stated that if the EPA were to terminate the UIC permits, then the Part 111 permit would automatically terminate, and any new operator would have to re-apply for all permits and licenses. (Exhibit 37, May 9, 2007 Electronic Mail from Attorney General to RDD).

102. From November 2006 through April of 2007, RDD and the PFRS provided approximately \$1,200,000.00 in capital for operation, maintenance, and repair costs for the Facility, including over \$450,000.00 in expenditures related to compliance with the MDEQ's and the EPA's directives, and have budgeted at least an additional \$1,000,000 for Facility operations through July of 2007.

103. From November 2006 through June of 2007, RDD and/or EGT have addressed virtually every compliance or regulatory issues raised by EPA or MDEQ whether directed to RDD, EGT or EDS.

104. In correspondence dated May 8, 2007, MDEQ issued a "no further action" letter in response to RDD's efforts and actions addressing the October 23, 2006 leak at well 2-12. (Exhibit 38, May 8, 2007 Correspondence from MDEQ to RDD).

105. On May 23, 2007, the public hearing on the EPA's Notice of Intent to Terminate the UIC permits was held in Romulus at which the PFRS, RDD and EGT stated their opposition to EPA's intent to terminate the EDS UIC permits.

106. As of June 10, 2007, RDD had made substantial progress in implementing the waste removal work plan. Approximately 130,000 gallons of hazardous waste have been removed from the Facility (Exhibit 39, June 12, 2007 Summary of Waste Disposal).

107. RDD and EGT are finalizing the Part 625 transfer request for submission to MDEQ OGS staff.

108. Upon completion of the implementation of the waste removal and decontamination work plan, RDD will move forward with re-certification of the Facility for future operations as required by EPA and MDEQ.

109. The PFRS have approved a budget for RDD to continue operation of the Facility through July 31, 2007.



### III. SUMMARY OF REGULATORY RESPONSES/EXPENDITURES/ACTION

A. See Chart of Regulatory Requests for Information, Compliance and Remedial Action Issued to EDS and the Corresponding Responses of PFRS/RDD, attached as Tab A to this section.

B. See Exhibits presented by RDD at May 23, 2007 Public Hearing on EPA's Notice of Intent to Terminate Permits, attached as Tab B to this section.

C. See Chart of RDD Compliance and Operational Expenditures, attached as Tab C to this Section.

**EPA AND MDEQ REQUESTS FOR INFORMATION, COMPLIANCE AND REMEDIAL ACTION ISSUED TO EDS AND THE CORRESPONDING RESPONSES OF PFRS/RDD**

Requesting Entity	Recipient	Correspondence	Requests	Responding Party	Correspondence	Responses
OGS	EDS	10/25/2006 Correspondence regarding Well Leak and Injectate Loss Well 1-12 and Well Conditions Well 2-12	Investigation into failure of gasket at 2-12 wellhead on 10/23/2006	RDD	12/14/2006 Interim Response to Regulatory Correspondence	Provided Incident Report for gasket failure and leak
OGS	EDS	10/25/2006 Correspondence regarding Well Leak and Injectate Loss Well 1-12 and Well Conditions Well 2-12	Explanation of failure of gasket	RDD	12/14/2006 Interim Response to Regulatory Correspondence	RDD was unable to provide this information, as EDS did not make this information available; RDD provided incident reports detailing the circumstances of the gasket failure
OGS	EDS	10/25/2006 Correspondence regarding Well Leak and Injectate Loss Well 1-12 and Well Conditions Well 2-12	Clarification of nature of rinse water	RDD	12/14/2006 Interim Response to Regulatory Correspondence	Described nature of rinse water as municipal water
OGS	EDS	10/25/2006 Correspondence regarding Well Leak and Injectate Loss Well 1-12 and Well Conditions Well 2-12	Description of training/expertise of well operator	RDD	12/14/2006 Interim Response to Regulatory Correspondence	Provided description of training and expertise of staff; provided updated version of personnel training program
OGS	EDS	10/25/2006 Correspondence regarding Well Leak and Injectate Loss Well 1-12 and Well Conditions Well 2-12	Plan for liquid detection system	RDD	12/14/2006 Interim Response to Regulatory Correspondence	Provided plan to address liquid accumulation and to implement a warning system

Requesting Entity	Recipient	Correspondence	Requests	Responding Party	Correspondence	Responses
OGS	EDS	10/25/2006 Correspondence regarding Well Leak and Injectate Loss Well 1-12 and Well Conditions Well 2-12	Install liquid detection system in the wells' cellars	RDD	12/14/2006 Interim Response to Regulatory Correspondence	Submitted plan to address liquid accumulation, including pumping of cellars on regular schedule; installed liquid detection monitoring system
OGS	EDS	10/25/2006 Correspondence regarding Well Leak and Injectate Loss Well 1-12 and Well Conditions Well 2-12	Plan for visual inspections of wellhead during pumping initiation and while the well is online	RDD	12/14/2006 Interim Response to Regulatory Correspondence	Provided plan for visual inspection of wellhead during pumping initiation and while well is online
OGS	EDS	10/27/2006 Correspondence regarding Well Leak and Injectate Loss Well 1-12 and Well Conditions Well 2-12	Report regarding the circumstances surrounding the failure of wellhead 1-12 on 10/26/2006	RDD	12/14/2006 Interim Response to Regulatory Correspondence	Provided Incident Report regarding the failure of wellhead 1-12
OGS	EDS	10/27/2006 Correspondence regarding Well Leak and Injectate Loss Well 1-12 and Well Conditions Well 2-12	Provide plan for removal of contents of Rinse Wastewater Vault and Storm Water Run-off Vault	RDD	12/14/2006 Interim Response to Regulatory Correspondence	Provided and implemented plan for removal of contents of the vaults on a daily basis
OGS	EDS	10/27/2006 Correspondence regarding Well Leak and Injectate Loss Well 1-12 and Well Conditions Well 2-12	Submit a P.E. certification for all repairs and recertification of facility's capability of treating, storing and disposing of hazardous waste	RDD	2/28/2007 Application for Transfer of UIC Permits	Submitted certification with 2/28/2007 Application for Transfer of UIC Permits
OGS	EDS	10/27/2006 Correspondence regarding Well Leak and Injectate Loss Well 1-12 and Well Conditions Well 2-12	Identify the nature of injected fluid at time of failure into well 1-12	RDD	12/14/2006 Interim Response to Regulatory Correspondence	Provided information regarding the substance being injected at time of leak
OGS	EDS	10/27/2006 Correspondence regarding Well Leak and Injectate Loss Well 1-12 and Well Conditions Well 2-12	Submit plan to restore mechanical integrity	RDD	12/14/2006 Interim Response to Regulatory Correspondence	Submitted report of plan to restore mechanical integrity

Requesting Entity	Recipient	Correspondence	Requests	Responding Party	Correspondence	Responses
OGS	EDS	10/27/2006 Correspondence regarding Well Leak and Injectate Loss Well 1-12 and Well Conditions Well 2-12	Implement proper removal and disposal of fluids in well cellar	RDD	12/14/2006 Interim Response to Regulatory Correspondence	Provided and implemented plan to dispose of any liquid accumulation in secondary containments within 24 hours of detection
WHMD	EDS	11/2/2006 Letter of Warning and Suspension of Operations	Provide plan for cleanup of impacted areas due to 10/23/2006 and 10/26/2006 leaks/failures	RDD	12/14/2006 Interim Response to Regulatory Correspondence	Provided confirmation of soil samples and stated intention to implement remedial action if needed
WHMD	EDS	11/2/2006 Letter of Warning and Suspension of Operations	Provide plan to seal sumps (cellars)	RDD	12/14/2006 Interim Response to Regulatory Correspondence; well cellar Work Plan submitted 6/15/2007	Provided plan to seal sumps (cellars)
WHMD	EDS	11/2/2006 Letter of Warning and Suspension of Operations	Provide plan to install leak detection system with automatic shutoffs	RDD	12/14/2006 Interim Response to Regulatory Correspondence; well cellar Work Plan submitted 6/15/2007	Provided plan to install leak detection system with automatic shutoffs and installed curtain to address squirt protection
WHMD	EDS	11/2/2006 Letter of Warning and Suspension of Operations	Plan to provide constant staff monitoring of the well during pumping operations	RDD	12/14/2006 Interim Response to Regulatory Correspondence	Provided plan to provide constant staff monitoring of the well during pumping operations
WHMD	EDS	11/2/2006 Letter of Warning and Suspension of Operations	Provide written report containing all information in License Conditions II.L.6(a)(i)-(iii)	RDD	12/14/2006 Interim Response to Regulatory Correspondence	Provided written report containing all information in License Conditions II.L.6(a)(i)-(iii)

Requesting Entity	Recipient	Correspondence	Requests	Responding Party	Correspondence	Responses
EPA	EDS	11/20/2006 Notice of Noncompliance	Provide signed certification of activities required	RDD	12/14/2006 Interim Response to Regulatory Correspondence	Explained that certification was impossible due to RDD's function as interim facility manager.
EPA	EDS	11/20/2006 Notice of Noncompliance	Ensure that all staff associated with operation complete all required training and update training records	RDD	12/14/2006 Interim Response; 12/14/2006 Correspondence to EPA and MDEC; 2/28/2007 Application for Transfer of UIC Permits	Provided updated version of staff training program and trainers, as well as list of staff and their qualifications; identified Facility Emergency Coordinator and Backup Coordinator; provided updated contingency plan; provided names, job titles, training requirements and training records for all staff; described changes in staffing; identification of employees present during leak; identified trained well operators; submitted a copy of the resume and training qualifications for EGT's deep well operator and an expected work schedule; submitted a general overview of personnel qualifications for EGT, including resumes for each expected individual employee.

Requesting Entity	Recipient	Correspondence	Requests	Responding Party	Correspondence	Responses
EPA	EDS	11/20/2006 Notice of Noncompliance	Properly calibrate all gauges that measure operating conditions	RDD	12/14/2006 Interim Response to Regulatory Correspondence and 1/30/2007 Response to Request for Information; 5/10/0 Electronic Mail	Provided gauge calibration records showing proper calibration
EPA	EDS	11/20/2006 Request for Information	Provide information regarding the circumstances of each leak or failure	RDD	12/14/2006 Interim Response to Regulatory Correspondence	Provided incident reports for the leaks or failures on 10/23/2006 and 10/26/2006
EPA	EDS	11/20/2006 Request for Information	Retain and make available gauge calibration and maintenance records	RDD	12/14/2006 Interim Response to Regulatory Correspondence and 1/30/2007 Response to Request for Information	Provided available calibration and maintenance records
EPA	EDS	11/20/2006 Request for Information	Retain and make available original chart recordings for continuous monitoring instrumentation	RDD	12/14/2006 Interim Response to Regulatory Correspondence	Provided original chart recordings
EPA	EDS	11/20/2006 Request for Information	Provide access to required records	RDD	12/14/2006 Interim Response to Regulatory Correspondence	Provided required records if available
EPA	EDS	11/20/2006 Request for Information	Operate wells only while a trained operator is on-site	RDD	12/14/2006 Interim Response to Regulatory Correspondence	Not applicable, as well has not been operated since October of 2006

Requesting Entity	Recipient	Correspondence	Requests	Responding Party	Correspondence	Responses
EPA	EDS	11/20/2006 Request for Information	Provide information regarding staff at the facility during the leaks/failures	RDD	12/14/2006 Interim Response to Regulatory Correspondence	Provided list of EDS employees at the facility at the time of the leaks/failures
EPA	EDS	11/20/2006 Request for Information	Identification of former and current EDS employees considered to be trained operators to meet the requirements of UIC permit, and describe those employees' training	RDD	12/14/2006 Interim Response to Regulatory Correspondence	Identified the EDS employees considered to be trained operators; submitted records of completed training
EPA	EDS	11/20/2006 Request for Information	Provide updated staff training records, information regarding staff changes and information regarding interim facility staffing	RDD	12/14/2006 Interim Response; 12/14/2006 Correspondence to EPA and MDEQ, and 2/28/2007 Application for Transfer of UIC Permits	Provided updated version of staff training program and trainers, as well as list of staff and their qualifications; identified Facility Emergency Coordinator and Backup Coordinator; provided updated contingency plan; provided names, job titles, training requirements and training records for all staff; described changes in staffing; identification of employees present during leak; identified trained well operators; submitted a copy of the resume and training qualifications for EGT's deep well operator and an expected work schedule; submitted a general overview of personnel qualifications for EGT, including resumes for each expected individual employee

Requesting Entity	Recipient	Correspondence	Requests	Responding Party	Correspondence	Responses
EPA	EDS	11/20/2006 Request for Information	Explain discrepancies in readings of gauges and state whether the annulus system of each well includes a site gauge, and its location	RDD	12/14/2006 Interim Response to Regulatory Correspondence	Explained discrepancies in the readings of gauges; provided explanation of calibration and use of manual and digital gauges; explained computer failure of annulus gauges and subsequent repair of the system; provided location of site gauges for annulus systems
EPA	EDS	11/20/2006 Request for Information	Explain why well calibration records and original chart recordings for continuous monitoring instrumentation were unavailable during 11/2/2006 and 11/3/2006 inspections	RDD	12/14/2006 Interim Response to Regulatory Correspondence	Provided explanation of unavailability of records due to submission to MDEQ and EPA on 10/23/2006
EPA	EDS	11/20/2006 Request for Information	Describe that source and composition of the rinse water that leaked from well 2-12 on 10/23/2006	RDD	12/14/2006 Interim Response to Regulatory Correspondence	Provided description of source and composition of rinse water as part of incident report for leak on 10/23/2006
EPA	EDS	11/20/2006 Request for Information	Describe any changes in facility ownership or operational control of the facility	RDD	12/14/2006 Interim Response and 12/14/2006 Correspondence to EPA and MDEQ	Provided statement of RDD as interim facility manager and stated that a formal request for permit transfer was being developed; explained circumstances surrounding the change in control and ownership of the facility
EPA	EDS	1/12/2007 Request for Information	Provide leak incident report for 11/2/2006 leak	RDD	1/30/2007 Response to Request for Information	Provided incident report detailing the 11/2/2006 leak



Requesting Entity	Recipient	Correspondence	Requests	Responding Party	Correspondence	Responses
EPA	EDS	1/12/2007 Request for Information	Describe notification procedures for instances of permit noncompliance	RDD	1/30/2007 Response to Request for Information	Provided description of notification procedures for instances of permit noncompliance
EPA	EDS	1/12/2007 Request for Information	Provide injection pressure gauge calibration and maintenance records from December 2005 through the present	RDD	12/14/2006 Interim Response to Regulatory Correspondence and 1/30/2007 Response to Request for Information; 5/10/2007 Electronic Mail	Provided all available injection pressure gauge and maintenance records
EPA	EDS	1/12/2007 Request for Information	Provide pH meter gauge calibration and maintenance records from 2005 to the present	RDD	12/14/2006 Interim Response to Regulatory Correspondence and 1/30/2007 Response to Request for Information; 5/10/2007 Electronic Mail	Provided all available pH meter gauge calibration and maintenance records
EPA	EDS	1/12/2007 Request for Information	Provide original chart recordings for the continuous monitoring instrumentation for the week of 10/2/2006 and from 10/23/2006 through 1/1/2007	RDD	1/30/2007 Response to Request for Information	Provided all available original chart continuous monitoring records

Requesting Entity	Recipient	Correspondence	Requests	Responding Party	Correspondence	Responses
EPA	EDS	1/12/2007 Request for Information	Provide electronic records of continuous monitoring information for flow rate and injectate pH collected from December 2005 to the present, or a report detailing the reasons for the unavailability of those records	RDD	1/30/2007 Response to Request for Information	Provided explanation regarding the unavailability of the electronic records, as it was unknown if EDS maintained such records, and they were not available to RDD
EPA	EDS	1/12/2007 Request for Information	Provide legend for three continuous monitoring charts and operational parameters	RDD	1/30/2007 Response to Request for Information	Provided legend for continuous monitoring charts, operational parameters and colors of identifiers
EPA	EDS	1/12/2007 Request for Information	Provide the dates/hours where the operator was onsite from December 2005 to November 2006	RDD	1/30/2007 Response to Request for Information	RDD was unable to provide this information, as EDS did not make these records available
EPA	EDS	1/12/2007 Request for Information	Describe failure of automatic warning system on 12/5/2006	RDD	1/30/2007 Response to Request for Information	Provided statement regarding status of investigation of failure of automatic warning system, and stated that the failure was likely electronic; hired contractor to address electronic issues
EPA	EDS	2/15/2007 Electronic Mail re: EDS Facility Compliance	Demonstrate calibration of the injection pressure gauges	RDD	12/14/2006 Interim Response to Regulatory Correspondence and 1/30/2007 Response to Request for Information; 5/10/2007 Electronic Mail	Submitted documentation of calibration of injection pressure gauges

Requesting Entity	Recipient	Correspondence	Requests	Responding Party	Correspondence	Responses
EPA	EDS	2/15/2007 Electronic Mail re: EDS Facility Compliance	Post calibration marks on the annulus tank level sight glasses	RDD	5/8/2007 Electronic Mail	Submitted photographs of calibration marks on the annulus tank level sight glasses
EPA	EDS	2/15/2007 Electronic Mail re: EDS Facility Compliance	Demonstrate adequate staffing and submit resumes, training records and expected work schedules of deep well operator	RDD	2/28/2007 Application for Transfer of UIC Permits	Submitted a copy of the resume and training qualifications for EGT's deep well operator and an expected work schedule; submitted a general overview of personnel qualifications for EGT, including resumes for each expected individual employee
EPA	EDS	2/15/2007 Electronic Mail re: EDS Facility Compliance	Certify repairs to automatic warning and shutoff system	RDD	2/28/2007 Application for Transfer of UIC Permits	Submitted documentation certifying repairs to the automatic warning and shutoff system, plans for installation of a well leak detection system, plan for lining system for well head cellars and certification of facility by Stantec
EPA	EDS	2/15/2007 Electronic Mail re: EDS Facility Compliance	Conduct demonstration of annulus pressure automatic warning and shutoff system in presence of EPA official	RDD	3/21/2007 EPA Inspection	Successful demonstration of annulus pressure automatic warning and shutoff system, as evidenced by EPA inspection report
EPA	EDS	2/15/2007 Electronic Mail re: EDS Facility Compliance	Provide assurance that alarm is audible to deep well operator	RDD	3/21/2007 EPA Inspection	Successful demonstration of annulus pressure automatic warning and shutoff system, as evidenced by EPA inspection report

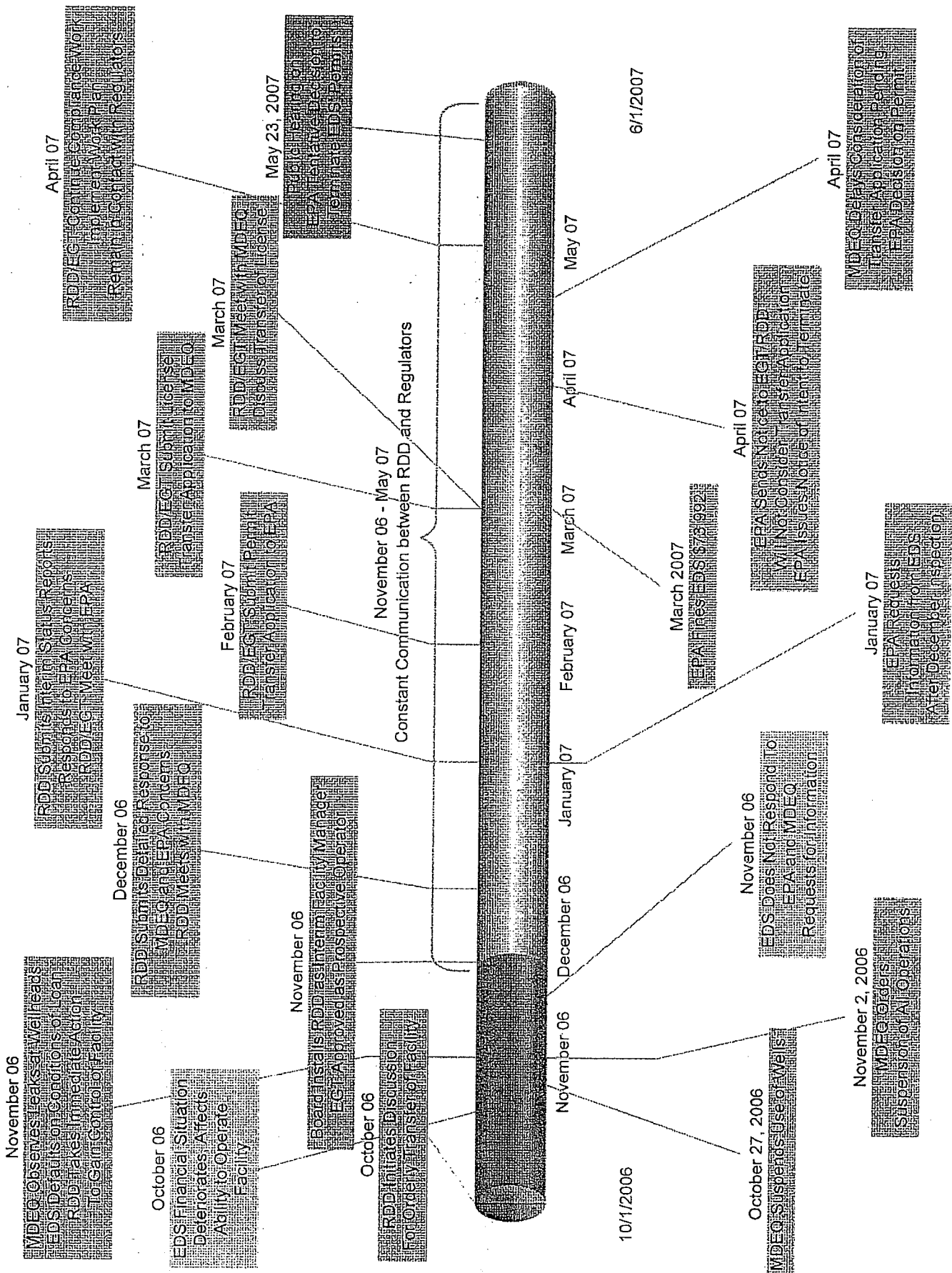
Requesting Entity	Recipient	Correspondence	Requests	Responding Party	Correspondence	Responses
EPA	EDS	2/15/2007 Electronic Mail re: EDS Facility Compliance	Submit procedures to conduct an ambient reservoir pressure test for EPA approval	RDD	2/28/2007 Application for Transfer of UIC Permits	Submitted documentation demonstrating the intended performance of an Ambient Reservoir Pressure Test by Baker Hughes
EPA	EDS	2/15/2007 Electronic Mail re: EDS Facility Compliance	Conduct ambient reservoir pressure test	RDD	Submitted by 3 <sup>rd</sup> party week of 3/12/2007	Conducted ambient reservoir pressure test 3/9/2007; submitted results of test
EPA	EDS	2/15/2007 Electronic Mail re: EDS Facility Compliance	Submit updated corrosion monitoring plan	RDD	Unknown	Drafted updated corrosion monitoring plan on March 10, 2007, and submitted to EPA
EPA	EDS	2/15/2007 Electronic Mail re: EDS Facility Compliance	Submit descriptive statement of how the electronic records and the circle charts of the continuous monitoring information will be maintained	RDD	2/28/2007 Application for Transfer of UIC Permits	Submitted documentation regarding electronic record keeping for process data logging, steps for maintaining electronic records by EGT and information regarding an investigation of missing chart recordings
EPA	RDD	3/16/2007 Correspondence Regarding Transfer Application Submission	Provide transfer of ownership agreement signed by EDS with specific dates of transfer of permit responsibility, coverage and liability	RDD	3/19/2007 electronic mail; 3/26/2007 and 4/12/2007 Correspondence Regarding Financial Assurance	Submitted original executed copies of UIC Permit Transfer Agreements executed on behalf of RDD Investment Corp., EGT and EDS; submitted a copy of the Affidavit of Douglas Wicklund evidencing authority to execute various documents on behalf of EDS and related entities; submitted a copy of the Authorization Resolution of Remus Joint Venture

Requesting Entity	Recipient	Correspondence	Requests	Responding Party	Correspondence	Responses
EPA	RDD	3/16/2007 Correspondence Regarding Transfer Application Submission	Provide RDD Letter of Credit with exact wording of 40 CFR 144.70(d) for the account of RDD and EDS	RDD	3/19/2007 electronic mail; 3/26/2007 and 4/12/2007 Correspondence Regarding Financial Assurance	Submitted cover letter (as required by 40 CFR 144.63(d)(4)) and two executed duplicate original Irrevocable Standby Letters of Credit effective March 22, 2007, for the account of RDD and EDS, along with the February 8, 2007, Plugging and Abandonment Cost Update prepared by Petrotek Engineering Corporation
EPA	EDS	3/16/2007 Correspondence Regarding Transfer Application Submission	Provide EGT Letter of Credit with exact wording of 40 CFR 144.70(d)	RDD	3/19/2007 electronic mail; 3/26/2007 and 4/12/2007 Correspondence Regarding Financial Assurance	Submitted cover letter (as required by 40 CFR 144.63(d)(4)) and two executed duplicate original Irrevocable Standby Letters of Credit effective March 22, 2007, for the account of EGT, along with the February 8, 2007, Plugging and Abandonment Cost Update prepared by Petrotek Engineering Corporation
EPA	RDD	3/16/2007 Correspondence Regarding Transfer Application Submission	Submit standby trust agreements	RDD	3/19/2007 electronic mail; 3/26/2007 and 4/12/2007 Correspondence Regarding Financial Assurance	Submitted executed duplicates of the Standby Trust Agreements, one between RDD (Grantor) and PFRS (Trustee), and one between EGT ("Grantor" and Comerica Bank ("Trustee"), effective March 22, 2007

Requesting Entity	Recipient	Correspondence	Requests	Responding Party	Correspondence	Responses
EPA	EDS	3/16/2007 Correspondence Regarding Transfer Application Submission	Demonstrate calibration of the injection pressure gauges	RDD	12/14/2006 Interim Response to Regulatory Correspondence and 1/30/2007 Response to Request for Information; 5/10/2007 Electronic Mail	Submitted documentation of calibration of injection pressure gauges via electronic mail
EPA	RDD	3/16/2007 Correspondence Regarding Transfer Application Submission	Post calibration marks on the annulus tank level sight glasses	RDD	5/7/2007 Electronic Mail	Submitted photographs of calibration marks on the annulus tank level sight glasses
EPA	RDD	3/16/2007 Correspondence Regarding Transfer Application Submission	Provide assurance that alarm is audible to deep well operator	RDD	3/21/2007 EPA Inspection Report; 3/21/2007 electronic mail	Successful demonstration of annulus pressure automatic warning and shutoff system, as evidenced by EPA inspection report
EPA	RDD	3/16/2007 Correspondence Regarding Transfer Application Submission	Update corrosion monitoring plan	RDD	Unknown	Drafted updated corrosion monitoring plan on March 10, 2007, and submitted to EPA
WHMD	RDD	3/27/2007 Correspondence Regarding Compliance of EDS Facility	Submit written certification of Facility construction and capability for management of hazardous waste	RDD		This procedure has begun, but is currently on hold pending removal of all hazardous waste per the request of MDEQ
WHMD	RDD	3/27/2007 Correspondence Regarding Compliance of EDS Facility	Provide work plan and schedule for waste removal and decontamination and rinsing of tanks, piping and other equipment	RDD	4/6/2007 and 5/7/2007 work plans and schedules	Submitted initial and revised work plan and schedule for waste removal, decontamination and re-certification of Facility

Requesting Entity	Recipient	Correspondence	Requests	Responding Party	Correspondence	Responses
WHMD	RDD	3/27/2007 Correspondence Regarding Compliance of EDS Facility	Remove and properly dispose of hazardous waste; decontaminate storage tanks	RDD	5/1/2007 - Current	Removal and off-site disposal of hazardous waste from fourteen tanks as of 6/14/2007; decontaminated four tanks as of 6/14/2007

<b>Key:</b>	
EDS	Environmental Disposal Systems, Inc.
EGT	Environmental Geo-Technologies, LLC
EPA	United States Environmental Protection Agency
MDEQ	Michigan Department of Environmental Quality
OGS	Michigan Department of Environmental Quality Office of Geological Survey
PFRS	Police and Fire Retirement System for the City of Detroit
RDD	RDD Operations, LLC
WHMD	Michigan Department of Environmental Quality Waste and Hazardous Materials Department





November 2006  
 \$68,428.54  
 Water Vault and Secondary Containment Vaults  
 Plant and Well Computer Operating System Repairs  
 Disposal of Hazardous Solvents in Rollers  
 Treatment Chemicals  
 Monitoring and Analytical  
 Compliance Support

November 2006  
 \$73,506.00  
 City of Romulus Construction  
 Inspection & Sewer Fees

December 2006 - January 2007  
 \$155,321.39  
 Operating Costs  
 Insurance  
 Closure Bond  
 Lab Equipment  
 Utilities  
 Plant and Site Maintenance

February 2007 - April 2007  
 \$255,546.74  
 Disposal of Water Draining to Storm Water Vault  
 Disposal of Hazardous Solids  
 Liquid Detection Monitoring System at Wellhead  
 EPA Required Tests on Wells  
 Engineering Report for Oil Platform  
 Plant Equipment and Repairs  
 Plant Cleaning  
 Safety Supplies and Employee Training  
 Monitoring and Analytical  
 Compliance Support  
 Lab Equipment and Supplies

May 2007  
 \$51,801.53  
 Operating Costs  
 Insurance  
 Closure Bond  
 Lab Equipment  
 Utilities

November 2006 - May 2007  
 PFRS and RDD spend \$1,340,000.00 on  
 Compliance and Operational Costs

November 2006  
 \$89,646.00  
 Delinquent Property Taxes

November 2006  
 \$89,517.94  
 Operating Costs  
 Utilities  
 Lab Equipment  
 Plant and Site Maintenance

December 2006 - January 2007  
 \$188,169.75  
 Disposal and Tracking of Water in Storm Water Vault  
 Disposal of Hazardous Solids  
 Remediation Costs at Wellheads  
 Temperature Survey Tests on Wells  
 Plant Equipment and Repairs  
 Plant Cleaning  
 Lab Equipment and Supplies  
 Monitoring and Analytical  
 Compliance Support

February 2007 - April 2007  
 \$269,521.74  
 Operating Costs  
 Insurance  
 Closure Bond  
 Lab Equipment  
 Utilities  
 Plant and Site Maintenance

November 2006 - May 2007  
 \$45,269.85  
 Security Costs

May 2007  
 \$261,805.90  
 Disposal of Stored Waste  
 Deep Remediation of Tanks  
 Tank Monitoring  
 Corrosion Resistant Liner for Well Cells  
 EPA Health Studies  
 Plant Equipment and Repairs  
 Safety Supplies and Employee Training  
 Lab Equipment  
 Monitoring and Analytical  
 Compliance Support

**COMPLIANCE, REMEDIAL AND OPERATIONAL COSTS  
EXPENDED BY PFRS AND RDD  
FORMER ENVIRONMENTAL DISPOSAL SYSTEMS FACILITY**

**NOVEMBER 1, 2006 – MAY 31, 2007**

<b>Description of Expense</b>	<b>Amount Expended</b>
Disposal of Water Draining to Storm Water Vault	\$214,377.25
Disposal of Stored Waste and Decontamination of Tanks	\$67,102.07
Disposal of Hazardous Solids in Rolloffs	\$44,224.04
Liquid Detection/Monitoring System at Wellheads	\$2,320.00
Remediation Costs at Wellheads	\$12,551.46
EPA Required Tests for Wells, including Ambient Reservoir Pressure Test, Temperature Survey Test and Well Reservoir Pressure Test	\$21,488.60
Engineering Recertification of Plant	\$12,000.00
Plant Equipment and Repairs	\$49,302.27
Plant and Well Computer Operating System Repairs	\$10,000.00
Drum Room Repairs	\$7,000.00
Plant Cleaning	\$4,406.71
Lab Equipment and Supplies	\$11,607.05
Safety Supplies/Employee Training	\$4,638.13
Monitoring and Analytical	\$6,052.10
Compliance Support	\$11,669.76
Security	\$56,941.02
Insurance and Closure Bond	\$170,747.51
Utilities and Telephone	\$70,077.15
Administrative Expenses	\$8,989.46
Plant and Site Maintenance	\$5,278.95
City of Romulus Construction Inspection and Sewer Fees	\$73,506.00
Property Taxes	\$89,646.00
Furnace Repair	\$12,633.00
Locksmith - Change all locks	\$1,227.00
Subsurface Technologies - Core Storage	\$1,082.00
Management and Staffing Expenses	\$207,835.48
<b>Grand Total</b>	<b>\$1,176,703.01</b>

BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.

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In Re:

Environmental Disposal Systems, Inc.

Romulus, Michigan

Appeal No. UIC 07-01

Permit Nos. MI-163-1W-C007 and  
MI-163-1M-2008

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**AFFIDAVIT OF CAROLYN A. SULLIVAN  
IN SUPPORT OF MOTION FOR LEAVE TO FILE REPLY BRIEF**

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Carolyn A. Sullivan, being first duly sworn, states as follows:

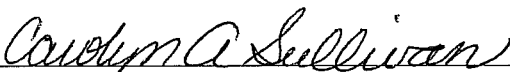
1. I am an attorney licensed to practice in the State of Wisconsin, and I am one of the attorneys for Environmental Geo-Technologies, LLC ("EGT") in this matter. As such, I have personal knowledge of the facts and matters stated in this Affidavit.

2. Attached to EGT's Motion for Leave to File Reply Brief in the above-referenced matter are two exhibits:

a. Exhibit A – An Index of Documents Submitted on Behalf of EGT as Appendix G to EGT's June 21, 2007 *U.S. Environmental Protection Agency's April 12, 2007 Notice of Intent to Terminate UIC Permits Issued to Environmental Disposal Systems, Inc., Romulus, Michigan – Comment of Environmental Geo-Technologies, LLC Proposed Transferee of Permit Nos. MI-163-C007 and MI-163-C008*; and

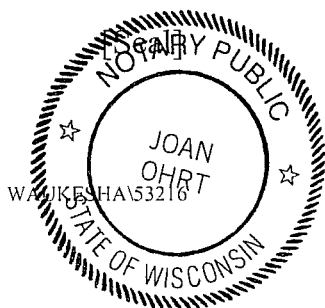
b. Exhibit B – A "Chronology of Relevant Facts" and a "Summary of Regulatory Responses/Expenditures/Action" (with Chart of Regulatory Requests For Information, Compliance and Remedial Action Issued to EDS and the Corresponding Responses of PFRS/RDD, two timelines, and Chart of Compliance, Remedial and Operational Costs Expended by PFRS and RDD), which were provided by counsel for the Police and Fire Retirement System of the City of Detroit ("PFRS") and RDD Investment Corp. and RDD Operations, LLC ("RDD") and which were attached as Appendix C to EGT's June 21, 2007 *U.S. Environmental Protection Agency's April 12, 2007 Notice of Intent to Terminate UIC Permits Issued to Environmental Disposal Systems, Inc., Romulus, Michigan – Comment of Environmental Geo-Technologies, LLC Proposed Transferee of Permit Nos. M1-163-C007 and M1-163-C008.*

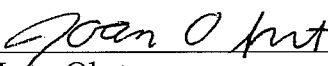
3. I make this affidavit in support of EGT's Motion for Leave to File Reply Brief to the response of the U.S. EPA in the above matter.

  
 Carolyn A. Sullivan

State of Wisconsin     )  
                                       : SS  
 Waukesha County     )

This instrument was acknowledged before me on the 16th day of July, 2007, by Carolyn A. Sullivan.



  
 Joan Ohrt  
 Notary Public, State of Wisconsin  
 My commission expires on 02/06/2011.

**CERTIFICATE OF SERVICE**

I hereby certify that I delivered a copy of the foregoing Motion for Leave to File Reply Brief and Exhibits and Affidavit of Carolyn A. Sullivan in Support of Motion for Leave to File Reply Brief to the person designated below, on the date below, by Federal Express, in an envelope addressed to:

Thomas J. Krueger  
Associate Regional Counsel  
United States Environmental Protection Agency, Region 5  
77 W. Jackson Boulevard  
Chicago, IL 60604

I have also filed the foregoing Motion for Leave to File Reply Brief and Exhibits and Affidavit of Carolyn A. Sullivan in Support of Motion for Leave to File Reply Brief and this Certificate of Service with the Clerk of the Environmental Appeals Board, on the date below, by Federal Express, in an envelope addressed to:

U.S. Environmental Protection Agency  
Clerk of the Board  
Environmental Appeals Board  
Colorado Building  
1341 G Street, N.W., Suite 600  
Washington, D.C. 2005

Dated this 16th day of July, 2007.

  
\_\_\_\_\_  
Joan Ohrt  
Legal Secretary  
Reinhart Boerner Van Deuren s.c.  
W233 N2080 Ridgeview Parkway  
Waukesha, WI 53188

Mailing address:  
P.O. Box 2265  
Waukesha, WI 53187-02265