

IN THE COURT OF COMMON PLEAS
LAWRENCE COUNTY, OHIO

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LAWRENCE COUNTY
COURTS
CLERK
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STATE OF OHIO, ex rel.
LEE FISHER,

Plaintiff,

vs.

SOUTH POINT ETHANOL,

Defendant.

CASE NO.

JUDGE W. RICHARD WALTON

940C006296

CONSENT ORDER

Plaintiff, State of Ohio, by its Attorney General, Lee Fisher (hereinafter "Plaintiff"), having filed the Complaint against Defendant South Point Ethanol (hereinafter "Defendant") alleging violations of Chapter 3734 of the Ohio Revised Code and the rules promulgated thereunder, and the parties having consented to the entry of this Order.

NOW THEREFORE, without the trial of any issue of fact or law, and upon the consent of the parties hereto, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

I. JURISDICTION

1. The Court has jurisdiction over the parties and subject matter of this action, pursuant to Chapter 3734 of the Ohio Revised Code and the rules adopted thereunder. Venue is proper in this Court. The Complaint states a claim upon which relief can be granted.

II. PARTIES

2. The provisions of this Consent Order shall apply to and be binding upon the parties to this action, their agents, officers, employees, assigns, successors in interest and any person acting in concert, privity or participation with them who receive actual notice of this Consent Order whether by personal service or otherwise; provided, however, that Defendant's agents, officers, and employees and

employees of any contractor engaged by Defendant to carry out work to be performed pursuant to this Consent Order shall be responsible to participate in the carrying out, in their corporate or partnership capacity, work or obligations to be performed under this Consent Order and shall not be personally responsible for the obligations assumed under this Consent Order. Defendant shall provide a copy of this Consent Order to each contractor it employs to perform work itemized herein.

III. SATISFACTION OF LAWSUIT

3. Plaintiff has alleged in its Complaint that Defendant has operated its facility located at County Road 1, South Point, Ohio 45680 (hereinafter "the Facility") in violation of various provisions of the hazardous waste laws of Ohio, as set forth in Chapter 3734 of the Ohio Revised Code and the rules adopted thereunder. Defendant neither admits nor denies those allegations. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability by Defendant and its agents, officers, employees, assigns and successors in interest who are bound by this Consent Order for those claims which have been alleged in the Complaint.

4. This Consent Order shall not be construed to act as a bar to the authority of Plaintiff to seek relief, by separate action, for future violations of law. Plaintiff may also, if appropriate, enforce this Consent Order through a contempt action or otherwise for violations of this Consent Order.

5. Nothing in this Consent Order, including the imposition of stipulated civil penalties, shall limit the authority of Plaintiff to seek relief for claims or conditions not alleged in the Complaint, or to seek any relief for claims or conditions alleged in the Complaint which occur after the entry of this Consent Order. In addition, Plaintiff hereby specifically reserves its rights under the Comprehensive Environmental Response Compensation and Liability Act, as amended, 42 U.S.C. § 9601, *et seq.* and/or Ohio Revised Code Sections 3734.20 through 3734.27 to bring any action against Defendant or against any person to: (1)

recover natural resource damages, and/or (2) require the performance of, and/or to recover response costs for, any removal, remedial or corrective activities not conducted pursuant to the terms of this Consent Order.

IV. GENERAL INJUNCTION

6. Defendant is ordered and enjoined to comply with the requirements of Ohio Revised Code Sections 3734.02(E) and 3734.02(F) and rules 3745-52-11, 3745-52-34, 3745-59-07, 3745-65-33 and 3745-66-74 of the Ohio Administrative Code (O.A.C.) at the Facility.

V. SAMPLING, ANALYSIS AND REMEDIATION

7. Attached and made a part of this Consent Order as Attachment 1 is the Sampling, Analysis and Remediation Plan Outline ("the Plan") applicable to the Facility. The nature and extent of any contamination to soil, sediment, and groundwater underlying the Facility, caused by any deposition of spent solvent hazardous waste on Facility unpaved roadways and parking areas or any other areas determined to have been contaminated with spent solvent hazardous waste, shall be determined pursuant to the Plan and paragraphs 7 through 24 of this Consent Order. The Plan consists of Phase I (investigatory), Phase II (outline of scope of work for defining extent or magnitude of contamination) and Phase III (outline of scope of work for conducting remediation). Phase I shall contain a schedule of implementation.

8. Within fifteen (15) days after the entry of this Order, Defendant shall begin to implement Phase I of the Plan in accordance with Attachment 1 and schedule of implementation contained therein.

9. Within thirty (30) days after the completion of Phase I of the Plan, Defendant shall submit, pursuant to the signatory requirements of O.A.C. Rule 3745-50-42(D), a report detailing the results of the implementation of Phase I of the Plan.

10. Within thirty (30) days after receipt of written notice by Ohio EPA that

the Phase I report submitted pursuant to paragraph 9 of this order is deficient, Defendant shall submit a revised report which corrects the noticed deficiencies.

11. Within sixty (60) days after receiving written notification from Ohio EPA that, based on Ohio EPA's review of the Phase I final report, contamination exists, and that Phase II of the plan is necessary, Defendant shall submit plans for Phase II. Phase II plans shall include, in addition to a plan of work for determining the extent or magnitude of contamination, what if any additional data is needed to appropriately make such a determination of contamination, and a scope of work and schedule of implementation for obtaining such data.

12. Within thirty (30) days after receipt of written notice by Ohio EPA that Phase II plans submitted pursuant to paragraph 11 of this Consent Order are deficient, Defendant shall submit revised phase plans which correct the noticed deficiencies.

13. If revised plans for Phase II are deficient, Ohio EPA may reasonably modify the plans and approve the revised plans with modifications. Modifications to the revised plan will be made by Ohio EPA which will serve to eliminate any deficiencies of the plans. The modified revised plans will then become the approved plans for Phase II of the Plan.

14. Within fifteen (15) days after receipt of written approval by Ohio EPA of Phase II of the Plan, Defendant shall begin to implement Phase II in accordance with the approved plans and schedule of implementation contained therein.

15. Within thirty (30) days after the completion of Phase II of the Plan, Defendant shall submit, pursuant to the signatory requirements of O.A.C. Rule 3745-50-42(D), a report detailing the results of the implementation of Phase II of the Plan, and including any additional data obtained pursuant to Phase II of the Plan.

16. Within thirty (30) days after receipt of written notice by Ohio EPA that the Phase II report submitted pursuant to paragraph 15 of this Consent Order is deficient, Defendant shall submit a revised report which corrects the noticed deficiencies.

17. Within ninety (90) days after receiving written notification from Ohio EPA that based on Ohio EPA's review of the Phase II final report, the extent of contamination requires remediation, and that Phase III of the Plan is necessary, Defendant shall submit plans for Phase III. Phase III plans shall include a scope of work describing the remediation needed and methods for conducting the remediation, and a schedule of implementation for all remediation activities.

18. Within thirty (30) days after receipt of written notice by Ohio EPA that Phase III plans submitted pursuant to paragraph 17 of this Consent Order are deficient, Defendant shall submit revised phase plans which correct the noticed deficiencies.

19. If revised plans for Phase III are deficient, Ohio EPA may reasonably modify the plans and approve the revised plans with modifications. Modifications to the revised plan will be made by Ohio EPA which will serve to eliminate any deficiencies of the plans. The modified revised plans will then become the approved plans for Phase III of the Plan.

20. Within fifteen (15) days of the completion of Phase II of the Plan and receipt of written approval by Ohio EPA of the Phase III plans, Defendant shall begin the implementation of Phase III of the Plan in accordance with the approved plans and schedule of implementation contained therein.

21. Within sixty (60) days of completion of Phase III of the Plan, Defendant shall submit, pursuant to the signatory requirements of O.A.C. Rule 3745-50-42(D), a report detailing the results of the implementation of Phase III of the Plan.

22. Within thirty (30) days after receipt of written notice by Ohio EPA that the Phase III report submitted pursuant to paragraph 21 of the Consent Order is deficient, Defendant shall submit a revised report which corrects the noticed deficiencies.

23. Defendant shall provide written notice of sampling or field activity to the Ohio EPA, Southeast District Office, Division of Hazardous Waste Management, to the attention of Mike Moschell or his successor, at least five (5) working days

prior to each day of any sampling or field measurement activity at the Facility conducted by Defendant or by any persons acting on behalf of Defendant to complete the tasks required herein and by the Plan.

24. If any date for performance falls upon a weekend or state or federal holiday, the time for performance is extended to the next working day following the weekend or holiday.

VI. SUBMITTAL OF DOCUMENTS

25. All required documents shall be submitted to:

a. Ohio EPA
Southeast District Office
2195 Front Street
Logan, Ohio 43138

Attn: RCRA Group Leader

b. Ohio EPA
Division of Hazardous Waste Management
P.O. Box 1049
1800 WaterMark Drive
Columbus, Ohio 43216-1049

Attn: Manager, Compliance Monitoring and Enforcement Section

VII. POTENTIAL FORCE MAJEURE

26. In any action by Plaintiff to enforce any of the provisions of this Consent Order, Defendant may raise at that time the question of whether it is entitled to a defense that its conduct was caused by reasons entirely beyond its control such as, by way of example and not limited to, acts of God, strikes, acts of war or civil disturbances. While Plaintiff does not agree that such a defense exists, it is, however, hereby agreed upon by Defendant and Plaintiff that it is premature at this time to raise and adjudicate the existence of such a defense and that the appropriate point at which to adjudicate the existence of such a defense is at the time, if ever, that a proceeding to enforce this Consent Order is commenced by Plaintiff. At that

time, the burden of proving that any delay was or will be caused by circumstances beyond the control of Defendant shall rest with Defendant. Unanticipated or increased cost associated with the implementation of any action required by this Consent Order, or changed financial circumstances shall not constitute circumstances entirely beyond the control of Defendant or serve as a basis for an extension of time under this Consent Order. An extension of one compliance date based on a particular incident does not mean that Defendant qualifies for an extension of a subsequent compliance date or dates. Defendant must make an individual showing of proof regarding each incremental step or other requirement for which an extension is sought. Acceptance of this Consent Order without a force majeure clause does not constitute a waiver by Defendant of any rights or defenses it may have under applicable law.

VIII. CIVIL PENALTY

27. Defendant shall pay to the State of Ohio the amount of One Hundred Seventy-Three Thousand Five Hundred Twenty-Five Dollars (\$173,525). This amount shall be paid in two (2) installments by delivering certified check(s), payable to the order of "Treasurer, State of Ohio" to Matt Sanders, Administrative Assistant, or his successor at the Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43266-0410 according to the following payment schedule: the first payment of Thirty-Four Thousand Seven Hundred Five Dollars (\$34,705) (accounting for twenty percent of the total civil penalty amount) is due on or before Friday, May 6, 1994 and the second payment of One Hundred Thirty-Eight Thousand Eight Hundred Twenty Dollars (\$138,820) (accounting for eighty percent of the total civil penalty amount) is due on or before Friday, April 7, 1995. All civil penalty amounts shall be paid into the Hazardous Waste Clean-Up Fund created pursuant to Section 3734.28 of the Ohio Revised Code. A copy of the transmittal letters shall be submitted in accordance with Section VI of this Consent Order.

IX. STIPULATED PENALTIES

28. In the event Defendant violates any of the requirements in the sampling, analysis and remediation plan schedule(s) of implementation, Defendant shall immediately and automatically be liable for, and shall pay, a stipulated penalty according to the following payment schedule. For each day of each failure to meet a requirement, for which the failure continues up to thirty (30) days -- Three Hundred Dollars (\$300.00) per day. For each day of each failure to meet a requirement, for which the failure continues from thirty-one (31) to sixty (60) days -- Five Hundred Dollars (\$500.00) per day. For each day of each failure to meet a requirement, for which the failure continues from sixty-one (61) days to ninety (90) days -- Nine Hundred Dollars (\$900.00) per day. For each day of failure to meet a requirement, for which the failure continues over ninety (90) days -- One Thousand Four Hundred Fifty Dollars (\$1,450.00) per day.

29. Any payment(s) required to be made under the provisions of Paragraph 28 of this Consent Order shall be made by delivering a certified check or checks for the appropriate amount(s) payable to the order of "Treasurer, State of Ohio" within forty-five (45) days from the date of the failure to meet the requirement of this Consent Order to Matt Sanders, Administrative Assistant, or his successor, at the Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43266-0410. Such payment(s) shall be deposited into the Hazardous Waste Clean-up Fund created pursuant to Section 3734.28 of the Ohio Revised Code. A copy of the transmittal letter(s) shall be submitted in accordance with Section VI of this Consent Order.

X. ATTORNEY GENERAL'S LITIGATION COSTS

30. For Plaintiff Attorney General's litigation costs in investigating and prosecuting this case, Defendant shall reimburse the Attorney General's Office in the amount of Twenty-Seven Thousand Eight Hundred Eighty-Two dollars

(\$27,882). This reimbursement shall be paid by delivering a certified check for that amount, payable to the order of "Treasurer, State of Ohio" within seven (7) days of entry of this Order, to Matt Sanders, Administrative Assistant, or his successor, at the Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43266-0410.

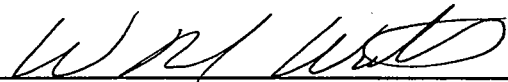
XI. RETENTION OF JURISDICTION

31. This Court will retain jurisdiction of this action for the purpose of enforcing this Consent Order.

XII. COURT COSTS

32. Defendant shall pay the court costs of this action.

DATED April 22, 1994



JUDGE W. RICHARD WALTON
LAWRENCE COUNTY
COURT OF COMMON PLEAS

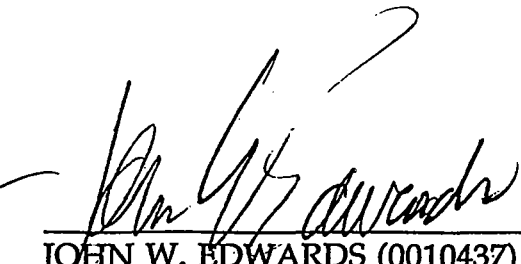
Respectfully submitted,

LEE FISHER
ATTORNEY GENERAL OF OHIO



TIMOTHY J. KERN (0034629)
SUSAN C. KROEGER (0059311)
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(614) 469-3939

Attorney for Defendant

Attachment I

SAMPLING ANALYSIS AND REMEDIATION PLAN OUTLINE (the "Plan")

I. Background

It is now determined that on occasion from approximately 1983 to mid-1988 South Point Ethanol (SPE) used a drum with spreader bar on a pickup truck to spread industrial wastes as dust suppressant on some unpaved surfaces at SPE's premises in South Point, Ohio. The liquids spread in a given instance were one of two types: (a) used oils and (b) a spent hazardous waste solvent/oil mixture. Type (b) resulted from cleaning in the maintenance shop of oily equipment with chlorinated solvent. The used oils, type (a) liquid, are not proven to be a hazardous material.

Attached as Exhibit A is a map showing the areas on which the liquids were spread. In the darkened area around the boiler house both type (a) and (b) liquids are known to have been separately spread. In the areas which are cross-hatched or diagonally-lined, used oil is known to have been spread.

Attached as Exhibit B is an approximate "profile" of the solvent(s).

II. Phases of the Plan

A. Phase I

This phase would be investigatory:

- (1) to establish whether any chlorinated solvent residue, including any degradation products thereof, remains on the surface or in the subsurface of the portions of unpaved roadways and parking areas shown on Exhibit A as likely to have been oiled for dust suppression, and if such residue or degradation products do remain, in what concentration.
- (2) to review results of existing study of Geraghty & Miller, Inc. in connection with the "superfund" Consent Decree and involving the Superfund site, which includes the area shown on Exhibit A. This

review would be conducted to the extent required to define the hydrogeology of the portion of the site which may have been affected by this use of the hazardous waste solvent and to determine whether the groundwater is likely to show the presence of chlorinated solvents, or degradation products thereof, and to determine where any solvent sourced contaminants may have migrated.

(3) to carry out the above to the extent that if it is determined that solvent sourced contamination is present, the data will be sufficient to design a scope of work to determine the characterization of the residue and the extent or magnitude and nature of the contamination.

B. Phase II - if required

(1) This phase would involve (i) design of a scope of work to make the determination described at A (3) above and (ii) a schedule for and completion of performance of the scope of work so designed. The plan for accomplishing items (i) through (ii) is referred to as Phase II of the Plan.

(2) This Phase will proceed only if it is determined by Ohio EPA on the basis of Phase I that Phase II is required because of the existence of a residue of contamination from the described spreading of solvents.

C. Phase III - if required

(1) This phase would involve (i) design of the remediation scope of work based on Phase II results and (ii) design of methods for carrying out the remediation scope of work.

(2) This Phase will proceed only if it is determined by Ohio EPA that Phase III is needed based on SPE's demonstration that a residue of contamination from the described spreading of solvents exists which presents an unacceptable risk to human health or the environment.

Cleanup of such residue of contamination is to be made based on one of the acceptable standards provided for in Ohio EPA's Closure Plan Review Guidance for RCRA Facilities (Interim Final, September 1, 1993) as summarized below:

- (i) risk-based remediation
- (ii) cleanup to analytical method detection limits

III. Phase I - Details and Schedule

A. Schedule of Implementation

SPE will complete Phase I within one hundred and fifty (150) days after the entry of the Consent Order between the State of Ohio and SPE, subject to Section V of the Consent Order. Within ten (10) days after the end of each calendar month falling within this schedule of implementation, SPE will provide to the Ohio EPA office identified at Part III F below a status report on progress on Phase I during said calendar month.

B. Contractor

SPE is responsible for selecting and retaining competent contractor(s) to do the work provided for by Phases I, II and III of the plan.

C. Samples

The areas to be sampled are as follows:

- (1) "Area 1"-- The darkened area on Exhibit A totalling approximately 1.18 acres and consisting of:
 - (i) parking area north of boiler house,
 - (ii) parking area south of boiler house, and
 - (iii) roadway south and east of Item (i) and ending south of Item (ii).
- (2) "Area 2"-- Cross hatched area on Exhibit A south of the dryer house totalling approximately .96 of an acre.

- (3) "Area 3"-- Diagonally lined roadway: to the south of Item (1) and being about .49 of an acre and about 950 feet long.

Test pits for sample taking will be determined utilizing the "directed" sampling approach as provided by Ohio EPA closure plan guidance. Based on this methodology, SPE plans the following number and layout of test pits:

- (1) In Area 1:
 - (i) two test pits as approximately shown on attached Exhibit C.
 - (ii) two test pits as approximately shown on attached Exhibit C.
 - (iii) three test pits along the roadways in the vicinity of the Boiler House as approximately shown on attached Exhibit C.
- (2) In Area 2: three test pits as approximately shown on the attached Exhibit C.
- (3) In Area 3: one test pit as approximately shown on attached Exhibit C.

To understand the level of contamination in areas where hazardous waste solvent was not spread, two test pits may be dug on unpaved roadways or parking areas on which no solvent has been spread. It is understood that Ohio EPA does not recognize the use of "background levels" of solvent for the purposes of determining remedial action levels.

Prior to any sampling activity, Ohio EPA must agree with the field location of all test pits and sampling locations.

Three (3) samples will be collected from each test pit excavation which will have been dug by a backhoe. Work will be under the direct supervision of a contractor geologist. Test pits will be excavated to the bottom of any sub-grade or evidence of road construction (this is estimated to be two to four feet deep). Samples will be collected by hand, by an experienced, environmental geologist from six (6) inches into the side wall of the pit to obtain an undisturbed sample. Exposed soil and road materials will be physically characterized, checked for visual evidence of contamination, and field screened with a photoionization detector (PID) which can

detect the presence of the volatile organic compounds of concern. Representative samples will be taken within the first six (6) inches and at the two (2) foot and four (4) foot levels from each test pit. Representative sampling will include samples taken in close proximity to field screened samples with detected PID readings.

The test pits will be constructed so as to conform with all applicable Occupational Safety and Health Administration rules, regulations, and laws.

Decontamination and quality assurance procedures will follow appropriate contractor and USEPA protocols. The soil will be packed in laboratory-provided precleaned jars, placed in separate sealable plastic bags, packed in ice and shipped accordance with all applicable U.S. Department of Transportation regulations. The samples will be sent under chain-of-custody for next day delivery to the laboratory for analysis as per Part III D below. All samples will undergo extraction process prior to analysis. Analyses will be reported to the practical quantitation limit. After the laboratory analyses have been received and checked, maps and cross sections will be constructed to indicate the extent of solvent contamination.

To assure quality control, one field blank will be collected, and one trip blank will be prepared in the lab and carried in the field but will not be analyzed unless there are questions about the analysis results of the field blank. One (1) duplicate sample will be taken for every ten (10) samples.

D. Laboratory Analysis

The contractor will recommend a laboratory to SPE for analysis purposes.

Soil samples will be analyzed for compounds listed on USEPA's SW-846 method 8240 list (using SW-846 method 8260). Specific holding time frames prescribed in method 8260 for all tests will not be violated.

SPE may elect to defer analysis of samples from the "background level" test pits until it is determined whether they will be required based on results from the analysis of samples from other test pits.

E. Report

The contractor will evaluate field and laboratory results as they become available. Contractor's report will include:

- (1) field logs of all test holes,
- (2) field sampling logs and chain-of-custody forms for all samples,
- (3) maps showing all sampling locations,
- (4) documentation of field and laboratory protocol used,
- (5) tabulated data and actual laboratory analysis reports, and
- (6) Contractor's interpretations, conclusions and recommendations.

The contractor will prepare and deliver three (3) copies of the final report to SPE in accordance with such schedule as SPE shall specify to the contractor so that SPE can comply with SPE's requirements to Ohio EPA as stipulated in Section V of the Consent Order. The report will be pursuant to the signatory requirements of O.A.C. Rule 3745-50-42(D).

F. Notice to Ohio EPA

Ohio EPA, Southeast District Office, Division of Hazardous Waste Management, to the attention of Mike Moschell or his successor, will receive written notice at least five (5) working days prior to each day of sampling or field measurement activity at SPE's premises conducted by SPE or by any persons acting on behalf of SPE to complete Phases I, II and III.

/spe, server

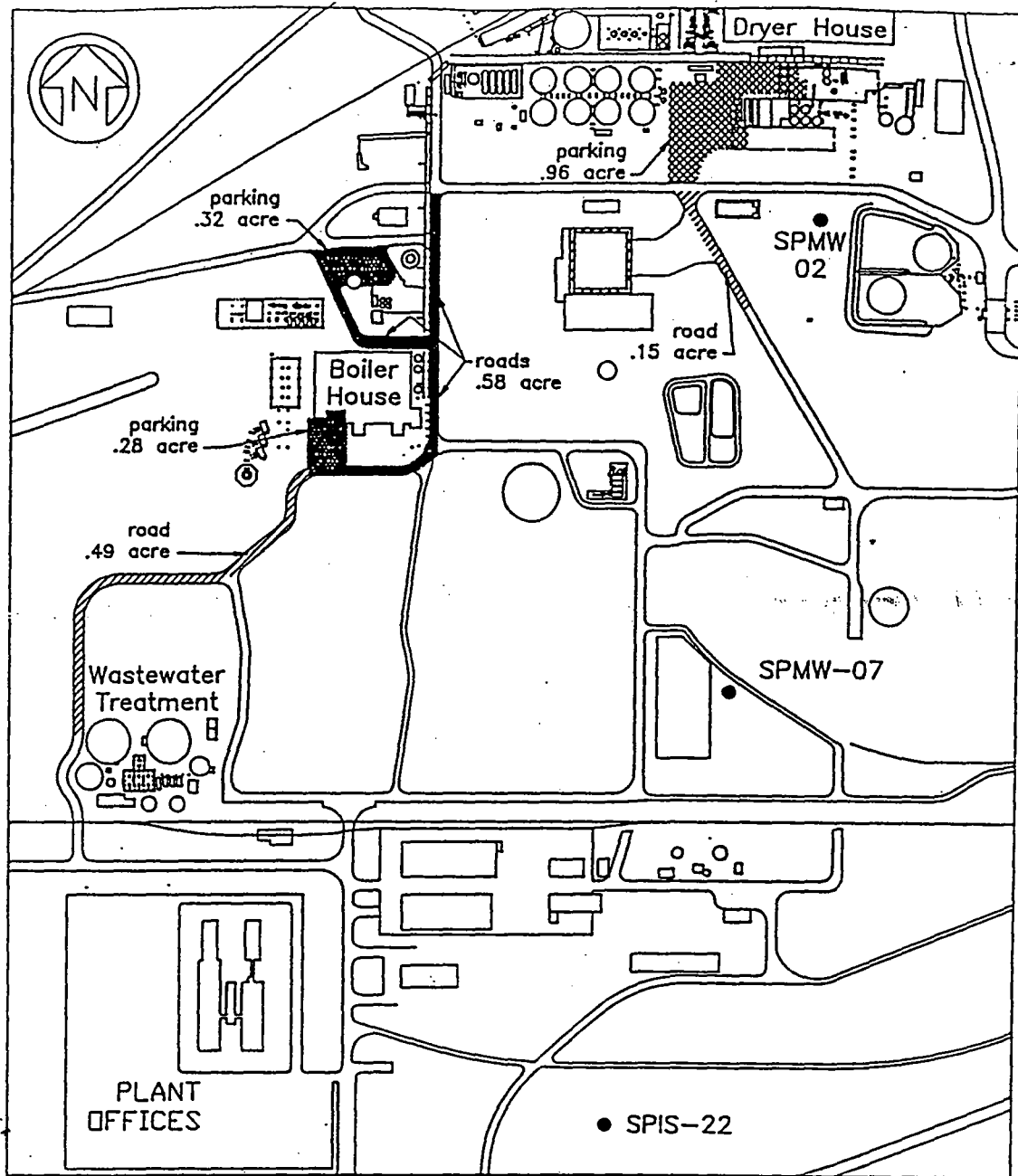
Attachments: Exhibits A, B and C

EXHIBIT A

CONFIDENTIAL
LEAD COPY PREVIOUS COPIES

APR 26 1993

SOUTH POINT ETHANOL
South Point, Ohio 45680



SCALE: 1" = 400'

LEGEND:



Highly traveled unpaved parking area, requiring more oil for dust suppression.



Less traveled unpaved roads, requiring only light oiling for dust suppression.



Heavily traveled unpaved parking areas and roads, requiring more oil for dust suppression (also oiled with solvent).

(NOTE: THE DUST SUPPRESSION INFORMATION ON THIS MAP IS BASED ON BEST RECOLLECTION.)

CONFIDENTIAL

THE INFORMATION CONTAINED ON THIS DRAWING IS THE PROPERTY OF SOUTH POINT ETHANOL, AND MAY NOT BE REPRODUCED IN ANY MANNER, DISCUSSED WITH, OR SUBMITTED TO, ANY UNAUTHORIZED PERSONS OR ORGANIZATIONS, WITHOUT PRIOR WRITTEN APPROVAL BY AN AUTHORIZED REPRESENTATIVE OF SOUTH POINT ETHANOL.

LOCATIONS OF OILED ROADWAYS

EXHIBIT B



OFFICIAL WASTE ANALYSIS REPORT



(See Computer Label)
WASTE PRINTOUT SHEET CODE
FROM SAMPLE CONTAINER

LOCATION OF CONTAINER

ASH

This Report is intended for the use of the user and is not to be used for regulatory purposes. The user is responsible for the accuracy of the data and the quality of the sample.

LABORATORY NAME: Chemical Waste Management Technical Center Analytical Laboratories
ADDRESS: 150 West 137th Street, Riverdale, Illinois 60827 LAB USE PHONE: (312) 841-4360
DATE SAMPLE RECEIVED AT LAB: (See Computer Label) DATE SAMPLE TAKEN: 9/24/89
LAB SAMPLE NUMBER AND CODE: (See Computer Label) CERTIFICATION OF REP. SAMPLE OBTAINED? YES NO

CERTIFICATION: Specimens analyzed as reported unless otherwise noted. For Chemical Waste Management, Inc. (CWM), all analyses are performed using analytical methods and equipment specified or approved in the facility's waste analysis plan. This laboratory does not analyze for asbestos.

SEP 15 1989

DATE OF REPORT: _____ SIGNATURE: Richard J. Lissac
LAB MANAGER NAME: ROGER KELL

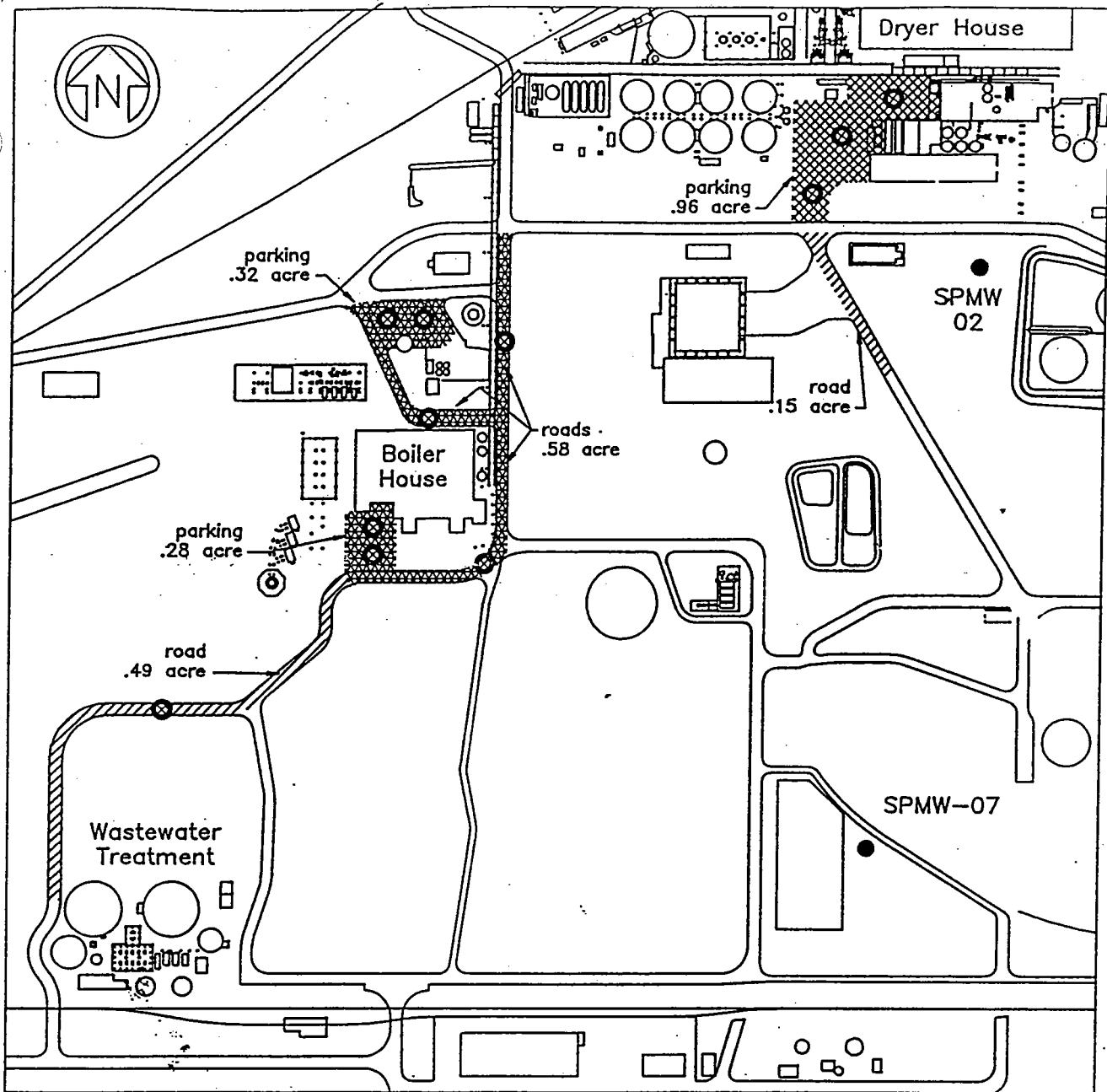
PHYSICAL CHARACTERISTICS OF WASTE: 9/11/89

SAMPLE VOLUME	COLOR	DOES THE WASTE HAVE A STRONG ODOR? (YES/NO/IF KNOWN, DESCRIBE)	PHYSICAL STATE @ RFP (SOLID, SEMI-SOLID, LIQUID, POWDER)	LAYERS (MULTILAYERED, BILAYERED, SINGLE PHASE)	FREE LIQUID (YES/NO) VOLUME
<u>1st</u>	<u>Brown</u>	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> IF KNOWN, DESCRIBE	<input type="checkbox"/> SOLID <input type="checkbox"/> SEMI-SOLID <input checked="" type="checkbox"/> LIQUID <input type="checkbox"/> POWDER	<input type="checkbox"/> MULTILAYERED <input type="checkbox"/> BILAYERED <input checked="" type="checkbox"/> SINGLE PHASE	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO VOLUME: <u>100</u>

TEST	As Received	Extraction Procedure	Date of Analysis	TEST	As Received	Extraction Procedure	Date of Analysis
Specific Gravity	<u>1.0</u>		<u>9/14/89</u>	SEMI-SOLID TOTAL	<u>50.5</u>		<u>9/13/89</u>
PH. 25°C	<u>5.0</u>		<u>9/11/89</u>	Phenol, mg/l	<u>5.0</u>		<u>9/11/89</u>
Acidity, % as				Cyanides as CN, Total mg/l			
Alkalinity, % as				Cyanides as CN, Free mg/l			
COD, mg/l				Ammonia Nitrogen as N, mg/l			
BOD, mg/l				89015912 PROF: ASH042368			<u>09/05/89</u>
Total Solids @ 105°C, %	<u>16.4</u>		<u>9/13/89</u>	89016628 PROF: ASH042368			<u>09/19/89</u>
Total Dissolved Solids, mg/l				SOUTH POINT ETHANOL			<u>9/24/89</u>
TDS @ 105°C, mg/l				SOUTH POINT, OH			<u>DUE 9/26/89</u>
Flash Point, °F (Closed cup)	<u>221.2</u>		<u>9/13/89</u>	SRCE: ADD SITE: ALA SRR			<u>891591</u>
Flash Control, on Ignition, %	<u>1.7</u>		<u>9/13/89</u>	DEGREASER SOLVENT			<u>FOOL</u>
Heating Value, BTU/lb	<u>13200</u>		<u>9/13/89</u>				
Asphalt, as Ash, mg/l				Oil and Grease, mg/l			
Burnt, as Ash, mg/l	<u>0.51</u>		<u>9/10/89</u>	Raw Fiber Text. See Detail, %			
Charcoal, as Cl, mg/l				Water Content, as H ₂ O, %	<u>51</u>		<u>9/13/89</u>
Charcoal, Total, as Cl, mg/l	<u>0.13</u>			Moisture, 100% Humidity			<u>9/11/89</u>
Charcoal, Maximum, as Cl, % mg/l				Asphalt, mg/l			
Charcoal, as Cl, mg/l				Chlorides, mg/l			
Charcoal, as Cl, mg/l	<u>1.43</u>			DOT, mg/l			
DOT, Total, as Pt, mg/l				Dioxin, mg/l			
Dioxin, Chlorinated, as Pt, mg/l				H ₂ Sulfide, mg/l			
Lead, as Pt, mg/l	<u>0.88</u>			Paraffin, mg/l			
Mercury, as Hg, mg/l	<u>50.96</u>			Sulfur, mg/l			
Nitrogen, as N, mg/l				Urea, mg/l			
Nitrate, as NO ₃ , mg/l				Monochloro, mg/l			
Nitrite, as NO ₂ , mg/l	<u><0.05</u>			Triethanol, mg/l			
Chromium, as Cr, mg/l				S-G, mg/l			
Copper, as Cu, mg/l				S-G-TP (Total), mg/l			
Iron, as Fe, mg/l				PCB, SW	<u>3.51</u>		<u>9/15/89</u>
Lead, as Pb, mg/l	<u>123</u>			PCB, mg/l			
Manganese, as Mn, mg/l				<u>See attached report</u>			
Mercury, as Hg, mg/l				Oil Screen, SA			
Molybdenum, as Mo, mg/l				Chloride Screen, (F) mg/l	<u>210</u>		<u>9/11/89</u>
Nickel, as Ni, mg/l				Fluoride Screen, (F) mg/l	<u>100</u>		
Phosphorus, as P, mg/l				Chloride Screen, (F) mg/l	<u>100</u>		
Sulfur, as S, mg/l				Fluoride Screen, (F) mg/l	<u><2</u>		
Zinc, as Zn, mg/l				Water Sol Screen, (F) mg/l	<u>NO DETECTED</u>		
Barium, as Ba, mg/l				<u>NO DETECTED</u>			
Bismuth, as Bi, mg/l				<u>NO DETECTED</u>			
Cadmium, as Cd, mg/l				<u>NO DETECTED</u>			
Chromium, as Cr, mg/l				<u>NO DETECTED</u>			
Cobalt, as Co, mg/l				<u>NO DETECTED</u>			
Copper, as Cu, mg/l				<u>NO DETECTED</u>			
Iron, as Fe, mg/l				<u>NO DETECTED</u>			
Lead, as Pb, mg/l				<u>NO DETECTED</u>			
Manganese, as Mn, mg/l				<u>NO DETECTED</u>			
Nickel, as Ni, mg/l				<u>NO DETECTED</u>			
Phosphorus, as P, mg/l				<u>NO DETECTED</u>			
Sulfur, as S, mg/l				<u>NO DETECTED</u>			
Zinc, as Zn, mg/l				<u>NO DETECTED</u>			





EXHIBIT C

SPS South Point, Ohio 45680



LEGEND:

Scale: 1" = 300'

-  Highly traveled unpaved parking area, requiring more oil for dust suppression.
-  Less traveled unpaved roads, requiring only light oiling for dust suppression.
-  Heavily traveled unpaved parking areas and roads, requiring more oil for dust suppression (also oiled with solvent).
-  Approximate location of test pit.

(NOTE: THE DUST SUPPRESSION INFORMATION ON THIS MAP IS BASED ON BEST RECOLLECTION.)

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Approx. Locations of Test Pits