



MICHAEL A. DUFF
SENIOR VICE PRESIDENT AND GENERAL COUNSEL

October 17, 2004

VIA FACSIMILE--(512) 243-4123

Gary T. Newton, Esquire
General Counsel
Texas Disposal Systems, Inc.
P.O. Box 17126
Austin, Texas 78760-7126

Dear Gary:

I am writing to inform you that Penske intends to begin the removal of the roll-offs stockpiled at your facility on October 25, 2004. Penske intends to remove the material using a Texas Uniform Hazardous Waste Manifest and then test and dispose of the material at another facility in accordance with the test results as requested by the Executive Director.

Our contractor, USA Environment, L.P., will need access to the roll-off containers, use of a staging area, and use of TDSL's scale to comply with DOT regulations. USA Environment will not require use of TDSL's personnel or equipment.

Regarding your question of liability for TDSL's roll-off containers, the containers will be fully insured by our transporter during transportation, and Penske will further indemnify TDSL for any damage to the roll-off containers while they are in the possession of Penske or its contractors, or in the possession of the disposal facility.

We hope you will cooperate with Mr. Shankle's directive.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael A. Duff", is written over a horizontal line. The signature is stylized and cursive.
Michael A. Duff

cc: Glenn Shankle
John F. Steib, Jr.