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Fax

To: Mr. Bob Gregory **From:** Michael A. Duff, Esquire
Fax: (512) 243-4123 **Date:** October 29, 2004
Phone: **Pages:** 3 (Including Cover Sheet)

Urgent For Review Please Comment Please Reply Please Recycle

•Comments:

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MICHAEL A. DUFF
SENIOR VICE PRESIDENT AND GENERAL COUNSEL

October 29, 2004

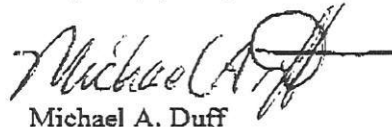
VIA FACSIMILE--(512) 243-4123

Mr. Bob Gregory
President and CEO
Texas Disposal Systems, Inc.
P.O. Box 17126
Austin, Texas 78760-7126

Dear Bob:

Penske remains ready to remove the material stockpiled at TDSL using the attached manifest. As indicated previously, Penske will transport the material to a licensed facility for further testing, assessment, characterization, and disposal as requested by the Executive Director. Penske is prepared to begin the removal process Wednesday, November 3, 2004 at 9:00 a.m. In order to have our contractor mobilized to begin the removal process, I must have your assurance that TDSL will allow Penske to remove the stockpiled material using the attached manifest by 5:00 p.m. Central Time today. It is my sincere hope that TDSL will cooperate with Mr. Shankle's directive.

Very truly yours,



Michael A. Duff

cc: Gary T. Newton, Esquire
Mr. John F. Steib, Jr., Deputy Director, TCEQ Office of Compliance
and Enforcement
Mr. Glenn Shankle, TCEQ Executive Director
Pamela M. Giblin, Esquire

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY P.O. Box 13087 Austin, Texas 78711-3087



Please print or type. (Form designed for use on either 12-pitch typewriter.)

Form approved OMB No. 2050-0035.

UNIFORM HAZARDOUS WASTE MANIFEST. 1. Generator's US EPA ID No. TXP490334701. Manifest Document No. 0001. 2. Page 1 of 1. Information in the shaded areas is not required by Federal law. 3. Generator's Name and Mailing Address: Penske Truck Leasing Co., L.P., Rt. 10, P.O. Box 563, Reading, PA 19603-0563. 4. Generator's Phone: 610-775-6268. 5. Transporter 1 Company Name: Bayou City Environmental. 6. US EPA ID Number: TXRD00043539. 7. Transporter 2 Company Name: . 8. US EPA ID Number: . 9. Designated Facility Name and Site Address: U.S. Ecology Texas, L.P., 3.5 miles on Petronila Road, Robstown, TX 78380. 10. US EPA ID Number: TXDQ69452340. A. State Manifest Document Number: 3055884. B. State Generator's ID: XXXII. C. State Transporter's ID: 86133. D. Transporter's Phone (713) 425-6905. E. State Transporter's ID: . F. Transporter's Phone: . G. State Facility's ID: 50052. H. Facility's Phone (361) 387-0794. 11. US DOT Description: Hazardous Waste Solid, NA 3077, 111, 9, (D008). 12. Containers No. 001, Type CM. 13. Total Quantity: . 14. Unit Wt/Vol: . 15. Waste No. FBX 8319R. 16. OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packaged, marked, and labeled/signed, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations, including applicable state regulations. 17. Transporter 1 Acknowledgment of Receipt of Materials: Marc E. Althen. 18. Transporter 2 Acknowledgment of Receipt of Materials: . 19. Discrepancy Indication Space: . 20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19. Date: .