

OCT 29 2007

STATE OF OKLAHOMA  
IN THE DISTRICT COURT OF OKLAHOMA COUNTY

PATRICIA PRESLEY, COURT CLERK  
by \_\_\_\_\_  
DEPUTY

STATE OF OKLAHOMA,  
ex rel. Oklahoma Department of  
Environmental Quality,

Hon. Daniel Owens  
District Court Judge

Plaintiff,

Case No. CJ-2006-10405

v.

NORTH TULSA SANITARY  
LANDFILL, INC., a corporation,

Defendant.

**AGREED APPLICATION TO CONTINUE AND ORDER**

Before the Court is the parties' agreed application to continue the trial of Plaintiff's citation for contempt against Defendant. The parties agree that the Court should order as follows:

1. The trial scheduled for October 29, 2007, at 9 a.m., is continued. This continuance is necessary to afford the parties time to engage in good-faith settlement negotiations to resolve this matter. Defendant agrees to initiate negotiations with Plaintiff by Friday, November 2, 2007. ~~In the event that these negotiations reach an impasse, or if Defendant refuses to negotiate, or if Defendant breaches any provision of this Order, then Plaintiff may re-schedule the Application for Contempt Citation for an expedited trial at the earliest possible trial date by calling the Judge's chambers. Plaintiff will coordinate the trial date with opposing counsel.~~ If the trial is re-set, then the parties relative positions will be *status quo ante*, and the trial will proceed had this continuance not been ordered. No party is entitled to discovery prior to trial. Nothing in this order is

until February 11, 2008

meant to indicate that Defendant is not in contempt of Court with regard to the Court's July 6, 2007 order, filed July 18, 2007.

2. Defendant, through its counsel, represents to the Court that the gates of the North Tulsa Sanitary Landfill are locked and that the landfill will not accept any waste. Defendant is ordered to keep the gates locked except for activities unrelated to the disposal of waste. Plaintiff is entitled to full access to inspect the landfill as needed to ensure compliance with this order and the law. Defendant is ordered to give Plaintiff reasonable access to all areas of the landfill, including the office, and Plaintiff may inspect Defendant's business records and books at the landfill related to operations for ODEQ compliance purposes. If Plaintiff discovers that the landfill is accepting waste in violation of this order, then Plaintiff may bar access to the landfill and take all other actions necessary to bring the landfill into compliance as provided by law.

3. The Court's July 6, 2007 order remains in full force and effect, and Defendant, its agents, and any successor corporations (including North Tulsa Solidwaste Landfill, LLC) are permanently enjoined and prohibited from operating the North Tulsa Sanitary Landfill, until further order of the Court or agreement with ODEQ. Defendant and its agents are ordered to cease all operations of the landfill and to close the facility in accordance with the requirements set forth in Consent Order, Case No. 06-047, OAC 252:515-25, and the Closure/Post Closure Plan submitted by Defendant on July 22, 2003.

4. The North Tulsa Sanitary Landfill is ordered closed and no person may dispose of waste in the landfill for any reason.

5. Plaintiff may post notices on all access points notifying the public and haulers that the North Tulsa Sanitary Landfill is closed and will not accept any more

waste. The notices may be displayed prominently on each access point and may state "THIS LANDFILL IS CLOSED BY COURT ORDER."

6. This Court retains jurisdiction to enforce this order.
7. This order is effective immediately.

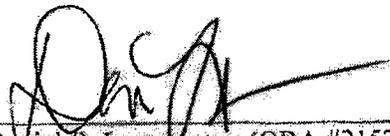
**IT IS SO ORDERED**

Dated Oct. 29, 2007 Time: 9:05 A.M.

**DANIEL L. OWENS**  
Judge Daniel Owens  
District Court Judge

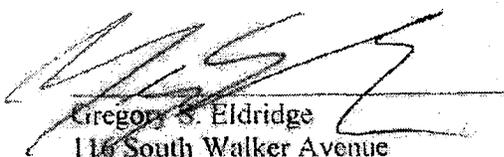
**AGREED:**

Dated: October 26 2007

  
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Department of Environmental Quality

Dated: October 26<sup>th</sup> 2007

  
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