

166294

AFFIDAVIT

STATE OF MICHIGAN     )  
                              ) ss.  
COUNTY OF KALAMAZOO )

JOHN BALKEMA, being first duly sworn, deposes and states as follows:

1. That he is Vice-President of Balkema, Inc., a Michigan Corporation, which is primarily engaged in the excavation and grading business, whose address is 2314 Miller Road, Kalamazoo, Michigan 49001.

2. That Balkema, Inc. was the second operator of the KL Avenue Landfill located in Oshtemo Township under an agreement with the County of Kalamazoo dated June 1, 1971 and a novation agreement thereto dated October 19, 1976.

3. That Balkema, Inc. operated the landfill under contract with and supervised by the Kalamazoo County Board of Commissioners and Engineering staff utilizing the "cut and cover" method of operation from approximately June of 1971 until May 1979.

4. That the landfill was operated, to the best of deponent's knowledge, with all necessary and appropriate permits which were obtained by the County.

5. That Balkema, Inc. employees at the site performed grading and excavating in compliance with plans and specifications provided by the County of Kalamazoo's engineers and under the supervision of the County Engineers,

County Board, and County Health Department, including cover of each day's waste deposits.

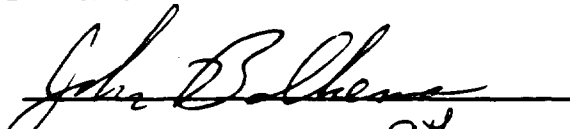
6. That all sums collected during the landfill operation were turned over to the County of Kalamazoo and landfill cash and waste receipts were audited by accountants designated by the County.


7. That Balkema, Inc. further performed closure of the site under contract with the County of Kalamazoo during 1980, which closure was on information and belief approved by the Michigan Department of Natural Resources.

8. That to the best of deponent's knowledge and belief, the southeast portion of the KL Landfill property was never utilized for waste disposal.

9. That based on review of site maps and personal knowledge of operations at the site, your deponent estimates that a total of 42 acres was utilized during this period of operation for waste disposal out of a total area of 87 acres available for use, as illustrated on the attached map.

Further deponent saith not.

  
Subscribed and sworn to before me this 9th day of August, 1990.

  
\_\_\_\_\_  
Notary Public  
Kalamazoo County, Michigan  
My Commission Expires: 6-6-93