

**AGREEMENT AMONG PARTIES TO THE TANNER ACT APPEAL
PARTIALLY RESOLVING ISSUES AMONG THEM**

Padres Hacia una Vida Mejor, Juanita Fernandez, Lorenzo Garcia, Rosa Solorio-Garcia, Dora Montoya, Eduardo Montoya, Saul Moreno, Sylvia Moreno, Manual Perez and Juan Reyes ("Petitioners") filed an appeal under the Tanner Act, Health & Safety Code §25199 et seq., in January 1995, alleging that the Conditional Use Permit ("CUP") issued by the County of Kern ("County") to Safety-Kleen (Buttonwillow), Inc., now Clean Harbors (Buttonwillow), Inc. ("Clean Harbors") for the expansion of the Class I hazardous waste facility near Buttonwillow was not adequately protective of human health, safety or welfare. Petitioners, County, and Clean Harbors are collectively the parties ("Parties") to that proceeding.

The parties have engaged in settlement discussions to narrow the issues that separate them. The parties have cooperatively prepared this joint statement for the status conference on February 26, 2003. The parties request that this document be treated as a confidential settlement communication pursuant to Government Code Section 11415.60 and Evidence Code Section 1152.

The parties agree that the present CUP, the CUP upon its next renewal, and other environmental permits shall be modified, subject to a hearing before the County Board of Supervisors, to prohibit disposal of:

(A) "Byproduct material," defined as either of the following:

(i) Any radioactive material, excluding special nuclear material, that is yielded in, or made radioactive by, exposure to a radiation incident to the process of producing or utilizing special nuclear material.

(ii) Tailings or waste produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including, but not limited to, discrete surface wastes resulting from solution extraction processes. Underground ore bodies depleted by those solution extraction operations are not byproduct material for the purposes of this chapter.

(B) "Source material," defined here as (1) uranium, thorium, or any other material which the appropriate State department declares by rule to be source material after the United States Nuclear Regulatory Commission, or any successor thereto, has determined the material to be such; or (2) ores containing one or more of the foregoing materials, in such concentration as the department declares by rule to be source material after the United States Nuclear Regulatory Commission, or any successor thereto, has determined the material in such concentration to be source material.

(C) "Special nuclear material," defined here as (1) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the department declares by rule to be special nuclear material after the United States Nuclear Regulatory Commission, or any successor thereto, has determined the material to be such, but does not include source material; or (2) any material artificially enriched by any of the foregoing, but does not include source material.

(D) "FUSRAP material," defined as any material containing radioactivity from the Formerly Utilized Sites Remedial Action Program, irrespective of the time and location of the generation of that material.

(E) Short-lived radioactive materials of the type that are commonly used in medicine, biotechnology, and academia, that are at the end of their storage-to-decay period, and that are managed by an approved storage-to-decay program, including an onsite facility or a centralized facility.

(F) Liquid and gaseous radioactive effluents and releases to sanitary sewers, of the types, amounts, and concentrations specified in the regulations adopted by the Nuclear Regulatory Commission or the Department of Health Services.

(G) Scintillation liquids from research and animal tissues containing the amounts of tritium and carbon-14 specified in Section 20.2005 of Title 10 of the Code of Federal Regulations, as that section read on January 1, 2003.

(H) The technetium-99 associated with molybdenum-99 radioisotope generators of the type used in medicine.

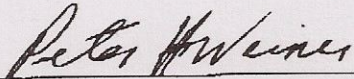
(I) Radioactive materials intentionally inserted into products for their radioactive purpose and that are specifically exempted by the Nuclear Regulatory Commission from Part 30 (commencing with Section 30.1) and Part 40 (commencing with Section 40.1) of Title 10 of the Code of Federal Regulations, as those regulations read on the date of enactment of the Energy Policy Act of 1992 (P.L. 102-486).

The Parties further agree that the CUP, the CUP upon its next renewal, and other environmental permits shall be modified, subject to a hearing before the County Board of Supervisors, to specifically allow the facility to continue to accept NORM and TENORM with radioactivity at or below specified levels. The Parties have not yet reached agreement regarding those levels. DeLu

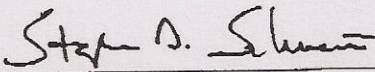
If and when the issues among the parties are finally settled, Petitioners will dismiss the Tanner Act proceeding with prejudice. Petitioners agree to support the modification of the CUP in accordance with the agreement, and not to use other means to challenge the agreed-upon radioactive waste material provisions in the CUP (e.g., CEQA or the CUP renewal process).

Petitioners will represent that they do not have any additional claims against Safety-Kleen (Buttonwillow), Inc. or Clean Harbors, based on all the information that they have at the time of settlement. In addition, if and when the issues among the parties are finally settled, Clean Harbors, as a good faith effort toward settlement, agrees that it would pay Petitioners attorneys fees appropriate to the time, effort, and result achieved in this matter.

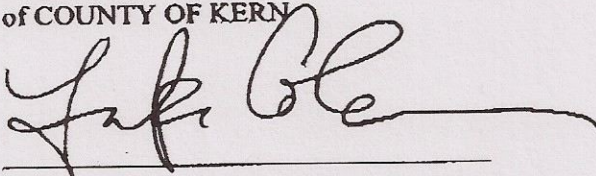
Agreed to by Petitioners, Clean Harbors (Buttonwillow), Inc., and the County of Kern through their respective counsels this 25 day of February, 2003.



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