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Walter D. James III
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March 22, 2012

Lorena Vaughn
Regional Hearing Clerk (6RC-D)
United States Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

RE: AI-Kel Alliance, Inc. Answer to Answer to the United States Environmental Protection Agency's Administrative Complaint, Docket No. RCRA 06-2012-0926

Dear Ms. Vaughn:

Please find enclosed for filing one original and one copy of AI-Kel Alliance, Inc.'s Answer to the United States Environmental Protection Agency's Administrative Complaint, Docket No. RCRA 06-2012-0926.

By copy of this letter, I am providing Thomas Rucki with a copy of the Answer.

Should you have any questions, please feel free to give me a call.

Sincerely,



Walter D. James III

Encl.

Cc: Thomas Rucki *via* e-mail and United States Postal Service, First Class Delivery

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

FILED
2012 MAR 26 PM 2:11:17
REGIONAL HEARINGS CLERK
EPA REGION VI

IN THE MATTER OF:

AL-KEL ALLIANCE, INC.
WILMER, TEXAS,

RESPONDENT.

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DOCKET NO. RCRA 06-2012-0926

AL-KEL ALLIANCE, INC.'S
ANSWER

Al-Kel Alliance, Inc. ("Al-Kel") files and serves its Answer to the United States Environmental Protection Agency's Administrative Complaint ("Complaint") and states:

Jurisdiction

1. Paragraph 1 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 1 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 1 of the Complaint.

2. Paragraph 2 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 2 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 2 of the Complaint.

3. Paragraph 3 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 3 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 3 of the Complaint.

4. Paragraph 4 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 4 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 4 of the Complaint.

Allegations

5. Al-Kel admits the facts set out in the first sentence of Paragraph 5 of the Complaint that it is a corporation incorporated in and under the laws of the State of Texas and was authorized to do business in Texas in October 2001. The remainder of the allegations contained in Paragraph 5 of the Complaint are legal conclusions for which no response is required. To the extent that an answer to the remainder of the allegations contained in Paragraph 5 of the Complaint is required, Al-Kel denies all remaining allegations contained in Paragraph 5 of the Complaint.

6. Al-Kel admits the facts set out in Paragraph 6 of the Complaint that its Registered Agent for service in the State of Texas is James Edward Alexander, Jr., 500 N. Willow, Sherman, TX 75090.

7. Paragraph 7 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 7 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 7 of the Complaint.

8. Paragraph 8 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 8 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 8 of the Complaint.

9. Paragraph 9 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 9 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 9 of the Complaint.

10. Paragraph 10 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 10 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 10 of the Complaint.

11. Al-Kel admits the facts set out in Paragraph 11 of the Complaint.

12. Paragraph 12 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 12 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 12 of the Complaint.

13. Paragraph 13 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 13 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 13 of the Complaint.

14. Al-Kel admits the facts set out in the first sentence of Paragraph 14 of the Complaint. *See also* Al-Kel's Answer, at ¶ 12. Al-Kel denies all the remaining allegations contained in the second sentence of Paragraph 14 of the Complaint.

15. Paragraph 15 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 15 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 15 of the Complaint.

16. Al-Kel admits the facts set out in Paragraph 16 of the Complaint.

17. Paragraph 17 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 17 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 17 of the Complaint.

18. Al-Kel admits the facts set out in Paragraph 16 of the Complaint.

19. Paragraph 19 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 19 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 19 of the Complaint.

20. Paragraph 20 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 20 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 20 of the Complaint.

21. Al-Kel denies all allegations contained in Paragraph 21 of the Complaint. By way of further response, the sampling undertaken by the USEPA CID for the initial characterization was termed "field sampling" which is inexact, at best. Al-Kel did not identify any hazardous waste totes when Al-Kel field sampled the same totes that the USEPA-CID sampled. Further, Al-Kel has not identified any other totes at the facility that contain hazardous waste. Al-Kel further tested all of the totes which the USEPA-CID sampled for all physical and chemical characteristics and none of these totes displayed a hazardous characteristic. The USEPA has not provided any sampling analytical results (which should be part of the administrative record and which are hereby requested by Al-Kel). In further response, some of the drums sampled by the USEPA-CID were in fact product that was being used in the waste water treatment process and were not a waste at all.

22. Paragraph 22 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 22 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 22 of the Complaint.

23. Al-Kel denies all allegations contained in Paragraph 23 of the Complaint. By way of further response, the quantity of hazardous waste identified in the Complaint is unfounded and without basis. In fact, less than 5 drums were identified as containing hazardous waste (*see* Al-Kel Answer, at ¶ 21) which would be less than 1,000 kilograms. Further, the allegation that that drums were stored for more than 180 days is unfounded. Al-Kel has never exceeded 6000 kilograms of waste in storage and as a result does not need to comply with the regulatory requirements imposed on a transfer, storage or disposal facility.

24. Paragraph 24 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 24 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 24 of the Complaint.

25. Paragraph 25 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 25 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 25 of the Complaint.

26. Al-Kel admits that on September 2 and September 6, 2011, USEPA representatives were at its facility. Al-Kel denies the remainder of the allegations contained in Paragraph 26 of the Complaint.

27. Al-Kel denies all allegations contained in Paragraph 27 of the Complaint.

28. Al-Kel denies all allegations contained in Paragraph 28 of the Complaint.

29. Al-Kel denies all allegations contained in Paragraph 29 of the Complaint.

30. Al-Kel denies all allegations contained in Paragraph 30 of the Complaint.

31. Al-Kel denies all allegations contained in Paragraph 31 of the Complaint. By way of further response, the requirement to mark containers only applies to containers which contain hazardous waste. *See* Al-Kel Answer, at ¶ 23.

32. Al-Kel denies all allegations contained in Paragraph 32 of the Complaint. *See* Al-Kel's Answer, at ¶¶ 21 and 23. By way of further response, spill equipment is waste and location specific (a shovel and container would suffice for small spills; a front end loader would suffice for large spills). Al-Kel in fact had spill control equipment and measures were in place during the waste treatment/consolidation activities conducted on site.

33. Al-Kel denies all allegations contained in Paragraph 33 of the Complaint. *See* Al-Kel's Answer, at ¶¶ 21 and 23.

34. Al-Kel denies all allegations contained in Paragraph 34 of the Complaint. *See* Al-Kel's Answer, at ¶¶ 21 and 23.

35. Al-Kel denies all allegations contained in Paragraph 35 of the Complaint. *See* Al-Kel's Answer, at ¶¶ 21 and 23. By way of further response, sufficient aisle space is only

required for storage of hazardous waste containers and the USEPA does not make any allegations that there was insufficient aisle space for the hazardous waste containers. In fact, the USEPA-CID sampled drums were segregated and readily accessible during the time of the inspection.

36. Al-Kel denies all allegations contained in Paragraph 36 of the Complaint. *See* Al-Kel's Answer, at ¶¶ 21 and 23.

37. Al-Kel denies all allegations contained in Paragraph 37 of the Complaint. *See* Al-Kel's Answer, at ¶¶ 21 and 23.

38. Paragraph 38 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 38 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 38 of the Complaint.

39. Paragraph 39 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 39 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 39 of the Complaint.

40. Al-Kel denies all allegations contained in Paragraph 40 of the Complaint.

41. Al-Kel denies all allegations contained in Paragraph 41 of the Complaint.

42. Al-Kel denies all allegations contained in Paragraph 42 of the Complaint.

43. Al-Kel denies all allegations contained in Paragraph 43 of the Complaint. By way of further response, the e-mail dated September 14, 2011, at 2:26 p.m., from John Fowler to William Mansfield, specifically states that the sampling conducted by the USEPA-CID was field testing.

44. Paragraph 44 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 44 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 44 of the Complaint.

45. Al-Kel denies all allegations contained in Paragraph 45 of the Complaint.

46. Paragraph 46 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 46 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 46 of the Complaint.

47. Paragraph 47 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 47 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 47 of the Complaint. By way of further response, Paragraph 47 is a gross mischaracterization of field methods/tests and is nothing more than an attempt by the USEPA to falsely prove that Al-Kel was not doing proper sampling.

48. Al-Kel denies all allegations contained in Paragraph 48 of the Complaint.

49. Al-Kel denies all allegations contained in Paragraph 49 of the Complaint.

50. Al-Kel denies all allegations contained in Paragraph 50 of the Complaint.

51. Al-Kel denies all allegations contained in Paragraph 51 of the Complaint.

52. Al-Kel denies all allegations contained in Paragraph 52 of the Complaint.

53. Al-Kel denies all allegations contained in Paragraph 53 of the Complaint.

54. Al-Kel denies all allegations contained in Paragraph 54 of the Complaint.

55. Al-Kel denies all allegations contained in Paragraph 55 of the Complaint.

COUNT I:

Operating a Hazardous Waste Storage Facility Without a Permit in Violation of RCRA 3005(a), 30 T.A.C. §§ 335.2 and 335.43, and 40 C.F.R. §§ 270.1 & 270.10

56. Paragraph 56 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 56 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 56 of the Complaint and incorporates Paragraphs 1 through 55 of Al-Kel's Answer.

57. Paragraph 57 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 57 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 57 of the Complaint.

58. Paragraph 58 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 58 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 58 of the Complaint.

59. Paragraph 59 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 59 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 59 of the Complaint.

60. Paragraph 60 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 60 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 60 of the Complaint.

61. Paragraph 61 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 61 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 61 of the Complaint.

62. Al-Kel denies all allegations contained in Paragraph 62 of the Complaint.

63. Al-Kel denies all allegations contained in Paragraph 63 of the Complaint.

64. Al-Kel denies all allegations contained in Paragraph 64 of the Complaint.

65. Paragraph 65 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 65 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 65 of the Complaint.

COUNT II:

Failure to Make a Hazardous Waste Determination on the Consolidated Residuals/Heels Container Waste, in Violation of 30 T.A.C. § 335.62 (40 CFR § 262.11)

66. Paragraph 66 of the Complaint contains legal conclusions for which no response

is required. To the extent that an answer to Paragraph 66 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 66 of the Complaint and incorporates Paragraphs 1 through 65 of Al-Kel's Answer.

67. Paragraph 67 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 67 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 67 of the Complaint.

68. Paragraph 68 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 68 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 68 of the Complaint.

69. Al-Kel denies the factual allegations contained in Paragraph 69 of the Complaint. The remainder of Paragraph 69 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 69 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 69 of the Complaint.

70. Paragraph 70 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 70 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 70 of the Complaint.

COUNT III:

Failure to Make a Hazardous Waste Determination on the Flocculant Waste and Spent Coconut Carbon Shell Waste Generated in the Wastewater System, in Violation of 30 T.A.C. 335.62 (40 CFR 262.11)

71. Paragraph 71 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 71 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 71 of the Complaint and incorporates Paragraphs 1 through 70 of Al-Kel's Answer.

72. Paragraph 72 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 72 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 72 of the Complaint.

73. Al-Kel denies the factual allegations contained in Paragraph 73 of the Complaint. The remainder of Paragraph 73 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 73 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 73 of the Complaint.

74. Al-Kel denies the factual allegations contained in Paragraph 74 of the Complaint. The remainder of Paragraph 74 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 74 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 74 of the Complaint.

75. Al-Kel denies the factual allegations contained in Paragraph 75 of the Complaint. The remainder of Paragraph 75 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 75 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 75 of the Complaint.

76. Paragraph 76 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 76 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 76 of the Complaint.

COUNT IV:

Failure to Label or Mark Clearly a Container of Used Oil with the Words "Used Oil," in Violation of 30 T.A.C. 324.6 (40 C.F.R. PART 279 SUBPART C 279.22(c))

77. Paragraph 77 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 77 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 77 of the Complaint and incorporates Paragraphs 1 through 76 of Al-Kel's Answer.

78. Paragraph 78 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 78 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 78 of the Complaint.

79. Paragraph 79 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 79 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 79 of the Complaint.

80. Paragraph 80 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 80 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 80 of the Complaint.

81. Al-Kel denies the factual allegations contained in Paragraph 81 of the Complaint. The remainder of Paragraph 81 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 81 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 81 of the Complaint.

82. Paragraph 82 of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraph 82 of the Complaint is required, Al-Kel denies all allegations contained in Paragraph 82 of the Complaint.

Compliance Order

Paragraphs A through N of the Complaint contain legal conclusions for which no response is required. To the extent that an answer to Paragraphs A through N of the Complaint is required, Al-Kel states that it will comply with all legal requirements.

By way of further response:

A. Al-Kel originally submitted its notification for this site as a large quantity generator on August 23, 2011; however, the Texas Commission on Environmental Quality did not process the original submission (according to Betty Dube at the TCEQ). *See* Notification for

Hazardous or Industrial Waste Management attached as Exhibit "A-1". Al-Kel resubmitted the Notification for Hazardous or Industrial Waste Management on March 5, 2012. *See* Notification for Hazardous or Industrial Waste Management attached as Exhibit "A-2".

B. Al-Kel has taken the necessary steps to ensure that the quantities of hazardous waste stored on site never exceed the regulatory limits imposed by RCRA. Al-Kel has and will continue to train its employees regarding the attached policy which has been in place since 2001 and revised in 2009 by Allied International Emergency, LLC ("AIE"). *See* Heel Handling and Waste Determination Procedures attached as Exhibit "B". All heels accumulated will be calculated, documented, and tested within two (2) weeks of accumulation date by Trans Environmental Services ("TES"). Once heels are determined to be either hazardous or non-hazardous by TES, the respective containers will be labeled appropriately and then properly removed from the Al-Kel Hutchins facility within two (2) weeks (within one month of test results provided by TES).

C. Al-Kel has taken the necessary steps to ensure that hazardous wastes are not stored on-site longer than the regulatory limits imposed by RCRA. Al-Kel has and will continue to train its employees regarding the attached policy which has been in place since 2001 and revised in 2009 by AIE. *See* Al-Kel's Answer, at ¶ B. *See also* Heel Processing and Hazardous Waste Management attached as Exhibit "C"; *see also* the attached Exhibit "B".

D. Al-Kel has taken the necessary steps to ensure that containers storing hazardous waste are labeled with the words "Hazardous Waste," marked with the date upon which each period of accumulation begins, and that the containers remain closed at all times, except when adding and removing wastes. Al-Kel has and will continue to train its employees regarding the attached policy which has been in place since 2001 and revised in 2009 by AIE. *See* Al-Kel's

Answer, at ¶ B. See Photograph of Hazardous Waste Storage Area attached as Exhibit “D”. See also the attached Exhibit “B” and “C”.

E. Al-Kel has taken the necessary steps to ensure compliance with maintaining proper documentation of personnel training at the facility. Al-Kel has and will continue to train its employees regarding the attached policy which has been in place since 2001 and revised in 2009 by AIE. See AA PP Procedure Monthly Safety Meetings attached as Exhibit “E.” See also the attached Exhibit “B”, “C” and “D”.

F. Al-Kel has taken the necessary steps to ensure that hazardous waste storage areas are inspected weekly. Al-Kel has and will continue to train its employees regarding the attached policy which has been in place since 2001 and revised in 2009 by AIE. See the attached Exhibit “C”.

G. Al-Kel has taken the necessary steps to ensure that the facility is equipped with spill control equipment and decontamination equipment. See Spill Control/Response attached as Exhibit “F”.

H. Al-Kel has taken the necessary steps to ensure that communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, are tested and maintained as necessary to assure its proper operation in time of emergency. Al-Kel has and will continue to train its employees regarding the attached policy which has been in place since 2001 and revised in 2009 by AIE. See Emergency Response attached as Exhibit “G.”

I. Al-Kel has taken the necessary steps to ensure that whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee. Al-Kel has and will continue to train its

employees regarding the attached policy which has been in place since 2001 and revised in 2009 by AIE. *See* Handling Hazardous Chemicals attached as Exhibit "H".

J. Al-Kel has taken the necessary steps to ensure that aisle space is maintained to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency. *See* Facility Photographs attached as Exhibits "I 1 - 3."

K. Al-Kel has made arrangements with local authorities, as appropriate for the type of waste handled at the facility and the potential need for the services of these organizations as required arrangements. *See* Prime Pack Emergency Response by TES attached as Exhibit "J". Additionally, Al-Kel met with the City of Hutchins Fire Department on March 5, 2012, at 9:00 a.m., to obtain written confirmation of arrangements for services as required. *See* Correspondence from Hutchins Fire Rescue attached as Exhibit "K".

L. Al-Kel has had a contingency plan for the facility which has been in place since 2001 and revised in 2009 by AIE. *See* Contingency Plan attached as Exhibit "L".

M. Al-Kel has taken the necessary steps to ensure that hazardous waste determinations are conducted on all hazardous waste streams generated at the Facility. Al-Kel has and will continue to train its employees regarding the attached policy which has been in place since 2001 and revised in 2009 by AIE. *See* the attached Exhibits "B" and "C".

N. Al-Kel has taken the necessary steps to ensure that containers used to store used oil at the facility are labeled or marked clearly with the words "Used Oil." *See* Photograph of Used Oil Collection Drums attached as Exhibit "M".

O. Paragraph O of the Complaint contains legal conclusions for which no response is required and has no statutory or regulatory basis.

P. Paragraph P of the Complaint contains legal conclusions for which no response is required. To the extent that an answer to Paragraphs P of the Complaint is required, Al-Kel states that it will serve all documents as requested.

Penalty/Reservation of Rights

The paragraphs under the heading "Penalty/Reservation of Rights" of the Complaint contain legal conclusions for which no response is required. To the extent that an answer to paragraphs under the heading "Penalty/Reservation of Rights" of the Complaint is required, Al-Kel denies that any penalty should be imposed.

Notice of Opportunity to Request a Hearing

The paragraphs under the heading "Notice of Opportunity to Request a Hearing" of the Complaint contain legal conclusions for which no response is required. To the extent that an answer to paragraphs under the heading "Notice of Opportunity to Request a Hearing" of the Complaint is required, and pursuant to 40 C.F.R. § 22.15 (a) and (b), Al-Kel requests a hearing.

Settlement Conference

The paragraphs under the heading "Settlement Conference" of the Complaint contain legal conclusions for which no response is required. To the extent that an answer to paragraphs under the heading "Settlement Conference" of the Complaint is required, Al-Kel requests a settlement conference.

Respectfully submitted,



Walter D. James III
Texas Bar No. 10554480
James P.L.L.C.
The Renaissance
1117 Glade Road, Suite 140

Colleyville, TX 76034
Telephone: (817) 481-2626
Telefacsimile: (817) 481-2623
e-mail: walter.james@jamespllc.com

ATTORNEYS FOR AL-KEL ALLIANCE, INC.

EXHIBIT “A-1”

Notification for Hazardous or Industrial Waste Management

Please print or type. Definitions and codes can be found in the Hazardous or Industrial Waste Form Instructions. Changes not related to Waste Streams or Waste Management Units must be accompanied by TCEQ Core Data Form (TCEQ 10400).

Part I. General Registration Information

Section A. Notification Type and Registration Numbers

If this is an Initial Notification, leave registration numbers blank. If updating existing Notice of Registration, provide current registration numbers.

1. Notification type (check one): Initial Update

2. Solid Waste Registration Number: 86817 3. EPA Identification Number: TXR 000043273

4. Customer Reference Number: CN 600468771 5. Regulated Entity Number: RN 100782147

Section B. Company Information

1. Company Name (as listed with the Secretary of State): Al Kel Alliance Inc

2. Site Name: Al Kel Alliance

3. Registration Type (check all that apply): Generator Receiver Transporter Recycler

4. Contact Information: James K. Cordell, Director of Operations
(First Name, Last Name, Title)

Telephone Number: (972) 284-7340 Fax Number: (972) 284-7398 Email: Kcordell@primapackinc.com

5. Waste Handler Status (check all that apply):
 Not Applicable Permitted TSD Interim TSD Recycler

Section C. Generator Information

If your facility does not fit the definition of a "Generator" skip to Section D

1. Generator Type (check all that apply): Industrial Non-industrial Railroad Commission

2. Hazardous Waste Generation Status (check one):	<input checked="" type="checkbox"/> Large Quantity Generator (LQG)	<input checked="" type="checkbox"/> 2,200 pounds (1,000 kilograms) or more of hazardous waste and/or <input checked="" type="checkbox"/> 2.2 pounds (1 kilogram) or more of acutely hazardous waste
	<input type="checkbox"/> Small Quantity Generator (SQG)	<input checked="" type="checkbox"/> between 220 and 2,200 pounds (100 and 1,000 kilograms) of hazardous waste and <input checked="" type="checkbox"/> less than 2.2 pounds (1 kilogram) of acutely hazardous waste
	<input type="checkbox"/> Industrial Conditionally Exempt Small Quantity Generator (CESQG)	<input checked="" type="checkbox"/> 220 pounds (100 kilograms) or less of hazardous waste and <input checked="" type="checkbox"/> less than 2.2 pounds (1 kilogram) of acutely hazardous waste and <input checked="" type="checkbox"/> 220 pounds (100 kilograms) or more of industrial Class I waste
	<input type="checkbox"/> Universal Waste Only	<input checked="" type="checkbox"/> All hazardous waste generated is classified as Universal Waste and no reportable Class I waste is generated at the site

Notification for Hazardous or Industrial Waste Management

Section D. Receiver Information

If your facility does not fit the definition of a "Receiver" skip to Section E

1. Facility Category (check one): Commercial Captive Captured
2. Class of Waste Received for treatment, storage or disposal (check all that apply):
 Hazardous Class 1 Class 2 Class 3
3. If you receive waste from off-site and recycle it, see TCEQ Form 0524 "Notification Form for Receiving and Recycling Hazardous or Industrial Waste".

Section E. Transporter Information

If your facility does not fit the definition of a "Transporter" skip to Section F

*To transport hazardous waste you must have an EPA identification number. See EPA RCRA Subtitle C Site Identification Form (EPA Form 8700-12).

- | | |
|---|--|
| <p>1. Carrier Classification (answer "yes" or "no" to each question):</p> <p>a. Do you transport for hire? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>b. Do you transport your own waste? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>c. Is this site a transfer facility? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> | <p>2. Types of waste transported (check all that apply):</p> <p><input type="checkbox"/> Hazardous* <input type="checkbox"/> Class 1 <input type="checkbox"/> Class 2 <input type="checkbox"/> Class 3</p> |
|---|--|

Section F. Certification of Company Information

I certify that the information submitted herein is complete and accurate to the best of my knowledge

James K. Cordell

Printed Preparer's Name

(972) 284-7390

Telephone Number

[Signature]

Preparer's Signature

8/23/11

Date

Mail all completed registration forms

(i.e., Notification for Hazardous or Industrial Waste Management, TCEQ 00002; TCEQ Core Data Form, TCEQ 10400; EPA RCRA Subtitle C Site Identification Form, EPA Form 8700-12)

**Texas Commission on Environmental Quality
 Permitting and Registration Support Division
 Registration and Reporting Section, MC 129
 PO Box 13087
 Austin, TX 78711-3087**

If you have questions on how to fill out this form or about the Industrial and Hazardous Waste Program, please contact us at 512/239-5413. Individuals are entitled to request and review their personal information the agency gathers on its forms. They may also have any errors in their information corrected. Administrative changes must be made on the TCEQ Core Data Form (TCEQ 10400). To review such information, contact us at 512/239-3282.

EXHIBIT "A-2"

Notification for Hazardous or Industrial Waste Management

Please print or type. Definitions and codes can be found in the Hazardous or Industrial Waste Form Instructions. Changes not related to Waste Streams or Waste Management Units must be accompanied by TCEQ Core Data Form (TCEQ 10400).

Part II General Registration Information

Section A. Notification Type and Registration Numbers

If this is an Initial Notification, leave registration numbers blank. If updating existing Notice of Registration, provide current registration numbers.

1. Notification type (check one): <input type="checkbox"/> Initial <input checked="" type="checkbox"/> Update	
2. Solid Waste Registration Number: <u>86817</u>	3. EPA Identification Number: <u>TX R.000043273</u>
4. Customer Reference Number: CN <u>600468771</u>	5. Regulated Entry Number: RN <u>100782747</u>

Section B. Company Information

1. Company Name (as listed with the Secretary of State): <u>Al Kel Alliance Inc</u>	
2. Site Name: <u>Al Kel Alliance</u>	
3. Registration Type (check all that apply): <input checked="" type="checkbox"/> Generator <input type="checkbox"/> Receiver <input type="checkbox"/> Transporter <input type="checkbox"/> Recycler	
4. Contact Information: <u>James K. Cordell, Director of Operations</u> <small>(First Name, Last Name, Title)</small>	
Telephone Number: <u>(972) 284-7390</u> Fax Number: <u>(972) 284-7348</u> Email: <u>kcordell@primipackinc.com</u>	
5. Waste Handler Status (check all that apply): <input checked="" type="checkbox"/> Not Applicable <input type="checkbox"/> Permitted TSD <input type="checkbox"/> Interim TSD <input type="checkbox"/> Recycler	

Section C. Generator Information

If your facility does not fit the definition of a "Generator" skip to Section D

1. Generator Type (check all that apply): <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Non-industrial <input type="checkbox"/> Railroad Commission	
2. Hazardous Waste Generation Status (check one):	<input checked="" type="checkbox"/> Large Quantity Generator (LQG) <ul style="list-style-type: none"> ◆ 2,200 pounds (1,000 kilograms) or more of hazardous waste and/or ◆ 2.2 pounds (1 kilogram) or more of acutely hazardous waste
	<input type="checkbox"/> Small Quantity Generator (SQG) <ul style="list-style-type: none"> ◆ between 220 and 2,200 pounds (100 and 1,000 kilograms) of hazardous waste and ◆ less than 2.2 pounds (1 kilogram) of acutely hazardous waste
	<input type="checkbox"/> Industrial Conditionally Exempt Small Quantity Generator (CESQG) <ul style="list-style-type: none"> ◆ 220 pounds (100 kilograms) or less of hazardous waste and ◆ less than 2.2 pounds (1 kilogram) of acutely hazardous waste and ◆ 220 pounds (100 kilograms) or more of industrial Class 1 waste
	<input type="checkbox"/> Universal Waste Only <ul style="list-style-type: none"> ◆ All hazardous waste generated is classified as Universal Waste and no reportable Class 1 waste is generated at the site

Notification for Hazardous or Industrial Waste Management

Section D. Receiver Information
 If your facility does not fit the definition of a "Receiver" skip to Section F

1. Facility Category (check one): Commercial Captive Captured

2. Class of Waste Received for treatment, storage or disposal (check all that apply):
 Hazardous Class 1 Class 2 Class 3

3. If you receive waste from off-site and recycle it, see TCEQ Form 0524 "Notification Form for Receiving and Recycling Hazardous or Industrial Waste".

Section E. Transporter Information
 If your facility does not fit the definition of a "Transporter" skip to Section F

*To Transport hazardous waste you must have an EPA identification number. See EPA RCRA Subtitle C Site Identification Form (EPA Form 8700-12).

1. Carrier Classification (answer "yes" or "no" to each question): a. Do you transport for hire? b. Do you transport your own waste? c. Is this site a transfer facility?	<input type="checkbox"/> Yes <input type="checkbox"/> Yes <input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> No
--	--	--

2. Types of waste transported (check all that apply):
 Hazardous* Class 1 Class 2 Class 3

Section F. Certification of Company Information

I certify that the information submitted herein is complete and accurate to the best of my knowledge

<p><i>James K. Cordall</i></p> <hr/> Printed Preparer's Name	<p>(972) 284 - 7390</p> <hr/> Telephone Number
<p><i>[Signature]</i></p> <hr/> Preparer's Signature	<p>3/5 / 12</p> <hr/> Date

Mail all completed registration forms

(i.e., Notification for Hazardous or Industrial Waste Management, TCEQ 00002; TCEQ Core Data Form, TCEQ 10400; EPA RCRA Subtitle C Site Identification Form, EPA Form 8700-12)

**Texas Commission on Environmental Quality
 Permitting and Registration Support Division
 Registration and Reporting Section, MC 129
 PO Box 13087
 Austin, TX 78711-3087**

If you have questions on how to fill out this form or about the Industrial and Hazardous Waste Program, please contact us at 512/239-4413. Individuals are entitled to request and review their personal information the agency gathers on its forms. They may also have any errors in their information corrected. Administrative changes must be made on the TCEQ Core Data Form (TCEQ 10400). To review such information, contact us at 512/239-3282.

EXHIBIT "B"

**AI-KEL Alliance / Prime Pack.
Heel Handling and Waste Determination Procedures**

EPA GENERATOR IDENTIFICATION NUMBER

The United States Environmental Protective Agency (EPA) requires tracking the generation and disposal of Hazardous Waste. The EPA divides waste generators into two categories:

- ◆ A small quantity generator: produces less than 1 kilogram of acutely hazardous waste or less than 100 kilograms of spilled or contaminated hazardous waste other than "acutely hazardous" in a calendar month.
- ◆ The large quantity generator: produces over these amounts. AI – Kel is a large quantity generator.

The EPA has many complex and wide ranging rules and regulations for Hazardous Waste Generators; Treatment, Storage and Disposal Facilities; and Transporters in the RCRA (Resource Conservation and Recovery Act) legislation. RCRA rules can be found in the Code of Federal Regulations, 40 part 260 to 265. Under these rules all generators are required to obtain a generator identification number. This identification number allows all hazardous waste generated at a particular facility to be tracked from origin to ultimate disposal.

ORIGIN OF HEELS/RESIDUAL PRODUCT

At AI – Kel many tank trailers are cleaned each day to allow the reuse of these tanks. Tanks are normally 5,000 to 6,000 gallon tanks in which chemicals are transported. Upon delivery of the chemicals, the unit is returned for cleaning. Often times the chemical or product is not thoroughly unloaded thus producing what is called residual product or "heel". Several circumstances can attribute to the presence of heel:

- A. An untrained or incompetent driver failing to properly inspect his/her tank at the delivery point
- B. A viscous, or thick product that flows too slowly, causing too long of a wait for complete unloading
- C. A product that solidifies when the delivery temperature drops, this causes large chunks which can not be unloaded.

Heels, which can be drummed and shipped back to the delivery point (consignee) or shipper are not considered waste. However, they must be stored and labeled in the manner as required by D.O.T. and OSHA. Products in too small quantity or which will not be received at the shipping or delivery point, are now classified as waste. This waste is classified into two major categories; hazardous and non-hazardous.

**AI-KEL Alliance / Prime Pack.
Heel Handling and Waste Determination Procedures**

WASTE CLASSIFICATION

Waste generated at AI – Kel Alliance’s cleaning facility are classified as either Hazardous or Non – Hazardous as determined by 40 CFR 261.20 – 261.33. If a waste is not listed or fails to exhibit characteristics described in these regulations, it is considered non- – hazardous. However, a waste that is from a specific or non- specific source (F&K listed), or is listed waste (U&P listed) or exhibits hazardous characteristics, should be considered hazardous.

The majority of products cleaned at AI – Kel Alliance is RCRA non- hazardous and should be disposed to as such. However, some of these products do have dangerous properties and should be handled with extreme care

A simple way to recognize a hazardous waste is to look to see if the tank being cleaned requires placards. If for example, a tank carries a flammable placard, but is not a “P” or “U” listed waste it is still considered Hazardous by characteristic. Remember however, that Department of Transportation regulation and RCRA regulations differ in that RCRA hazardous product may not always require a placard. The best way to determine if a waste is hazardous is to look it up in 40 CFR 261.2 –261.33.

Hazardous waste is defined by RCRA are:

A. Characteristic Hazardous waste display at least one of the following

1. Ignitable Waste: Flash Point 140 degrees F (D001)
2. Corrosive Waste: pH 2 or 12.5; and/or (D002)
3. Reactive Waste: Normally unsafe (D003)
4. E.P. Toxic: Toxic (D004 –D017)

A listed waste is one which is determined commercial chemical products, off – specification species, container residues and spill residues thereof. These are the “P” and “U” listed waste referred to in 40 CFR 261.33.

Wastes from specific and non- specific sources are from specific processes. These are referred to as “F” and “K” listed waste. This is one type of waste, AI – Kel does not produce except in very small amounts during recirculatory solvent washes or from cleaning waste tanks. These will be referred to as “F” waste. Usually F001, or F003. For explanation of each code see 40 CFR 261.31

TCLP refers to the testing procedure used to extract a sample from a waste. The test is called the Toxicity Characteristics Leachate Procedure. The TCLP is the most crucial in that it governs the “D” listed wastes. When a tank is less the RCRA empty, the waste falls back onto the TCLP for regulation. Even if a RCRA empty tank has a product that is “U” listed, if it passes the concentration limits set forth in the TCLP, it is a non-hazardous waste unless it shows through characteristics to be hazardous, (i.e., ignitable, reactive or corrosive).

At AI – Kel it is the company policy to have as many hazardous heels as possible placed into a fuels program or incinerated. Only those wastes permitted to be disposed of in another manner shall be excluded and only after the feasibility or incineration has been explored.

**AI-KEL Alliance / Prime Pack.
Heel Handling and Waste Determination Procedures**

RCRA specifies what is considered empty in 40CFR 461.7. Empty as defined by RCRA is less than .3% of the volume of the container. In order to be considered RCRA empty a 6000 gallon tank would have less than 18 gallons of product remaining, it must be tripled rinsed with the rinse being considered a "P" waste as well as any product which had remained.

By utilizing the empty container exemption provided for in RCRA, many products that would normally require incineration can be utilized in an alternate fuels program. This provides a less expensive fuel source to kilns as well as lowering the ultimate disposal cost for AI - Kel Alliance, Inc.

Always be sure to choose a TSD facility with a good reputation and good customer service for the ultimate waste disposal. If possible, the TSD facility should be audited by AI - Kel personnel annually to ensure the proper handling of waste.

WASTE HANDLING PROCEDURES

Once a tank has been placed on the wash rack for cleaning, the tank cleaning technician should verify the tank number, last product and placard number (if any). Upon verification the cleaning technician should then inspect the unit for heel. Heel volume can be checked and estimated by carefully opening the dome and looking into the tank. Never should a tank have its external and internal valves opened prior to heel inspection.

If the tank is determined not to have heel, the unit is then cleaned as per company specifications. If, however, the unit does have heel estimation as to the amount should be taken to determine if the unit is hazardous. If the product being cleaned is non-hazardous, the heel should be drained into buckets and placed into the storage area. Remember products that set-up or crystallize require steaming and should not be put into the plastic buckets, but should be placed in fiber cardboard containers.

Hazardous products less than RCRA empty should be collected in a bucket with a lid and tagged with the following information.

Date: _____

Tank #: _____

Product: _____

UN/NA #: _____

Cleaner: _____

The bucket is then to be placed into the heel storage area. Any buckets or containers with products should capped with a good sealing lid. The tank is now ready to be cleaned.

Tanks which contain a listed hazardous waste that are not RCRA empty should be drummed or bucketed and tagged with the same information above.

**Al-KEL Alliance / Prime Pack.
Heel Handling and Waste Determination Procedures**

It shall be the waste coordinator's responsibility to segregate these buckets/drums at the end of each day. A drum log should be maintained for every drum on-site. The log will enable management to identify all products contained in every drum.

The drum shall also be assigned a drum number with prefixes referring to the type of waste stored in the drum. It is the responsibility of the waste coordinator to properly label all drums in accordance with federal regulations.

It shall also be the waste coordinator responsibility to maintain a non-hazardous heel rinse log. The log shall reflect only the gallons of pure product captured.

EXHIBIT "C"

AI-KEL Alliance / Prime Pack.
 Heel Processing and Hazardous Waste Management

TANK CLEANING PROCESS AND HAZARDOUS AND NON-HAZARDOUS WASTE
 HANDLING PROCEDURE

INBOUND INSPECTION

1. Driver should be questioned about heel when filling out wash ticket
2. The customer should then be informed of the proper heel charge. Note: Heel should be billed only after the first five gallons unless hazardous as listed under the "P", "F", or "K", "U", "D" list.
3. The tank wash should be informed of heel immediately when a tank contains a product which sets-up (i.e. poly vinyl acetate, para cresol, resin). The tank wash can then immediately remove heel and/or flush tank.

TANK WASH

1. Tank is brought into the tank wash
2. Check tank for placards. If tank has placards, all heels must be collected. Also, if tank contains oil all free flowing heels must be collected and treated as flammable, D001 waste.
3. Before opening internal and external valves the unit must be checked for heel and recorded on the wash ticket.
4. All hazardous and non-hazardous heels must be bucketed and tagged.
5. At the end of each shift the buckets should be emptied into the proper drum and recorded on the drum log. (Responsibility of the Waste Coordinator).
6. Non-hazardous liquid heels such as chocolate, latex water, polymer should be allowed to flow into the wastewater prior to cleaning. The volume should be recorded on the wash ticket. Also, heels that carry only hazardous corrosive properties should be drained into the sump for pH correction in the wastewater treatment plant.
7. Clean tank

TCLP

EPA #	CONTAINMENT	Regulatory Level (mg/l)
D004	Arsenic	5.0
D005	Barium	100.0
D018	Benzene	.5
D006	Cadmium	1.0
D019	Carbon Tetrachloride	.5
D020	Chlordane	.03
D021	Chlorbenzene	100.00

AI-KEL Alliance / Prime Pack.
Heel Processing and Hazardous Waste Management

D022	Chloroform	6.0
D007	Chromium	5.0
D023	o-Cresol	200.00 *
D024	m-Cresol	200.00 *
D025	p-Cresol	200.00 *
D026	Cresol	200.00 *
D016	2,4-D	10.00
D027	1,4 Dichlorobenzene	7.5
D028	1,2 Dichloroethane	.5
D029	1,1 Dichloroethylene	.7
D030	2,4 Dinitrotoluene	.13
D012	Endrin	.02
D031	Heptachlor	.008
D032	Hexachlorobenzene	.13
D033	Hexachlorobutadiene	.5
D034	Hexachloroethane	3.0
D008	Lead	5.0
D013	Lindane	.4
D009	Mercury	.2
D014	Methoxychlor	10.0
D035	Methy Ethyl Kettore	200.00
D036	Nitrobenzene	2.0
D037	Pertrachlorophenol	100.00
EPA #	CONTAINMENT	Regulatory Level (mg/l)
D038	Pyridine	5.0
D010	Selenium	1.0
D011	Silver	5.0
D039	Tetrachloroethylene	.7
D015	Toxaphene	.5
D040	Trichloroethylene	.5
D041	2,4,5 Trichlorophenol	400.00
D042	2,4,6 Trichlorophenol	2.0
D017	2,4,5-TP (silvex)	1.0
D043	Vinyl Chloride	.2

* If o, m, p-Cresol concentrations cannot be differentiated, the total Cresol (D026) concentration is used.

AI-KEL Alliance / Prime Pack.
Heel Processing and Hazardous Waste Management

DRUM MANAGEMENT LOG

Waste Coordinator: _____

Type Waste: Non-Hazardous() Hazardous()

RCRA EPA Waste #: _____ Ignitable: _____ TCPL: _____

Drum #: _____ Corrosive: _____ Listed: _____

Start Date: _____ Reactive: _____

	Date	Tanker #	Product	Amount
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____
7.	_____	_____	_____	_____
8.	_____	_____	_____	_____
9.	_____	_____	_____	_____
10.	_____	_____	_____	_____

Remarks: _____

Note: Hazardous Drums must be disposed of within 90 days.

Disposal Date: _____ Manifest #: _____

Transporter: _____ TSD Facility: _____

DRUM CODES

HAZARDOUS

START NUMBER

- Flammable Liquid FI-001
- Flammable Solid FS-001
- Corrosive (base) liquid CBL-001
- Corrosive (base) solid CBS-001
- Corrosive (Acid) liquid CBL-001
- Corrosive (Acid) solid CAS-001
- Reactives R-001

LISTED WASTE

- "P" listed liquid PLL-001
- "P" listed solid PLS-001

AI-KEL Alliance / Prime Pack.
Heel Processing and Hazardous Waste Management

"F" listed liquid	FLL-001
"F" listed solid	FLS-001
"U" listed liquid	ULL-001
"U" listed solid	ULS-001

COMBINATIONS

"D" & "I" liquid	DFL-001
"D" & "F" solid	DFS-001
"D" & "U" liquid	DUL-001
"D" & "U" solid	DUS-001

NON-HAZARDOUS

Solid	NHS-001
-------	---------

NON HAZARDOUS HEEL LOG

Waste Coordinator: _____ Date: _____

	Date	Tank #/Carrier	Product	Amount
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____
7.	_____	_____	_____	_____
8.	_____	_____	_____	_____
9.	_____	_____	_____	_____
10.	_____	_____	_____	_____
11.	_____	_____	_____	_____
12.	_____	_____	_____	_____
13.	_____	_____	_____	_____
14.	_____	_____	_____	_____
15.	_____	_____	_____	_____
16.	_____	_____	_____	_____
17.	_____	_____	_____	_____
18.	_____	_____	_____	_____
19.	_____	_____	_____	_____
20.	_____	_____	_____	_____

Total
Gallons of Heel _____

All heel contained herein is treated and disposed of in AI-Kel's wastewater treatment facility.

AI-KEL Alliance / Prime Pack.
Heel Processing and Hazardous Waste Management

HAZARDOUS WASTE CONTAINER DAILY INSPECTION LOG

Date: _____ Inspector: _____ Time: _____ : _____ AM/PM

Drum Contents	Drum No.	Insecurely Closed Y or N	Leaking Y or N	Deteriorated Y or N	Improperly Labeled Y or N	Comments

Physical Drum Count: _____
Are dikes eroded or failing? Yes _____ No _____
Does area contain liquid Yes _____ No _____

If the answer to any of the above is "Yes" please explain:

What remedial action is being taken?

EXHIBIT “D”

Prime Pack

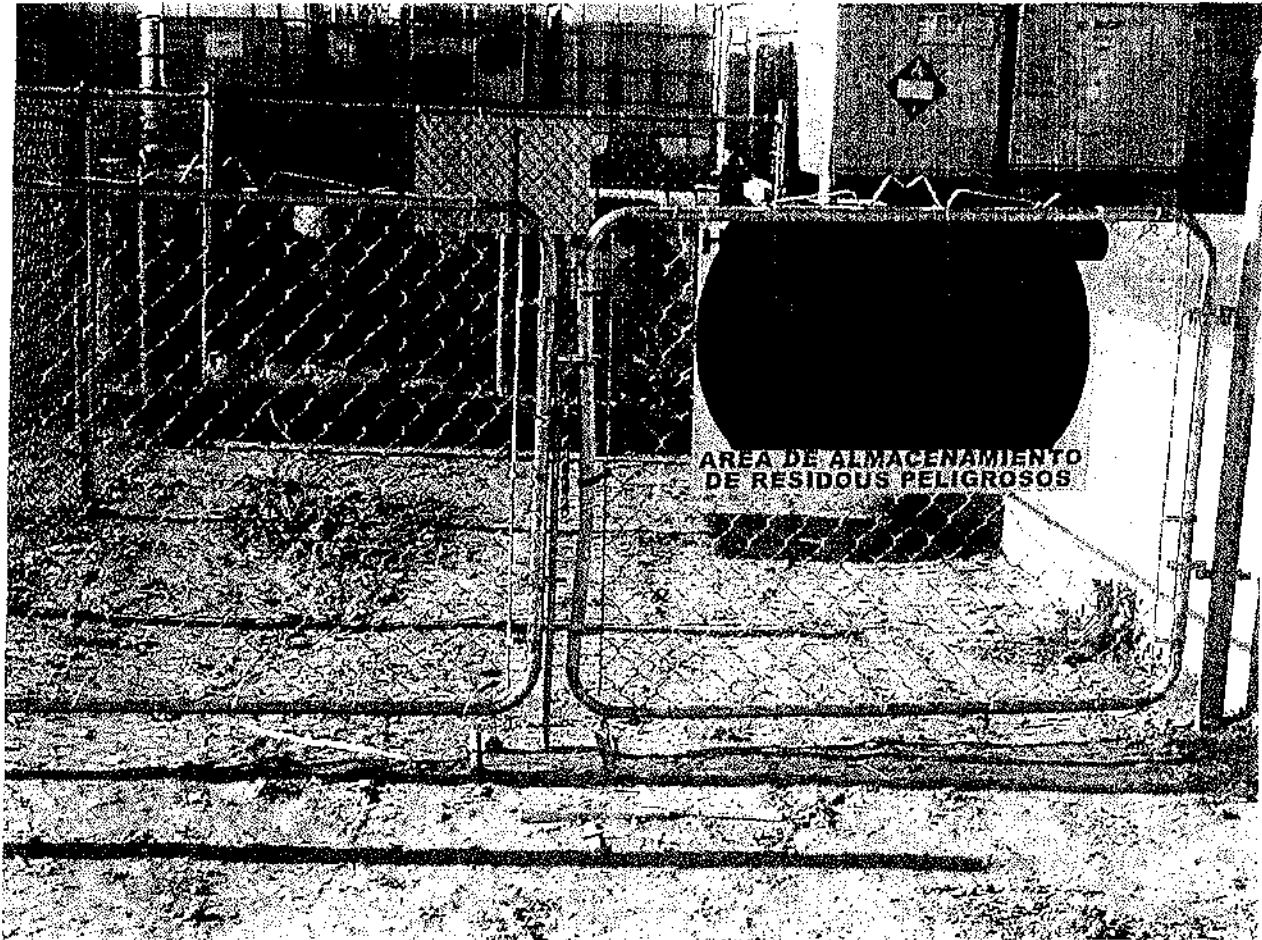


EXHIBIT “E”

Issued By:	AL-KEL Alliance / Prime Pack Health, Safety, and Environmental Procedures	Policy Number: FP&P
Approved By:		Page Of 1 2
Subject: Monthly Safety Meetings		Effective Date: 2012

Monthly Safety Meetings

Objective:

Monthly meetings will ensure annual compliance training requirements are completed. And stimulate and maintain interest in, and for the communication of Health, Safety, and Environmental issues.

Policy:

Safety Meetings will be held monthly and will concentrate on the monthly safety topic supplied.

Safety Meetings are an opportunity for supervisors and managers to explain and demonstrate the correct and safe way he/she wants work to be carried out according to the AL-KEL Alliance Prime Pack manual.

Responsibilities:

To Be Completed Monthly:

1. HSE Manager- Ensure monthly Safety meeting topics are sent to all Operations Mangers for the following month safety meeting. Topics will go out no later than the 20th.
2. Operations Manager Conduct / Coordinate all Safety meetings and all local personnel attended meetings.

The meeting should include:

- a. Safety topic refresher training
 - b. Evaluation of monthly safety report to included recent accidents, near misses and unsafe acts that have occurred since last meeting.
 - c. New Hazards associated with a change in work method, location or new equipment.
 - d. Results of recent facility or job audits.
3. Operations Manager - Submit sign-in sheets to the HSE Manager no later than the 10th of the following month.
 4. HSE Manager - Insure sign-in logs are stored for proper record retention and training completion rate included in monthly report to Management.

Issued By:	AL-KEL Alliance / Prime Pack Health, Safety, and Environmental Procedures	Policy Number: FP&P
Approved By:		Page Of 2 2
Subject: Monthly Safety Meetings		Effective Date: 2012

AL-KEL Alliance / Prime Pack. Policy Reference

AL-KEL Alliance / Prime Pack. Safety Manual .

EXHIBIT "F"

Spill Control/Response

- At all facilities we have on hand a fully stocked and readily available spill control/response kits.
- At each facility there are trained employees who are designated as the "Spill Response Team".



EXHIBIT "G"

AI Kel Alliance / Prime Pack. Emergency Response

I. Purpose:

To protect AA/PP employees by providing guidance for field response to foreseeable emergency situations.

II. Regulatory Reference:

AA/PP performs emergency response as defined in HAZWOPER 29 CFR 1910.120(q) and 29 CFR 1926.65(q). AA/PP may experience emergencies and will respond to protect its employees. AA/PP will cooperate fully with all other emergency response providers responding to AA/PP emergencies.

III. Scope:

This procedure applies to all AA/PP employees, contractors and subcontractors.

IV. Definition:

None

V. Responsibilities:

A. **AA/PP Employees.** AA/PP employees are responsible for

1. Alerting AA/PP Corporate Safety Director management to all emergency situations as soon as safely possible.
2. Assisting Emergency Response Teams, as requested.

VI. Procedures:

A. Basic direction.

1. **Alarm systems.** Every AA/PP member is required to sound the provided local alarm system as soon as an emergency situation is observed.
 - a. AA/PP employees will familiarize themselves with the alarm systems found in the various areas of AA/PP activities.
2. **Report all near miss/occurrences, incidents, and/or emergencies** to the Corporate Safety Department. See AA/PP Corporate Safety Department H&S Procedure "Incident, Injury, Illness Reporting and Investigation" for reporting procedures.
3. **Evacuation routes and assembly areas.** Every AA/PP member will be aware of the evacuation routes and assembly areas:
 - a. For each building complex. Each facility is responsible for posting the evacuation routes.
 - b. Presented in the Facility Safety Plan for field work.
4. **Spill response.** All spills will be contained as quickly as possible. Run off will be prevented from entering drainage systems or waterways.

-
5. **Securing equipment.** Powered equipment can be a source of ignition for flammable gas and vapor clouds, therefore powered equipment will be shut down before abandoning unless shutting down the equipment poses an immediate risk to the operator.
- B. **Medical emergencies.**
1. Caring for injured persons has top priority. Sound the alarm when assistance may be needed.
 2. Injured persons will be decontaminated, if needed and possible, without aggravating the injury.
 3. First aid and CPR will be provided by AA/PP Trained Personnel. As EMTs, AA/PP Safety Coordinator will determine what additional medical assistance is needed.
 4. First aid and CPR may be provided by any trained AA/PP member on a voluntary basis.
- C. **Vehicle accidents.** Vehicle accidents during work hours involving AA/PP employees, whether in personal vehicles or company-owned vehicles, will be reported immediately to the AA/PP Corporate Safety Director.
- D. **Fire.**
1. Sound the alarm.
 2. Shut down equipment, if safely possible, and evacuate the area.
 3. No AA/PP associate is expected to fight a fire. Each situation is different. The AA/PP associate will evaluate the situation and the equipment at hand and take whatever action the member's training and experience makes advisable.
- E. **Explosion.**
1. Sound the alarm.
 2. Shut down equipment, if safely possible, and evacuate the area.
 3. Move away from the explosion in an upwind or crosswind direction.
- F. **Major chemical release.** AA/PP does not handle chemicals in quantities which could cause a major chemical release. AA/PP trained personnel will respond to chemical release alarms by shutting down and evacuating crosswind away from the release area.
- G. **Bomb threats.** Anyone may receive a bomb threat.
1. If received by telephone, attempt to get information concerning
 - a. When the bomb will explode.
 - b. Where the bomb is located.
 - c. Any other information that is helpful.
 2. Notify the Corporate Safety Director or his staff immediately.

H. Excavation collapse endangering persons.

1. Sound the alarm.
2. Continue all life support systems in operation, such as dewatering pumps, air supplies, etc.
3. **DO NOT USE POWER EQUIPMENT TO DIG!**
4. Follow direction of excavation Competent Person.
5. Move material away from the edges of the excavation if the movement will not disturb existing situation.

I. Confined space emergency.

1. Sound the alarm.
2. Follow the instructions of the Entry Attendant.
3. Continue all life support systems in operation.

J. Storms.

1. Shut down field activities during electrical storms.
2. The Corporate Safety Director will track all serious weather situations. Follow directions received from the Corporate Safety Director or his designated representative.

VII. References:

AA/PP. *Health and Safety Manual*, Procedure A04 "Confined Space Entry Program."

AA/PP. *Health and Safety Manual*, Procedure A06 "Emergency Response Program."

AA/PP. *Health and Safety Manual*, Procedure F13 "Incident, Injury, Illness Reporting and Investigation."

US DOL (OSHA). 29 CFR 1910.120 and 29 CFR 1926.65 "Hazardous Waste Operations and Emergency Response: (q) Emergency response program to hazardous substance releases."

EMERGENCY PHONE LIST

2012 GOODE ROAD, HUTCHINS, TX 75141

HUTCHINS FIRE RESCUE

**911 EMERGENCY
972-225-9137 NON-EMERGENCY**

HUTCHINS POLICE DEPT

**911 EMERGENCY
972-225-2525 NON-EMERGENCY**

INTER-COMPANY

- | | |
|------------------|---------------------|
| 1. PAT SILVA | 972-743-5568 MOBILE |
| 2. SCOTT LYDAY | 214-517-8802 MOBILE |
| 3. KELLY CORDELL | 972-740-8596 MOBILE |
| 4. BLAIN VINSON | 972-310-0838 MOBILE |

Wintergreen Rd.

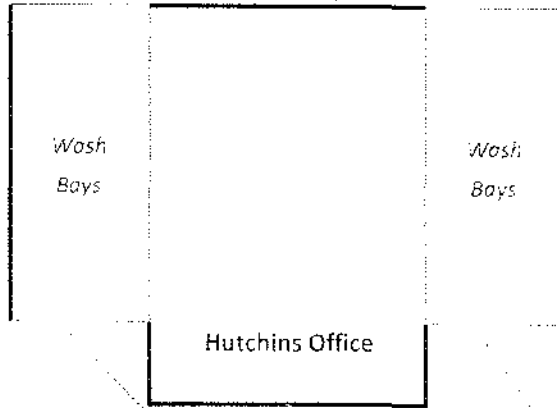
North East Gate



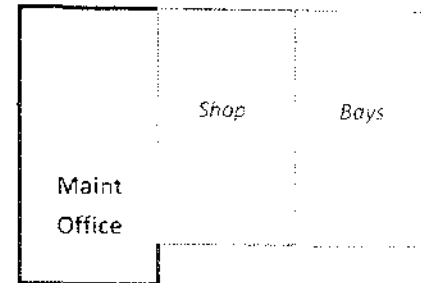
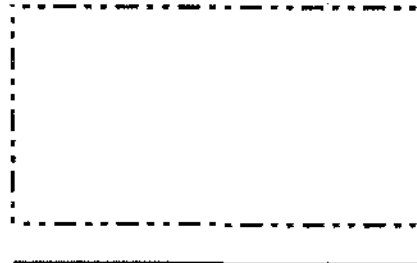
Evacuation Area - A



Waste
Water



Evacuation Area - B



North West Gate

South West Gate

Goode Rd.

EXHIBIT “H”

Al-Kel Alliance / Prime Pack Handling Hazardous Chemicals

I. Purpose:

This procedure is designed to protect AA/PP employees from exposure to hazardous chemicals.

II. Regulatory References:

OSHA has many chemical-specific regulations. Those pertinent to AA/PP operations include:

- Asbestos exposure under 29 CFR 1910.1001 and 29 CFR 1926.1101.
- Benzene exposure under 29 CFR 1910.1028 and 29 CFR 1926.1128.
- Cadmium exposure under 29 CFR 1910.1027 and 29 CFR 1926.1127.
- Chlorine exposure under 29 CFR 1910.1000.
- Inorganic lead exposure under 29 CFR 1910.1025 and 29 CFR 1926.62.
- Mercury exposure under 29 CFR 1910.1000.
- Organic lead (tetraethyl lead and tetramethyl lead) exposure under 29 CFR 1910.1000.

III. Scope:

This procedure applies to AA/PP operations.

IV. Definitions:

None

V. Responsibility:

AA/PP employees will handle hazardous materials responsibly.

VI. Procedures:**A. General.**

1. The Material Safety Data Sheets (MSDSs) for all materials on location are available from the Health, Safety and Environmental Coordinator, Corporate Safety Administrative Assistants, and Supervisors for specific projects. (See *AA/PP Health and Safety Manual*, Procedure F15 "Material Safety Data Sheets.")
2. The MSDS for materials used will be reviewed before initial use of the chemical.
3. The MSDS (or equivalent information) for contaminants of concern in project work are included in the Site Safety Plan. These will be reviewed in the Initial Site Safety Plan Briefing.
4. Personal protective equipment (PPE) will be used as specified in the Site Safety Plan for project work. PPE will be used as presented in the MSDS for non-project work such as maintenance activities.

B. Acids, bases, caustics and other corrosives.

1. These chemicals damage biological tissue when contact is made. Particular attention to eye protection is necessary.
2. When acids, bases, caustics (including dry caustics) or other corrosives are used, chemical protective goggles will be worn.

3. Eye washes and showers will be immediately (within 25 feet) available where these chemicals are handled.
 4. All skin contact will be avoided.
 5. If ingested, do not induce vomiting. Seek medical attention. If possible, dilute the material by ingesting milk, water, or raw egg.
 6. PPE will be selected and used based on the information contained in the MSDS for the material being handled.
 7. Accidental contact will be treated with copious flushing of the affected area with water. The flushing of eyes will continue until medical assistance arrives or a minimum of fifteen (15) minutes before moving the injured to medical care.
- C. Asbestos, man-made mineral fibers (MMMF), and other insulating materials.
1. Asbestos work requires additional health and safety training and medical surveillance that is different from HAZWOPER.
 2. All insulation will be handled carefully, whether it is suspected asbestos or not.
 3. Avoid skin contact with insulating materials. Fiberglass will cause almost immediate skin irritation that is transitory.
 4. Avoid inhalation of all insulating particulate. If handling methods will produce dust, use HEPA filters in respirators.
- D. Benzene, toluene, ethyl benzene, xylene and other aromatic hydrocarbons. These chemicals are not used on the AA/PP location, however the potential for exposure from customers products is possible.
1. Overexposure to aromatic hydrocarbons will not be allowed.
 2. Air monitoring with direct-reading instruments is required in remediation areas with composite benzene, toluene, ethyl benzene and xylene (BTEX) contamination in excess of 0.1 ppm.
 - a. It is not anticipated that contamination in soil, sludge or water at the 10,000 ppm level will result in overexposure to any single component of BTEX or to the composite. Beginning monitoring at this time is a conservative approach to preventing overexposure.
 - b. Respiratory protection will be required consistent with the Site Safety Plan, direct-reading instrument readings, detector tube readings, and previous monitoring full-shift sampling results for similar operations.
 3. Personnel air monitoring is performed with badges or pumps and charcoal tubes to obtain full-shift exposure documentation of airborne concentrations of suspect hydrocarbons.
- E. Chlorine, oxides of nitrogen, oxides of sulfur and other severe respiratory irritants.
1. AA/PP does not use these chemicals; however, the potential for exposure from customers products exists.
 2. These chemicals cause lung tissue damage. The immediate response may pass only to have more severe symptoms arise several hours later. The delayed response can be fatal.

3. If exposure occurs:
 - a. Sound the alarm.
 - b. Medical assistance is required.
 4. Emergency treatment for exposed persons:
 - a. Do not enter area of atmospheric contamination without SCBA.
 - b. Remove from exposure to clean air. If skin contact with liquids has occurred, use nearest emergency shower. Inhalation has occurred if skin contact has occurred.
 - c. Administer CPR if indicated.
 - d. Give supplied oxygen, if available.
 - e. Transport to medical facility for total evaluation.
- F. Flammable and combustible gases and vapors.
1. Flammable and combustible gases and vapors will be:
 - a. Used with adequate ventilation.
 - b. Monitored using an explosimeter whenever hot work will be performed.
 2. Storage of small quantities will be in flammable liquid storage cabinets.
 3. Storage of large quantities will be outdoors and at least fifty (50) feet from structures and storage of other combustible materials.
 4. All outdoor storage racks will be grounded and provided with bonding connectors.
 5. When transferring flammables or combustibles from one container to another, containers will be bonded. The larger, source container will be grounded.
- G. Mercury, cadmium, lead and other metals.
1. Metal exposure is most hazardous when fumes are generated from hot work activities such as cutting, welding, and/or gouging.
 2. Skin contact with metallic phase materials is not generally a hazard.
 3. Some of these metals have no odor, for example lead and mercury, to warn of their presence.
 4. Ingestion can result in toxic reaction.
 5. Metal fume fever will be prevented by use of respiratory protection.
 6. Exotic metals and coatings will be identified before hot work is performed on suspect metals.
 7. Air monitoring with pump and filters will be performed when highly toxic metals, such as cadmium, lead, beryllium, and others, are identified in the materials.
- H. Organic lead (tetraethyl lead and tetramethyl lead).
1. Organic lead compounds are ingestion, inhalation and skin absorption hazards.
 2. Organic lead compounds are extremely toxic. The raw material, no longer handled on location, could cause death by skin contact.
 3. Odor threshold for these compounds is very low. The sense of smell can detect organic lead compounds sooner than any portable instrument.
 4. Organic lead compounds may be encountered in limited areas where these compounds were received, unloaded, and added to finished gasoline.

5. Air monitoring with pumps and charcoal tubes will be performed if organic lead compounds are encountered.
6. When organic lead compounds are encountered, the use of supplied air may be required.

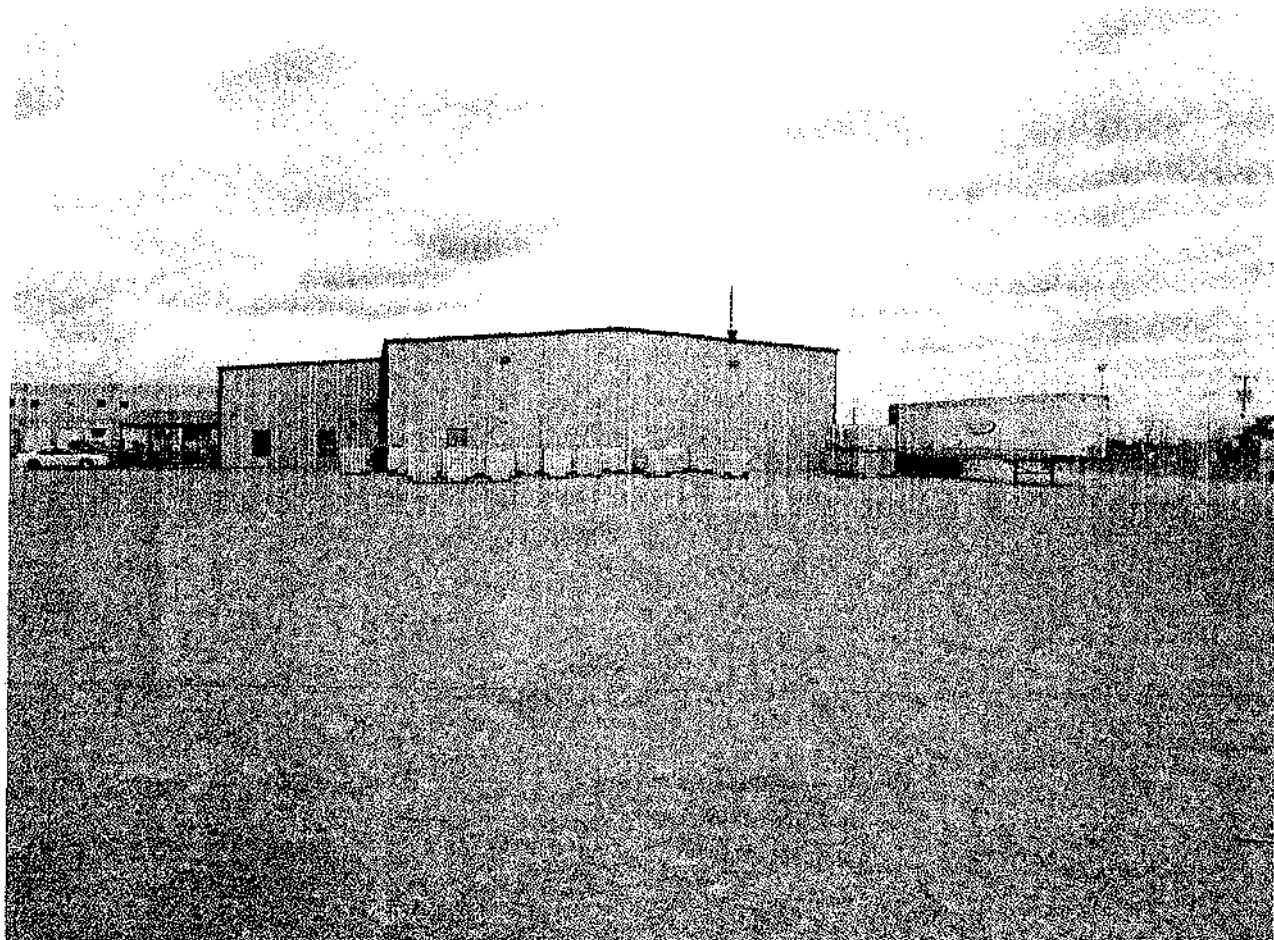
VII. References:

AA/PP. *Health and Safety Manual*, Procedure A07 "Hazard Communication Program."
AA/PP. *Health and Safety Manual*, Procedure A13 "Personal Protective Equipment Program."
AA/PP. *Health and Safety Manual*, Procedure A18 "Respiratory Protection Program."
AA/PP. *Health and Safety Manual*, Procedure A17 "Health and Safety Training Program."
AA/PP. *Health and Safety Manual*, Procedure F08 "Fire/Explosion Prevention and Control."
AA/PP. *Health and Safety Manual*, Procedure F15 "Material Safety Data Sheets."
AA/PP. *Health and Safety Manual*, Procedure F20 "Personal Protective Equipment (other than respirators)."
AA/PP. *Health and Safety Manual*, Procedure F22 "Respiratory Protective Equipment."

VIII. Attachments:

None

EXHIBIT “I”





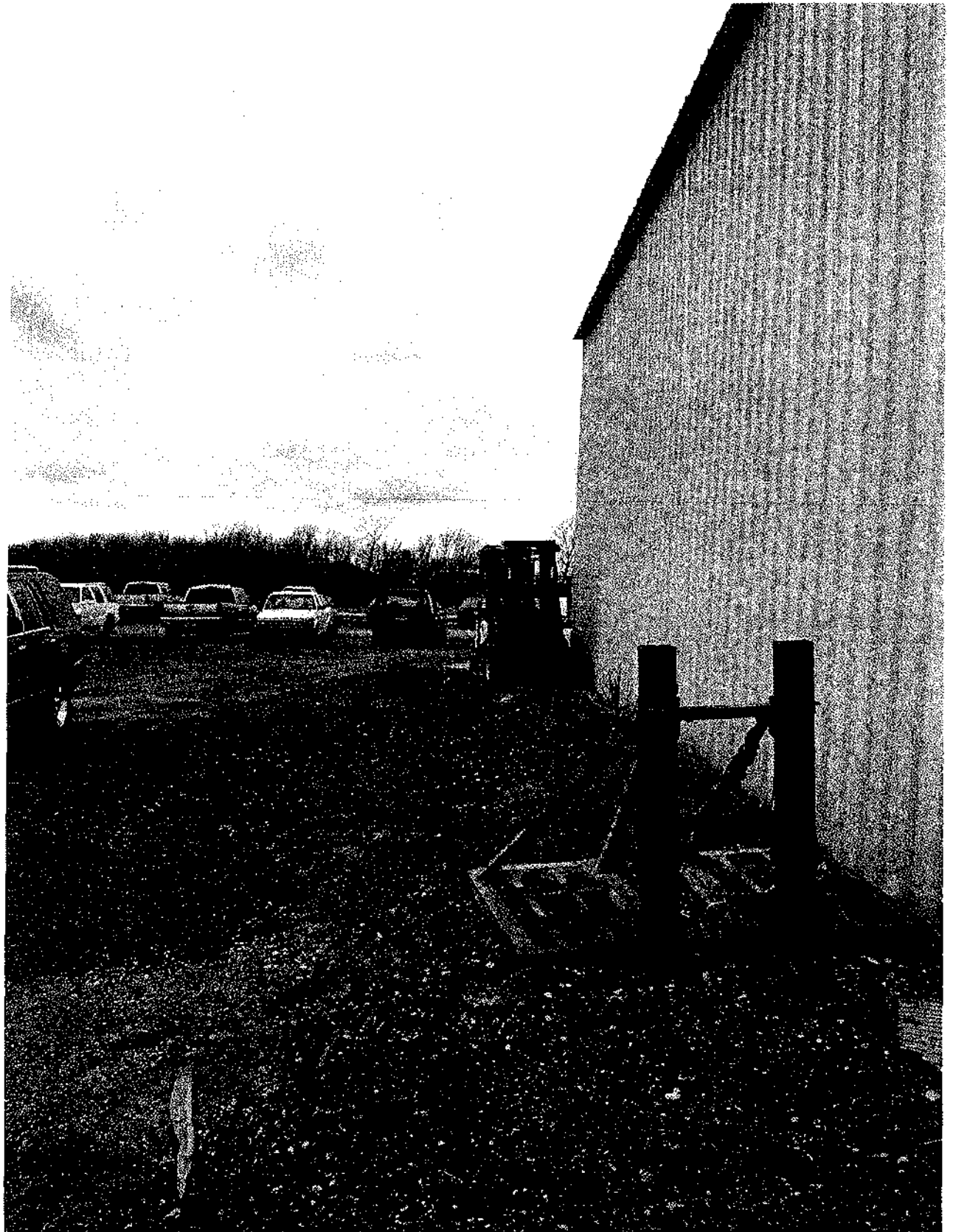


EXHIBIT “J”



March 5, 2012

Mr. Blain Vinson,

TES is a 24 hour 7 day per week Emergency Responder. All of our employees, technicians and drivers are 40 HazWoper Trained. We are familiar with all of the chemicals handled and wastes generated at Prime Pack Inc. in Hutchins, Texas and are prepared to respond to any emergency discharge, spill or release if required.

Best Regards,

Mike Templin
Trans-Environmental Services, LLC
(940) 634-1310 (Cell)
mtemplin@trans-environmental.com

EXHIBIT “K”

Hutchins Fire Rescue

P.O. Box 500

Hutchins, Tx. 75144

March 6, 2012

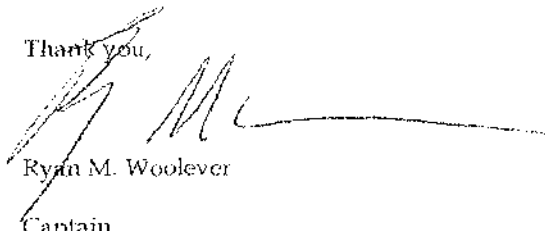
Blain Vinson
Prime Pack Inc.
4217 Mint Way
Dallas, TX 75237

Mr. Vinson,

Thank you for your visit with me today in regards to your Facility located in our city. I appreciate the energy that you have shown today in the cleaning up at Al-Kel. As I have said before I know the tremendous fire hazard that existed at your facility has been greatly reduced by the cleaning up around the yard. I look forward to the continued communication and interaction between Us and your facility in relation to hazard mitigation and awareness.

Again if you have any questions or comments feel free to contact me anytime.

Thank you,



Ryan M. Woolever

Captain

(O) 972 225-3311

(H) 972 225-3335

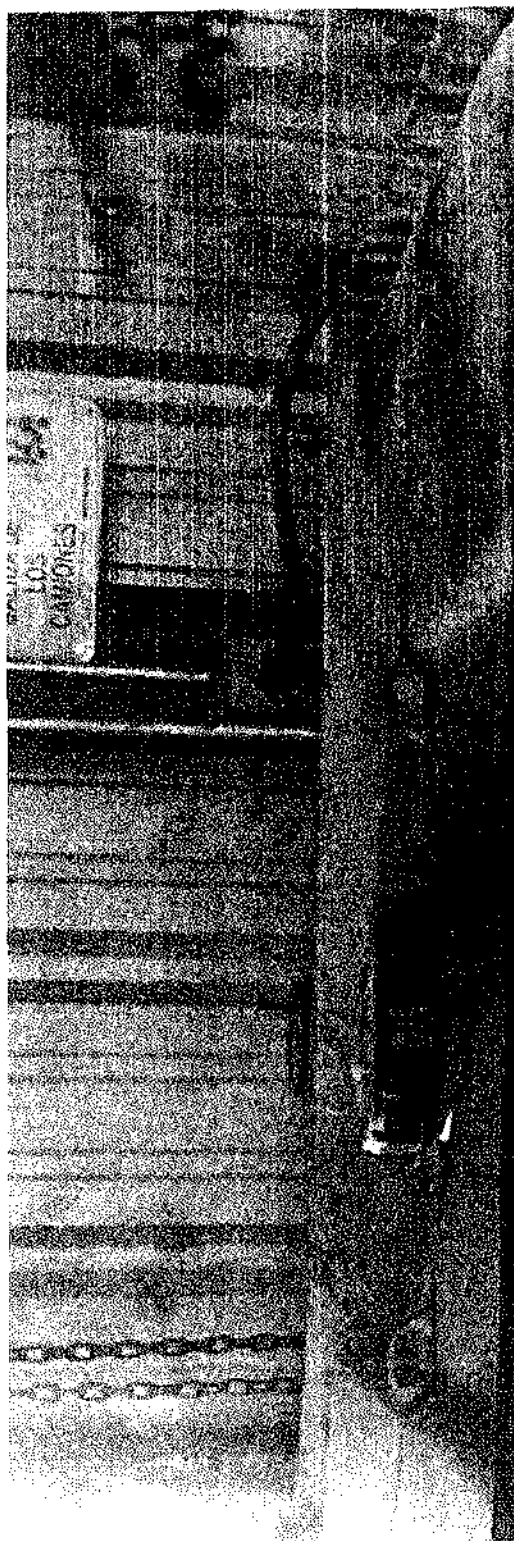
(C) 214 914-8601

Woolever@hutchinsfirerescue.org

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