UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

IN THE MATTER OF:	§	
	§	
AL-KEL ALLIANCE, INC.	§	DOCKET NO. RCRA 06-2012-0926
WILMER, TEXAS,	§	
	§	
RESPONDENT.	§	

AL-KEL ALLIANCE, INC.'S
ANSWER TO THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REQUEST FOR SUPPLEMENTATION

Al-Kel Alliance, Inc. ("Al-Kel") files and serves its Answer to the United States Environmental Protection Agency ("USEPA") request for supplementation and states:

USEPA Request No. 1.

In your answer to paragraphs B and C in the Compliance Order, timelines are provided as to how the facility will comply with the storage quantity limitations and the storage time limitations for hazardous waste at your facility. You also submitted Exhibits B and C to answer paragraphs B and C in the Compliance Order, but it does not include this timeline. Is the timeline described in your answer to paragraph B and C of the Compliance Order included in any of your policies and/or procedures? If so, is this document part of any employee training program? Exhibits B and C only refer to procedures involving tank trailer cleaning. Are there policies and/or procedures for the cleaning and management of the drums/totes received at your facility? If so, provide these policies and/or procedures. Is the timeline described in your answer to paragraph B and C effective for all hazardous waste stored at your facility?

Al-Kel Response:

Al-Kel's Answer to the Compliance Order, as referenced above, is supplemented as follows: During the recent activities at the Al-Kel Hutchins facility, Trans Environmental Services ("TES") and Fred Burnside & Associates conducted, *inter alia*, sampling and analysis of all waste at the facility. That analysis established that significantly less than one (1) percent of all waste on site at that time was classified as hazardous waste. Al-Kel has recently updated its registration, on August 23, 2011 and again on March 5, 2012, to reflect a status of Large Quantity Generator ("LQG") under the Resource Conservation and Recovery Act ("RCRA") as a protective filing only.

The USEPA's assumption that hazardous wastes was being regularly generated and stored at the Hutchins facility is a rebuttable presumption; extensive testing did not prove this to be the rule but rather the exception. If no hazardous waste is/was being generated or stored, the only applicable regulation is the requirement for the generator of solid waste to perform a

hazardous waste determination when the waste is generated. *See* 40 CFR Part 262.11. Al-Kel has extensively tested the solid wastes and that testing, along with generator knowledge, allows Al-Kel to manage its wastes as non-hazardous. Verification sampling and testing is in place to assure that solid wastes are properly classified and managed.

With this request, the USEPA is now asking Al-Kel to specify the steps it takes to ensure that the allowable quantity and time limit issues raised in Paragraph B were not exceeded. These quantity issues only apply to Conditionally Exempt Generators, *see* 40 CFR Part 261.5(e) and (g); 262.34 (f) and Small Quantity Generators ("SQG"), *see* 40 CFR Part 262.34(f). The allowable time limit issue set out in Paragraph C applies to SQG (40 CFR Part 262.34(e) and (f)) and LQG (40 CFR Part 262.34(a)). A LQG does not have quantity limits and is allowed to generate greater than 1,000 Kg/month as long as the waste is removed within 90 days and it complies with the management requirements for a LQG. From the date Al-Kel started operating as a LQG and complying with the LQG requirements, it did not have quantity limits; therefore, Paragraph B of the Compliance Order loses legal significance. No policy is required to address the issue raised by Paragraph B and hence no employee training will be or would have been required.

With regard to the question of policies and procedures for management of drums/totes, *see* the attached Exhibit "N".[1] For the wastes generated from drums/totes before the clean up was completed in December 2011, extensive chemical testing of wastes was performed during the clean-up which demonstrated that the wastes at the Al-Kel Hutchins facility were predominantly non-hazardous wastes. The only solidified waste which tested as hazardous waste was likely the result of less than one quart of solvent. The drums which tested characteristic were outliers which would have been detected and were properly disposed of due to the sensitivity of analytical testing performed on solidified wastes. It is possible the waste in these drums was generated at conditionally exempt rates. All accumulated wastes were tested immediately and arrangements for their appropriate disposal were made promptly after the analytical results were received from the laboratory. No employee training was required for this process since TES was responsible for accumulation, solidification and disposal of the waste.

No hazardous waste has currently been identified as being generated by the cleaning process of the totes. The wastes generated from the Valspar container cleaning is managed in the on-site wastewater treatment unit ("WWTU") which discharges to the POTW under an industrial pre-treatment permit. The WWTU is allowed to treat hazardous wastes and is not quantity or time limited in its ability to do so. *See* 40 CFR § 260.10.

USEPA Request No. 2.

In your answer to paragraph E in the Compliance Order, Exhibit E provides a general policy for your Monthly Safety Meetings. Do these Monthly Safety Meetings meet the annual training requirements for Large Quantity Generators under RCRA (as you have indicated you are in your most recent statement)? Provide training documents that show the contents of the trainings in a given year, the frequency of each type of training, a list of employee names with job title and description for each position at the facility related to hazardous waste management,

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[1] Sections 6 and 7 are applicable to the Al-Kel Mint Way facility only.

documentation showing that the training program is directed by a person trained in hazardous waste management procedures, and a list of employees who are required to complete these trainings.

Al-Kel Response:

Al-Kel's Answer to the Compliance Order, as referenced above, is supplemented as follows: While the USEPA requires LQGs to comply with the personnel training requirements outlined at 40 CFR 265.16, Al-Kel does not accumulate more that 1,000 kilograms per month of hazardous waste. The USEPA presumes that the Al-Kel Hutchins facility is managing hazardous waste. As currently structured, no hazardous wastes are managed at the Al-Kel Hutchins facility. The personnel training requirement is only needed for the personnel who are instrumental in assuring that the facility is in compliance with Part 265 requirements. The waste determinations, accumulation and disposal work is done by TES. As there is no hazardous waste generated on-site, Part 265 requirements are not applicable.

While Al-Kel has made the LQG determination protectively; nonetheless, Al-Kel will be developing an appropriate training plan, supplementing and expanding on the referenced Exhibit E, which will be developed and implemented. Al-Kel has retained Steven Hawkins, with Environmental Training Specialists, LLC, 950 South Ridge Drive, Midlothian, TX 76965, (972) 765-3766, http://envirotrain.net/ to address and update Al-Kel's policies and procedures. Mr. Hawkins will be developing a training plan that will cover all company employees, including management and will be dependent on the specific job functions of the employees. The training plan will include training in the following areas: Hazard Communications Program; General Hazard Awareness and Emergency Response Awareness; Basic Safety Training and Emergency Response Operations; DOT HM-126F (Hazardous Materials Transportation); 40 Hour HAZWOPER; Hazardous Waste Worker Emergency Response Technician; Hazardous Waste Supervisor On-Scene Incident Commander; Confined Space; Lock Out/Tag Out; Personal Protective Equipment; Respirator Use; Fall Protection; and Powered Vehicles. It is anticipated that the supplemental and additional training will begin in July 2012, with HAZCOMM, General Hazard Awareness, Emergency Response Awareness, and Basic Safety Training. Once the training plan/policy and procedure is written, it will be provided under separate cover.

USEPA Request No. 3.

In your answer to paragraph H in the Compliance Order, you provided Exhibit G, which contains your facility's emergency response procedures in the event of an emergency. It does not include information pertaining to any testing and maintenance performed on communication or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment to assure its proper operation in time of emergency. Provide any testing and maintenance programs you have regarding each piece of emergency response equipment at your facility.

Al-Kel Response:

Al-Kel's Answer to the Compliance Order, as referenced above, is supplemented as follows: 40 CFR Part 265.33 provides: "All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required,

must be tested and maintained as necessary to assure its proper operation in time of emergency." The regulations do not specify a specific method or checklist for compliance. Al-Kel conducts visual inspections of its emergency response equipment. Al-Kel is also developing a facility specific checklist for facility maintenance and testing of emergency response equipment. The checklist is being developed by Steve Hawkins, with Environmental Training Specialists, LLC. Once the facility specific "checklist" inspection to be done periodically on its emergency response equipment and alarms is written, it will be provided under separate cover. Additionally, *see* the attached Exhibit "O".

USEPA Request No. 4.

In your answer to paragraph I in the Compliance Order, you provided Exhibit H which contains general procedures for the handling of various hazardous chemicals. This exhibit does not contain the information requested regarding how the facility is complying with the necessary requirements to ensure that whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee. Provide documents that explain the equipment and procedures that facility personnel have for immediate access to communications or alarm system while handling hazardous waste.

Al-Kel Response:

Al-Kel's Answer to the Compliance Order, as referenced above, is supplemented as follows: Paragraph I of the Compliance Order does not ask "how the facility is complying"; rather, Paragraph I of the Compliance Order merely required Al-Kel to take the "necessary steps." Hazardous wastes are not being poured, mixed, spread or otherwise handled by Al-Kel employees at the Hutchins facility because there is no hazardous wastes generated on-site at the Al-Kel Hutchins facility. If, in a rare occurrence that hazardous waste is encountered or this type of waste is found, the hazardous waste will be managed by TES.

USEPA Request No. 5.

In your answer to paragraph K in the Compliance Order, you provided Exhibits J (arrangements with an emergency response contractor) and Exhibit K (arrangements with local fire department). Provide documents regarding arrangements to familiarize police with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes. Also, provide documents regarding arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at your facility.

Al-Kel Response:

Al-Kel's Answer to the Compliance Order, as referenced above, is supplemented as follows: As previously set out, the Al-Kel Hutchins facility does not handle or generate hazardous waste at its Hutchins facility. Regardless, Al-Kel is now attempting to make arrangements with the Hutchins Police Department to familiarize the Hutchins Police

Department with the layout of the facility, properties of the waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes. *See also* the attached Exhibit "P", "Q" and "R".

USEPA Request No. 6.

In your answer to paragraph L in the Compliance Order, you provided Exhibit L that covers some requirements within the Contingency Plan. The Contingency Plan provided does not include a list of names, addresses and phone numbers of all persons qualified to act as emergency coordinator (and one must be named the primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates). It also does not include a list of all emergency equipment at the facility, its location with a physical description of each item on the list, and a brief outline of its capabilities.

Al-Kel Response:

Al-Kel's Answer to the Compliance Order, as referenced above, is supplemented as follows: The Contingency Plan will be amended and will add Steven Hawkins, with Environmental Training Specialists, LLC. The amended Contingency Plan will be submitted under separate cover. *See also* the attached Exhibit "P".

USEPA Request No. 7.

In your answer to paragraph M in the Compliance Order, you provide Exhibit B and Exhibit C. Exhibits B and C only refer to procedures involving tank trailer cleaning. Are there policies and/or procedures for the cleaning and management of the drums/totes received at your facility? If so, provide these policies and/or procedures. Your response should include, but not be limited to, all documents regarding the type of analytical testing that is performed on the consolidated residuals/heels of these drums/totes and the tanker heels, the point of waste generation from which these hazardous waste determinations are made, how the residuals/heels are managed onsite after their removal from the received drums/totes and tank trailers, and provide information as to the disposition of these residuals/heels.

Al-Kel Response:

Al-Kel's Answer to the Compliance Order, as referenced above, is supplemented as follows: As previously set out above, Al-Kel's Hutchins facility does not generate hazardous waste. The regulatory requirement to make hazardous waste determinations when solid wastes are generated does not specify how the determination is to be made. *See* 40 CFR § 262.11(c)(1) and (2). The Al-Kel Hutchins facility does not now receive drums or totes for cleaning and management other than the Valspar steel totes. *See* Al-Kel's Response to USEPA Request No. 1. The Valspar container cleaning waste is managed in the on-site WWTU which discharges to the POTW. The WWTU is allowed to treat hazardous wastes and is not quantity or time limited in its ability to do so. *See* 40 CFR § 260.10. The knowledge gained after testing virtually all of the wastes at the Al-Kel Hutchins facility provided the basis for determining that the wastes historically and currently were not hazardous. Additional testing was provided on accumulated wastes to ensure that any hazardous waste, if present, was and would be properly managed

before being disposed of off- site. Testing results were submitted to the USEPA for all wastes managed at the Al-Kel Hutchins facility from September 2011 through December 2011, when accumulation/solidification of totes was undertaken and completed. This testing/analysis, as well as the profiles and manifest for all wastes disposed of from the Al-Kel Hutchins facility (approximately 133 roll-off containers and 2 tanker trucks) have already been provided to the USEPA in response to the 3007 Information Request. There are no other documents that describe how the residuals/heels are managed after their removal from the received drums/totes/and tank trailers.

USEPA Request.

Provide information regarding the various wastes streams generated from your wastewater treatment system. Include the type of analytical testing that is performed on each generated waste stream, the point of waste generation from which these hazardous waste determinations are made, how these wastes are managed on-site prior to shipment, and provide information as to the disposition of these waste streams.

Al-Kel Response:

Al-Kel's Answer to the Compliance Order, as referenced above, is supplemented as follows: The WWTU waste is managed in a twenty-five (25) cubic yard dewatering box. The following analytical is performed on the WWTU waste on every load: TCLP Metals RCRA 8, TCLP Volatiles, TCLP Semi-Volatiles, RCI, BETX and TPH (TX 1005). The testing facility is TTI Environmental Laboratories located in Arlington, Texas. Once the analytical results are received the WWTU waste is properly profiled and managed to a Texas Class I industrial landfill.

USEPA Request.

Does your facility have a general waste analysis plan for the treatment, storage or disposal of any hazardous, or nonhazardous wastes? If so, provide your written waste analysis plan. Also provide documentation or evidence to support that the facility is performing the analysis as described in your waste analysis plan.

Al-Kel Response:

Al-Kel's Answer to the Compliance Order, as referenced above, is supplemented as follows: A waste analysis plan is not required for a LQG facility, much less for non-hazardous wastes. Nonetheless, the wastes that Al-Kel has disposed of were tested extensively in compliance with 40 CFR Part 262.11. This testing/analysis, as well as the profiles and manifest for all wastes disposed of from the Al-Kel Hutchins facility (approximately 133 roll-off containers and 2 tanker trucks) have already been provided to the USEPA in response to the 3007 Information Request.

Respectfully submitted,

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ATTORNEYS FOR AL-KEL ALLIANCE, INC.

CERTIFICATE OF SERVICE

I certify that I served the foregoing document *via* United States Postal Service, First Class Delivery to:

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

and

by e-mail and United States Postal Service, First Class Delivery to:

Tom Rucki
Enforcement Counsel (6RC-ER)
United States Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

on April 30, 2012.

Walter D. James III

Exhibit “N”

AL-KEL Alliance / Prime Pack
IBC and Drum Handling SOP

1. Purpose

To ensure that containers received with residual materials are properly managed, and that excess residues are not introduced into the reconditioning process. While Al-Kel Alliance Inc./Prime Pack Inc., hereinafter "Al-Kel/Prime Pack", understands that some minor residue of a container's prior contents will remain after normal emptying by the Customer, what is acceptable is decided by EPA and State solid waste rules and onsite treatment compatibility. A container that previously held a U.S. DOT-regulated hazardous material must be handled properly to ensure it does not become a safety or environmental liability for either Al-Kel/Prime Pack or the original shipper.

2. Scope

This procedure applies to all intermediate bulk containers (IBCs) and drums received by Al-Kel/Prime Pack at either the Hutchins, Texas, or Dallas, Texas locations. The written acceptance policy describes the containers that will be accepted, those that will not be accepted, and the process for returning any unit found not to be in conformity with that acceptance policy.

3. Container Acceptance Policy

It is the position of Al-Kel/Prime Pack that containers that hold product have been shipped by mistake to the facility. IBCs and drums that are offered for reconditioning must meet three major physical criteria - they must be (1) empty, (2) closed, and (3) labeled.

Before an empty container can be accepted, Al-Kel/Prime Pack personnel will complete a review of the residual contents. The cargo last transported will be identified. Customer-supplied copies of shipping manifests (e.g., bills of lading) and/or a material safety data sheets (MSDSs) will be relied upon to identify the cargo and its chemical constituents. Using this information, Al-Kel/Prime Pack will determine the following prior to processing:

- the hazardous / non-hazardous nature of the residual material;
- whether containers that contain residues of certain highly hazardous materials have been "triple-rinsed";
- the facility's ability to process the container safely, efficiently, and in an environmentally acceptable manner;
- the method for managing any residual in the container;
- the appropriate cleaning sequence and cleaning solutions;

- the compatibility of the discharge with treatment at the POTW *(i.e., City of Dallas)*; and
- The appropriate level of health and safety protection for personnel performing the cleaning operation.

4. Handling of Non-Conforming Containers

This procedure addresses IBCs and drums shipped to the facility in error by the Customer, or containers which Al-Kel/Prime Pack has determined are unacceptable. Al-Kel/Prime Pack reserves the right to reject any container based on one or more acceptance criteria described above. Non-conforming containers shall be returned to the shipper as product, and the Customer shall be advised of the reason for the rejection.

4.1 Receiving personnel will immediately notify their supervisor that an actual or potential non-conforming container has arrived onsite.

4.2 If the container is rejected, the supervisor will initiate a "Non-conforming Container Notification / Rejection Notice".

4.3 The Customer will be notified directly by phone, fax, or email copy of the filled out rejection notice.

4.4 The non-conforming container may be set aside in a designated hold area while the balance of the delivery vehicle is unloaded.

4.5 If possible, a decision regarding the disposition of the non-conforming container will be made before the delivery vehicle leaves the facility. It is preferred that that the container is returned with the delivery vehicle.

4.6 Non-conforming containers will not be introduced into the process, and will not be stored in the hold area for longer than 30 days from the date of notification before being returned to the Customer at their expense.

4.7 Non-conforming containers may be returned with the next outgoing shipment of cleaned containers with approval of Al-Kel/Prime Pack Management & Customer.

5. Handling of Conforming Containers

5.1 Conforming containers are segregated by

1. Type Container
2. Manufactures Date
3. Size

4. Color

5. Condition.

Based upon production requirements these containers may be placed in storage holding areas, trailers, or sent directly to production for processing.

5.2 Containers to be processed are identified and staged for processing according to its chemical property makeup and compatibility .

6. Drum/Process

6.1 For containers that are to be destroyed, warehoused, sold or cleaned & return to customers each container will enter wash production line where a series of 12 stage cleanings will be performed @ 90 second cleaning intervals. Before the drum enters the wash line, first remove all bungs, lids, labels and place drum on to catch pan so that all residue from container may be drained. After container has been completely drained of all residual products, then place container on "Drum Line" for processing.

Stage 1-2: Pre-Rinse interior of container with cold water

Stage 3-7: Wash interior w/heated surfactant cleaner or caustic based solution

Stage 8-12: Wash interior w/heated water

6.2 After each drum exits the wash line the container is placed into the "Exterior" cleaning booth to further remove any excess debris or labels.

6.3 After the exterior cleaning is performed, all containers are sent to the "Container Inspection" booth. Each container is vacuumed to remove all moisture and visually inspected. Containers that pass the visual inspection are then pressure leak tested at the booth to ensure the integrity of the container for proper filling of regulated and non-regulated materials.

6.4 Containers that "Pass" all inspections are then warehoused or loaded directly onto trailers to be sent to the customer.

6.5 Containers that "FAIL" any inspection are placed onto the "Container Destruction" line and conveyed for "Shredding and Granulation". All material that exits the granulator is maximum 10 millimeters in size and blown to silos for storage. This material may be later

packaged and shipped as recycled, or regrind HDPE (High Density Polyethylene) material for specific end users and their products.

7.0 IBC/Composite Tote/ Process

7.1 For IBC or Composite Tote containers that are to be destroyed, warehoused, sold or cleaned & return to customers; each container will be staged to enter the wash production line. Before an IBC container enters the wash line, all bungs, lids, label plates will be removed. Before the container enters the "Interior Wash" booth the valve and valve assembly must be removed and any residual heels drained from container. Once the container has been drained it will enter the wash booth where all interior cleaning will be performed. The cleaning time and compound used is determined by what residual product was in the container. After the container has been cleaned it will progress to the exterior cleaning booth, to have any residual debris or labels removed. Each IBC will then be sent to a drying system where "Filtered" (50 micron) ambient air is introduced to completely dry the interior of the container. After drying each container is inspected and all valve and dome closures (clean or new) are placed onto the unit for testing. The job of this machine is to pressure test each container at 5 psig and analyze for any leaks. If the container has passed the pressure test, a "Green" light will appear on the testing equipment control panel. At that point the attendant will place a label onto the unit showing it is certified cleaned and passed all requirements for filling under DOT rules and regulations. Each passed container is either place into the warehouse or onto trailer for shipping. If the container has failed a leak test, a red light will appear on the units control panel. At that point the attendant will swipe an ultra sonic hearing device upon the IBC exterior to locate the detected area of leaking air. If the unit cannot be repaired to pass any inspection, then the bottle is pulled from the cage and sent to the "destruction" line for further processing. Each cage will be place into inventory to later receive a "New or Accepted Reconditioned Bottle".

Exhibit “O”

AL-KEL Alliance / Prime Pack
Equipment and Tool Inspection

I. Purpose:

This procedure is designed to protect AA/PP employees by preventing the use of damaged or defective tools or equipment.

II. Regulatory Reference:

OSHA regulates Motor Vehicles, Mechanized Equipment and Marine Operations under 29 CFR 1926 Subpart O. There are several other specific standards that require routine inspection of equipment or tools. Each standard is referenced below in the Procedure section to which it pertains.

III. Scope:

This procedure applies to all motor vehicles, mechanized equipment and tools used by AA/PP employees.

IV. Definition:

None

V. Responsibilities:

Health, Safety and Environmental Coordinator.

A. The Health, Safety and Environmental Coordinator have the following responsibilities concerning heavy equipment and tools used on location:

1. Assuring that motorized vehicle, especially heavy equipment, is inspected before entering AA/PP controlled areas.
2. Assuring that tools are inspected before being allowed on AA/PP locations.
3. Assuring the manpower with appropriate expertise to perform these inspections is available. (A list of competent persons for inspections will be maintained).
4. Assuring that records of heavy equipment and tool inspections are maintained onsite.

B. **Operations Manager**. The Operations Manager is responsible for informing the Corporate Safety Department of all heavy equipment to be used at the facility, whether rented, leased or purchased.

C. **Supervisors**. Supervisors are responsible for routinely checking that every tool and piece of heavy equipment at the facility:

1. Has been inspected before being moved onsite.
2. Is inspected daily by the operator before use.
3. Is operated by a qualified operator.
4. Is inspected after each maintenance event or routine service event that requires moving the equipment from site.

The Supervisors are responsible for: presenting the tools and equipment for inspection, or arranging for on-site inspection when the equipment is permanent or not easily transported.

1. Providing inspection services for tools, equipment, vehicles and motorized equipment before allowing them to be brought on location and periodically thereafter.
2. Recording inspections in logs.
3. Marking inspected tools and equipment, as appropriate, including stickers in motorized equipment cabs or windshields.
4. Preventive maintenance and repair of heavy equipment and tools.
5. Inspection following repair of heavy equipment and tools.

D. **Heavy Equipment Operators**. The operators of heavy equipment are responsible for performing the daily, pre-work inspections of the equipment they operate.

E. **Operations Manager**. Operations Managers are responsible for routinely checking that every piece of heavy equipment used on their assigned projects or in their assigned areas has been inspected and is being inspected regularly.

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

1. Using only inspected tools and equipment.
2. Reporting all safety problems experienced on site, including problems with heavy equipment safety.
3. Removing from use all tools and equipment with out-of-date coding, damage or defects.
4. Reporting all out-of-date, damaged or defective tools and equipment immediately.

VI. Procedures:

A. Material handling equipment and personnel elevators.

1. Regulatory references:

   a. For aerial lifts, cherry pickers, and other personnel elevators are 29 CFR 1910.67 and 29 CFR 1926.556.
   b. For material handling equipment, such as back hoes, track hoes, trenchers, front end loaders and other dirt movers are included in 29 CFR 1926 Subpart O.

2. AA/PP reference: AA/PP H&S Procedure A12 "Heavy Equipment Inspection and Maintenance Program."
3. The AA/PP Supervisors will:

   a. Inspect the equipment before it is allowed on AA/PP project location.

      1. Mufflers with spark arrestors are required.
      2. Batteries must be strapped down, cables must be in good condition and connections must be covered.
      3. Wiring harness must meet factory specifications.
      4. Fuel tank must be strapped down; vented properly for service, and have the proper cap.
      5. Emergency shut-down, as appropriate, must be present, clearly marked and operational.

b. Review the maintenance record of all equipment allowed on AA/PP project location for general, overall, good condition.
c. Inspect the equipment after involvement in any incident on an AA/PP project.

4. The equipment operator will inspect the equipment prior to each day's use.
5. Manufacturers' routine maintenance schedules will be followed for all AA/PP member owned equipment.

B. Cranes.

1. **Regulatory references**: 29 CFR 1910.179, 29 CFR 1910.180, and 29 CFR 1926.550.
2. **AA/PP reference**: AA/PP H&S Procedure A12 "Heavy Equipment Inspection and Maintenance Program."
3. The AA/PP Equipment Operator or contractor will:

a. Inspect the equipment before it is allowed on AA/PP project location.
b. Review the maintenance record of all equipment allowed on AA/PP project location.
c. Perform a monthly inspection.
d. Inspect the equipment after involvement in any incident on an AA/PP project.

4. The AA/PP Equipment Operator's or contractor inspections will include:

a. Air and hydraulic systems inspection for leaks.
b. Presence of muffler and spark arrestor.
c. That battery is strapped down, connections are covered, and cables are in good condition.
d. That the wiring harness meets factory specifications.
e. That fuel tank(s) is (are) strapped down, vented properly for service, and have the proper cap.
f. Presence of emergency shut-down, clearly marked and operational.
g. Functional operating mechanisms inspection for improper adjustment.
h. Hook inspection with a certification record of hook identification, inspector's signature, and the date of inspection.
i. Hoist chains inspection with a certification record of chain identification, inspector's signature and the date of inspection.
j. Functional operating mechanisms inspection for excessive wear.
k. Rope reeving inspection for non-compliance with manufacturer's recommendations.
l. Ropes, both running and other, inspection for condition with a certification record of rope identification, inspector's signature and the date of inspection.
m. Overall crane inspection for

1) Deformed, cracked, or corroded employees.
2) loose bolts or rivets.
3) cracked or worn sheaves and drums.
4) worn, cracked or distorted pins, bearings, shafts, gears, rollers, locking and clamping devices.

5) excessive wear on brake system parts, linings, pawls, and ratchets.
6) load, wind, and other indicators over their full range.
7) power plant performance.
8) excessive wear of chain drive sprockets and chain stretch.
9) electrical apparatus for signs of pitting or deterioration of controller contacts, limit switches and push button stations.

5. Operational and rated load tests will be performed by contract.
6. The equipment operator will inspect the equipment prior to each day's use. The inspection will include attention to:

   a. All functional operating mechanisms for maladjustment.
   b. Air and hydraulic systems for leaks.
   c. Hooks for deformation or cracks.
   d. Hoist chains for excessive wear, twist, distorted links, stretching of links.

7. Equipment that fails any of the inspections or tests will be removed from service immediately.
8. Manufacturers' routine maintenance schedules will be followed for all AA/PP member owned equipment.
9. An exhaustive inspection is required annually.

C. Fall protection, body harnesses, life lines, lanyards, winches.

1. Regulatory references: 29 CFR 1910.66 and 29 CFR 1926.502.
2. AA/PP reference: AA/PP H&S Procedure F07 "Fall Protection/Work from Elevations."
3. The user of fall protection equipment will:

   a. Inspect each protective device before each use. (See inspection guide below paragraph VI.F.4.).
   b. Remove any piece of equipment that does not pass inspection from service immediately.
   c. Tag defective or damaged equipment and return it to the supply warehouse for repair or disposal.
   d. Tag as damaged and return to the warehouse all equipment involved in any incident on an AA/PP project. Inspection is required before reuse.

4. The pre-use inspection will include attention to:

   a. Cuts, tears, abrasions, mold, or undue stretching of straps, lanyards and/or lifelines.
   b. Alterations or additions that might affect efficiency.
   c. Damage of any part as a result of deterioration.
   d. Contact with fire, acids, or other corrosives in use or storage.
   e. Distorted hooks or faulty hook springs.
   f. Tongues unfitted to the shoulder of buckles.
   g. Loose or damaged mountings.
   h. Any non-functioning parts.
   i. Wearing or internal deterioration in the ropes.

F. Fire extinguishers, exit signs, alarm systems.

1. Regulatory references:
   a. Fire extinguishers: 29 CFR 1910.157 and 29 CFR1926.150.
   b. Exit signs: 29 CFR 1910.37 and 29 CFR 1926.34
   c. Alarms systems: 29 CFR 1910.165 and 29 CFR 1926.159
2. AA/PP Reference: AA/PP H&S Procedure F08 "Fire/Explosion Prevention and Control."
3. The Supervisor or his designated representative will perform a monthly check of:
   a. Fire extinguishers.
      1) The monthly inspection will include checking for
         - Visible signs of damage or deterioration.
         - Condition of powder in powder units by removing from mounting and inverting to resuspend the powder.
         - Verifying that the pressure is in the "green" range.
      2) The annual inspection will be performed by contract and include reconditioning, if needed.
      3) Hydrostatic testing of pressurized units will be performed by contract on the manufacturer's schedule, usually every three years.
   b. Exit signs. The monthly inspection will include a visual check that:
      1) The signs are lighted.
      2) No obstructions block view of the signs.
      3) All exits are signed (remodeled areas, in particular).
      4) Directions to exits from all locations are clear.
   c. Permanent alarm systems. The permanent alarm systems will be checked monthly.
4. PSCs will check portable alarm arrangements, such as air horns, every week.
5. All fire extinguishers, exit signs and alarm systems found damaged or defective during inspection will be removed from service immediately. Repair or replacement will be made as soon as possible.

G. Fork lift trucks.

1. Regulatory references: 29 CFR 1910.178 and 29 CFR 1926.602
2. AA/PP reference: AA/PP H&S Procedure A12 "Heavy Equipment Inspection and Maintenance Program."
3. The AA/PP Equipment Supervisor will:
   a. Inspect the equipment before it is allowed on AA/PP project location.
   b. Review the maintenance record of all equipment allowed on AA/PP project location.
   c. Perform a monthly inspection.
   d. Inspect the equipment after involvement in any incident on an AA/PP project.
4. The AA/PP Equipment Supervisor's inspection will include:

a. Hydraulic systems inspection for leaks.
b. As appropriate, presence of muffler and spark arrestor on exhaust; fuel tank secured, vented, and with proper cap.
c. Battery, strapped down; cables in good condition, connections covered.
d. Wiring harness.
e. Functional operating mechanisms inspection for improper adjustment.
f. Brakes.
g. Back-up alarm.
h. Seat belt.
i. Roll-over protection.
j. Emergency shut-down switch, clearly marked and operational.
k. Clear marking of capacity.

5. Operational and rated load tests will be performed by contract.
6. The equipment operator will inspect the forklift before each day's use. The inspection will include attention to:

a. All functional operating mechanisms for improper adjustment.
b. Hydraulic systems for leaks.
c. Muffler and spark arrestor on exhaust.
d. Brakes.
e. Back-up alarm.

7. Equipment that fails any of the inspections will be removed from service immediately.
8. Manufacturers' routine maintenance schedules will be followed for all AA/PP employees owned equipment.

H. Portable ladders.

1. Regulatory references: 29 CFR 1910.25, 29 CFR 1910.26 and 29 CFR 1926.1053.
2. AA/PP reference: None.
3. The AA/PP Equipment Supervisor will perform a visual inspection of portable ladders:

a. Before the ladder is allowed on location.
b. Quarterly.
c. After involvement in any incident on an AA/PP project.

4. The ladder user will inspect the ladder before each use. The inspection will include attention to:

a. Structural defects.
b. Broken or missing rungs, cleats, or steps.
c. Broken or split rails.
d. Corrosion of metal components.

5. Equipment that fails any of the inspections will be clearly marked "DO NOT USE" and removed from service immediately.

I. Motor vehicles.

1. Regulatory references: 29 CFR 1926 Subpart O.

2. AA/PP references: AA/PP Employee *Policies.*
3. The AA/PP Supervisor or his designate will inspect motor pool vehicles daily.

    a. Vehicles will be maintained in good operating order by the Personnel using the vehicle. At a minimum, this will include:

        1. Functional mufflers with spark arrestors on exhaust.
        2. Battery strapped down, cables in good condition, connections covered.
        3. Wiring harness integrity up to factory specifications.
        4. Fuel tanks strapped down, vented properly for service, and proper caps in place.
        5. Emergency shut-down (as appropriate) clearly marked and operational.

    b. Vehicle damage will be reported to the AA/PP Corporate Safety Department immediately.

4. Vehicles with damage affecting safe operation will be removed from service until repaired.

J. Portable power tools and equipment.

1. Regulatory references: 29 CFR 1926 Subpart K
2. AA/PP references: AA/PP H&S Procedure A16 "Tool and Equipment Inspection Program" and AA/PP H&S Procedure F07 "Electrical Safety: Assured Electrical Equipment Grounding Conductor."
3. The AA/PP Supervisor or his designate will inspect all portable power tools and equipment:

    a. Before it is allowed on AA/PP project location.
    b. After it is returned to the warehouse as damaged or defective.
    c. After involvement in any incident on an AA/PP project.

4. User inspection. Portable tools and equipment will be visually inspected before each day's use by the qualified user. The inspection will include:

    a. Cord inspection for cuts, knots, frayed or worn areas.
    b. Plug inspection for bent or missing prongs or broken casing.
    c. Equipment inspection for missing guards, broken handles, cracked casing, etc.

5. Defective and/or damaged tools and equipment will be:

    a. Removed from service immediately.
    b. Clearly tagged as "Defective."
    c. Moved to the equipment warehouse area for repair or disposal and replacement.

K. Respiratory protective devices. These devices will be inspected routinely.

1. Regulatory references: 29 CFR 1910.134 and 29 CFR 1926.103.
2. AA/PP reference: AA/PP H&S Procedure A18 "Respiratory Protection Program."

3. All (APR's) respiratory protective devices:

   a. Will be inspected at least monthly and after each use by a qualified person.
   b. Will be stored in pairs.
   c. If personally assigned, single units may be issued.
   d. When provided to a field project, units will be supplied in pairs, because of the Buddy System requirement.

4. Devices used to protect persons during routine work activities will be:

   a. Personally assigned.
   b. Inspected by the user before each use.
   c. Returned to the supply point when damage is found.
   d. A qualified individual will make repairs.

VII. References:

AA/PP Health *and Safety Manual*, Procedure A12 "Heavy Equipment Inspection and Maintenance Program."
AA/PP Health *and Safety Manual*, Procedure A18 "Respiratory Protection Program."
AA/PP Health *and Safety Manual*, Procedure A16 "Tool and Equipment Inspection Program."
AA/PP Health *and Safety Manual*, Procedure F07 "Fall Protection/Work from Elevations."
AA/PP Health *and Safety Manual*, Procedure F08 "Fire/Explosion Prevention and Control."

VIII. Attachments:

None

Exhibit “P”

2012 Goode Road - Hutchins, TX

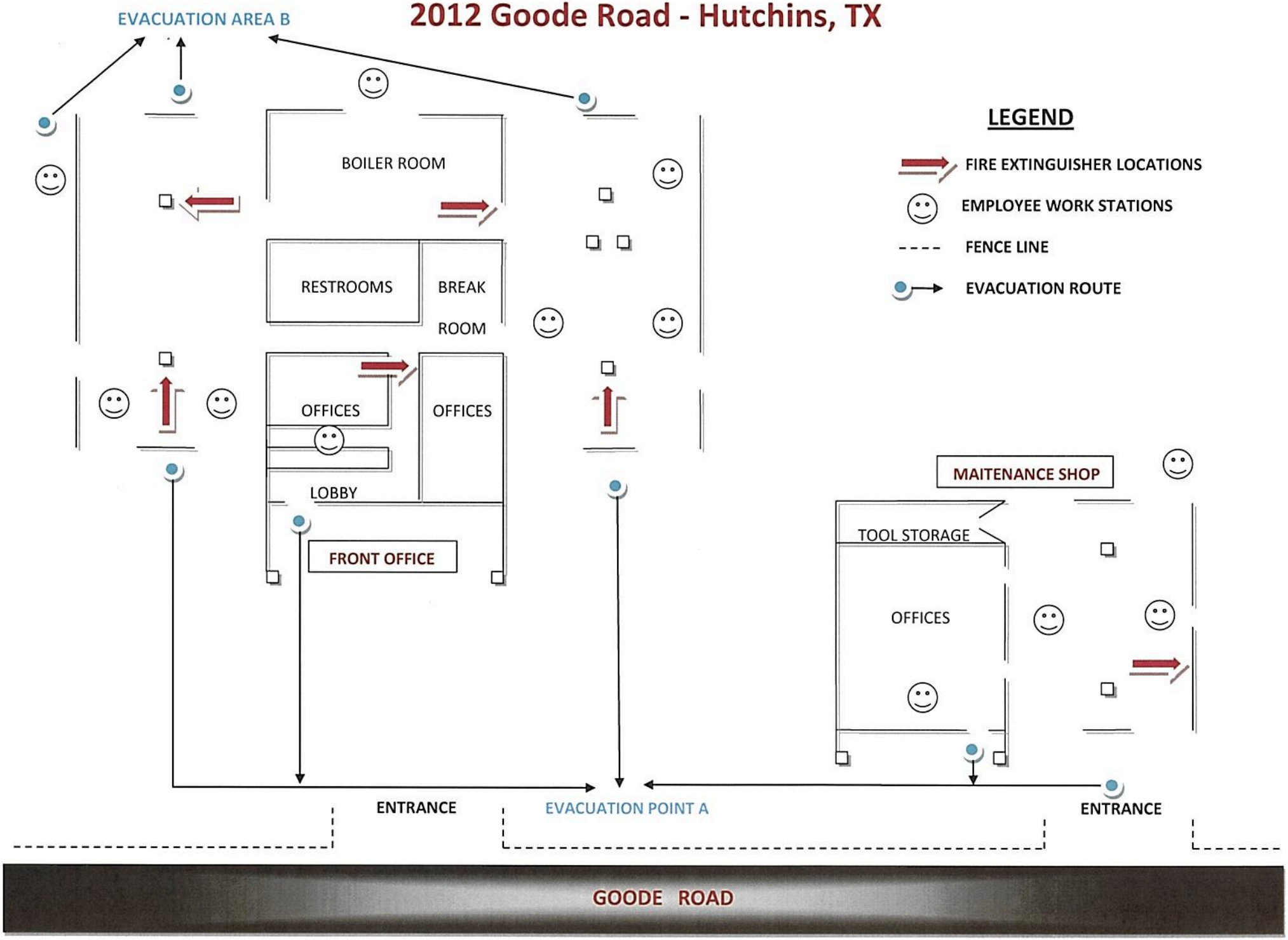

Exhibit “Q”

Al 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

Evacuation Routes for Al-Kel Facility

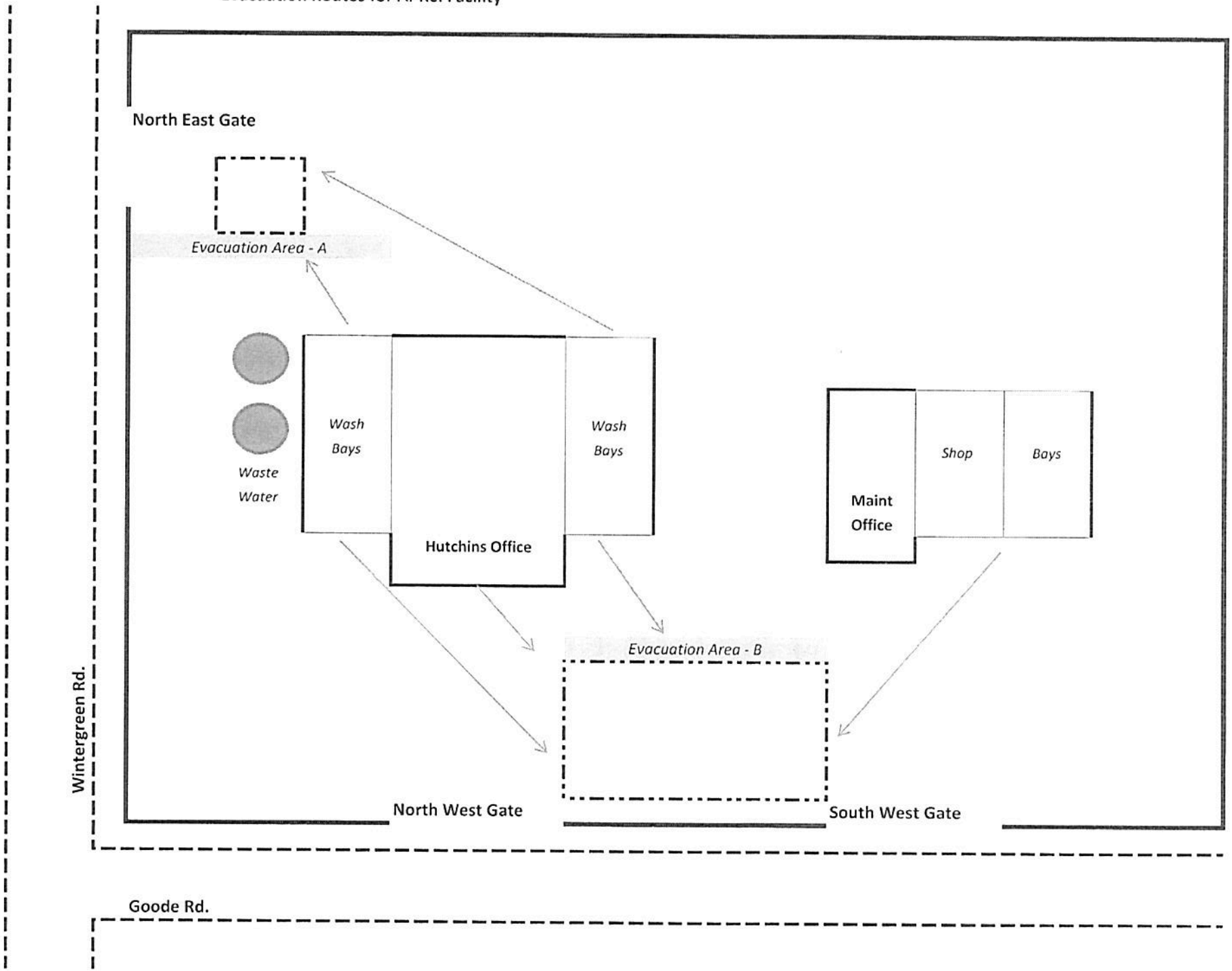

Exhibit “R”

Prime Pack

April 2012

IN ACCORDANCE WITH EPA REGULATORY REQUIREMENT 265.37, AL-KEL ALLIANCE WOULD LIKE TO ARRANGE A MEETING WITH THE HUTCHINS POLICE DEPARTMENT REGARDING OUR FACILITY LOCATED AT 2012 GOODE ROAD LOCATION.

THIS MEETING IS AN ATTEMPT TO FAMILIARIZE LOCAL AUTHORITIES WITH THE LAYOUT OF THE FACILITY, PROPERTIES OF HAZARDOUS WASTE HANDLED AT THE FACILITY AND ASSOCIATED HAZARDS, PLACES WHERE FACILITY PERSONNEL WOULD NORMALLY BE WORKING, ENTRANCES TO ROADS INSIDE THE FACILITY, AND POSSIBLE EVACUATION ROUTES.

PLEASE CONTACT ME AT YOUR EARLIEST CONVENIENCE TO SCHEDULE THIS MEETING.

RESPECTFULLY,

BLAIN VINSON
COO
O: 972-284-7390
M: 972-310-0838