

ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

IN THE MATTER OF: §
GEOLOGISTICS AMERICAS, INC., §
LAREDO, TEXAS § Docket No. RCRA-06-2003-0922
EPA ID NO. TXDR000036830 §
RESPONDENT. §

RESPONDENT GEOLOGISTICS AMERICAS, INC.'S REQUEST FOR PRODUCTION OF DOCUMENTS TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Pursuant to Section 22.19(e) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (the "Consolidated Rules of Practice"), 40 C.F.R. § 22.1-22.32, and Rule 34 of the Federal Rules of Civil Procedure, respondent GeoLogistics Americas, Inc. ("GeoLogistics"), through undersigned counsel, hereby submits the following Request for Production of Documents to the Texas Commission on Environmental Quality ("TCEQ").

GENERAL INSTRUCTIONS

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, GeoLogistics hereby requests the TCEQ to produce or make available for inspection and copying the documents specified below, within 30 days of service of these requests.

DEFINITIONS AND INSTRUCTIONS

1. "You," "your," or "respondent" shall mean the TCEQ, its agents, employees, directors, attorneys and other representatives, as well as all persons acting or purporting to act on its behalf.

2. "Document(s)" means all writings or other compilations of information, whether handwritten, typewritten, printed, recorded, or produced or reproduced by any process, including but not limited to, intracompany or other communications, business records, agreements, contracts, correspondence, telegrams, memoranda, studies, projections, summaries or records of telephone or personal conversations or interviews, reports, diaries, log books, notebooks, forecasts, photographs, maps, tape recordings, computer tapes, computer programs, computer printouts, computer models, statistical or financial statements, graphs, charts, sketches, note charts, plans, drawings, transcripts or minutes of meetings, summaries of conferences, expressions or statements of policy, lists of persons attending meetings or conferences, opinions or reports or summaries of negotiations or investigations, brochures, opinions or reports of consultants, pamphlets, advertisements, circulars, trade or other letters, press releases, drafts, revisions of drafts, invoices, receipts, and original or preliminary notes, or any other written, recorded, transcribed, punched, taped, or graphic matter.

3. Any noun used in the singular form shall be construed and applied so as to include the plural form also, and vice versa.

4. Each request contained herein extends to any document in the TCEQ's possession, custody or control.

5. In the event a document or a portion thereof is withheld for any reason, the TCEQ shall indicate the following information for each such withheld document, or portion thereof, within 30 days of service of this document request:

- (a) the date of the document;
- (b) the general character or type of document (*i.e.*, letter, memorandum, notes, or minutes, etc.);

- (c) the identity of the person in possession of the document;
- (d) the identity of the author of the document;
- (e) the identify of the recipient or holder of the document; and
- (f) the reason, including, but not limited to, any legal obligation or privilege for withholding the document, or portion thereof.

6. The requests for production which follow are to be regarded as continuing and the TCEQ is requested to provide, by way of supplemental answers thereto, such additional information as the TCEQ, or any other person on its behalf, may hereafter obtain which will augment, change, or otherwise modify its responses now given to the requests for production.

7. "Person" means any natural person or combination of natural persons, and any entity of any kind, including without limitation any corporation, association, or other business, social, political, or civic organization or enterprise.

8. When ever the terms "concern" or "concerning" are used herein, they shall mean consisting of, relating to, referring to, reflecting on, arising out of, describing, evidencing, supporting, discussing, embodying, identifying, dealing with, or being in any way or manner legally, factually or logically connected with, the matter discussed, or in any way tending to make the existence of any fact that is of consequence to the determination of this matter more probable or less probable than it would be without the document or writing or information.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. All documents relating, referring or pertaining to communications between TCEQ and Trade Systems, Inc. regarding the spent catalyst described more fully in the attached Complaint.
2. All documents relating, referring or pertaining to communications between TCEQ and GeoLogistics Americas, Inc. regarding the spent catalyst described more fully in the attached Complaint.
3. All documents relating, referring or pertaining to the spent catalyst described more fully in the attached Complaint, including its classification, and its potential health and safety hazards.

Respectfully submitted,

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DATE: September ____, 2004