



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733**

**OCT 24 2011**

CERTIFIED MAIL-Return Receipt Requested: 7011 0110 0001 3590 6421

Dr. Heather Frost  
Vice-President  
Environmental Compliance  
Alpha Omega Recycling Incorporated  
315 Whatley Road  
Longview, Texas 75604

Re: Request for Information  
Alpha Omega Recycling Inc. located at 315 Whatley Road in Longview, Texas

Dear Dr. Frost:

Enclosed is an Information Request (Request) issued to Alpha Omega Recycling Inc., (AORI). This Request is being made pursuant to the authority set forth in Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927. Pursuant to this authority, the Environmental Protection Agency (EPA) may require persons with information relevant to the generation, storage, treatment, transportation, disposal, or otherwise handling of hazardous wastes, to submit information to EPA.

We encourage AORI to give this matter its full attention, and we require that AORI respond to this Request within thirty (30) days of your receipt of this letter. EPA is available to meet with AORI if AORI believes a meeting will improve the speed and completeness of its response, help focus the response, or both. A meeting should not delay the response, and AORI should provide preliminary or draft responses to EPA prior to any meeting in order to clarify the discussion.

Failure to respond to an information request may result in EPA seeking penalties of up to \$37,500 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations to EPA is subject to criminal penalty under 18 U.S.C. § 1001.

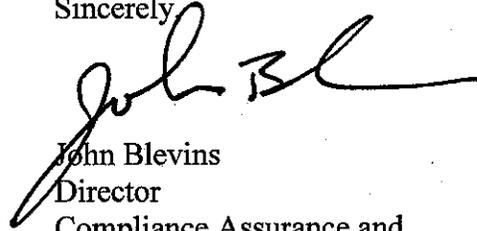
Re: Request for Information

Alpha Omega Recycling Inc. located at 315 Whatley Road in Longview, Texas

Please provide a written response to Adolphus Talton at the above address. Please direct any technical questions to Adolphus Talton at (214) 665-6651 and legal questions to Tom Rucki, Assistant Regional Counsel, at (214) 665-2759.

Thank you for your attention to this matter.

Sincerely

A handwritten signature in black ink, appearing to read "John Blevins", written over the typed name and title.

John Blevins

Director

Compliance Assurance and  
Enforcement Division

Enclosures

cc: Mr. Michael Brashear  
Texas Commission on Environmental Quality

## ENCLOSURE A

The U.S. Environmental Protection Agency (EPA) Region 6 is investigating Alpha Omega Recycling, Inc. (AORI) in Longview, Texas, and its compliance with the requirements of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901 *et seq.*, and RCRA's implementing regulations. Pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, AORI is hereby required to adhere to the instructions set forth in Section I and provide responses to the questions set forth in Section III.

### I. INSTRUCTIONS

1. Due Date. AORI is required to submit the information set forth in the questions below to EPA within thirty (30) calendar days of receipt of this Request for Information (Request).
2. Request for Extension of Time. If AORI anticipates that it will be unable to fully respond to this request within thirty (30) calendar days, AORI must submit a sworn affidavit or declaration by a responsible corporate official within ten (10) calendar days of receipt of this Request specifying what information will be provided within the time specified, describing what efforts have been, or are being, made to obtain other responsive information, and providing a detailed schedule of when such other responsive information can be provided. Upon receipt, and based on such affidavit or declaration, EPA may exercise its discretion and extend the time in which AORI must submit responsive information to EPA.
3. Definitions. All terms used in the questions below will have their ordinary meaning unless such terms are defined in RCRA, 42 U.S.C. § 6901 *et seq.*, or 40 C.F.R. § 260.10, in which case such statutory and regulatory definitions shall apply.
4. Information to Include in Response. For each response to each question, or subpart of each question, include the following information: the identity of each person answering each question, or subpart of each question, and the identity of all persons consulted in the preparation of each question, or subpart of each question. For each identity of an individual provided, include the following information: his or her name; present or last known address; present or last known employment position or affiliation and description of job responsibilities; and positions during the time period covered by this Request. For each identity of a business entity provided, include the following information: the name of the business entity; the present or last known address; the state of formation; and the name of the responsible corporate official.
5. Form of Records Produced. For each record produced in response to this Request, indicate on the record, or in some other reasonable manner, the number of the question or subpart of the question to which it responds. Please submit two copies of all information for each question: one hard copy, in a logically sequenced and bound format, and an electronic copy.

6. Statement of Certification. All information submitted in response to this Request must be certified as true, accurate, and complete by an individual with sufficient knowledge and authority to make such representations on behalf of AORI. A statement of certification making such representations is provided as Enclosure B and must be filled out and submitted along with AORI's responses to this Request.
7. Submission of Records. All information responsive to this Request should be sent to the following:

Mr. Adolphus Talton  
Compliance Assurance and Enforcement Division  
Hazardous Waste Enforcement Branch  
Compliance Enforcement (6EN-HE)  
U.S. Environmental Protection Agency, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

8. Confidential Business Information. In accordance with Section 3007 of RCRA, 42 U.S.C. § 6927, the records, reports, and/or information requested in this Request must be submitted, whether or not AORI regards part or all of it as a trade secret or confidential. AORI may, if it desires, assert a business confidentiality claim for all or part of the information submitted in accordance with 40 C.F.R. Part 2. The information qualifying as business confidential material will be disclosed by EPA only to the extent and by the procedures set forth in 40 C.F.R. Part 2, Subpart B. Unless AORI makes a claim at the time that AORI submits the information, it may be made available to the public by EPA without further notice to AORI. Please refer to the Instructions section, below, for further details on asserting a business confidentiality claim.

If AORI wishes to assert a claim of business confidentiality, AORI must clearly mark each page of each document included in the claim with a legend such as "trade secret," "proprietary," or "company confidential." If AORI claims information submitted in response to this Request as confidential, AORI must also provide a redacted version of the information with all confidential business information deleted. For any document in which AORI asserts a claim of business confidentiality, please answer the questions set forth in a-g, below:

- a. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to AORI's claim.
- b. For what period of time does AORI request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information

should be protected for the time period AORI has specified.

- c. What measures has AORI taken to protect the information claimed as confidential from undesired disclosure? Has AORI disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
- d. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that AORI would customarily not release to the public?
- e. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
- f. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to the competitive position of AORI. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could the competitors of AORI make use of this information to the detriment of AORI?
- g. Is there any other explanation that AORI deems relevant to EPA's determination of AORI's business confidentiality claim that is not covered in the preceding questions? If so, provide such additional explanation.

AORI must furnish comments to the above questions concurrent with AORI's response to this information request if AORI has claimed any information as business confidential. See 40 C.F.R. § 2.204(e)(2). Pursuant to 40 C.F.R. § 2.205(b)(2), AORI may request an extension of this deadline. EPA will construe AORI's failure to furnish timely comments as a waiver of any confidentiality claim consistent with 40 C.F.R. § 2.204(e)(1).

9. Previous Submission of Records. If AORI believes that it previously submitted records or information requested in this Request to EPA, provide the date of the previous submission, the office person and office to which the records or information were previously submitted, the date of the previous submission, and the location of the requested information in the previous submission.
10. Submission of New Information. If information or documents not known or not available to AORI as of the date of submission of a response to this Request should later become known or available to AORI, AORI must supplement its response to EPA. Moreover, should AORI find, at any time after the submission of AORI's response that any portion

of the submitted information is false or misrepresents the truth, AORI must notify EPA of this fact as soon as possible and provide EPA with a corrected response. There are significant penalties for submitting false information, including the possibility of fine or imprisonment.

11. Additional Information: EPA specifically retains the right to obtain additional information beyond what is listed in this letter.
12. Penalties for Failure to Comply. Failure to fully comply with this Request may subject AORI to an enforcement action under Section 3007 of RCRA, 42 U.S.C. § 6927, which permits EPA to seek the imposition of penalties of up to \$37,500 for each day of continued noncompliance. A knowing submittal of false information in response to this Request may subject AORI to criminal penalties actionable under 18 U.S.C. § 1001.

## II. DEFINITIONS

The following definitions shall apply to the following words as they appear in Enclosure A:

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, both electronic and tangible, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of imitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations, including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any hard drive, flash drive, CD, DVD, or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such hard drive, flash drive, CD, DVD, or other type of memory and together with printouts of such hard drive, flash drive, CD, DVD, or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
2. The term "Alpha Omega Recycling, Inc." (AORI) includes any officer, director, agent, or employee of AORI, including any merged, consolidated, or acquired predecessor or parent, subsidiary, division, or affiliate thereof.
3. The term "you" or "yours" refers to AORI.

4. The term "Facility" means your AORI facility located at 315 Whatley Road, Longview, Texas.
5. The terms "identify" or "identification" means, when used in reference to a natural person, to provide his or her name, present or last known address, his or her present or last known employment position or affiliation, and his or her positions during the time period covered by this Information Request.
6. All terms used in the Request will have their ordinary meaning unless such terms are defined in RCRA, and their respective implementing regulations, in which case such statutory or regulatory definitions apply.
7. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Request, any information which might otherwise be construed to be outside its scope.
8. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.
9. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

### **III. QUESTIONS**

1. Identify the person(s) answering these questions on behalf of AORI.
2. The following questions relate to Filter Cakes (Insoluble and Phosphate removal):
  - a. How does AORI handle the waste filter cake generated from the Insoluble and Phosphate removal processes when first generated?
  - b. State how long AORI has been generating and treating the filter cake waste from its process.
  - c. State how long the treated filter cakes are stored on-site prior to shipping off-site.
  - d. State the duration of the lime treatment process.
  - e. Provide the average amount of waste treated per day, month and year for the last three (3) years.
  - f. Provide copies of all off-site shipping documents (i.e. manifest, bills of lading,

etc.) for the treated waste filter cake for the last three (3) years.

- g. Provide names of the designated facilities the treated filter cakes were sent to or are being sent.
3. Prior to arrival at, and during transit to, your Facility, how are the F-listed wastes F006 and F019 stored/managed?
  4. The following questions pertain to the blending of the F-listed wastes F006 and F019 prior to introduction into the reclamation process:
    - a. Describe the blending process of said F-listed wastes.
    - b. Upon application, or at any time subsequent to permit approval/renewal, was it represented to the Industrial & Hazardous Waste Permits Section (or any other Section) of the Texas Commission on Environmental Quality that there would be blending of said F-listed waste streams prior to insertion into the reclamation process?
    - c. On what date did you begin blending said F-listed wastes?
    - d. Where were/are said F-listed wastes blended?
    - e. In what unit were/are said F-listed wastes blended?
  5. Provide the date AORI began storing and treating hazardous waste at the Blend Building.
  6. Provide a copy of each notice of violation and noncompliance order administered by the State of Texas.
  7. Provide the names, addresses, type of operation, and a copy of all agreements or contracts between AORI and buyers of all products sold.
  8. Provide a copy of annual hazardous waste reports for years 2008, 2009, and 2010 including the description of all codes associated with each waste.
  9. Provide documentation for reportable and non-reportable spills, and releases, and remedies for the last three (3) years.
  10. Identify any instances of rejection of any hazardous waste received for processing, including the basis for rejection, and how the waste is managed from the time it is initially received on site until the time it is rejected.

**ENCLOSURE B**

**STATEMENT OF CERTIFICATION**

**ALPHA OMEGA RECYCLING INCORPORATION**

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

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(Name)

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(Signature)

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(Title)

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(Date)