EXHIBIT A

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 19, 2008

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center, Ste. 11-500
100 West Randolph
Chicago, Illinois 60601

Re: ***People v. AET Environmental, Inc., a Colorado corp., and E.O.R. Energy, LLC, a Colorado limited liability company***
PCB No. 07-95

Dear Sir:

Enclosed for filing please find the original and five copies of a Notice of Filing and COMPLAINANT'S REQUEST TO ADMIT FACTS BY AET ENVIRONMENTAL, INC., in regard to the above-captioned matter. Please file the originals and return file-stamped copies to me in the enclosed, self-addressed envelope.

Thank you for your cooperation and consideration.

Very truly yours,

Michael D. Mankowski
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031

MDM/pp
Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No. 07-95
	)	(Enforcement)
AET ENVIRONMENTAL, INC., a Colorado corporation, E.O.R. ENERGY, LLC, a Colorado limited liability company,	)	
	)	
Respondent.	)	

NOTICE OF FILING

To: AET ENVIRONMENTAL, INC.
c/o Lori M. Devito, R.A.
14 Lakeside Lane
Denver, CO 80212

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, COMPLAINANT'S REQUEST TO ADMIT FACTS BY AET ENVIRONMENTAL, INC., copies of which are attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: _____
MICHAEL D. MANKOWSKI
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: March 19, 2008

CERTIFICATE OF SERVICE

I hereby certify that I did on March 19, 2008, send by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING and COMPLAINANT'S REQUEST TO ADMIT FACTS BY AET ENVIRONMENTAL, INC.

To: AET ENVIRONMENTAL, INC.
c/o Lori M. Devito, R.A.
14 Lakeside Lane
Denver, CO 80212

and the original and five copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

To: Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601

A copy was also sent by First Class Mail with postage thereon fully prepaid to:

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Springfield, IL 62794

MICHAEL D. MANKOWSKI
Assistant Attorney General

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, ex rel. LISA MADIGAN, Attorney General of the State of Illinois,	)	
Complainant,	)	
v.	)	PCB No. 07-95 (Enforcement)
AET ENVIRONMENTAL, INC., a Colorado corporation, E.O.R. ENERGY, LLC, a Colorado limited liability company,	)	
Respondents.	)	

COMPLAINANT'S REQUEST TO ADMIT FACTS BY AET ENVIRONMENTAL, INC.

NOW COMES the Complainant, People of the State of Illinois, by Lisa Madigan, Attorney General of the State of Illinois, and pursuant to Section 101.618 of the Illinois Pollution Control Board's ("Board") Discovery Regulations, submits this request for the admission of the truth of the following specified relevant facts within 28 days after service hereof. Failure to respond to the following requests to admit within 28 days may have severe consequences. Failure to respond to the following requests will result in the all of the facts requested being deemed admitted as true for this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding or an attorney.

1. AET is a hazardous waste broker.

2. AET handles the logistics of transportation, storage, and disposal for companies that generate hazardous waste.

3. Lori Devito is the owner of AET.

4. Lori Devito was the owner of AET during the months of July and August in the year 2002.

5. Arthur Clark is employed by AET.

6. Arthur Clark was employed by AET during the months of July and August in the year 2002.

7. Dana Landagora is employed by AET.

8. Dana Landagora was employed by AET during the months of July and August in the year 2002.

9. Frank Virginia is employed by AET.

10. Frank Virginia was employed by AET during the months of July and August in the year 2002.

11. Frank Gines is employed by AET

12. Frank Gines was employed by AET during the months of July and August in the year 2002.

13. Chris Allred is employed by AET

14. Chris Allred was employed by AET during the months of July and August in the year 2002.

15. On or about July 15, 2002, the Grand Junction Colorado Fire Department responded to an emergency response incident at the Luxury Wheels Facility in Grand Junction, CO.

16. In July of 2002, Luxury Wheels was engaged in the production of custom chrome automobile wheels.

17. In July 2002, part of Luxury Wheels' business included the chrome plating of aluminum automobile wheels.

18. On July 15, 2002, the fire department emergency response involved a tank of acid material that had overheated and was generating gases.

19. The acid material was stabilized with ice.

20. In July of 2002, AET was hired to remove the acid material involved in the July 15th incident from Luxury Wheels in Grand Junction, CO.

21. In July of 2002, AET was hired to dispose of the acid material involved in the July 15th incident from Luxury Wheels in Grand Junction, CO.

22. AET supplied eight (8) two hundred and seventy five (275) gallon totes to Luxury Wheels to place the acid in.

23. AET obtained the totes from Greif Bros. Corporation.

24. Greif Bros. Corporation shipped the totes to Luxury Wheels.

25. The totes were new and unused

26. Luxury Wheels employees placed the acid material into the eight (8) totes provided by AET.

27. AET employees placed the acid material into the eight (8) totes.

28. AET made the decision to ship the acid material to Arvada Treatment Center ("ATC") in Arvada, CO for disposal.

29. As part of the disposal process Luxury Wheels created a waste profile for the acid material.

30. As part of the disposal process AET created a waste profile for the acid material.

31. The Waste Material Profile Sheet submitted to ATC for the acid material was dated 7/16/02.

32. The Waste Material Profile Sheet submitted to ATC for the acid material was signed by Chris Allred.

33. In order to create the waste profile submitted to ATC, AET analyzed the material itself.

34. AET relied upon the generator's knowledge in creating the waste profile submitted to ATC.

35. In the process of creating the waste profile submitted to ATC, AET asked the generator if the acid material contained chromium.

36. On the Waste Material Profile Sheet submitted to ATC for the acid material, the acid material is listed as Aluminum Etch (Fluoboric Acid, Glycolic acid).

37. On the Waste Material Profile Sheet submitted to ATC for the acid material, the process generating the waste is described as, "etching of aluminum prior to nickel plating."

38. On the Waste Material Profile Sheet submitted to ATC for the acid material, the box for "unused chemical or product" in the "Process Generating Waste" section is unchecked.

39. On the Waste Material Profile Sheet submitted to ATC for the acid material, the box for "Other" in the "Process Generating Waste" section is checked.

40. On the Waste Material Profile Sheet submitted to ATC for the acid material, the line next to the "Other" option in the "Process Generating Waste" section contains the words "etching solution for aluminum."

41. On the Waste Material Profile Sheet submitted to ATC for the acid material, the box for "Unused Product or Chemical" is unchecked in the "Source of Waste" section.

42. AET created a Hazardous Waste Manifest to accompany the shipment of acid material.

43. The Hazardous Waste Manifest listed Luxury Wheels as the Generator.

44. The Hazardous Waste Manifest listed SLT Express as Transporter 1.

45. The Hazardous Waste Manifest described the acid material as "WASTE CORROSIVE LIQUID, N.O.S., (CONTAINS FLUOROBORIC ACID COLYCOLIC ACID) 8, UN1760, PGII.."

46. The Hazardous Waste Manifest listed the acid material as D002 for corrosive hazardous waste.

47. The Hazardous Waste Manifest listed the acid material as D003 for reactive hazardous waste.

48. The Hazardous Waste Manifest listed ATC as the designated facility.

49. On July 18, 2002, SLT Express picked up the acid material at Luxury Wheels.

50. Despite the listing of SLT Express as Transporter 1 on the Hazardous Waste Manifest, the shipment of acid material was transported by Dana Landagora..

51. Despite the listing of SLT Express as Transporter 1 on the Hazardous Waste Manifest, AET picked up the acid material at Luxury Wheels.

52. On July 18, 2002, SLT Express transported the acid material to ATC.

53. On July 18, 2002, SLT Express transferred the acid material to AET at the AET 10-day transfer facility in Denver, CO.

54. On July 19, 2002, SLT Express transferred the acid material to AET at the AET 10-day transfer facility in Denver, CO.

55. The acid material was clear when it came into AET's possession.

56. On July 19, 2002, the acid material was shipped offsite from the AET 10-day transfer facility in Denver, CO, for disposal at Arvada Treatment Center ("ATC") in Arvada,CO.

57. On July 19, 2002, Dana Landagora was the driver of the truck that transported the acid material from the AET facility to ATC.

58. On July 19, 2002, the acid material arrived at ATC.

59. Upon arrival, the acid material was assessed by ATC employees.

60. When ATC employees opened one of the plastic totes containing the acid material a colored gas was released.

61. ATC employees rejected the acid material.

62. ATC employees rejected the acid material because the material in the containers was reacting.

63. After the load of material was rejected by ATC, the Hazardous Waste Manifest was modified.

64. Before the load of material was rejected by ATC, an the Hazardous Waste Manifest was modified.

65. The Hazardous Waste Manifest was modified by an AET employee.

66. The modified Hazardous Waste Manifest listed AET as Transporter 2.

67. The modified Hazardous Waste Manifest listed Safety Kleen, in Deer Trail, CO as an alternative designated facility.

68. On July 19, 2002, the acid material was transported by AET from ATC to Safety Kleen.

69. On or about July 19, 2002, AET prepared a hazardous waste profile for the acid material and submitted it to Safety Kleen.

70. Safety Kleen is also known as Clean Harbors.

71. The Waste Material Profile Sheet submitted to Safety Kleen for the acid material had a Clean Harbors letterhead.

72. The Waste Material Profile Sheet submitted to Safety Kleen for the acid material was profile number CH 106488.

73. In order to create the waste profile submitted to Safety Kleen, AET analyzed the material itself.

74. AET relied upon the generator's knowledge in creating the waste profile submitted to Safety Kleen.

75. In the process of creating the waste profile submitted to Safety Kleen, AET asked the generator if the acid material contained chromium.

76. On the Waste Material Profile Sheet submitted to Safety Kleen for the acid material, the common name of the acid material is described as "Spent Aluminum Etchant."

77. On the Waste Material Profile Sheet submitted to Safety Kleen for the acid material, the process generating the acid material is described as, "Etching of Aluminum Wheels."

78. On the Waste Material Profile Sheet submitted to Safety Kleen for the acid material, the box for "unused chemical or product" in the "Process Generating Waste" section is unchecked.

79. On the Waste Material Profile Sheet submitted to Safety Kleen for the acid material, the box for "Other" in the "Process Generating Waste" section is checked.

80. On the Waste Material Profile Sheet submitted to Safety Kleen for the acid material, the line next to the "Other" option in the "Process Generating Waste" section contains the words "acid etch of aluminum."

81. On the Waste Material Profile Sheet submitted to Safety Kleen for the acid material, the box for "Unused Product or Chemical" is unchecked in the "Source of Waste" section.

82. On the Waste Material Profile Sheet submitted to Safety Kleen for the acid material, the box for "Waste by-product from process" is checked in the "Source of Waste" section.

83. On the Waste Material Profile Sheet submitted to Safety Kleen for the acid material, the acid material is described as having an undisclosed or prior incident associated with it which could affect the way it should be handled.

84. On the Waste Material Profile Sheet submitted to Safety Kleen for the acid material, AET stated that the acid material may form an orange cloud under extreme heat.

85. While the acid material was en route to Safety Kleen, the load was rejected by Safety Kleen.

86. After the load was rejected, AET transported the acid material to the AET 10-day transfer facility in Denver, CO.

87. The acid material was creating an orange gas in one or more of the totes when it arrived at the AET storage facility.

88. The acid material was off-gassing an orange gas from one or more of the totes when it arrived at the AET storage facility.

89. The acid material was placed into a semi-trailer when it arrived at the AET storage facility.

90. The trailer was left open during the daytime.

91. A fan was placed in the trailer.

92. The totes containing the acid material were left slightly open to vent gas building up in the totes.

93. The fan was utilized to remove the orange vapor, escaping the totes, from the trailer.

94. In July of 2002, AET contacted Vickery Environmental, Inc. ("Vickery") located in Vickery, OH, to discuss the disposal of the acid material.

95. The disposal method that Vickery suggested was deep well injection.

96. In July of 2002, AET prepared a hazardous waste profile for the acid material and submitted it to Vickery.

97. In order to create the waste profile submitted to Vickery, AET analyzed the material itself.

98. AET relied upon the generator's knowledge in creating the waste profile submitted to Vickery.

99. In the process of creating the waste profile submitted to Vickery, AET asked the generator if the acid material contained chromium.

100. On the Waste Material Profile Sheet submitted to Vickery for the acid material, the name of the acid material is described as "Spent Aluminum Etchant."

101. On the Waste Material Profile Sheet submitted to Vickery for the acid material, the process generating the acid material is described as, "Etching of Aluminum Wheels."

102. On the Waste Material Profile Sheet submitted to Vickery for the acid material, the answer "Yes" was given in response to the question, "Is this a USEPA hazardous waste (40 CFR Part 261)?" on line 7A.

103. On the Waste Material Profile Sheet submitted to Vickery for the acid material, the waste color is identified as "CLEAR" on line 24.

104. The Waste Material Profile Sheet submitted to Vickery for the acid material, was signed by Frank Virginia.

105. The Waste Material Profile Sheet submitted to Vickery for the acid material, listed Frank Virginia as an agent for Luxury Wheels

106. The Waste Material Profile Sheet submitted to Vickery for the acid material was dated, "7/26/02".

107. While under the control of AET, an exothermic reaction occurred within one or more of the totes containing the acid material.

108. While under the control of AET, the acid material in one or more of the totes attained a temperature sufficient to melt the tote containing it.

109. While under the control of AET, one or more of the totes containing the acid material were replaced.

110. While under the control of AET, one or more of the totes containing the acid material were replaced because they had melted.

111. While under the control of AET, additional material was added to the acid material.

112. While under the control of AET, the acid material was diluted with water.

113. An AET employee diluted the acid material with water.

114. While under the control of AET, the acid material was diluted with glycolic acid.

115. An AET employee diluted the acid material with glycolic acid.

116. After dilution the acid material filled twelve (12) two hundred and seventy five (275) gallon totes.

117. While the acid material was under the control of AET, EOR Energy, LLC ("EOR"), inquired about the acid material.

118. EOR's office was located in the same building as AET during the months of July and August in the 2002.

119. Arthur Clark is a principal in EOR.

120. EOR purchased the acid material from AET.

121. AET gave the acid material to EOR.

122. Luxury Wheels gave the acid material to EOR.

123. EOR purchased the acid material from Luxury Wheels.

124. On August 30, 2002, the load of twelve (12) totes of acid material was shipped from the AET warehouse in Denver, CO, to Kincaid P&P in Pawnee, IL.

125. AET paid to ship the acid material to Pawnee, IL.

126. EOR paid to ship the acid material to Pawnee, IL.

127. Luxury Wheels paid to ship the acid material to Pawnee, IL.

128. The acid material was not shipped with a Hazardous Waste Manifest.

129. The acid material was shipped with a Hazardous Material Bill of Lading.

130. The Hazardous Material Bill of Lading was dated "8/30/02."

131. The Hazardous Material Bill of Lading listed the Shipper as Luxury Wheels.

132. The Hazardous Material Bill of Lading listed the Consignee as Kincaid P&P.

133. The Hazardous Material Bill of Lading listed Kincaid P&P's address as "Route 104 (EAST OF PAWNEE)," Pawnee, IL 62558.

134. The Hazardous Material Bill of Lading listed the acid material as "CORROSIVE LIQUID ACID, INORGANIC, N.O.S. (PHOSPHORIC, NITRIC), 8, UN3264, PGII."

135. The Hazardous Material Bill of Lading is signed by Frank Gines.

136. The Hazardous Material Bill of Lading lists Frank Gines as the Agent for Luxury Wheels.

137. The Hazardous Material Bill of Lading listed the Carrier as SLT Express.

138. The acid material was a blue-green color when it arrived in Pawnee, IL.

139. AET never refunded any money paid by Luxury Wheels to AET for the disposal of the acid material after the acid material was sent to the Pawnee, IL location.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. LISA MADIGAN,
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: _____
MICHAEL MANKOWSKI
Environmental Bureau
Assistant Attorney General

Attorney Reg. No. 6287767
500 South Second Street
Springfield, Illinois 62706
217/557-0586
Dated: March 19, 2008

EXHIBIT B

CITY OF Grand Junction COLORADO

CITY CLERK

May 25, 2012

Ms. Melissa Cheffy, Paralegal
Office of the Attorney General
Environmental Bureau
500 South Second Street
Springfield, IL 62706

Dear Ms. Cheffy:

Pursuant to your recent letter to Deputy Chief Jim Bright, please find enclosed a certified copy of the Grand Junction Fire Department Incident Report 2002-0101141. Good luck with your enforcement action.

Please let me know if I can be of further assistance.

Sincerely,

MBCatapano

Melinda Catapano
City Records Manager
(970) 244-1497

Enc.

State of Colorado)
)
County of Mesa) SS
)
City of Grand Junction)

I hereby certify the attached 7 copies of "Incident Report 2001-0101141-000" concerning Luxury Wheels and printed May 24, 2012 to be true and complete copies of the original documents now existing among the records of the City of Grand Junction.

In witness whereof, I affix my hand and official seal this 25th day of May, 2012.

(Seal)

Debra Kemp, Notary Public
City of Grand Junction, Colorado
250 N. 5th Street
Grand Junction, Co. 81501

My commission expires 3/13/2013

Basic	
Alarm Date and Time	08:58:00 Monday, July 15, 2002
Arrival Time	09:06:32
Controlled Time	09:06:33
Last Unit Cleared Time	18:09:07
Response Time	0:08:32
Priority Response	Yes
Completed	Yes
Fire Department Station	GF1
Shift	A
Incident Type	400 - Hazardous condition, other
Initial Dispatch Code	400
Aid Given or Received	N - None
Alarms	2
Action Taken 1	41 - Identify, analyze hazardous materials
Action Taken 2	43 - Hazardous materials spill control and confinement
Action Taken 3	46 - Decontaminate persons or equipment
Apparatus - Suppression	9
Personnel - Suppression Personnel	12
Personnel - EMS Personnel	1
Property Loss	$0.00
Contents Loss	$0.00
Property Value	$0.00
Contents Value	$0.00
Hazardous Material Released	0 - Special hazmat actions required or spill greater than 55 gallons
Property Use	549 - Specialty shop
Location Type	Address
Address	1440 WINTERS AVE
City, State Zip	GJ, CO 81501
District	J
Census Tract	8 .
Directions	1440 WINTERS AVE
Latitude	1134438.0
Longitude	460701.000

Person Involved - Person, Dave	
Occupies Property	Yes
Last Name	Person
First Name	Dave
Business Name	Luxury Wheels
Street Address	1440 Winters AVE
City, State Zip	Grand Junction, CO 81501
Phone	9702422001

Hazmat	
Inside/On Structure Flag	1
Story of Release	1
Population Density	1 - Urban Center - Densely populated
Area Affected	2 - Blocks

Hazmat	
Area Affected Unites	5
Area Evacuated	2 - Blocks
Area Evacuated Units	5
Hazmat Action Taken 1	22 - Isolate area & establish hazard control zones
Hazmat Action Taken 2	15 - Remove hazard or hazardous materials
Hazmat Action Taken 3	16 - Decontaminate persons or equipment
Cause of Release	4 - Act of nature
Factors Contributing To Release 1	88 - High temperature
Factors Contributing To Release 2	32 - Failure to maintain proper temperature
Mitigating Factors 1	NN - None
Disposition	2 - Completed with fire service present
Equipment Type	NNN - None

Hazmat Chemicals	
Chemical Name	Nitric acid (fuming)
DOT ID	80 - Corrosive materials
CAS Registration	7697-37-
Chemical ID	2032
Container Type	21 - Tank or silo
Estimated Container Capacity	1200
Capacity Units	12 - Gallons
Physical State When Released	3 - Gas
Released Into	1 - Air

Apparatus - HZ13	
Apparatus ID	HZ13
Apparatus Dispatch Date and Time	08:59:09 Monday, July 15, 2002
Apparatus Clear Date and Time	09:03:07 Monday, July 15, 2002
Apparatus priority response	Yes
Number of People	1
Apparatus Use	1
Apparatus Type	93 - HazMat unit
Personnel 1	82 - KRETSCHMAN, BRIAN
	Position: FF/EMT

Apparatus - HZ11	
Apparatus ID	HZ11
Apparatus Dispatch Date and Time	08:58:43 Monday, July 15, 2002
Apparatus Clear Date and Time	08:59:56 Monday, July 15, 2002
Apparatus priority response	Yes
Apparatus Use	1
Apparatus Type	00 - Other apparatus/resource

Apparatus - LD11	
Apparatus ID	LD11
Response Time	0:04:24
Apparatus Dispatch Date and Time	08:58:44 Monday, July 15, 2002
En route to scene date and time	09:02:08 Monday, July 15, 2002

Apparatus - LD11	
Apparatus Arrival Date and Time	09:06:32 Monday, July 15, 2002
Apparatus Clear Date and Time	17:59:09 Monday, July 15, 2002
Apparatus priority response	Yes
Number of People	4
Apparatus Use	1
Apparatus Type	12 - Truck or aerial
Personnel 1	24 - BUTNER, BRENT
	Position: FF/PM
Personnel 2	84 - WEBER, TED
	Position: FF/EMT
Personnel 3	65 - THOMAS, CHUCK
	Position: FF/EMT
Personnel 4	29 - TAYLOR, ROBERT
	Position: ENG

Apparatus - BT11	
Apparatus ID	BT11
Response Time	0:06:44
Apparatus Dispatch Date and Time	08:58:43 Monday, July 15, 2002
En route to scene date and time	09:02:57 Monday, July 15, 2002
Apparatus Arrival Date and Time	09:09:41 Monday, July 15, 2002
Apparatus Clear Date and Time	18:04:35 Monday, July 15, 2002
Apparatus priority response	Yes
Number of People	1
Apparatus Use	2
Apparatus Type	92 - Chief officer car
Personnel 1	60 - KELLEY, MIKE
	Position: CAPT
	Personnel Action Taken 1: 81 - Incident command

Apparatus - EN13	
Apparatus ID	EN13
Response Time	0:12:04
Apparatus Dispatch Date and Time	09:02:40 Monday, July 15, 2002
En route to scene date and time	09:02:43 Monday, July 15, 2002
Apparatus Arrival Date and Time	09:14:47 Monday, July 15, 2002
Apparatus Clear Date and Time	18:04:42 Monday, July 15, 2002
Apparatus priority response	Yes
Number of People	3
Apparatus Use	1
Apparatus Type	11 - Engine
Personnel 1	36 - HALL, JOHN
	Position: CAPT/PM
Personnel 2	119 - WARREN, CARL G
	Position: FF/EMTI
Personnel 3	59 - REECE, EVERETT
	Position: ENG

Apparatus - HZ12	
Apparatus ID	HZ12
Response Time	0:12:34
Apparatus Dispatch Date and Time	08:58:44 Monday, July 15, 2002
En route to scene date and time	09:02:19 Monday, July 15, 2002
Apparatus Arrival Date and Time	09:14:53 Monday, July 15, 2002
Apparatus Clear Date and Time	18:06:50 Monday, July 15, 2002
Apparatus priority response	Yes
Number of People	4
Apparatus Use	1
Apparatus Type	93 - HazMat unit
Personnel 1	22 - LITTLE, RUSS
	Position: FF/PM
Personnel 2	37 - MCCOY, CHRIS
	Position: FF/PM
Personnel 3	67 - WILSON, GARY
	Position: ENG
Personnel 4	49 - COX, ERIC
	Position: FF/EMT

Apparatus - IN11	
Apparatus ID	IN11
Apparatus Dispatch Date and Time	09:45:47 Monday, July 15, 2002
Apparatus Arrival Date and Time	09:45:49 Monday, July 15, 2002
Apparatus Clear Date and Time	18:03:41 Monday, July 15, 2002
Apparatus priority response	Yes
Apparatus Use	1
Apparatus Type	00 - Other apparatus/resource

Apparatus - BR14	
Apparatus ID	BR14
Response Time	0:12:24
Apparatus Dispatch Date and Time	09:11:05 Monday, July 15, 2002
En route to scene date and time	09:48:38 Monday, July 15, 2002
Apparatus Arrival Date and Time	10:01:02 Monday, July 15, 2002
Apparatus Clear Date and Time	18:09:06 Monday, July 15, 2002
Apparatus priority response	Yes
Apparatus Use	1
Apparatus Type	16 - Brush truck

Apparatus - EN14	
Apparatus ID	EN14
Response Time	4:51:23
Apparatus Dispatch Date and Time	09:07:58 Monday, July 15, 2002
En route to scene date and time	09:11:01 Monday, July 15, 2002
Apparatus Arrival Date and Time	14:02:24 Monday, July 15, 2002
Apparatus Clear Date and Time	18:05:22 Monday, July 15, 2002
Apparatus priority response	Yes
Apparatus Use	1

Apparatus - EN14	
Apparatus Type	11 - Engine

Authority	
Reported By	37 - MCCOY, CHRIS 22:24:42 Wednesday, July 17, 2002
Officer In Charge	60 - KELLEY, MIKE 22:35:09 Wednesday, July 17, 2002
Reviewer	60 - KELLEY, MIKE 22:35:04 Wednesday, July 17, 2002

Narratives	
Narrative Name	CAD Narrative
Narrative Type	CAD Narrative
Author	- ,
Narrative Text	FGF020715101141 HAZARDOUS MATERIALS INCIDENT CLOSED REPORT WRITTEN
Narrative Name	LD11
Narrative Type	Incident
Narrative Date	19:26:24 Monday, July 15, 2002
Author	84 - WEBER, TED
Author Rank	FF/EMT
Author Assignment	I
Narrative Text	Dispatched to above address to investigate and mitigate an acid leak at Luxury Wheels. During the course of the incident personnel from LD 11 performed several different tasks to make the scene go smoothly. Engineer Bob Taylor was in charge of electricity, water supply and assistance with de-con. FF/PM Brent Butner was asked to handle the medical sector of the incident. He assessed vitals pre and post entry to the hot zone. Butner also assisted with set up and performance of D-con. FF Chuck Thomas was part of the first entry team and entered the hot zone twice consecutively. After performing his duties as an entry team tech he helped with other duties as assigned. Acting Captian Ted Weber was not initially assigned anything on this incident. I helped out where I was needed. Acting Shift Commander Mike Kelley asked me to take operations over from Captain John Hall. John was busy accessing product information on the phone. As the ops officer, I oversaw the Haz Mat and the D-con areas. Everyone on the crew helped in the function of clean up of the scene and getting the haz-mat units, as well as the ladder, back in service. Acting Captain Ted Weber
Narrative Name	HM12
Narrative Type	Incident
Narrative Date	21:41:24 Monday, July 15, 2002
Author	37 - MCCOY, CHRIS
Author Rank	ACT.CAPT
Author Assignment	I
Narrative Text	Called to assist with nitric acid leak at Luxury Wheels. HM12 crew performed numerous functions including research, decon, haz mat entry, and back up. Chemical involved was mixture of nitric acid, phosphoric acid, and hydrofluoric acid. Mixture was in a 1500

Narratives

gallon storage tank located in an attached storage building on west side. Large orange brown cloud was seen emanating from area and dispersing to the north and west. Entry and backup teams were dressed with level A suits, rubber boots, nitrile under gloves with butyl outer gloves, and SCBA. Level 3 decon was set up with an additional gross decon pool near entry and exit point. Upon entry, crews found acid to be fuming. Initial temperature of liquid was 190 degrees F. No leak was found in tank or piping. Crews began adding ice into tank to cool product. After second entry, tank had reached capacity and was still at approx. 130 degrees and still fuming. Plans were then made to begin pump off operation into an empty acid vat inside building near storage room. Business owner supplied pump and hose. Vat was preloaded with ice to cool product. Third entry team accomplished pump off task and added more ice to fuming tank. Last entry team completed adding ice to tank to bring temperature inside tank to 86 degrees. Tank has stopped fuming and no longer poses immediate threat. Fan was set up to ventilate room and facility was turned over to business owner for cleanup. No injuries or problems were encountered.
Acting Captain McCoy assisted with research and decon set up, and was assigned as Haz Mat sector officer, overseeing entry and back up teams as well as haz mat operations in hot zone.
Engineer Wilson was assigned Decon officer, and assisted in numerous other functions. FF Cox was one of the initial entry team members and performed two consecutive hot zone entries, performing recon and stabilization of fuming product. After that he assisted other areas as needed.
FF Little assisted with research and then was assigned as back up for the initial entry team. Little was part of second entry team which also made two consecutive entries into hot zone to stabilize product.

Narrative Name	E-14 Narrative
Narrative Type	Incident
Narrative Date	07:16:14 Tuesday, July 16, 2002
Author	16 - WALSH, DOUG
Author Rank	CAPT
Author Assignment	1
Narrative Text	E-14 respond to Luxury Wheel at the request of B-11. Originally we responded with the Air trailer and returned to service, later we were requested for man power, Myself and FF Reed were assigned to entry teams. FF Dole assisted with Donning & doffing. Eng Archuletta assisted with operating the air trailer. JDW
Narrative Name	en 13
Narrative Type	Company
Narrative Date	07:44:06 Tuesday, July 16, 2002
Author	36 - HALL, JOHN
Author Rank	CAPT/PM
Author Assignment	1
Narrative Text	Dispatched to help on acid leak. U/A I was assigned to research and Safety. Engineer Reece was assigned to water support and decon, Carl and Brian were assigned to the Entry team.
Narrative Name	HM12 Addendum
Narrative Type	Incident
Narrative Date	20:48:49 Thursday, August 29, 2002
Author	37 - MCCOY, CHRIS
Author Rank	ACT.CAPT

Narratives	
Author Assignment	I
Narrative Text	The acids involved in this incident were Phosphoric acid, Nitric acid, and a mixture of Glycolic and Fluoboric acids that formed Alum ETCH-G. The acids were incorrectly identified in the previous HM12 narrative. Corrected on August 29, 2002 by Chris McCoy.

Special Studies	
Special Study Name	Special Study 0
Special Study Code	GJ

End of Report

EXHIBIT C

MATERIAL SAFETY DATA SHEET

ATOTECH USA INC.
1750 OVERVIEW DRIVE
ROCK HILL, S.C. 29730

EMERGENCY TELEPHONE NUMBER
8:00 am - 5:00 pm
(803) 817-3500

CHEMTREC - 24 HOURS
1-800-424-9300

NAME USED ON LABEL: ALUM ETCH-G
CHEMICAL NAME (if single substance): Mixture
CHEMICAL FAMILY: Mixture
FORMULA: Proprietary

For use in the conditioning of aluminum alloys prior to electroless or eletrolytic plating of nickel or other metals.

HAZARDOUS INGREDIENTS

IDENTITY	CAS No.	%	EXPOSURE LIMITS
Fluoroboric Acid	16872-11-0	<20	ACGIH-TWA(1): 2.5 mg/m3 OSHA-PEL(1): 2.5 mg/m3
Glycolic Acid	79-14-1	<20	Not Established

(1) Fluorides, as F.

PHYSICAL DATA

BOILING POINT: N/E
SPECIFIC GRAVITY: 1.23
VAPOR DENSITY (Air=1): N/E
% VOLATILE: 6N/A
pH: <1.5
FREEZING POINT: N/E
VAPOR PRESSURE @ 20 C: N/E
SOLUBILITY IN WATER: Complete
EVAPORATION RATE (Butyl Acetate=1): N/E

APPEARANCE: Clear, colorless liquid. Pungent odor.

FIRE AND EXPLOSION DATA

FLASH POINT (Test Method)	AUTOIGNITION TEMPERATURE	FLAMMABLE LTS.
N/A	N/A	LEL-N/A UEL-N/A

EXTINGUISHING MEDIA: Nonflammable- Use extinguishing media appropriate to surrounding fire conditions.

SPECIAL FIRE FIGHTING PROCEDURES: Do not get material on skin or clothing. Avoid inhalation of fumes or mists. Stay upwind, out of low areas, and ventilate closed spaces before entering. Cool

*N/A = NOT AVAILABLE
**N/APP = NOT APPLICABLE
***N/E = NOT ESTABLISHED

containers from the side with water until fire is out. Use water spray to reduce vapor; do not put water directly on leak or spill area. Wear full protective clothing and NIOSH-approved, self-contained breathing apparatus (SCBA) with full facepiece operated in the pressure demand or other positive pressure mode. Move containers from fire area, if possible to do so without risk.

UNUSUAL FIRE AND EXPLOSION HAZARDS: During fire conditions, product may emit boron trifluoride, hydrogen fluoride and oxides of nitrogen and carbon.

****

HEALTH HAZARD DATA

****

EYE CONTACT: Corrosive. Causes severe irritation or burns to eyes and surrounding areas. Can cause permanent damage.

SKIN CONTACT: Corrosive. Causes severe irritation or burns.

INHALATION: Corrosive. Causes severe irritation or burns to the respiratory passages, including the nose, airway, and lungs.

INGESTION: Corrosive. Causes severe irritation or burns to the mouth, throat, and stomach.

CHRONIC TOXICITY: Chronic exposure to inorganic fluorides has been known to produce embrittlement and decalcification of bones, and increases calcification of ligaments and vertebrae resulting in spinal stiffness (fluorosis).

SYMPTOMS OF EXPOSURE: Red, inflamed skin, eyes, and mucous membranes; burns and pain; blurred or diminished vision; abdominal pain, nausea, vomiting (vomitus may have a coffee-ground appearance); shortness of breath, chest pain, pulmonary edema (may be delayed); dizziness, shock, weak and rapid pulse.

CARCINOGENICITY:

	NTP	IARC	Other
Yes			
No	X	X	X

****

SUGGESTED FIRST AID

****

EYES: Immediately flush eyes with plenty of water for at least 15 minutes forcibly holding eyelids apart to ensure complete irrigation of all eye and lid tissue. Get immediate medical attention.

*N/A = NOT AVAILABLE
**N/APP = NOT APPLICABLE
***N/E = NOT ESTABLISHED

SKIN: Immediately flush skin with plenty of water while removing contaminated clothing and shoes. Get immediate medical attention. Contaminated clothing should be taken off/removed in a manner which limits further exposure.

INHALATION: Remove to fresh air. If not breathing, give artificial respiration and/or if breathing is difficult give oxygen by trained personnel. Get immediate medical attention.

INGESTION: If swallowed, do NOT induce vomiting. Give milk or water. Call a physician or poison control center immediately. Never give anything by mouth to an unconscious person.

****

REACTIVITY DATA

****

STABILITY: Stable

HAZARDOUS POLYMERIZATION: Will not occur.

CONDITIONS TO AVOID: Contact with incompatible materials.

INCOMPATIBILITY (Materials to Avoid): Strong oxidizers, alkalies, bases, cyanides, sulfides, and most common metals including aluminum, copper, and copper-containing alloys.

HAZARDOUS DECOMPOSITION PRODUCTS: Evolves flammable hydrogen gas on contact with most metals. If heated to decomposition, vapors of boron trifluoride, hydrogen fluoride, and oxides of nitrogen and carbon may be emitted.

****

SPECIAL PROTECTION INFORMATION

****

VENTILATION: Local exhaust or an enclosed handling system is highly recommended. Mechanical (general) ventilation is required.

EYE PROTECTION: Use chemical splash goggles and face shield (ANSI Z87.1 or approved equivalent). Do not wear contact lenses when in contact with this product. An emergency eye wash must be readily accessible to the work area.

RESPIRATORY PROTECTION: Use NIOSH approved respiratory equipment when airborne concentrations are equal to or may exceed exposure limits. For emergency or other conditions where exposure levels are not known or may be uncontrolled, use a positive pressure air-supplied or

self-contained breathing apparatus (SCBA). Respiratory protection programs must comply with 29 CFR 1910.134.

ADDITIONAL PERSONAL PROTECTIVE EQUIPMENT: Select chemical resistant clothing such as gloves, aprons, boots or whole full body protection where contact may occur. Consult glove/clothing manufacturer to determine the most suitable chemical resistant clothing for user's application. Consideration must be given to durability and permeation resistance. Wash immediately if skin is contaminated. Remove contaminated clothing immediately after use and wash before re-use. Provide a safety shower at any location where skin contact may occur. Always wash skin thoroughly after handling.

****

SPECIAL PRECAUTIONS

****

HANDLING: Do not get in eyes, on skin, or on clothing. Do not breathe mist or vapor. Do not take internally. Use only with adequate ventilation. Wash thoroughly after handling. Avoid contact with strong oxidizers. Emptied container retains vapor and product residue - Observe all label safeguards until container is cleaned, reconditioned or destroyed. Keep container tightly closed in an upright position.

Read Technical Data Bulletin before use as a component in electroless or electrolytic plating processes.

STORAGE: Store in a cool, dry place away from incompatible material.

****

ENVIRONMENTAL INFORMATION

****

SPILL RESPONSE: Wear NIOSH/MSHA-approved respiratory protection and appropriate personal protective equipment when cleaning spill. Do not get spilled material on skin or clothing; stop leak if you can do so without risk. If necessary, dike area of spill to prevent spreading. Cover with sand, clay, or other non-combustible absorbent material. Transfer absorbed material to an appropriate and properly labeled container for disposal. NOTE: Discharge to a public sewerage authority should coincide with all applicable local permits and notification requirements. May be hazardous to aquatic life if released to open waters.

RECOMMENDED DISPOSAL: Disposal of waste material from the use of this product may be subject to federal, state, and local regulations. Refer to Part 261 of 40 CFR for the applicability of federal regulations. Consult with your state and local governments for

MATERIAL SAFETY
DATA SHEET

ATOTECH USA INC.
ROCK HILL, S.C. 29730

NAME USED ON LABEL: ALUM ETCH-G

additional regulatory requirements. Disposal of this material must be in a manner compliant with all federal, state, and local regulations.

****

TRANSPORTATION

****

HAZARDOUS MATERIAL/DANGEROUS GOODS SHIPMENT IS INDICATED BY (X) BELOW:

(X) Department of Transportation (DOT/HM-181)
(X) International Air Transportation Association (IATA) 39th Ed.
(X) International Maritime Organization (IMO/IMDG) Amdt. 27-94

SHIPPING INFORMATION:

UN(NA) Number	Hazard Class	Subsid. Risk	Labels	Mark (IMO)	Packaging Group
UN1760	8	NONE	CORROSIVE	NONE	II

SHIPPING NAME:

DOT - CORROSIVE LIQUID, n.o.s.
(contains FLUOROBORIC ACID and GLYCOLIC ACID)
IATA - Same
IMO - Same

DOT QUANTITY LIMITS:

Passenger Air or Rail - 1L Cargo Air Only - 30 L
Packaging Authorization - 49CFR 173.154; 173.202; 173.242
Special Provisions - B2, T14

(IMO)- Stowage Category B. Clear of living quarters.

IATA PACKAGING:

Passenger Aircraft (PA)		Cargo Aircraft Only (CAO)	
PkgInst- 808	Max/Pkg- 1 L	PkgInst- 812	Max/Pkg- 30 L
Y808	0.5 L		

NOTES: (PA) - Single packagings are not permitted.
(PA) - Y808 - Single packagings are not permitted. The gross weight of the completed package must be 30 kg (66 lbs) or less.
(CAO)- Combination and Single packagings are permitted.

*N/A = NOT AVAILABLE
**N/APP = NOT APPLICABLE
***N/E = NOT ESTABLISHED

MATERIAL SAFETY
DATA SHEET

ATOTECH USA INC
ROCK HILL, S.C. 29730

NAME USED ON LABEL: ALUM ETCH-G

****

MISCELLANEOUS

****

EPA/DOT - REPORTABLE QUANTITY (RQ) FOR HAZARDOUS SUBSTANCES:

(X) There are no constituents in this product for which reportable quantities may be applicable.

EPA - Any release of hazardous substance(s) in a quantity equal to or exceeding the RQ in any 24-hour period requires the immediate notification of the National Response Center in Washington, D.C. at (800) 424-8802. Other notification requirements, such as state and local governments, may apply.

DOT - Any package containing a hazardous substance in a quantity equal to or exceeding the RQ is regulated as a hazardous material.

****

ADDITIONAL INFORMATION

****

Ratings:

	F	H	R	PPE	Spec Haz
HMIS	0	3*	0	X	N/APP
NFPA	0	3	0	N/APP	N/APP

F= Flammability H=Health R=Reactivity
PPE= Personal Protection Equipment Spec Haz= Special Health Hazards
W=Water Reactive OX=Oxidizer * = Chronic Hazard

SARA Title III Classifications:	Yes	No
Immediate (Acute) Health . . .	X	
Delayed (Chronic) Health . . .	X	
Sudden Release of Pressure . .		X
Reactive		X
Fire		X

Components of this product are identified below if they are present in excess of de minimus reporting levels. Components that are not required to be identified by specific chemical name may have a generic description.

SARA Title III Section 302 Extremely Hazardous Substances:
None

SARA Title III Section 313 Toxic Chemicals:
None

STATE RIGHT-TO-KNOW

*N/A = NOT AVAILABLE
**N/APP = NOT APPLICABLE
***N/E = NOT ESTABLISHED

MATERIAL SAFETY
DATA SHEET

ATOTECH USA INC
ROCK HILL, S.C. 29730

NAME USED ON LABEL: ALUM ETCH-G

Components of this product which are specifically identified in the ingredients section of this MSDS may be listed as hazardous by these and/or other states: Florida, Illinois, Massachusetts, New Jersey, Pennsylvania, Rhode Island.

CAREFULLY READ THE FOLLOWING: The identification of ingredients in this document meets or exceeds the requirements set forth in 29 CFR, 40 CFR, et al. at the date of publication. Ingredients present in a mixture or solution which are generically identified or not referenced in this document are not regulatorily required to be specifically identified or referenced. The information contained herein should be provided to all those who will use, handle, store, transport, or may otherwise be exposed to this product.

We certify that all ingredients, whether identified in this MSDS or not, are on the TSCA inventory (for USA manufacture and/or sales only).

THE INFORMATION CONTAINED HEREIN, TO THE BEST OF OUR KNOWLEDGE, IS CONSIDERED TO BE ACCURATE. SUCH INFORMATION IS OFFERED SOLELY FOR YOUR CONSIDERATION, INVESTIGATION, AND VERIFICATION, AND WE DO NOT SUGGEST OR GUARANTEE THAT ANY PRECAUTIONS, PROCEDURES, RECOMMENDATIONS ETC. ARE PREFERRED OR UNIQUE. ATOTECH USA INC. MAKES NO WARRANTIES, EXPRESS OR IMPLIED, INCLUDING THE WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, WITH RESPECT TO THE USE OF THIS INFORMATION OR THE USE OF MATERIAL IDENTIFIED HEREIN, IN COMBINATION WITH ANY OTHER MATERIAL OR PROCESS, AND ASSUMES NO RESPONSIBILITY THEREFORE. THIS DOCUMENT WAS DEVELOPED UNDER THE REQUIREMENTS OF THE UNITED STATES, AND AS SUCH MAY NOT SATISFY OTHER STATE OR REGIONAL REQUIREMENTS.

PREPARED BY THE PRODUCT SAFETY DEPARTMENT (PSD)

ISSUED: 10/06/1999 **SUPERSEDES:** 9/18/1998

*N/A = NOT AVAILABLE
**N/APP = NOT APPLICABLE
***N/E = NOT ESTABLISHED

EXHIBIT D

ATTN FRANK

07/16/2002 10:30 8212613551 AET ENVIRONMENTAL PAGE 05

P.01

ARVADA TREATMENT CENTER, LLC

[illegible] MOUNT VIEW LANE, COLORADO SPRINGS, CO [illegible]

SITE: [illegible] & FENTON STREET, ARVADA, CO [illegible]

FOR INTERNAL USE ONLY:
- ☐ Normal Profile ☐ X-Profile
- ☐ One Time Waste ☐ Repeat Waste

WASTE MATERIAL PROFILE SHEET

Profile Number

A. GENERAL INFORMATION

GENERATOR EPA ID #: CO0085282809

GENERATOR CODE

GENERATOR NAME: Luxury Wheels

ADDRESS: 1440 Winters Ave.

CITY: Grand Junction, STATE: CO ZIP: 81501

GENERATOR TECHNICAL CONTACT: David Hajdik

PHONE:

CUSTOMER CODE

CUSTOMER NAME: AET Environmental

ADDRESS

CITY: Denver STATE: CO ZIP: 80217

B. WASTE DESCRIPTION

Common Name of Waste: Aluminum Etch (Fluoboric Acid, Glycolic Acid)

Process Generating Waste: etching of aluminum prior to nickel plating

Process Generating Waste (check and if spill, origin of spilled material):
- ☐ Unused chemical or product
- ☐ Lab Pack
- ☐ Spent halogenated solvents
- ☐ Spent non-halogenated solvents
- ☐ Wastewater treatment sludge from electroplating or etching operations
- ☐ Spent plating bath solutions or residues of plating, stripping and cleaning baths where cyanides are used in the process
- ☐ Wood preservation
- ☐ Inorganic pigment production
- ☐ Organic chemical production
- ☐ Inorganic chemical production
- ☐ Pesticide production
- ☐ Explosives production
- ☐ Petroleum refining
- ☐ Iron or steel production or finishing
- ☐ Primary copper production
- ☐ Primary lead production
- ☐ Primary zinc production
- ☐ Primary Aluminum production
- ☐ Ferroalloy production
- ☐ Secondary lead smelting
- ☐ Veterinary pharmaceutical production
- ☐ Ink formulation
- ☐ Coking
- ☒ Other: etching solution for Aluminum
- ☐ Unknown

Source of Waste (check one):
- ☐ Unused Product or Chemical
- ☐ Waste by-product from process
- ☐ Spill clean up
- ☐ Lab Pack
- ☐ Filtered site remediation
- ☐ Other: ____

Other Process Information (check all that apply):
- ☐ Still bottoms
- ☐ Process sump
- ☐ Process development
- ☐ Out of date product
- ☐ Spent solvent waste
- ☐ Treatment residues
- ☐ Filter cake
- ☐ Degreasing
- ☐ Excess recyclable material
- ☐ Packaged consumer goods
- ☐ Off-spec chemical product
- ☐ Zinc, Al or tin plating
- ☐ Anodizing
- ☐ Cleaning/stripping
- ☐ Wastewater treatment sludges
- ☐ Washwaters
- ☐ Finishing

Other Process Information (check all that apply):
- ☐ Electroplating
- ☐ Conversion coating
- ☐ Carbon steel plating
- ☐ Printed circuit mfg.
- ☐ Cyanide process
- ☐ Heat treating
- ☐ Separator sludge
- ☐ Oven residue
- ☐ Catalyst waste
- ☐ Centrifuged solids
- ☐ Condensate
- ☐ Air, steam, or vacuum stripping
- ☐ Emission control dust
- ☐ Acid leaching
- ☐ Dipping operations
- ☐ Chemical manufacturing
- ☐ Carbon adsorption
- ☐ Incineration or thermal treatment
- ☐ Refining
- ☐ Drug mfg.
- ☐ Distillation
- ☐ Pesticide mfg.
- ☐ Reclamation
- ☐ Etching of metals
- ☐ Bag house dust

Profile Number

C. PHYSICAL PROPERTIES (at 25°C or 77°F)

PHYSICAL STATE
- ☐ SOLID WITHOUT FREE LIQUIDS
- ☐ POWDER
- ☐ MONOLITHIC SOLID
- ☒ LIQUID WITH NO SOLIDS
- ☐ LIQUID/SOLID MIXTURE
  - % FREE LIQUID ____
  - % SETTLED SOLID ____
  - % TOTAL SUSPENDED SOLID ____
- ☐ GAS/AEROSOL

NUMBER OF PHASES/LAYERS: ☒ 1 ☐ 2 ☐ 3

% BY VOLUME (APPROX): TOP ____ MIDDLE ____ BOTTOM ____

VISCOSITY (if liquid present):
- ☒ LOW (e.g. WATER)
- ☐ MEDIUM (e.g. MOTOR OIL)
- ☐ HIGH (e.g. MOLASSES)

COLOR

ODOR
- ☒ NONE OR MILD
- ☐ STRONG

BOILING POINT (if liquid)
- ☐ ≤ 100°F
- ☒ > 100°F

MELTING POINT (for solids only)
- ☐ < 140°F
- ☐ 140-200°F
- ☐ > 200°F

FLASH POINT
- ☐ < 73°F
- ☐ 73-100°F
- ☐ 101-140°F
- ☐ 141-200°F
- ☒ > 200°F

pH
- ☒ ≤ 2
- ☐ 2.1 - 6.9
- ☐ 7 (neutral)
- ☐ 7.1 - 12.4
- ☐ ≥ 12.5

SPECIFIC GRAVITY
- ☐ < 0.8 (e.g. Gasoline)
- ☐ 0.8-1.0 (e.g. Ethanol)
- ☐ 1.0 (e.g. Water)
- ☐ 1.0-1.2 (e.g. Antifreeze)
- ☒ > 1.2 (e.g. Methylene Chloride)

TOTAL ORGANIC CARBON (if liquid)
- ☒ ≤ 1%
- ☐ 1-9%
- ☐ ≥ 10%

BTU/LB
- ☒ < 2,000
- ☐ 2,000-5,000
- ☐ 5,000-10,000
- ☐ > 10,000

VAPOR PRESSURE (for liquids only) ____ mm Hg

Apr 14 03 10:46a Wayne Tafoya 303-431-8080 p.1

EXHIBIT E

UNIFORM HAZARDOUS WASTE MANIFEST

1. Generator's Name and Mailing Address: LUXURY HOMES
1440 Winters Avenue
Grand Junction, CO 81501
4. Generator's Phone (970) 241-2901

5. Transporter 1 Company Name: S L T EXPRESS
6. US EPA ID Number: C T D 9 2 1 5 5 2 1 2 5
Transporter's Phone: (303) 281-1507

7. Transporter 2 Company Name
8. US EPA ID Number
Transporter's Phone

9. Designated Facility Name and Site Address: ARVADA TREATMENT CENTER, L.L.C.
5500 S Denton St.
Arvada, CO 80002
10. US EPA ID Number: C O D 0 0 0 0 0 6 8 7 4
Facility's Phone: (303) 431-4626

11. US DOT Description (Including Proper Shipping Name, Hazard Class and ID Number)	HM	12. Containers No.	Type	13. Total Quantity	14. Unit Wt/Vol	I. Waste No.
a.	X	WASTE CORROSIVE LIQUID, N.O.S., (CONTAINS PHOSPHORIC ACID GLYCOLIC ACID), 8, UN1760, PGII	0 8	T T	0 1 2 0 0	G	D002
b.							
c.							
d.							

J. Additional Descriptions for Materials Listed Above
K. Handling Codes for Wastes Listed Above

15. Special Handling Instructions and Additional Information
EMERGENCY #1-800-424-5571, Infotrac

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations.
If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name	Signature	Month	Day	Year
[illegible]		0 6	2 6	1 2

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name	Signature	Month	Day	Year
			2 7	1 2

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name	Signature	Month	Day	Year

19. Discrepancy Indication Space

20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19

Printed/Typed Name	Signature	Month	Day	Year

GENERATOR
TRANSPORTER
FACILITY

Style CF 17 LABELMASTER® (800) 621-5808 www.labelmaster.com

EPA Form 8700-22 (Rev. 9-88) Previous editions are obsolete.

GENERATOR COPY

PRINTED ON RECYCLED PAPER USING SOYBEAN INK
PRINTED WITH SOY INK

EXHIBIT F

Please print or type. (Form designed for use on elite (12-pitch) typewriter.) Form Approved. OMB No. 2050-0039.

UNIFORM HAZARDOUS WASTE MANIFEST

1. Generator's US EPA ID No. C O D 0 8 5 2 3 2 8 0 4
Manifest Document No. 1 8 2 1 5
2. Page 1 of 1
Information in the shaded areas is not required by Federal law.

3. Generator's Name and Mailing Address LUXURY WHEELS
1440 Winters Avenue
Grand Junction, CO 81501

4. Generator's Phone (970) 242-2001

A. State Manifest Document Number

B. State Generator's ID

5. Transporter 1 Company Name S L T EXPRESS
6. US EPA ID Number U T D 9 8 1 5 5 2 4 2 5
C. State Transporter's ID
D. Transporter's Phone (301)281-3507

7. Transporter 2 Company Name AET ENVIRONMENTAL
8. US EPA ID Number CDR000009456
E. State Transporter's ID
F. Transporter's Phone 303-333-3521

9. Designated Facility Name and Site Address ~~ARVADA TREATMENT CENTER, L.L.C.~~ ~~5500 B Fenton St.~~ ~~Arvada, CO 80002~~
10. US EPA ID Number C O R 0 0 0 0 0 6 8 7 4
Shipped to Alternate Facility see BOX 19
G. State Facility's ID
H. Facility's Phone (303)431-4826

	HM	11. US DOT Description (Including Proper Shipping Name, Hazard Class and ID Number)	12. Containers No.	Type	13. Total Quantity	14. Unit Wt/Vol	I. Waste No.
a.	X	WASTE CORROSIVE LIQUID, N.O.S., (CONTAINS FLUOROBORIC ACID GLYCOLIC ACID), 8, UN1760, PGII	008	TT	01200	G	D002
b.							
c.							
d.							

J. Additional Descriptions for Materials Listed Above
a. ALUMINUM ETCH 80,000 MG ... ERG #154

K. Handling Codes for Wastes Listed Above

15. Special Handling Instructions and Additional Information
EMGY #1-800-424-5571, Infotrac

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations.

If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name	Signature	Month	Day	Year
A Doug Hattok	[signature]	07	10	02

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name	Signature	Month	Day	Year
James A. Lucy	[signature]	07	10	0

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name	Signature	Month	Day	Year
Andrew Grandy	[signature]	7	19	02

19. Discrepancy Indication Space
SAFETY KLEEN INC. (Highway 36)
108555 E. HWY 36
DEER TRAIL, CO 80105
EPA ID. COD 991300484

20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.

Printed/Typed Name	Signature	Month	Day	Year

Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved. OMB No. 2050-0039.

UNIFORM HAZARDOUS WASTE MANIFEST (Continuation Sheet)

21. Generator's US EPA ID No.	Manifest Document No.	22. Page	Information in the shaded areas is not required by Federal law.
COD085282804	18215	2 of 2	

23. Generator's Name: LUXURY WHEELS
1440 Winters Avenue
Grand Junction, CO 81501

L. State Manifest Document Number:
M. State Generator's ID:

24. Transporter 3 Company Name: SCT EXPRESS
25. US EPA ID Number: UTD 981552454
N. State Transporter's ID:
O. Transporter's Phone: 801-281-3507

26. Transporter ___ Company Name:
27. US EPA ID Number:
P. State Transporter's ID:
Q. Transporter's Phone:

28. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)	HM	29. Containers No.	29. Containers Type	30. Total Quantity	31. Unit Wt/Vol	R. Waste No.
a.						
b.						
c.						
d.						
e.						
f.						
g.						
h.						
i.						

7L 7/22/12

S. Additional Descriptions for Materials Listed Above:

T. Handling Codes for Wastes Listed Above:

32. Special Handling Instructions and Additional Information:

TRANSPORTER

33. Transporter ___ Acknowledgement of Receipt of Materials

Printed/Typed Name	Signature	Date (Month Day Year)
Josh Gull		7 22 12

34. Transporter ___ Acknowledgement of Receipt of Materials

Printed/Typed Name	Signature	Date (Month Day Year)

FACILITY

35. Discrepancy Indication Space:

EXHIBIT G

FOR INTERNAL USE ONLY:
☐ Normal Profile ☐ X-Profile
☐ One Time Waste ☐ Repeat Waste
Fax X-Profiles only to 617-380-3581

Clean Harbors

WASTE MATERIAL PROFILE SHEET

Profile Number CH 106488

A. GENERAL INFORMATION

GENERATOR EPA ID # COD 085 282 804
GENERATOR CODE (Assigned by Clean Harbors) _____
GENERATOR NAME: Luxury Wheels
ADDRESS 1440 Winters Ave.
CITY Grand Junction STATE CO ZIP 81501
GENERATOR TECHNICAL CONTACT: Dave Hajduk PHONE (970) 242-2001
CUSTOMER CODE (Assigned by Clean Harbors) _____
CUSTOMER NAME: AET Environmental, Inc.
ADDRESS 14 Lakeside Lane
CITY Denver STATE CO ZIP 80212

B. WASTE DESCRIPTION

Common Name of Waste: Spent Aluminum Etchant
Process Generating Waste: Etching of Aluminum Wheels

Process Generating Waste:
(check one) If spill, origin of spilled material

- ☐ Unused chemical or product
- ☐ Lab Pack
- ☐ Spent halogenated solvents
- ☐ Spent non-halogenated solvents
- ☐ Wastewater treatment sludge from electroplating or etching operations
- ☐ Spent plating bath solutions or residues of plating, stripping and cleaning baths where cyanides are used in the process
- ☐ Wood preservation
- ☐ Inorganic pigment production
- ☐ Organic chemical production
- ☐ Inorganic chemical production
- ☐ Pesticide production
- ☐ Explosives production
- ☐ Petroleum refining
- ☐ Iron or steel production or finishing
- ☐ Primary copper production
- ☐ Primary lead production
- ☐ Primary zinc production
- ☐ Primary Aluminum production
- ☐ Ferro alloy production
- ☐ Secondary lead smelting
- ☐ Veterinary pharmaceutical production
- ☐ Ink formulation
- ☐ Coking
- ☐ Other acid etch of aluminum
- ☐ Unknown

Source of Waste:
(check one)

- ☐ Unused Product or Chemical
- ☒ Waste by-product from process
- ☐ Spill clean up
- ☐ Lab Pack
- ☐ Planned site remediation
- ☐ Other: _____

Other Process Information:
(check all that apply)

- ☐ Still bottoms
- ☐ Process scrap
- ☐ Process development
- ☐ Out of date product
- ☐ Spent solvent waste
- ☐ Treatment residues
- ☐ Filter cake
- ☐ Degreasing
- ☐ Exempt recyclable material
- ☐ Packaged consumer goods
- ☐ Off-spec chemical product
- ☐ Zinc, Al, or tin plating
- ☐ Anodizing
- ☒ Cleaning/stripping
- ☐ Wastewater treatment sludges
- ☐ Washwaters
- ☐ Pot liners

Other Process Information:
(check all that apply)

- ☐ Electroplating
- ☐ Conversion coating
- ☐ Carbon steel plating
- ☐ Printed circuit mfg.
- ☐ Cyanide process
- ☐ Heat treating
- ☐ Separator sludge
- ☐ Oven residue
- ☐ Catalyst waste
- ☐ Centrifuged solids
- ☐ Condensate
- ☐ Air, steam, or vacuum stripping
- ☐ Emission control dust
- ☐ Acid leaching
- ☐ Dipping operations
- ☐ Chemical manufacturing
- ☐ Carbon adsorption
- ☐ Incineration or thermal treatment
- ☐ Refining
- ☐ Drug mfg.
- ☐ Distillation
- ☐ Pesticide mfg.
- ☐ Reclamation
- ☒ Etching of metals
- ☐ Bag house dust

Profile Number CH 106488

PHYSICAL PROPERTIES (at 25°C or 77°F)

PHYSICAL STATE
- SOLID WITHOUT FREE LIQUID
- POWDER
- MONOLITHIC SOLID
- LIQUID WITH NO SOLIDS
- LIQUID/SOLID MIXTURE
- % FREE LIQUID _____
- % SETTLED SOLID _____
- % TOTAL SUSPENDED SOLID _____
- GAS/AEROSOL

NUMBER OF PHASES/LAYERS
☒ 1 ☐ 2 ☐ 3
% BY VOLUME (APPROX.)
TOP_____ MIDDLE_____ BOTTOM_____

VISCOSITY (If liquid present)
☒ LOW (e.g. WATER)
☐ MEDIUM (e.g. MOTOR OIL)
☐ HIGH (e.g. MOLASSES)

COLOR
Clear

ODOR
☐ NONE OR MILD
☒ STRONG
Acid

BOILING POINT (if liquid)
☐ ≤ 100°F
☒ > 100°F

MELTING POINT (for solids only)
☐ < 140°F
☐ 140-200°F
☐ > 200°F
N/A

FLASH POINT
- < 73°F
- 73-100°F
- 101-140°F
- 141-200°F
- > 200°F

pH
- ☒ ≤ 2
- ☐ 2.1 - 6.9
- ☐ 7 (neutral)
- ☐ 7.1 - 12.4
- ☐ ≥ 12.5

SPECIFIC GRAVITY
- ☐ < 0.8 (e.g. Gasoline)
- ☐ 0.8-1.0 (e.g. Ethanol)
- ☐ 1.0 (e.g. Water)
- ☒ 1.0-1.2 (e.g. Antifreeze)
- ☐ > 1.2 (e.g. Methylene Chloride)

TOTAL ORGANIC CARBON (If liquid)
- ☒ ≤ 1%
- ☐ 1-9%
- ☐ ≥ 10%

BTU/LB
- ☒ < 2,000
- ☐ 2,000-5,000
- ☐ 5,000-10,000
- ☐ > 10,000

VAPOR PRESSURE (for liquids only)_____ mm Hg

CLEAN HARBORS COPY

CleanHarbors Profile Number CH 106468

D. COMPOSITION (Must add up to at least 100%. Include inert materials and/or debris if applicable. Actual percent or range is acceptable.)

Phosphoric Acid	30	40 %		Glycolic Acid	2	3 %	
Nitric Acid	12	18 %		Water	Balance	%	
Fluraboric Acid	2	4 %				%	
		%				%	

☐ Check if MSDS attached. Alum Etch - G

E. CONSTITUENTS — Attach any available analysis. Enter values or ranges where known. For TCLP values, BRL signifies below regulatory level. None, unknown, and present are also acceptable answers.

Are these values based on ☒ Knowledge or ☐ Testing?

INORGANIC

RCRA	REGULATED METALS	REGULATORY LEVEL (mg/l)	TCLP mg/l	TOTAL mg/l
D004	ARSENIC	5.0	N/S	N/S
D005	BARIUM	100.0		
D006	CADMIUM	1.0		
D007	CHROMIUM	5.0		
D007	CHROMIUM CR+6			
D008	LEAD	5.0		
D009	MERCURY	0.2		
D010	SELENIUM	1.0		
D011	SILVER	5.0		

OTHER METALS	TOTAL
ALUMINUM	2000 ppm
ANTIMONY	N/S
BERYLLIUM	
CALCIUM	
COPPER	
MAGNESIUM	
MOLYBDENUM	
NICKEL	
POTASSIUM	
SILICON	
SODIUM	
THALLIUM	
TIN	
VANADIUM	
ZINC	

NON-METALS	WT%
SULFUR	0
BROMINE	0
CHLORINE	0
FLUORINE	< 20
IODINE	0
	PPM
AMMONIA	0
REACTIVE SULFIDE	0
CYANIDE-TOTAL	0
CYANIDE AMENABLE	0
CYANIDE REACTIVE	0

ORGANIC

VOLATILE COMPOUNDS		REGULATORY LEVEL (mg/l)	TCLP mg/l	TOTAL mg/l
D018	BENZENE	0.5	N/S	
D019	CARBON TETRACHLORIDE	0.5		
D021	CHLOROBENZENE	100.0		
D022	CHLOROFORM	6.0		
D028	1,2-DICHLOROETHANE	0.5		
D029	1,1-DICHLOROETHYLENE	0.7		
D035	METHYL ETHYL KETONE	200.0		
D039	TETRACHLOROETHYLENE	0.7		
D040	TRICHLOROETHYLENE	0.5		
D043	VINYL CHLORIDE	0.2		

SEMI-VOLATILE COMPOUNDS		REGULATORY LEVEL (mg/l)	TCLP	TOTAL
D023	o-CRESOL	200.0	N/S	
D024	m-CRESOL	200.0		
D025	p-CRESOL	200.0		
D026	CRESOL (TOTAL)	200.0		
D027	1,4-DICHLOROBENZENE	7.5		
D030	2,4-DINITROTOLUENE	0.13		
D032	HEXACHLOROBENZENE	0.13		
D033	HEXACHLOROBUTADIENE	0.5		
D034	HEXACHLOROETHANE	3.0		
D036	NITROBENZENE	2.0		
D037	PENTACHLOROPHENOL	100.0		
D038	PYRIDINE	5.0		
D041	2,4,5-TRICHLOROPHENOL	400.0		
D042	2,4,6-TRICHLOROPHENOL	2.0		

PESTICIDES AND HERBICIDES		REGULATORY LEVEL (mg/l)	TCLP mg/l	TOTAL mg/l
D012	ENDRIN	0.02	N/S	
D013	LINDANE	0.4		
D014	METHOXYCHLOR	10.0		
D015	TOXAPHENE	0.5		
D016	2,4-D	10.0		
D017	2,4,5-TP (SILVEX)	1.0		
D020	CHLORDANE	0.03		
D031	HEPTACHLOR (AND ITS EPOXIDE)	0.008		

OTHER

PHENOL 0 PPM

TOTAL PETROLEUM HYDROCARBONS (SOILS ONLY) _____ PPM

PCB'S

☒ NONE

☐ < 50 PPM

☐ ≥ 50 PPM

IF PCB'S ARE PRESENT <50 PPM, IS THE WASTE REGULATED BY TSCA 40 CFR 761?

☐ YES ☐ NO N/A

HOC'S

☒ NONE

☐ < 1000 PPM

☐ ≥ 1000 PPM

OTHER HAZARDS	YES		YES		YES		YES
WATER REACTIVE	☐	PESTICIDE	☐	SHOCK SENSITIVE	☐	DEA REGULATED SUBSTANCE	☐
RADIOACTIVE	☐	HERBICIDE	☐	THERMALLY SENSITIVE	☐	OXIDIZER	☐
DIOXIN	☐	EXPLOSIVE	☐	INFECTIOUS, PATHOGENIC,		REDUCING AGENT	☐
OSHA REGULATED		SPONTANEOUSLY		OR ETIOLOGICAL AGENT	☐	NONE OF THE ABOVE	☒
CARCINOGENS	☐	IGNITES WITH AIR	☐	ASBESTOS	☐		

DOES THIS WASTE HAVE ANY UNDISCLOSED HAZARDS OR PRIOR INCIDENTS ASSOCIATED WITH IT, WHICH COULD AFFECT THE WAY IT SHOULD BE HANDLED? YES ☒ NO ☐ (If yes, explain) Has some oxidizing potential but would not be considered an oxidizer. May form

CleanHarbors

Profile Number CHI 106468

F. REGULATORY STATUS

Y N

☒ ☐ USEPA HAZARDOUS WASTE? (If Yes List codes.) D002

☐ ☒ DO ANY GENERATOR STATE WASTE CODES APPLY? IF YES, LIST STATE CODES

LIST ANY FEDERAL OR STATE WASTE CODES WHICH MAY VARY FROM SHIPMENT TO SHIPMENT:

WILL THE DECISION TO VARY THESE WASTE CODES BE BASED ON ☐ KNOWLEDGE OR ☐ TESTING (check one).
IF KNOWLEDGE, DESCRIBE BASIS OF KNOWLEDGE: N/A

☒ ☐ IS THIS WASTE PROHIBITED FROM LAND DISPOSAL WITHOUT FURTHER TREATMENT PER 40 CFR PART 268?
THIS WASTE IS A: ☒ WASTEWATER ☐ NON WASTEWATER PER USEPA DEFINITION IN 40 CFR 268.2.

☐ ☒ IF ANY WASTE CODES D001, D002, OR D012-D043 APPLY, ARE ANY UHC'S PRESENT ABOVE TREATMENT STANDARDS?

☐ ☒ DOES TREATMENT OF THIS WASTE GENERATE A F006 OR F019 SLUDGE?

☐ ☒ IS THIS WASTE SUBJECT TO CATEGORICAL PRETREATMENT DISCHARGE STANDARDS?
IF YES, SPECIFY POINT SOURCE CATEGORY LISTED IN 40 CFR PART 401.

☐ ☒ IS THIS WASTE REGULATED UNDER THE BENZENE NESHAP RULES? (IS THIS WASTE FROM A CHEMICAL MANUFACTURING, COKE BY-PRODUCT RECOVERY, OR PETROLEUM REFINERY PROCESS?)

☐ ☒ DOES THIS WASTE CONTAIN VOC'S IN CONCENTRATIONS ≥ 500 PPM?

☐ ☒ DOES THIS WASTE CONTAIN GREATER THAN 20% OF ORGANIC CONSTITUENTS WITH A VAPOR PRESSURE ≥ .3KPA (.044 psia)?

☐ ☒ DOES THIS WASTE CONTAIN AN ORGANIC CONSTITUENT WHICH IN ITS PURE FORM HAS A VAPOR PRESSURE GREATER THAN 77 KPa (11.2psia)?

G. D.O.T. INFORMATION: List all shipping names that may be used. Attach additional page if necessary.

D.O.T. SHIPPING NAME Waste Corrosive Liquid, acidic, inorganic, n.o.s. (D002-Phosphoric, Nitric acid), 8, UN3264, PGII DOT HAZARD CLASS:

UN/NA # PACKING GROUP (Circle 1) I II III HAZARD ZONE (Circle 1) A B C D

WILL THIS SHIPPING NAME VARY? ☐ Y ☒ N IF YES, WILL ASSIGNMENT OF PROPER SHIPPING NAME BE BASED ON ☐ KNOWLEDGE OR ☐ TESTING? (check one) IF KNOWLEDGE, DESCRIBE BASIS OF KNOWLEDGE:

H. TRANSPORTATION REQUIREMENTS

ESTIMATED SHIPMENT FREQUENCY: ☐ ONE TIME ☐ WEEKLY ☐ SEMI-MONTHLY ☐ MONTHLY ☒ QUARTERLY ☐ OTHER

☐ BULK LIQUID

GALLONS/SHIPMENT: GAL.
FROM TANKS: TANK SIZE GAL.
FROM DRUMS
VEHICLE TYPE:
VAC TRUCK
TANK TRUCK
RAILROAD TANK CAR
CHECK COMPATIBLE STORAGE MATERIALS:
STEEL STAINLESS STEEL (316)
RUBBER LINED FIBERGLASS LINED
OTHER

☐ BULK SOLD

TON/YD PER SHIPMENT
STORAGE CAPACITY TON/YD
VEHICLE TYPE:
DUMP TRAILER
ROLL OFF BOX
INTERMODAL ROLLOFF BOX
CUSCO/VACTOR
OTHER

☒ CONTAINERIZED

X 1 CONTAINERS/SHIPMENT
STORAGE CAPACITY: CONTAINERS
CONTAINER TYPE:
CUBIC YARD BOX
PALLET
X TOTE TANK (275 gal)
DRUM SIZE:
CONTAINER MATERIAL:
STEEL
FIBER
X PLASTIC
OTHER

SAMPLE STATUS

REPRESENTATIVE SAMPLE HAS BEEN SUPPLIED. ☐ YES ☒ NO SAMPLED BY DATE SAMPLED

SPECIFIC DISPOSAL RESTRICTIONS OR REQUESTS:

SPECIAL WASTE HANDLING REQUIREMENTS: Acid Splash PPE-Level C

OTHER COMMENTS OR REQUESTS:

BIENNIAL/ANNUAL REPORTING INFORMATION.

SIC CODE SOURCE CODE FORM CODE ORIGIN CODE

GENERATOR'S CERTIFICATION

ereby certify that all information submitted in this and attached documents is correct to the best of my knowledge. I also certify that any samples submitted e representative of the actual waste. If Clean Harbors discovers a discrepancy during the approval process, Generator grants Clean Harbors the authority to nend the profile, as Clean Harbors deems necessary, to reflect the discrepancy.

THORIZED SIGNATURE NAME (PRINT) TITLE DATE

R CLEAN HARBORS USE ONLY

CHI REPRESENTATIVE COMPLETING PROFILE:

EXHIBIT H

CONFIRMATION LETTER

July 29, 2002

FRANK VIRGINIA
AET ENVIRONMENTAL
14 LAKESIDE LN
DENVER, CO 80212

Re: Confirmation Number 4571253

Attention: FRANK VIRGINIA

We are pleased to confirm CWM's approval of your waste material as described below. The attached profile for the waste materials was prepared by CWM based upon information provided by you. It is important that no changes be made to the profile without CWM's consent. If the profile meets with your approval, please call 1-419-547-7791 to schedule shipment of your waste materials.

CWM Profile Number:	CO3426 VIC
Approved Mgmt. Facility:	Vickery Environmental, Inc. or another CWM or CWM approved facility
Waste Name:	SPENT ALUMINUM ETCHANT
Disposal Method:	Deepwell Injection
Disposal Price:	- $0.35 per gallon disposal, plus any and all applicable taxes. - 3,000 gallon minimum disposal charged.
Taxes:	- $4.95 per ton, if hazardous.
Rinse Out Fees:	- $85.00 for first 10 minute rinse cycle, $75.00 per 10 minute rinse cycle thereafter per load.
Transportation Price:	- Provided by Broker.
Demurrage:	- N/A
Waste Approval Fees:	- Waived
Pricing Conditions:	- For each load received, on a per gallon basis, all total suspended solids over 0.1% will be assessed a surcharge at the rate of $0.005 (5 mils) for every tenth percent.

July 29, 2002

Re: Confirmation Number 4571253, CWMI Profile Number CO3426 VIC

your company, one is enclosed for your convenience. Please sign and return it to us as soon as possible. Also, if 'Signature on File' does not appear on the signature line of the Wast Profile Sheet, please sign and return it before scheduling your material.

If you have any questions or would like to make changes to the profile, please contact your representative. Thank you for this opportunity to be of service.

Carolyn Golamb

CAROLYN GOLAMB
Chemical Waste Management, Inc

GENERATOR'S WASTE PROFILE SHEET

VIC C03426

(_) Check here if this is a Recertification LOCATION OF ORIGINAL Vickery Environmental, Inc.

GENERAL INFORMATION

1. Generator Name: LUXURY WHEELS OE PLATING INC Generator USEPA ID: COD085282804

2. Generator Address: 1440 WINTERS AVE
GRAND JUNCTION CO 81501-3863

Billing Address: (_) Same
AET ENVIRONMENTAL
14 LAKESIDE LN
DENVER CO 80212

3. Technical Contact/Phone: 970/242-2001

4. Alternate Contact/Phone: FRANK VIRGINIA (AET ENV) 303/333-8521

Billing Contact/Phone: FRANK VIRGINIA 303/333-8521

PROPERTIES AND COMPOSITION

5. Process Generating Waste: ETCHING OF ALUMINUM WHEELS

6. Waste Name: SPENT ALUMINUM ETCHANT

7A. Is this a USEPA hazardous waste (40 CFR Part 261)? Yes (X) No (_)

B. Identify ALL USEPA listed and characteristic waste code numbers (D,F,K,P,U): D002

State Waste Codes:

8. Physical State @ 70F: A. Solid(_) Liquid(X) Both(_) Gas(_) B. Single Layer (X) Multilayer (_) C. Free liq. range 99 to 100%

9A. pH: Range 0 to 2.0 or Not applicable (_) B. Strong Odor (X):describe ACID

10. Liquid Flash Point: < 73F (_) 73-99F (_) 100-139F (_) 140-199F (_) >= 200F (X) N.A. (_) Closed Cup (X) Open Cup (_)

11. CHEMICAL COMPOSITION: List ALL constituents (incl. halogenated organics) present in any concentration and forward analysis

Constituents	Range	Unit Description
PHOSPHORIC ACID	0 to 20	%
NITRIC ACID	0 to 8	%
FLUOROBORIC ACID	2 to 3	%
GLYCOLIC ACID	2 to 3	%
WATER	58 to 96	%
	to	
TOTAL COMPOSITION (MUST EQUAL OR EXCEED 100%):	130.000000	

12. OTHER: PCBs if yes, concentration _ _____ ppm. PCBs regulated by 40 CFR 761 (_). Pyrophoric (_) Explosive (_) Radioactive (_) Benzene if yes, concentration _ _____ ppm. NESHAP (N) Shock Sensitive (_) Oxidizer (_) Carcinogen (_) Infectious (_) Other _____

13. If waste subject to the land ban & meets treatment standards, check here: _ & supply analytical results where applicable.

SHIPPING INFORMATION

14. PACKAGING: Bulk Solid (_) Bulk Liquid (X) Drum (_) Type/Size: GALLONS Other _____

15. ANTICIPATED ANNUAL VOLUME: 4000 Units: GALLONS Shipping Frequency: YEAR

SAMPLING INFORMATION

Sample Tracking Number: 4571253

16a. Sample source (drum, lagoon, pond, tank, vat, etc.):

Date Sampled: _____ Sampler's Name/Company:

16b. Generator's Agent Supervising Sampling: 17. (_) No sample required (See instructions.)

GENERATOR'S CERTIFICATION

I hereby certify that all information submitted in this and all attached documents contains true and accurate descriptions of this waste. Any sample submitted is representative as defined in 40 CFR 261 - Appendix I or by using an equivalent method. All relevant information regarding known or suspected hazards in the possession of the generator has been disclosed. I authorize CWM to obtain a sample from any waste shipment for purposes of recertification.

Signature on original profile C03426 — Signature

FRANK VIRGINIA AGENT FOR LUXURY WHEELS — Name and Title

7/26/02 — Date

25. COMPLETE ONLY FOR WASTES INTENDED FOR FUELS OR INCINERATION

	TOTAL	
Beryllium as Be		ppm
Potassium as K		ppm
Sodium as Na		ppm
Bromine as Br		%
Chlorine as Cl		%
Fluorine as F		%
Sulfur as S		%

26. RECLAMATION, FUELS OR INCINERATION PARAMETERS
(Provide if information is available)

RANGE

A. Heat Value (Btu/lb): ____-____

B. Water: ____%

C. Viscosity (cps): ____@____F _ 100 F _ 150 F

D. Ash: ____ %

E. Settleable solids: ____ %

F. Vapor Pressure @ STP (mm/Hg): ____

G. Is this waste a pumpable liquid? Yes _ No _

H. Can this waste be heated to improve flow? Yes _ No _

I. Is this waste soluble in water? Yes _ No _

J. Particle size: Will the solid portion of this waste pass through a 1/8 inch screen? Yes _ No _

27. TRANSPORTATION INFORMATION

A. Is this a DOT Hazardous Material? Yes X No _

B. Proper Shipping Name. . . . . .: RQ, WASTE CORROSIVE LIQUID, ACIDIC, INORGANIC, NOS

and Additional Description if required: (PHOSPHORIC, NITRIC ACID)

D002

C. DOT Regulations: United Nations Hazard Class: 8 Corrosive Material I.D. UN3264 Packing Group: II

D. CERCLA Reportable Quantity (RQ) and units (Lb, Kg): _____

E. Non-Bulk code 202 Bulk code 242

F. Special Provisions B2 T14 ___ ___ ___ ___

G. Labels Required CORROSIVE _____ _____

28. SPECIAL HANDLING INFORMATION

_____

_____

_____

_____

_ Material Safety Data Sheets Attached

29. OTHER INFORMATION

_____

_____

_____

_____

_____

30. CHEMICAL WASTE MANAGEMENT CERTIFICATION

Chemical Waste Management, Inc. has all the necessary permits and licenses for the waste that has been characterized and identified by this approved profile.

Generator Name: LUXURY WHEELS CE PLATING INC Manifest Doc. No.: ____________

Profile Number: [illegible]

1. Is this waste a non-wastewater or wastewater? (See 40 CFR 268.2) Check ONE: Nonwastewater _ Wastewater X
2. If this waste is subject to any California List restrictions enter the letter from below (either A or B.1) next to each restriction that is applicable:
___ HOCs, ___ PCBs, A Acid, ___ Metals, ___ Cyanides
3. Identify ALL USEPA hazardous waste codes that apply to this waste shipment, as defined by 40 CFR 261. For each waste code, identify the corresponding subcategory, or check NONE if the waste code has no subcategory. Spent solvent and California List treatment standards are listed on the following page. If F039, multi-source leachate applies those constituents must be listed and attached by the generator. If D001-D043 requires treatment of the characteristic and meet 268.48 standards, then the underlying hazardous constituent(s) present in the waste must be listed and attached.

REF #	4. US EPA HAZARDOUS WASTE CODE(S)	5. SUBCATEGORY ENTER THE SUBCATEGORY DESCRIPTION. IF NOT APPLICABLE, SIMPLY CHECK NONE — DESCRIPTION	NONE	6. HOW MUST THE WASTE BE MANAGED? ENTER LETTER FROM BELOW
1	D002	CWA, or Class 1 managed corrosive char. wastes		A
2				
3				
4				

To identify F039 or D001-D043 underlying hazardous constituent(s), use the "F039/Underlying Hazardous Constituent Form" provided (CWM-2004) and check here: _

If no UHCs are present in the waste upon its initial generation check here: X

To list additional USEPA waste code(s) and subcategorie(s), use the supplemental sheet provided (CWM-2005-B) and check here: _

Disposal facility monitors for all UHCs check here _

If waste will be managed in a system regulated under the CWA, or a Class 1 injection well under the SDWA check here

HOW MUST THE WASTE BE MANAGED? In column 6 above, enter the letter (A, B1, B3, B4, B6, C, D, or E) below that describes how the waste must be managed to comply with the land disposal regulations (40 CFR 268.7). Please understand that if you enter the letter B1, B3, B4, B6 or D you are making the appropriate certification as provided below. (States authorized by EPA to manage the LDR program may have regulatory citations different from the 40 CFR citations listed below. Where these regulatory citations differ, your certification will be deemed to refer to those state citations instead of the 40 CFR citations.

A. RESTRICTED WASTE REQUIRES TREATMENT
This waste must be treated to the applicable treatment standards set forth in 40 CFR Part 268 Subpart D, 268.32, or RCRA Section 3004(d).
__ For Hazardous Debris: "This hazardous debris is subject to the alternative treatment standards of 40 CFR Part 268.45."

B.1 RESTRICTED WASTE TREATED TO PERFORMANCE STANDARDS
"I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that, based upon my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with the performance levels specified in 40 CFR part 268.40 and 268.32 without impermissible dilution of the prohibited waste. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."

B.3 GOOD FAITH ANALYTICAL CERTIFICATION FOR INCINERATED ORGANICS
"I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that, based upon my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated by incineration in units operated in accordance with 40 CFR Part 264 Subpart O or Part 265 Subpart O, or by combustion in fuel substitution units operating in accordance with applicable technical requirements, and I have been unable to detect the nonwastewater organic constituents despite having used best good faith efforts to analyze for such constituents. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."

B.4 DECHARACTERIZED WASTE REQUIRES TREATMENT FOR UNDERLYING HAZARDOUS CONSTITUENTS
"I certify under penalty of law that the waste has been treated in accordance with the requirements of 40 CFR 268.40 or 268.49, to remove the hazardous characteristic. This decharacterized waste contains underlying hazardous constituents that require further treatment to meet treatment standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."

B.6 RESTRICTED DEBRIS TREATED TO ALTERNATE PERFORMANCE STANDARDS
"I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and believe that it has been maintained and operated properly so as to comply with treatment standards specified in 40 CFR 268.45 without impermissible dilution of the prohibited wastes. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."

C. RESTRICTED WASTE SUBJECT TO A VARIANCE
This waste is subject to a national capacity variance, a treatability variance, or a case-by-case extension. Enter the effective date of prohibition in column 6 above.
__ For Hazardous Debris: "This hazardous debris is subject to the alternative treatment standards of 40 CFR Part 268.45."

D. RESTRICTED WASTE CAN BE LAND DISPOSED WITHOUT FURTHER TREATMENT
"I certify under penalty of law that I have personally examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in 40 CFR part 268 subpart D. I believe that the information I submitted is true, accurate and complete. I am aware there are significant penalties for submitting false certification, including the possibility of a fine and imprisonment."

E. WASTE IS NOT CURRENTLY SUBJECT TO PART 268 RESTRICTIONS
This waste is a newly identified waste that is not currently subject to any 40 CFR Part 268 restrictions.

I hereby certify that all information submitted in this and all associated documents is complete and accurate, to the best of my knowledge and information.

Signature ______________________ Title ______________________ Date ______________

EXHIBIT I

This Shipping Order must be legibly filled in, in Ink, in Indelible Pencil, or in Carbon, and retained by the Agent.

Shipper No. _____

TRL

Carrier No. 50033

Page 1 of 1

SLT EXPRESS

(Name of carrier) (SCAC) —

Date _____

TO:
Consignee KINCAID P & P

Street ROUTE 104 (EAST OF PAWNEE

City PAWNEE State IL Zip Code 62558

FROM:
Shipper LUXURY WHEELS

Street 1445 WINTERS

City GRAND JCT State CO Zip Code 81501

24 hr. Emergency Contact Tel. No. 1-800-424-5571

Route

Vehicle Number

No. of Units & Container Type	HM	BASIC DESCRIPTION Proper Shipping Name, Hazard Class, Identification Number (UN or NA), Packing Group, per 172.101, 172.202, 172.203	TOTAL QUANTITY (Weight, Volume, Gallons, etc.)	WEIGHT (Subject to Correction)	RATE	CHARGES (For Carrier Use Only)
12 TP	X	CORROSIVE LIQUID ACID,	3000 gal	30,000 #		
		INORGANIC, N.O.S. (PHOSPHORIC				
		NITRIC), 8, UN 3264, PGII.				
		CONTACT RICK OR CHARLIE 24 HRS				
		PRIOR TO DELIVERY				
		1-217-625-5406				

PLACARDS TENDERED: YES ☒ NO ☐

Note – (1) Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property, as follows: "The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding _____ per _____." (2) Where the applicable tariff provisions specify a limitation of the carrier's liability in the absence of a release or a value declaration by the shipper and the shipper does not release the carrier's liability or declare a value, the carrier's liability shall be limited to the amount stated by such provisions. See NMFC Item 172.

Commodities requiring special or additional care or attention in handling or stowing must be so marked and packaged as to ensure safe transportation. See Section 2(e) of Item 360, Bills of Lading, Freight Bills and Statements of Charges and Section 1(a) of Uniform Terms and Conditions for a list of such articles.

I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations.

_____ Signature

REMIT
C.O.D. TO:
ADDRESS

COD Amt: $

C.O.D. FEE:
PREPAID ☐
COLLECT ☐ $

TOTAL CHARGES: $

Subject to Section 7 of the conditions, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statement:
The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

(Signature of Consignor)

FREIGHT CHARGES
FREIGHT PREPAID (except when box at right is checked) ☐ Check box if charges are to be collected

RECEIVED, subject to classifications and tariffs in effect on the date of the issue of this Bill of Lading, the property described above in apparent good order, except as noted (contents and condition of contents of packages unknown), marked consigned, and destined as indicated above which said carrier (the word carrier being understood throughout this contract as meaning any person or corporation in possession of the property under contract) agrees to carry to its usual place of delivery at said destination, if on its route, otherwise to deliver to another carrier on the route to said destination. It is mutually agreed as to each carrier of all or any of said property over all or any portion of said route to destination and as to each party at any time interested in all or any said property, that every service to be performed hereunder shall be subject to all the bill of lading terms and conditions in the governing classification on the date of shipment.

Shipper hereby certifies that he is familiar with all the bill of lading terms and conditions in the governing classification and the said terms and conditions are hereby agreed to by the shipper and accepted for himself and his assigns.

SHIPPER LUXURY WHEELS

FRANK GINES AGENT FOR LUXURY WHEELS

CARRIER SLT EXPRESS

PER

DATE 8/20/02

2

Current post-office address of shipper

(AIL 11/97) STYLE F160-3 Labelmaster, An American Labelmark Co., Chicago, IL 60646 800-621-5808

SOY INK

EXHIBIT J

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, ex rel. LISA MADIGAN, Attorney General of the **State** of Illinois,	)	
Complainant,	)	
v.	)	PCB No. 07-95 (Enforcement)
AET ENVIRONMENTAL, INC., a Colorado corporation, E.O.R. ENERGY, LLC, a Colorado limited liability company,	)	
Respondents.	)	

AFFIDAVIT OF RICHARD JOHNSON

Upon penalties as provided by law pursuant to § 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies that he verily believes the same to be true:

1. I, RICHARD JOHNSON, am employed by the Illinois Environmental Protection Agency ("Illinois EPA") as the Springfield Assistant Regional Manager, Bureau of Land, Division of Land Pollution Control, Field Operations Section ("FOS"), 1021 North Grand Avenue East, Springfield, Illinois 62794. I have been employed with the Illinois EPA since 1980.

2. As part of my duties as the Springfield Assistant Regional Manager, I also work as a field inspector. As an inspector in the Illinois EPA's Bureau of Land, I conduct hazardous waste, special waste and solid waste inspections at sites and facilities to determine their compliance with the Illinois Environmental Protection Act and associated regulations. Sites inspected include unpermitted waste disposal and storage sites, permitted solid waste facilities (landfills, transfer stations and landscape waste recycling), hazardous waste generators, hazardous waste storage facilities, etc. As part of the inspection, photographs are taken, pertinent personnel at the site are interviewed and occasionally soil, water, leachate, and waste

samples are collected for analysis. Reports are written to document the inspection findings and draft compliance letters are prepared. Enforcement recommendations are drafted if needed, and I serve as a witness in cases before the Illinois Pollution Control Board or Circuit Courts.

3. As part of my duties with the Illinois EPA, on November 17, 2004, I inspected the Kincaid P&P Site, located off of Route 104, East of Pawnee, IL 62558. My inspection was prompted by a United States Environmental Protection Agency ("USEPA") investigation which occurred at the Kincaid P&P Site on February 4, 2004. On February 4, 2004, the USEPA and the National Enforcement Investigations Center ("NEIC"), served a search warrant and conducted sampling activities at the Kincaid P&P Site. Based on the USEPA investigation, twelve 275 gallon plastic totes of hazardous waste acid were shipped from Colorado to the Kincaid P&P Site.

4. According to the USEPA investigation, the hazardous waste acid originated at a custom automobile wheel manufacturer in Grand Junction Colorado. AET Environmental ("AET") was hired by the wheel manufacturer to dispose of the hazardous waste acid. After several attempts to dispose of the acid at various hazardous waste disposal facilities, AET transferred the hazardous waste acid to EOR Energy ("EOR"). AET and EOR shipped the hazardous waste acid to the Kincaid P&P Site.

5. Prior to my site inspection, I preformed a review of Illinois EPA records and discovered that the Kincaid P&P Site is not a hazardous waste storage or disposal facility and has never been issued a RCRA permit granting it permission to serve as a hazardous waste management facility. The Kincaid P&P Site has also never been issued a USEPA identification number.

6. On November 17, 2004, I arrived at the Kincaid P&P at approximately 9:45 a.m. I was accompanied by Regina Bunning, an inspector with Christian County Solid Waste Department ("CCSWD") and Joe Stepping, a manager with CCSWD. The entrance to the

Kincaid P&P Site was south of Route 104 off of a county road. A small sign at the entrance of the property had Kincaid P&P's name on it. I drove west along a gravel road until I found a white trailer.

7. At the trailer I encountered Rick Wake ("Wake"). I informed Wake of the nature of the investigation. Wake agreed to let us conduct our investigation. Wake informed me that he was an employee of Kincaid P&P. Wake also told me that he and another Kincaid P&P employee, Charles Geary ("Geary"), were paid by EOR to service and monitor oil, brine and coal gas wells leased by EOR ("EOR Wells") which were located in two oil fields near the Kincaid P&P Site. While speaking with Wake, I observed that the white trailer contained a phone and a fire extinguisher.

8. Wake explained to me that EOR shipped twelve (12) plastic totes of acid material to the Kincaid P&P Site in August 2002. He also stated that James Hamilton ("Hamilton") of EOR directed him and Geary to discharge the acid material down the piping of the EOR Wells.

9. Wake described the process used to discharge the acid. First a tote of the hazardous waste acid would be loaded on the back of a pickup truck and driven to the oil field. From the back of the truck, the tote would be connected to a valve on an aboveground pipe attached to one of the EOR Wells. Wake stated that he and Geary fabricated a hose attachment to connect the plastic totes to the valves on the EOR Wells. Using the hose attachment, Wake and Geary would use gravity to feed the acid material into the well and the underground formation. Over 3 or 4 months, Wake stated that they discharged approximately eight (8) and a one-half totes of the hazardous waste acid down various EOR Wells. Wake also stated that Hamilton called him several times to make sure that the he and Geary continued to discharge the acid into the EOR Wells.

10. Wake admitted to me that neither Geary nor he had any prior experience using acid to treat wells. He also informed me that no one from EOR told them that it was a

hazardous waste or trained them on how to discharge the acid into the EOR Wells. Wake was also unsure of the reasoning for adding acid to the wells.

11. During my November 17, 2004 site inspection I observed twelve (12) plastic totes at a building at the Kincaid P&P Site. The building was not secured. It contained no signs warning of the presence of the acid. The building's concrete floor was wet in several spots where the ceiling was leaking. The structure was not heated, had no electricity, and did not entirely keep out the outside weather. The structure also failed to include any containment structures to retain the acid if the totes leaked. The structure contained no phone, fire extinguisher, or other fire suppression system.

12. Three (3) of the totes were full of an aqua-colored liquid. A fourth tote was slightly less than one-half full. The remaining eight totes appeared to by empty except for some residue present in the bottoms of the totes. I observed a Department of Transportation warning label on the sidewall of one of the totes. The label contained the 4-digit identification number "3264," which in the North American Emergency Response Guidebook is "corrosive liquid, acid, inorganic, n.o.s."

13. A copy of a federal search warrant had been attached to the side of one of the totes. The warrant was dated February 2004 and stated that the totes had been sampled at the time that the warrant had been served.

14. On November 17, 2004, I also observed pallets containing 50-pound bags of hydrated lime and soda ash-like material stored next to the totes of acid. Several of the older bags of lime and ash had deteriorated to the point that the paper was split and a white material could be observed. I was concerned that the hydrated lime and soda ash-like material were stored next to the totes of acid. Hydrated lime and soda-ash are alkaline substances which are incompatible with strong acids. A dangerous reaction could have occurred if the acid came into contact with the hydrated lime or soda ash endangering human life and the environment.

15. While onsite, I photographed the plastic totes, the pallets of hydrated lime and soda ash-like material and the building in which they were stored.

16. Following my site inspection, I preformed a review of Illinois EPA records and discovered the following information related to EOR: EOR did not have RCRA interim status or a RCRA permit to dispose of hazardous waste in the EOR Wells; EOR failed to apply for a USEPA identification number for the Kincaid P&P Site; EOR failed to submit copies of annual reports recording facility activities at the Kincaid P&P Site; and EOR failed to create financial assurance for the closure of the Kincaid P&P Site.

17. After leaving the Kincaid P&P Site, I prepared an inspection memorandum setting forth observations I made during my November 17, 2004 inspection of the Kincaid P&P Site.

18. A complete and accurate copy of the Illinois EPA's inspection memorandum I prepared, dated November 17, 2004, and maintained within the Illinois EPA's files during the normal course of business is attached to this affidavit as Attachment 1.

19. After my November 17, 2004, site inspection, I received a copy of a report prepared by the NEIC ("NEIC Report"). The NEIC Report included the results of testing conducted on samples of the waste acid collected during the February 4, 2004 USEPA investigation. NEIC testing confirmed that the liquid samples from four of the twelve totes contained greater than 5.0 mg/L of leachable chromium. Results of the NEIC testing also showed that waste contained in ten of the twelve totes had a pH of less than 2 standard units.

20. A complete and accurate copy of the NEIC Report, maintained within the Illinois EPA's files during the normal course of business is attached to this affidavit as Attachment 2.

21. Based on the NEIC testing, the waste acid exhibited the characteristics of a corrosive and toxic hazardous waste.

22. On April 19, 2005, I conducted a follow up inspection at the Kincaid P&P Site. I

arrived at the site at approximately 10:15 am. I was accompanied by David Jansen, of the Illinois EPA, Mike Cook, USEPA Criminal Investigation Division, Duane Pulliam, Illinois Department of Natural Resources ("Illinois DNR") Office of Mines and Minerals and Steve Cook, also employed by the Illinois DNR.

23. After arrival onsite, we met with Wake. I made Wake aware of our inspection.

24. On April 19, 2005, all plastic totes of waste acid were gone from the Kincaid P&P Site. Wake provided a uniform hazardous waste manifest which indicating that 1000 gallons of corrosive and toxic hazardous waste were shipped from the Kincaid P&P Site to SET Environmental, Inc. in Houston, Texas on April 14, 2005. The manifest identified the waste as containing nitric and phosphoric acid. A Land Disposal Restriction notice accompanied the manifest. The Land Disposal Restriction notice indicated that the waste exhibited the hazardous waste characteristics for corrosivity (D002) and TCLP chrome (D007).

25. In the building where the plastic totes of waste acid had been stored, I found a length of hose with metal connections. Wake stated that the hose was used to connect the plastic totes of waste acid to the pipes attached to the EOR Wells.

26. During the April 19, 2005 inspection, Wake agreed to take us to the various EOR Wells where he and Geary discharged the waste acid. Two of the wells were located on the Galloway Lease property. Three wells were located on the Rink-Truax Lease property.

27. Wake led us to the Galloway Lease property. Upon arrival at the Galloway Lease property we met the property owner and made him aware of our investigation. Geary was also present at the Galloway Lease property. Geary accompanied us on the rest of the inspection.

28. We first inspected an oil production well known as Galloway #3. At Galloway #3, Wake and Geary stated that they discharged approximately 15 gallons of waste acid into the wellhead.

29. After inspecting Galloway #3, we moved on to a gas injection well known as Galloway #1. Wake and Geary explained that they discharged a full tote (approximately 275 gallons) of waste acid into Galloway #1. They stated that it took awhile to gravity-feed the waste acid down the well. They also stated that they noticed very strong odors from the waste acid.

30. Our next stop was an oil production well known as Rink #4. At Rink #4, Wake and Geary stated that they discharged approximately 25 gallons of waste acid into the wellhead.

31. Following Rink #4, we inspected a salt water disposal well known as Rink #1. Wake and Geary stated that they discharged seven full totes (approximately 1925 gallons) of waste acid into Rink #1.

32. Finally, we inspected an oil production well known as Truax #3. Wake and Geary stated that they discharged approximately 25 gallons of waste acid into Truax #3.

33. Following my site inspection, I preformed a review of Illinois EPA records and discovered that EOR did not have Underground Injection Control Permits authorizing the injection of the hazardous waste acid for any of the wells used to inject the hazardous waste acid including Rink #1 salt water disposal well.

34. After leaving the Kincaid P&P Site, I prepared an inspection memorandum setting forth observations I made during my April 14, 2005 inspection of the Kincaid P&P Site.

35. A complete and accurate copy of the Illinois EPA's inspection memorandum I prepared, dated April 14, 2005, and maintained within the Illinois EPA's files during the normal course of business is attached to this affidavit.

FURTHER AFFIANT SAYETH NOT.

RICHARD JOHNSON

Subscribed and sworn to before me
this 14th day of June, 2012.

NOTARY PUBLIC

OFFICIAL SEAL
CHARLENE K POWELL
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES MARCH 15, 2016

ATTACHMENT 1

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

BUREAU OF LAND / FIELD OPERATIONS SECTION

RCRA INSPECTION REPORT

GENERAL FACILITY INFORMATION

USEPA ID #:	ILR 000134163		**IEPA ID #:**	0218145010	
Facility Name:	EOR Energy LLC Site 1			**Phone #:**	303/333-8521
Location	NE of 2050N Road & 400E Road			**County:**	Christian
City:	Edinburg	**State:**	Illinois	**Zip Code:**	62531
Region:	5 - Springfield	**Inspection Date:**	11/17/2004	**Time:**	9:45 AM - 11:30 AM
Weather:	Approximately 60 - 65 degrees F, rain, wet soil				

TYPE OF FACILITY

Notified As:	**Regulated As:** TSD

TYPE OF INSPECTION

CEI:	☒	**CME/O&M:**	☐	**CSI:**	☐	**NRR:**	☐	**CCI:**	☐	**PIF:**	☐	**CVI:**	☐	**CSE:**	☐	**CAO:**	☐

FUI to:	**Other:**

NOTIFICATION INFORMATION (EPA 8700-12)

Notification Date:	(initial)	(subsequent)

PART A PERMIT INFORMATION (EPA 3510-3 OR EPA 8700-23)

Part A Date:	Amended:	Withdrawn:

PART B PERMIT INFORMATION

(Check one if applicable) Application Submitted? ☐ Permit Issued? ☐ Date:

ACTIVE ENFORCEMENT

Date facility referred to:	USEPA:	IAGO:	County State's Attorney:

ACTIVE ENFORCEMENT ORDERS

CACO:	CAFO:	Federal Court Order:
Consent Decree:	IPCB Order:	State Court Order:

TSD Facility Activity Summary

Activity by Process Code	On Part A?	On Part B?	Activity ever done?	Closed?	Being done during inspection?	Exempt per 35 IAC Sec:	On Annual Report:		
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐

Owner				Operator			
Name:	Rink-Truax Lease c/o South Fork Land Trust, Attn: Mr. John Homeier, Trustee			Name:	EOR Energy LLC		
Address:	3180 Adloff Lane			Address:	14 Lakeside Drive		
City:	Springfield			City:	Denver		
State:	Illinois	Zip Code:	62703	State:	Colorado	Zip Code:	80212
Phone #:				Phone #:	217/625-5006		

Person(s) Interviewed	Title	Phone #
Rick Wake	Employee of Kincaid P&P	217/625-5006

Inspection Participants	Agency/Bureau	Phone #
Richard Johnson*	IEPA/BOL/FOS, Springfield Region	217/786-6892
Joe Stepping	CCSWMD, Manager	217/287-2334
Regina Bunning	CCSWMD, Inspector	217/287-2334

*Report prepared by this person.

Environmental Protection Agency
Narrative

LPC #0218145010 – Christian County
Facility Name: South Fork Township/EOR Energy LLC Site 1
Dates of Inspection: November 17, 2004
Prepared by: Rich Johnson, DLPC/FOS, Springfield Region

I conducted an investigation of Kincaid P&P LLC and the above-referenced site on November 17, 2004. Accompanying me on the investigation was Ms. Regina Bunning, Inspector with Christian County Solid Waste Department (CCSWD) and Mr. Joe Stepping, Manager with CCSWD. Kincaid P&P LLC (hereafter referred to as Kincaid P&P) is located on property previously operated and known as the Peabody Mine No. 10. The property is along Illinois Route 104 between Pawnee and Kincaid, Illinois. Mr. Rick Wake, employee with Kincaid P&P, provided me with information during the inspection.

The United States Environmental Protection Agency (USEPA) conducted an investigation at Kincaid P&P earlier in 2004 concerning the waste acid. It should also be noted that the Colorado Department of Public Health and Environment (CDPHE) sent a Compliance Advisory Letter to Kincaid P&P and EOR Energy LLC (hereafter referred to as EOR Energy) dated September 8, 2004 requesting information concerning waste acid sent to Kincaid P&P. Based on the USEPA's investigation, 12 totes of spent acid were shipped from Colorado to Kincaid P&P in 2002. EOR Energy had apparently been involved in arranging the shipment and claimed that the acid was to be used as a substitute for a commercial chemical product under the Code of Federal Regulations Section 261.2(e)(1)(ii), and therefore, would not be a solid waste. Since a material covered by this section is not a solid waste, it also cannot be a **hazardous** waste. CDPHE disagreed with EOR Energy's interpretation of the regulation and indicated in the Advisory Letter that the reuse exclusion did not apply if the material was recycled in a manner that constitutes disposal (i.e. the material is placed in or on the land). In this case, the waste acid was reportedly injected into the ground to acidize oil wells.

EOR Energy is in the same building as AET Environmental. Arthur Clark, a member of EOR Energy, is reportedly married to Ms. Lori DeVito, the owner of AET Environmental. At some point between July 19, 2002 and August 30, 2002, Mr. Jim Hamilton, also an original member of EOR Energy, and someone from AET Environmental initiated a plan to ship the waste acid from an AET Environmental facility to central Illinois where EOR Energy had lease rights for oil wells. A shipping order dated August 30, 2002 provides documentation of the transportation of the spent acid by SLT Express (now doing business as SLT Expressway) to Kincaid P&P. The waste acid was to be put it down oil wells to acidize them.

According to Mr. Wake, Mr. Jim Hamilton of EOR Energy was directing the actions of the Kincaid P&P personnel to unload the totes and discharge the waste acid down into the oil fields. According to Mr. Wake, the waste acid was gravity-fed down oil well piping at two local oil fields. One of the areas reportedly took the majority of the waste acid. The

second location presented a problem because the liquid wouldn't stay down in the well. Mr. Wake said a tote of the waste acid would be loaded onto the back of a pickup truck and driven to the oil field where a compressor shed with aboveground pipe with valves would be located. From the back of the truck, the tote would be connected to a valve on the aboveground pipe. He said it took about 3 or 4 months, after receiving the waste acid, to get 8 totes of waste acid into the wells. During that time he indicated Mr. Hamilton called him several times to make sure the liquid was continuing to be discharged into the wells.

Ms. Bunning, Mr. Stepping and I were given directions to find the two oil fields with sheds and aboveground piping where the waste acid was discharged. Mr. Wake said he needed to remain at the site until one of the other Kincaid P&P workers relieved him, so he didn't accompany us.

The oil field given identified as EOR LLC Site 1 in this report was located in a farm field north and west of Kincaid, Illinois in Christian County. It was found north of County Highway 2050 North (Edinburg Blacktop). An un-paved road north from the highway goes between 2 plowed farm fields. A couple of aboveground tanks, presumably for crude oil and brine water, were observed west of the road, about a ¼ mile north of the highway. East of the road was a shed with a compressor and some aboveground piping.

Based on my November 17, 2004 investigation, the acid was deemed a hazardous waste and should have been managed in compliance with the Illinois Environmental Protection Act and the regulations of 35 Illinois Administrative Code. For additional information refer to LPC #0218145007 -- Christian County, South Fork Township/Kincaid P&P.

Apparent Violations by EOR Energy

1. 12(g) of the Illinois Environmental Protection Act (the Act), no person cause, threaten, or allow the underground injection of contaminants without a UIC permit issued by the Agency under Section 39(d) of this Act.

2. 21(f)(1) of the Act, no person shall conduct any hazardous waste-storage, hazardous waste-treatment or hazardous waste-disposal operation without a RCRA permit for the site issued by the Agency under subsection (d) of Section 39 of this Act.

3. 704.121 of 35 Illinois Administrative Code, any underground injection, except in a well authorized by permit or rule issued under this part and 35 Ill. Adm. Code 705, as applicable, is prohibited. The construction of any well required to have a permit under this Part is prohibited until the permit has been issued.

4. 704.203 of 35 Ill. Adm. Code, in addition to requiring compliance with the applicable requirements of this Part and 35 Ill. Adm. Code 730, the owner and operator of any facility described in Section 704.202 shall comply with the requirements of this Section.

cc: DLPC/FOS, Springfield Region

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

BUREAU OF LAND / FIELD OPERATIONS SECTION

RCRA INSPECTION REPORT

GENERAL FACILITY INFORMATION

USEPA ID #:	ILR 000134148		**IEPA ID #:**	1678075007	
Facility Name:	EOR Energy LLC Site 2			**Phone #:**	303/333-8521
Location	Along Twp Road 4.25E, Southeast of Junction of Twp. 13S			**County:**	Sangamon
City:	Pawnee	**State:**	Illinois	**Zip Code:**	62558
Region:	5 - Springfield	**Inspection Date:**	11/17/2004	**Time:**	9:45 AM - 11:30 AM
Weather:	Approximately 60 - 65 degrees F, rain, wet soil				

TYPE OF FACILITY

Notified As:	**Regulated As:** TSD

TYPE OF INSPECTION

CEI:	☒	**CME/O&M:**	☐	**CSI:**	☐	**NRR:**	☐	**CCI:**	☐	**PIF:**	☐	**CVI:**	☒	**CSE:**	☐	**CAO:**	☐

FUI to: **Other:**

NOTIFICATION INFORMATION (EPA 8700-12)

Notification Date:	(initial)	(subsequent)

PART A PERMIT INFORMATION (EPA 3510-3 OR EPA 8700-23)

Part A Date:	**Amended:**	**Withdrawn:**

PART B PERMIT INFORMATION

(Check one if applicable) Application Submitted? ☐ Permit Issued? ☐ **Date:**

ACTIVE ENFORCEMENT

Date facility referred to:	**USEPA:**	**IAGO:**	**County State's Attorney:**

ACTIVE ENFORCEMENT ORDERS

CACO:	**CAFO:**	**Federal Court Order:**
Consent Decree:	**IPCB Order:**	**State Court Order:**

Electronic Filing - Received, Clerk's Office, 06/27/2012

TSD Facility Activity Summary

Activity by Process Code	On Part A?	On Part B?	Activity ever done?	Closed?	Being done during inspection?	Exempt per 35 IAC Sec:	On Annual Report:		
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐

Owner				Operator			
Name:	Galloway Lease, Attn: Glenn Galloway			Name:	EOR Energy LLC		
Address:	12890 Cotton Hill Road			Address:	14 Lakeside Drive		
City:	Pawnee			City:	Denver		
State:	Illinois	Zip Code:	62558	State:	Colorado	Zip Code:	80212
Phone #:	217/625-7048			Phone #:	217/625-5006		

Person(s) Interviewed	Title	Phone #
Rick Wake	Employee of Kincaid P&P	217/625-5006

Inspection Participants	Agency/Bureau	Phone #
Richard Johnson*	IEPA/BOL/FOS, Springfield Region	217/786-6892
Joe Stepping	CCSWMD, Manager	217/287-2334
Regina Bunning	CCSWMD, Inspector	217/287-2334

*Report prepared by this person.

Environmental Protection Agency
Narrative

LPC #1678075007 – Sangamon County
Facility Name: Cotton Hill Township/EOR Energy LLC Site 2
Dates of Inspection: November 17, 2004
Prepared by: Rich Johnson, DLPC/FOS, Springfield Region

I conducted an investigation of Kincaid P&P LLC and the above-referenced site on November 17, 2004. Accompanying me on the investigation was Ms. Regina Bunning, Inspector with Christian County Solid Waste Department (CCSWD) and Mr. Joe Stepping, Manager with CCSWD. Kincaid P&P LLC (hereafter referred to as Kincaid P&P) is located on property previously operated and known as the Peabody Mine No. 10. The property is along Illinois Route 104 between Pawnee and Kincaid, Illinois. Mr. Rick Wake, employee with Kincaid P&P, provided me information during the inspection.

The United States Environmental Protection Agency (USEPA) conducted an investigation at Kincaid P&P earlier in 2004 concerning the waste acid. It should also be noted that the Colorado Department of Public Health and Environment (CDPHE) sent a Compliance Advisory Letter to Kincaid P&P and EOR Energy LLC (hereafter referred to as EOR Energy) dated September 8, 2004 requesting information concerning waste acid sent to Kincaid P&P. Based on the USEPA's investigation, 12 totes of spent acid were shipped from Colorado to Kincaid P&P in or around August 30, 2002. EOR Energy had apparently been involved in arranging the shipment and claimed that the acid was to be used as a substitute for a commercial chemical product under the Code of Federal Regulations Section 261.2(e)(1)(ii), and therefore, would not be a solid waste. Since a material covered by this section is not a solid waste, it also cannot be a **hazardous** waste. CDPHE disagreed with EOR Energy's interpretation of the regulation and indicated in the Advisory Letter that the reuse exclusion did not apply if the material was recycled in a manner that constitutes disposal (i.e. the material is placed in or on the land). In this case, the waste acid was reportedly injected into the ground to acidize oil wells.

EOR Energy is in the same building as AET Environmental. Arthur Clark, a member of EOR Energy, is reportedly married to Ms. Lori DeVito, the owner of AET Environmental. At some point between July 19, 2002 and August 30, 2002, Mr. Jim Hamilton, also an original member of EOR Energy, and someone from AET Environmental initiated a plan to ship the waste acid from an AET Environmental facility to central Illinois where EOR Energy had lease rights for oil wells. A shipping order dated August 30, 2002 provides documentation of the transportation of the spent acid by SLT Express (now doing business as SLT Expressway) to Kincaid P&P. The waste acid was to be put it down local oil wells to acidize them.

According to Mr. Wake, Mr. Jim Hamilton of EOR Energy was directing the actions of the Kincaid P&P personnel to unload the totes and discharging the waste acid down into the oil fields. According to Mr. Wake, the waste acid was gravity-fed down oil well piping at two local oil fields. One of the areas reportedly took the majority of the waste

acid. The second location presented a problem because the liquid wouldn't stay down in the well. Mr. Wake said a tote of the waste acid would be loaded onto the back of a pickup truck and driven to the oil field where a compressor shed with aboveground pipe with valves would be located. From the back of the truck, the tote would be connected to a valve on the aboveground pipe. He said it took about 3 or 4 months, after receiving the waste acid, to get 8 totes of waste acid into the wells.

Ms. Bunning, Mr. Stepping and I were given directions to find the two oil fields with sheds and aboveground piping where the waste acid was discharged. Mr. Wake said he needed to remain at the site until one of the other Kincaid P&P workers relieved him, so he didn't accompany us.

The oil field identified as EOR LLC Site 2 in this report was found along Cotton Hill Road in Sangamon County north of Pawnee, Illinois. We observed several metal aboveground tanks that are commonly used to store brine water and/or crude oil. Parking next to the tanks, I walked east toward the edge of a farm field where I was able to identify what appeared to be an oil well pump and a shed as described by Mr. Wake. This was the location where problems were experienced discharging the waste acid down into the well.

My investigation concurred with both CDPHE and the USEPA, that the acid was a hazardous waste and should have been managed in compliance with the Illinois Environmental Protection Act and the regulations of 35 Illinois Administrative Code. For additional information refer to LPC #0218145007 -- Christian County, South Fork Township/Kincaid P&P.

Apparent Violations by EOR Energy

1. 12(g) of the Illinois Environmental Protection Act (the Act), no person cause, threaten, or allow the underground injection of contaminants without a UIC permit issued by the Agency under Section 39(d) of this Act.

2. 21(f)(1) of the Act, no person shall conduct any hazardous waste-storage, hazardous waste-treatment or hazardous waste-disposal operation without a RCRA permit for the site issued by the Agency under subsection (d) of Section 39 of this Act.

3. 704.121 of 35 Illinois Administrative Code, any underground injection, except in a well authorized by permit or rule issued under this part and 35 Ill. Adm. Code 705, as applicable, is prohibited. The construction of any well required to have a permit under this Part is prohibited until the permit has been issued.

4. 704.203 of 35 Ill. Adm. Code, in addition to requiring compliance with the applicable requirements of this Part and 35 Ill. Adm. Code 730, the owner and operator of any facility described in Section 704.202 shall comply with the requirements of this Section.

cc: DLPC/FOS, Springfield Region

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

BUREAU OF LAND / FIELD OPERATIONS SECTION

RCRA INSPECTION REPORT

GENERAL FACILITY INFORMATION

USEPA ID #:				**IEPA ID #:**	0218145007
Facility Name:	Kincaid P&P			**Phone #:**	217/625-5006
Location	P.O. Box 1007			**County:**	Chrisitan
City:	Pawnee	**State:**	Illinois	**Zip Code:**	62558
Region:	5 - Springfield	**Inspection Date:**	11/17/2004	**Time:**	9:45 AM - 11:30 AM
Weather:	Approximately 60 - 65 degrees F, rain, wet soil				

TYPE OF FACILITY

Notified As:	**Regulated As:** TSD

TYPE OF INSPECTION

CEI:	☐	**CME/O&M:**	☐	**CSI:**	☐	**NRR:**	☐	**CCI:**	☒	**PIF:**	☐	**CVI:**	☐	**CSE:**	☐	**CAO:**	☐
FUI to:		**Other:**																	

NOTIFICATION INFORMATION (EPA 8700-12)

Notification Date:	(initial)	(subsequent)

PART A PERMIT INFORMATION (EPA 3510-3 OR EPA 8700-23)

Part A Date:	**Amended:**	**Withdrawn:**

PART B PERMIT INFORMATION

(Check one if applicable) Application Submitted?	☐	**Permit Issued?**	☐	**Date:**

ACTIVE ENFORCEMENT

Date facility referred to:	**USEPA:**	**IAGO:**	**County State's Attorney:**

ACTIVE ENFORCEMENT ORDERS

CACO:	**CAFO:**	**Federal Court Order:**
Consent Decree:	**IPCB Order:**	**State Court Order:**

TSD Facility Activity Summary

Activity by Process Code	On Part A?	On Part B?	Activity ever done?	Closed?	Being done during inspection?	Exempt per 35 IAC Sec:	On Annual Report:		
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐

Owner				Operator			
Name:	USA CoalGas LP			**Name:**	Kincaid P&P, LLC		
Address:	5487 N. Milwaukee Avenue			**Address:**	P.O. Box 1007		
City:	Chicago			**City:**	Pawnee		
State:	Illinois	**Zip Code:**	60630	**State:**	Illinois	**Zip Code:**	62558
Phone #:	773/792-1333			**Phone #:**	217/625-5006		

Person(s) Interviewed	Title	Phone #
Rick Wake	Employee of Kincaid P&P	217/625-5006

Inspection Participants	Agency/Bureau	Phone #
Richard Johnson*	IEPA/BOL/FOS, Springfield Region	217/786-6892
Joe Stepping	CCSWMD, Manager	217/287-2334
Regina Bunning	CCSWMD, Inspector	217/287-2334

*Report prepared by this person.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
BUREAU of LAND/FIELD OPERATIONS SECTION
SPRINGFIELD REGION

RCRA INSPECTION NARRATIVE OUTLINE

Facility: LPC#0218145007 – Christian County
South Fork Township/Kincaid P&P
FOS File
Inspection Date(s): 11/17/2004
Inspector(s): Richard Johnson

Discussions of the following items in the RCRA inspection narrative are numbered in the same sequence.

1. Describe the products made, production processes, and/or services provided at the facility.

2. Describe how and where each waste listed on the waste disposition form is or has been generated, accumulated and/or stored, and attach a map or sketch and photos showing these locations.

3. Describe how and where each waste listed on the waste disposition form is or has been treated, and/or disposed of, and attach a map or sketch and photos showing any on-site treatment or disposal areas (Items 2 and 3 may be combined).

4. Describe and explain any unusual events, occurrences, or application of the regulations.

5. Describe any exemptions from the regulations the facility qualifies for or may qualify for.

6. Describe how and why the facility is regulated for the wastes handled.

7. List any attachments by number or letter and briefly describe.

8. Summarize the apparent violations by section or subsection number and provide a brief explanation.

9. Provide any other comments pertinent to the inspection.

Environmental Protection Agency
Narrative

LPC #0218145007 – Christian County
Facility Name: South Fork Township/Kincaid P&P
Dates of Inspection: November 17, 2004
Prepared by: Rich Johnson, DLPC/FOS, Springfield Region

I conducted an investigation of Kincaid P&P LLC on November 17, 2004. Accompanying me on the investigation was Ms. Regina Bunning, Inspector with Christian County Solid Waste Department (CCSWD) and Mr. Joe Stepping, Manager with CCSWD. Kincaid P&P LLC (hereafter referred to as Kincaid P&P) is located on property previously operated and known as the Peabody Mine No. 10. The property is along Illinois Route 104 between Pawnee and Kincaid, Illinois. Dominion Kincaid Generating Plant (previously owned and operated by Commonwealth Edison) is a coal burning power utility plant located northeast of the facility. The entrance to Kincaid P&P was south of Route 104 off a county road. A small sign at the entrance to the property had Kincaid P&P's name on it. We drove west along a gravel road to an open gate (see photographs 6 and 7). According to the sign on the gate the property was owned by USA Coal LLC (see photo 6). We continued to drive west until we found a white trailer where we met Mr. Rick Wake, employee of Kincaid P&P.

The United States Environmental Protection Agency (USEPA) investigated waste acid going to Kincaid P&P earlier in 2004. It should also be noted that the Colorado Department of Public Health and Environment (CDPHE) sent a Compliance Advisory Letter to Kincaid P&P and EOR Energy dated September 8, 2004 requesting information concerning waste acid sent to Kincaid P&P. Based on the USEPA's investigation, 12 totes of spent acid were shipped from Colorado to Kincaid P&P (to the USA Coal property) in 2002. EOR Energy had apparently been involved in arranging the shipment and claimed that the acid was to be used as a substitute for a commercial chemical product under the Code of Federal Regulations Section 261.2(e)(1)(ii), and therefore, would not be a solid waste. Since a material covered by this section is not a solid waste, it also cannot be a **hazardous** waste. CDPHE disagreed with EOR Energy's interpretation of the regulation and indicated in the Advisory Letter that the reuse exclusion did not apply if the material was recycled in a manner that constitutes disposal (i.e. the material is placed in or on the land). In this case, the waste acid was reportedly injected into the ground to acidize oil wells.

On my November 17, 2004, I informed Mr. Wake of the nature of the investigation. He said the person handling this type of inquiry (Ed Torak) was at another business location (Freeman United Coal Mining Company -- Crown III Coal Mine west of Farmersville, Illinois). Mr. Torak wasn't supposed to be back until the afternoon. I asked that we continue the investigation, and Mr. Wake agreed.

November 17, 2004 Investigation

I arrived onsite at 9:45 am on November 17, 2004. The temperature was about 60 – 65° F, it was lightly raining, and the ground was wet.

According to Mr. Wake, he is employed part time for Kincaid P&P along with two other workers. The other workers were identified as Mr. Ed Torak and Mr. Charles Geary. Mr. Wake said he works mornings at the facility, while Mr. Torak is normally at a business called "Bright Eye" located at the Crown III mine near Farmersville. The "Bright Eyes" plant was indicated to be a business provided with a federal grant to take un-used coal and separate some of it into a useable form. Kincaid P&P was also said to have been started in order to take un-processed coal dredged from onsite coal mine ponds and pelletize it into a useable form. Mr. Wake indicated the plant didn't make enough money to sustain the process, so it has been discontinued for the last few years. According to Mr. Wake, he worked at Peabody Mine until it was closed and was hired by Kincaid P&P soon afterward. He has been with Kincaid P&P since 1998.

Mr. Wake and Mr. Geary apparently have some housekeeping duties they perform for the current property owner. The duties described by Mr. Wake include repairing erosion channels on the soil cap over the mine gob piles, and treating stormwater/groundwater runoff from the covered mine waste areas prior to its release to surface water. Surface stormwater from the mine apparently is captured in a holding ditch where Mr. Wake and Mr. Geary treat it with material such as soda ash, lime and anhydrous ammonia to bring the pH concentration to the neutral range. It was then reportedly released to a ditch that empties to the nearby Lake Sanchris. The treatment of the acidic wastewater appears to be the addition of bags of the basic solids into the holding ditch without much physical mixing.

During the investigation we observed 2 workers onsite cutting a long plastic pipe into smaller sections. According to Mr. Wake, the pipes were left by the mining operation and were being cut up and sold.

He said that the person to ask about the USA Coal property was Mr. David O'Neil, who he described as one of the owners of the site. In researching the Illinois Secretary of State's web site for information on "USA Coal," there were multiple businesses that had opened and closed with names similar to USA Coal (see Attachment 1).

Waste Acid

The waste acid was said to have arrived on a semi-truck. Mr. Wake said he wasn't present when the waste arrived and didn't see it being un-loaded, but thought it all came off of one truck. I asked for any shipping documents received by Kincaid P&P personnel from the truck driver transporting the waste. Mr. Wake said he didn't think there was any shipping documentation. According to Mr. Wake, Mr. Jim Hamilton of EOR Energy was directing the actions of the Kincaid P&P personnel to unload the totes and discharging the waste acid down into the oil fields. I asked Mr. Wake whether he knew about acidizing oil wells. Mr. Wake said he wasn't sure the actual purpose of the acid, but thought it help move the oil to a point where it can be easier to pump out. According to

Mr. Wake, he was directed to discharge the waste acid down oil well piping at two local oil fields. One of the areas reportedly took the majority of the waste acid. The second location presented a problem because the liquid wouldn't stay down in the well. Mr. Wake said a tote of the waste acid would be loaded onto the back of a pickup truck and driven to the oil field where a compressor shed with aboveground pipe with valves would be located. From the back of the truck, the tote would be connected to a valve on the aboveground pipe. Waste acid would be gravity-fed into the pipe and down to the underground formation where the oil is found. According to Mr. Wake, almost all of the waste acid went down the one well because the other well experienced problems when the acid was added. Based on Mr. Wake's comments, the problems experienced at the one well included the length of time to get it to do down, and acidic fumes. He said it took about 3 or 4 months, after receiving the waste acid, to get 8 totes of waste acid into the wells. During that time he indicated Mr. Hamilton called him several times to make sure the liquid was continuing to be discharged into the wells.

Twelve totes of waste acid were reportedly received at the site in or around August 30, 2002. Within 3 or 4 months 8 totes were emptied. We observed 8 empty plastic totes on the northwest end of a warehouse at USA Coal (see photo 1 and 2). I walked around the totes and noted that each appeared to be empty. Walking inside the west end of the building we found 4 more totes stored along the south wall (see photos 3, 4 and 5). Because the plastic was semi-transparent, I could see that 3 of the 4 totes were almost full of what looked to be an aqua-colored liquid. The fourth tote was slightly less than half full of the same type of liquid. Each of the totes was estimated to have a capacity of around 250 to 300 gallons. A Department of Transportation warning label was observed on one of the sidewalls of the totes identifying the material as being a corrosive (see photos 3, 4 and 5). The 4-digit identification number on the label was "3264," which in the North American Emergency Response Guidebook is "corrosive liquid, acidic, inorganic, n.o.s." This corresponds to Mr. Wake's statement that it was some type of acid. A federal search warrant dated February 2004 allowed the USEPA to conduct an investigation of the premises. The warrant was found slipped in along the side of one of the totes. It was understood from the search warrant the totes had been sampled at the same time the search warrant was served. The papers were placed back where they had been taken.

Also observed near the totes were 50-pound bags of hydrated lime and soda ash-like material setting on pallets. A potential chemical reaction from the two different materials is possible should they come into contact with each other. Several of the older bags of lime and ash had deteriorated to the point that the paper was split and a white material could be observed. It was also noted that the warehouse's concrete floor was wet at several spots where the ceiling was leaking. The building was not heated, had no electricity, and while mostly dry, didn't entirely keep out the outside weather.

As we walked west away from the warehouse we encountered a round concrete cap in the ground. Mr. Wake identified this as an old onsite water well. He indicated that he thought all of the water wells at the site had been capped a long time ago. Ms. Bunning indicated

the Christian County Health Department would require the water well be properly de-commissioned if it was not being used.

Ms. Bunning, Mr. Stepping and I were given directions to find the two oil fields with sheds and aboveground piping where the waste acid was discharged. Mr. Wake said he needed to remain at the site until one of the other Kincaid P&P workers relieved him, so he didn't accompany us. The first location was found along Cotton Hill Road in Sangamon County north of Pawnee, Illinois. We observed several metal aboveground tanks that are commonly used to store brine water and/or crude oil (see photo 1 of EOR Energy LLC Site 2). Parking next to the tanks, I walked east toward the edge of a farm field where I was able to identify what appeared to be an oil well pump and a shed as described by Mr. Wake (see photo 2 of EOR Energy Site 2). This was the location where problems were experienced discharging the waste acid down into the well. After identifying the location as the one described by Mr. Wake, we drove to the second oil field.

The second oil field was located in a farm field north and west of Kincaid, Illinois in Christian County. It was found north of County Highway 2050 North (or Edinburg Blacktop). An un-paved road heads north from the highway between 2 plowed farm fields. A couple of aboveground tanks, presumably for crude oil and brine water, were observed west of the road, about a ¼ mile north of the highway. East of the road was a shed with a compressor and some aboveground piping (see photos 1 and 2 of EOR Energy LLC Site 1). This location appears to be the second waste acid injection area. There was no visual evidence of the waste acid being discharged into the ground at the location.

1. Describe the products made, production processes, etc. provided at the facility. The spent acid originated from Luxury Wheels O.E. Plating, Inc. (hereafter referred to as Luxury Wheels) of Grand Junction. Luxury Wheels apparently had spent acid from chrome electroplating generated as waste and placed in 8 plastic totes. AET Environmental was reportedly hired to arrange for shipping the waste offsite for management. This proved to be difficult because the spent acid was said to be reacting, giving off a colored gas. The totes were first shipped on or about July 19, 2002 to Arvada Treatment Center, a RCRA permitted treatment, storage and disposal facility in Arvada, Colorado. Arvada Treatment Center reportedly rejected the load (a Uniform Hazardous Waste Manifest was prepared and provides documentation of the attempt to have the spent acid managed at 2 hazardous waste facilities). The totes were then to be taken to Safety-Kleen located in Deer Trail, Colorado, another RCRA permitted facility. But again the load was rejected. AET Environmental brought the load back to their transfer facility located in Commerce City, Colorado. A shipping order dated August 30, 2002 provides documentation of the transportation of the spent acid by SLT Express (now doing business as SLT Expressway) to Kincaid P&P. In the shipping order Luxury Wheels is identified as the shipper (the original generator of the waste).

EOR Energy is apparently in the same building as AET Environmental. Arthur Clark, a member of EOR Energy (see Attachment 2), is reportedly married to Ms. Lori DeVito,

the owner of AET Environmental. At some point between July 19, 2002 and August 30, 2002, Mr. Jim Hamilton, also an original member of EOR Energy, and someone from AET Environmental initiated a plan to ship the waste acid from the AET Environmental facility to central Illinois where EOR Energy had lease rights for oil wells. The waste acid was to be put it down oil wells to acidize them.

Kincaid P&P does not make any products or have any known processes.

2. **Describe how and where each waste at the facility has been generated, accumulated or stored.**

Kincaid P&P became a storage facility when it accepted the waste acid from SLT Expressway (the transporter) on or about August 30, 2002. The waste acid was unloaded to a warehouse building on the north side of USA CoalGas property by a Kincaid P&P employee.

3. **Describe how and where each waste at the facility is or has been treated and/or disposed.**

As previously described, 8 of the twelve totes with the waste acid have been discharged down into oil formations. While EOR Energy, AET Environmental and Mr. David O'Neill of USA CoalGas, have all said the waste acid was reused constituting a substitute of a product, the information points to the act of land disposal.

4. **Describe and explain any usual events, occurrences, or application of the regulations.**

AET Environmental's actions concerning the waste acid have made it subject to the hazardous waste regulations for a generator (see 35 Ill. Adm. Code 722.110(h)). AET Environmental arranged for the transportation of the waste acid from Luxury Wheels O.E. Plating, Inc. to off-site permitted hazardous waste facilities in Colorado. On or about July 19, 2002, when 2 permitted hazardous waste facilities in Colorado rejected the load of 8 totes of hazardous waste, the totes were brought back to an AET Environmental transfer facility in Colorado where they remained until or about August 30, 2002. While stored at the AET Environmental facility the waste was treated with other materials to stop the continuing reaction. The volume of waste increased from 8 totes to 12 totes in the process of treating the waste acid. AET Environmental, with the help of EOR Energy, LLC, made a determination that the waste acid was not a waste, but a substitute for a product in accordance with 721.102(e)(1)(B) of 35 Ill. Adm. Code (40 CFR 261.2(e)(1)(ii)). This provision indicates a material is not a solid waste when recycled by being used or reused as effective substitutes for commercial products. However, in 721.102(e)(2)(A) of 35 Ill. Adm. Code (40 CFR 261.2(e)(2)) it states that materials are still solid wastes even if the recycling includes use, reuse, or return to the original process (described in subsections (e)(1)(1)(A) through (e)(1)(C) of Section 721.102) when the material is used in manner constituting disposal or used to produce products that are applied to the land. AET Environmental and EOR Energy made the determination that the waste acid could be considered a substitute for a product in the above-mentioned regulation when used to acidize oil wells. This determination was considered invalid because the waste was used in a manner constituting disposal and/or used to produce a

product that was applied to the land. AET Environmental stored the waste, treated it to increase the amount of the hazardous waste generated, and arranged for it be transported from its facility to Kincaid P&P. Per 35 Ill. Adm. Code 722.110(h), an owner or operator that initiates a shipment of hazardous waste from a hazardous waste TSD facility, must comply with the Part 722 hazardous waste regulations.

5. Describe any exemptions from the regulations the facility qualifies or may qualify for.

None.

6. Describe how and why the facility is regulated for the wastes handled.

Kincaid P&P has neither RCRA interim status nor a RCRA permit to store hazardous waste onsite. It was determined that it was subject to Part 725 regulations of 35 Illinois Administrative Code for storing hazardous waste in containers.

EOR Energy is to be cited for apparent violations of the Illinois Environmental Protection Act for disposing hazardous waste at the oil field locations in central Illinois.

7. List any attachments to the inspection.

1. Attachment 1. Illinois Secretary of State's web-site information on USA Coal, L.P.

2. Attachment 2. Illinois Secretary of State's web-site information on Kincaid P&P, L.L.C.

3. Attachment 3. Special warranty deed for property from Peabody Coal Company (No. 10 Mine) to the Pawnee Capital Group, L.L.C. filed on July 31, 1997.

4. Attachment 4. Special warranty deed for property from Pawnee Capital Group, L.L.C. to **USA CoalGas, L.P**. filed on August 18, 1997.

5. Attachment 5. Warranty deed for property in Christian County for the Rink Lease owned by South Fork Land Trust, John Homeire, Trustee.

6. Attachment 6. Colorado Secretary of State' corporation information on EOR Energy, LLC.

7. Attachment 7. Colorado Secretary of State corporation information on Luxury Wheels O.E. Plating, Inc.

8. Attachment 8. Colorado Secretary of State corporation information on AET Environmental, Inc.

9. Attachment 9. Utah Department of Commerce corporation information on SLT Expressway, Inc.

8. Summarize the apparent violations.
The apparent violations for Kincaid P&P, L.L.C., USA CoalGas, EOR Energy, AET Environmental and SLT Expressway are identified below:

Apparent Violations by Kincaid P&P and USA CoalGas for Storing Hazardous Waste

1. 21(e) of the Illinois Environmental Protection Act, no person shall dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

2. 21(f)(1) of the Act, no person shall conduct any hazardous waste-storage, hazardous waste-treatment, or hazardous waste-disposal operation without a RCRA permit for the site issued by the Agency.

3. 21(f)(2) of the Act, no person shall conduct any hazardous waste-storage, hazardous waste-treatment, or hazardous waste-disposal operation in violation of any regulations or standards adopted by the Illinois Pollution Control Board under the Act.

4. 703.121(a) of 35 Illinois Administrative Code, no person shall conduct any hazardous waste storage, hazardous waste treatment or hazardous waste disposal operation without a RCRA permit for the HWM (hazardous waste management) facility.

5. 703.121(b), owners and operators of HWM units shall have permits during the active life (including the closure period) of the unit.

6. 703.150(a)(2), the owner or operator of an existing HWM facility that renders the facility subject to the requirement to have a RCRA permit must submit Part A of the permit application to the Agency no later than thirty days after the date the owner or operator first becomes subject to the standards in 35 Ill. Adm. Code 725 or 726.

7. 725.111 of 35 Ill. Adm. Code, every facility owner or operator must apply to EPA for an EPA identification number in accordance with the EPA notification procedures (45 FR 12746).

8. 725.113(a) of 35 Ill. Adm. Code, before an owner or operator treats, stores, or disposes any hazardous waste, the owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the waste.

9. 725.113(b) of 35 Ill. Adm. Code, the owner or operator shall develop and follow a written waste analysis plan that describes the procedures that the owner or operator will carry out to comply with subsection (a) of the is section.

10. 725.114(c) of 35 Ill. Adm. Code, a sign with the legend "Danger—Unauthorized Personnel Keep Out," must be posted at each entrance to the active portion of a facility. The sign must be legible from a distance of at least 25 feet.

11. 725.115(a) of 35 Ill. Adm. Code, the owner or operator shall inspect the facility for malfunctions and deterioration, operator errors and discharges that may be causing or lead a release of hazardous waste constituents, or a threat to human life.

12. 725.115(b) of 35 Ill. Adm. Code, the owner or operator shall develop and follow a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment that are important to preventing, detecting, or responding to environmental or human health hazards.

13. 725.116(a) of 35 Ill. Adm. Code, the owner or operator must ensure that a training program for facility personnel teaches them to perform their duties in a way to comply with the requirements of Part 725.

14. 725.116(d) of 35 Ill. Adm. Code, the owner or operator must maintain job and training documents and records at the facility.

15. 725.131 of 35 Ill. Adm. Code, facilities must be maintained and operated to minimize the possibility of a fire, explosion or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents.

16. Section 725.132 of 35 Ill. Adm. Code, all facilities must be equipped with internal communications or alarm systems, and fire and spill control equipment.

17. 725.137 of 35 Ill. Adm. Code, the owner or operator must attempt to make arrangements with local emergency response organizations (hospital, and police and fire departments).

18. 725.151(a) of 35 Ill. Adm. Code, each owner or operator must have a contingency plan for his facility.

19. 725.155 of 35 Ill. Adm. Code, at all times there must be at least one employee either on the facility premises or on call with the responsibility for coordinating all emergency operations and activities.

20. 725.171(c) of 35 Ill. Adm. Code, whenever a shipment of hazardous waste is initiated form a facility, the owner or operator of that facility must comply with the requirements of 35 Ill. Adm. Code 722.

21. 725.173 of 35 Ill. Adm. Code, the owner or operator shall keep a written operating record at the facility concerning the stored hazardous waste.

22. 725.175 of 35 Ill. Adm. Code, the owner or operator shall prepare and submit a single copy of an annual report by March 1 of each year.

23. 725.212(a) of 35 Ill. Adm. Code, in pertinent part, the owner or operator of a hazardous waste facility shall have a written closure plan.

24. 725.242(a) of 35 Ill. Adm. Code, the owner or operator shall have a detailed written estimate of the cost of closing the hazardous waste facility.

25. 725.243(a) of 35 Ill. Adm. Code, the owner or operator of each facility shall establish financial assurance for closure of the facility.

26. 725.274 of 35 Ill. Adm. Code, in pertinent part, the owner or operator shall inspect the areas where hazardous waste containers are stored weekly looking for leaks and deterioration.

27. 725.278 of 35 Ill. Adm. Code, the owner or operator shall manage all hazardous waste placed in a container in accordance with the requirements of 724.Subparts AA, BB, and CC.

Apparent Violations by AET Environmental as Generator of Part of the Hazardous Waste

1. 722.111 of 35 Ill. Adm. Code, a person who generates a solid waste, as defined in 35 Ill. Adm. Code 721.102, shall determine if it is hazardous waste.

2. 722.112(c) of 35 Ill. Adm. Code, a generator must not offer his hazardous waste to transporters or to treatment, storage or disposal facilities that have not received an EPA identification number.

3. 722.120(a) of 35 Ill. Adm. Code, a generator who transports, or offers for transportation, hazardous waste for off-site treatment, storage or disposal must prepare a manifest before transporting the waste off-site.

4. 722.121(a) of 35 Ill. Adm. Code, if the State of Illinois is the state to which the shipment is manifested (consignment state), the generator shall use the manifest supplied by the Agency.

5. 722.141(a) of 35 Ill. Adm. Code, a generator who ships hazardous waste off-site to a treatment, storage or disposal facility within the United States shall prepare and submit a single copy of an annual report to the Agency by March 1 for the preceding calendar year.

6. 728.107(a)(1) of 35 Ill. Adm. Code, a generator of a hazardous waste shall determine if the waste has to be treated before it can be land disposed.

Apparent Violations by EOR Energy

1. 12(g) of the Illinois Environmental Protection Act (the Act), no person cause, threaten, or allow the underground injection of contaminants without a UIC permit issued by the Agency under Section 39(d) of this Act.

2. 21(f)(1) of the Act, no person shall conduct any hazardous waste-storage, hazardous waste-treatment or hazardous waste-disposal operation without a RCRA permit for the site issued by the Agency under subsection (d) of Section 39 of this Act.

3. 35 Ill. Adm. Code 704.121, any underground injection, except into a well authorized by permit or rule issued under this part and 35 Ill. Adm. Code 705, as applicable, is prohibited. The construction of any well required to have a permit under this Part is prohibited until the permit has been issued.

4. 35 Ill. Adm. Code Section 704.203, in addition to requiring compliance with the applicable requirements of this Part and 35 Ill. Adm. Code 730, the owner or operator of any facility described in Section 704.202 shall comply with 704.203(a) through (i).

Apparent Violations by SLT Expressway

1. 21(e) of the Illinois Environmental Protection Act (the Act), no person shall dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

2. 21(g)(2) of the Act, no person shall conduct any hazardous waste-transportation in violation of any regulations or standards adopted by the Board under this Act.

3. 723.120(a) of 35 Ill. Adm. Code, a transporter shall not accept hazardous waste from a generator unless it is accompanied by a manifest signed in accordance with the provisions of 35 Ill. Adm. Code 722.120.

Miscellaneous

Mr. Larry Robinette was briefly a manager at Kincaid P&P. Apparently he only lasted a couple of months and he left prior to the waste acid being received.

USA Coal property was said to be about 500 acres. Mr. Stepping provided a special warranty deed that indicates USA CoalGas L.P. owns 589.6 acres.

cc: DLPC/FOS, Springfield Region
CCSWD, Joe Stepping
USEPA, Mike Cook
IDNR, Duane Pulliam

Regulation	RCRA ... INSPECTION CHECKLIST, PART 725	Violation
	PART 725: INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES	
	SUBPART A: GENERAL PROVISIONS	
	Section 725.101 Purpose, Scope and Applicability	
725.101(c)	Does the facility qualify for any of the exemptions under Section 725.101(c)? Yes_______ No___X____ N/A_______ **Note:** If "Yes", explain in the narrative.	
725.101(d)	Has the facility managed hazardous waste with the following hazardous waste numbers: F020, F021, F022, F023, F026 or F027 in compliance with the requirements of Section 725.101(d)(1) through (5)? Yes_______ No____X____ N/A_______	725.101(d) X
	SUBPART B: GENERAL FACILITY STANDARDS	
	Section 725.111 USEPA Identification Number	
725.111	Has the facility obtained a USEPA identification number? Yes_______ No____X___ N/A_______	725.111
	Section 725.112 Required Notices Has the owner/operator of the facility provided the required notices:	
725.112(a)	a) upon receiving hazardous waste from a foreign source? Yes_______ No_______ N/A___X____	725.112(a)
725.112(b)	b) prior to transferring ownership/operational control of the facility? Yes_______ No_______ N/A___X____	725.112(b)
	Section 725.113 General Waste Analysis	
725.113(a)	Has the owner/operator obtained a detailed chemical analysis of each waste prior to its treatment, storage or disposal? Yes_______ No____X____ N/A_______ Does the analysis contain all the necessary information to treat, store or dispose of the waste in accordance with Parts 725 and Part 728? Yes_______ No_______ N/A___X___ Has the analysis been repeated: - when the operator is notified or has reason to believe that the process generating the hazardous waste has changed? Yes_______ No_______ N/A____X____ - for off-site facilities, when the results of an on-site inspection indicate that the hazardous waste received at the facility does not match the accompanying manifest or shipping paper? Yes_______ No_______ N/A___X____ Has the owner/operator of an off-site facility inspected each hazardous waste shipment received at the facility to ensure that it matches the waste identified on the accompanying manifest or shipping paper? Yes_______ No_______ N/A____X____	X 725.113(a)
725.113(b)	Has the owner/operator developed a written waste analysis plan? Yes_______ No____X____ N/A_______ Is the plan available at the facility? Yes_______ No_______ N/A___X____ Does the owner/operator follow the procedures specified in the plan so as to comply with Section 725.113(a)? Yes_______ No_______ N/A____X____ Does the plan specify:	

Regulation	RCRA TSD FACILITY INSPECTION CHECKLIST (PART 725)	Violation
	1) the parameters for which each hazardous waste will be analyzed and the rationale for selecting these parameters? Yes_____ No_____ N/A____X____	725.113(b) __X__
	2) the test methods which will be used to test for these parameters? Yes_____ No_____ N/A____X____	
	3) the sampling method which will be used to obtain a representative sample of the waste to be analyzed? Yes_____ No_____ N/A____X____	
	4) the frequency with which the initial analysis of the waste will be reviewed or repeated to ensure accurate and up-to-date analysis? Yes_____ No_____ N/A____X____	
	5) for off-site facilities, the waste analyses that hazardous waste generators supply? Yes_____ No___X___ N/A_____	
	6) the methods which will be used to meet the additional analysis requirements for specific waste management methods as specified in Sections: - 725.300 (Tanks)? - 725.325 (Surface Impoundments)? - 725.352 (Waste Piles)? - 725.373 (Land Treatment)? - 725.414 (Landfills)? - 725.441 (Incinerators)? - 725.475 (Thermal Treatment)? - 725.502 (Chemical, Physical and Biological Treatment)? - 725.934(d) (Air Emissions - Process Vents)? - 725.963(d) (Air Emissions - Equipment Leaks)? - 725.984 (Air Emissions - Subpart CC)? - 728.107 (Land Disposal Restrictions)? Yes_____ No____ ____ N/A___X___	
	Note: Circle appropriate Section.	
	7) for surface impoundments exempted from land disposal restrictions (LDR) under Section 728.104(a), the procedures and schedules for: - the sampling of impoundment contents - the analysis of test data; and - the annual removal of residues as specified in this Section? Yes_____ No_____ N/A___X_____	
	8) for owners and operators seeking an exemption to the air emission standards of 724.Subpart CC in accordance with Section 725.983: - if direct measurement is used for the waste determination are schedules and procedures for waste sampling and analysis of test data to verify exemption being maintained? Yes_____ No_____ N/A___X_____ - if knowledge of the waste is being used to make this determination, is the documentation being maintained? Yes_____ No_____ N/A____X____	
725.113(c)	For off-site facilities, does the plan: 1) describe the procedures which will be used to determine the identity of each movement of waste managed at the facility? Yes_____ No_____ N/A____X____	
	2) describe the sampling method which will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling? Yes_____ No_____ N/A____X____	725.113(c)
	3) describe the procedures that will be used to determine whether a hazardous waste generator or treater has added a biodegradable sorbent to the waste in the container? Yes_____ No_____ N/A____X____	
725.114(a)(b)	**Section 725.114 Security** Does the facility qualify for the exemption to the requirement to provide security specified in Section 725.114(a)? Yes_____ No___X____ N/A_____ Does a non-exempt facility have either :	

Regulation	RCRA FACILITY INSPECTION CHECKLIST (cont.)	Violation
	- a 24-hour surveillance system? Yes_____ No_____ N/A____X____ or - an artificial or natural barrier which completely surrounds the active portion of the facility; and Yes____X____ No_____ N/A_____ - gates or other entrances to the active portion of the facility Yes_____X___ No_____ N/A_____	725.114(a)(b)
725.114(c)	Does a non-exempt facility have a sign with the words "Danger - Unauthorized Personnel Keep Out" posted at each entrance to the active portion of the facility? Yes_____ No____X____ N/A_____ Note: Existing signs with legends other than the one above may be used if the legend indicates that access is restricted to authorized personnel only and that entry onto the active portion can be dangerous.	X 725.114(c)
	Section 725.115 General Inspection Requirements	
725.115(a)	Does the owner/operator inspect the facility for malfunctions, deterioration, operator errors and discharges which may be causing or may lead to a release of hazardous waste constituents to the environment or a threat to human health or the environment? Yes_____ No___X_____ N/A_____ Does the owner/operator conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment? Yes_____ No_____ N/A____X____	X 725.115(a)
725.115(b)	Has the owner/operator developed and followed a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices and operating and structural equipment important to preventing, detecting or responding to environmental or human health hazards? Yes_____ No____X____ N/A_____ Is the written schedule kept at the facility? Yes_____ No_____ N/A____X____ Does the schedule identify the types of problems which are to be looked for during the inspection? Yes_____ No_____ N/A____X____ Does the schedule specify at least the following minimum inspection frequency: - daily inspections of areas subject to spills? Yes_____ No_____ N/A____X____ - the items and frequencies, where applicable, called for in Sections: - 725.274 (Containers) - 725.293 (Tanks) - 725.295 (Tanks) - 725.326 (Surface Impoundments) - 725.447 (Incinerators) - 725.477 (Thermal Treatment) - 725.503 (Chemical, Physical and Biological Treatment) - 725.933 (Air Emissions - Process Vents) - 725.952 (Air Emissions - Equipment Leaks) - 725.953 (Air Emissions - Equipment Leaks) - 725.958 (Air Emissions - Equipment Leaks) - 725.984 through 725.990 (Air Emissions - Subpart CC) Yes_____ No_____ N/A____X____ Note: Circle the applicable Section(s).	X 725.115(b)
725.115(c)	Has the owner/operator remedied any deterioration or malfunctions of equipment or structures which the inspections reveal on a schedule which ensures that the problem does not lead to an environmental or human health hazard? Yes_____ No_____ N/A____X____ Has the owner/operator taken immediate remedial action to address an imminent or existing hazard? Yes_____ No_____ N/A____X____	725.115(c)
725.115(d)	Does the owner/operator record inspections in a log or summary? Yes_____ No___X___ N/A____ ____ Are these inspection records kept on file for at least 3 years from the date of the inspection? Yes_____ No_____ N/A____X____ Does the inspection record include, at a minimum: - the date and time of the inspection?	

Regulation	RCRA TSD FACILITY INSPECTION CHECKLIST (PART 725)	Violation
	Yes_____ No_____ N/A___X_____	725.115(d)
	- the name of the inspector? Yes_____ No_____ N/A___X_____	X
	- a notation of the observations made? Yes_____ No_____ N/A___X_____	
	- the date and nature of any repairs or remedial actions? Yes_____ No_____ N/A___X_____	
	Section 725.116 Personnel Training	
725.116(a)	Does the facility have a training program? Yes_____ No___X___ N/A_____	
	Have facility personnel successfully completed a program of classroom or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of Part 725? Yes_____ No_____ N/A___X_____	
	Is the program directed by a person trained in hazardous waste management procedures? Yes_____ No_____ N/A___X___	
	Does the program teach facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed? Yes_____ No_____ N/A___X_____	
	Does the program cover, at a minimum:	
	- procedures to familiarize facility personnel with emergency procedures, emergency equipment and emergency systems? Yes_____ No_____ N/A___X___	X
	- procedures for using, inspecting, repairing and replacing facility emergency and monitoring equipment? Yes_____ No_____ N/A___X___	725.116(a)
	- key parameters for automatic waste feed cut-off systems? Yes_____ No_____ N/A___X___	
	- communications or alarm systems? Yes_____ No_____ N/A___X___	
	- response to fire or explosions? Yes_____ No_____ N/A___X___	
	- response to groundwater contamination incidents? Yes_____ No_____ N/A___X___	
	- shutdown of operations? Yes_____ No_____ N/A___X___	
725.116(b)	Have new employees completed the program within 6 months of the date of employment or assignment to a position requiring them to manage hazardous waste? Yes_____ No_____ N/A___X___	725.116(b) No initial training
725.116(c)	Have facility personnel received an annual review of the initial training? Yes_____ No_____ N/A___X___	725.116(c)
725.116(d)	Are the following documents and records being maintained at the facility:	
	1) the job title for each position related to hazardous waste management and the name(s) of the employee(s) filling each job? Yes_____ No___X___ N/A_____	
	2) a written job description for each position above, including the requisite skill, education or other qualifications and duties of personnel assigned to each position? Yes_____ No___X___ N/A_____	X
	3) a written description of the type and amount of both initial and continuing training that will be given to each person filling a position dealing with hazardous waste management? Yes_____ No___X___ N/A_____	725.116(d) No job titles No written job descriptions No written description of training.
	4) records that document that the training or job experience has been given to and completed by facility personnel? Yes_____ No_____ N/A___X___	
725.116(e)	Is the facility maintaining training records until closure of the facility and those of former employees for at least 3 years from the last date of employment? Yes_____ No_____ N/A___X___	725.116(e)

Regulation		Violation
725.117(a)	**Section 725.117 General Requirements for Ignitable, Reactive or Incompatible Wastes** Are ignitable and reactive wastes protected from and separated from sources of ignition or reaction? Yes_____ No_____ N/A___X___ Are smoking and open flames restricted to specially designated areas when ignitable or reactive waste is being handled? Yes_____ No_____ N/A___X___	725.117(a)
725.117(b)	Is the treatment, storage or disposal of ignitable or reactive waste and the mixture or commingling of incompatible wastes and materials being done so as not to threaten human health or the environment (e.g. fire, pressure, toxic gases, etc...)? Yes_____ No_____ N/A___X___	725.117(b)
	SUBPART C: PREPAREDNESS AND PREVENTION	
725.131	**Section 725.131 Maintenance and Operation of Facility** Is the facility being operated and maintained to minimize the possibility of a fire, explosion or any release of hazardous waste or hazardous waste constituents which could threaten human health or the environment? Yes_____ No___X___ N/A_____	X 725.131
725.132	**Section 725.132 Required Equipment** Is the facility equipped with the following, if necessary: a) an internal communication or alarm system(s)? Yes_____ No_____ N/A___X___ b) a telephone or other device to summon emergency assistance from local authorities? telephone at office Yes___X___ No_____ N/A_____ c) portable fire extinguisher(s), fire control equipment, spill control equipment and decontamination equipment? Yes___X___ No_____ N/A_____ d) water at adequate volume and pressure for fire control? Yes_____ No_____ N/A___X___	fire extinguis. in office X 725.132 no Spill contro equipment availabte
725.133	**Section 725.133 Testing and Maintenance of Equipment** Is the facility testing and maintaining communication/alarm system(s), fire protection equipment, spill control equipment and decontamination equipment? Yes_____ No___ ___ N/A___X___	725.133
725.134	**Section 725.134 Access to Communications or Alarm System** a) Where hazardous waste is being handled, do all employees have immediate access to an internal alarm or other emergency communication device? Yes___X___ No_____ N/A_____ b) If there is ever just one employee on the premises when the facility is operating, does he/she have immediate access to a device capable of summoning external emergency assistance? Yes___X___ No_____ N/A_____	725.134
725.135	**Section 725.135 Required Aisle Space** Is the facility maintaining adequate aisle space? Yes_____ No_____ N/A___X___	725.135
725.137	**Section 725.137 Arrangements with Local Authorities** Has the facility attempted to make the following arrangements, as appropriate, for the type of facility and waste: - arrangements with local emergency authorities (i.e. police and fire departments, other emergency response agencies) to familiarize them with the layout of the facility, properties of hazardous waste handled, places where facility personnel would be working, entrances to roads inside the facility and evacuation routes? Yes_____ No___X___ N/A_____ - agreements designating the primary authority where more than one police or fire department might	No attempt made to familiarize local fire, police department with the spent acid.

Regulation		Violation
	respond? Yes_____ No_____ N/A___X_____	725.137
	- agreements with State emergency response teams, contractors and equipment suppliers? Yes_____ No_____ N/A___X_____	X
	- arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the type of injuries or illnesses which could result from fires, explosions or releases at the facility? Yes_____ No___X___ N/A_____	
	SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES	
	Section 725.151 Purpose and Implementation of Contingency Plan	
725.151(a)	Is the contingency plan available? Yes_____ No___X___ N/A_____	X
	If "No", skip to Section 725.155.	725.151(a)
	Is the plan designed to protect human health and the environment from releases to the air, soil and water? Yes_____ No_____ N/A_____	
725.151(b)	Has there been a fire, explosion or release of hazardous waste? Yes_____ No_____ N/A_____	
	If "Yes", has the contingency plan been carried out immediately? Yes_____ No_____ N/A_____	725.151(b)
	Section 725.152 Content of Contingency Plan	
725.152(a)	Does the plan describe the actions required for response to:	
	- fires? Yes_____ No_____ N/A_____	725.152(a)
	- explosions? Yes_____ No_____ N/A_____	
	- releases? Yes_____ No_____ N/A_____	
725.152(c)	Does the plan describe arrangements with:	
	- police and fire departments? Yes_____ No_____ N/A_____	
	- hospitals? Yes_____ No_____ N/A_____	
	- contractors? Yes_____ No_____ N/A_____	725.152(c)
	- emergency response teams? Yes_____ No_____ N/A_____	
725.152(d)	Does the plan contain the current emergency coordinator's name, phone (office and home) and address? Yes_____ No_____ N/A_____	725.152(d)
725.152(e)	Does the plan identify all emergency equipment including:	
	- description? Yes_____ No_____ N/A_____	
	- capability? Yes_____ No_____ N/A_____	
	- location? Yes_____ No_____ N/A_____	725.152(e)
	Is the list of emergency equipment up-to-date? Yes_____ No_____ N/A_____	
725.152(f)	Does the plan include:	
	- an evacuation plan? Yes_____ No_____ N/A_____	
	- an evacuation signal? Yes_____ No_____ N/A_____	725.152(f)
	- alternate evacuation routes? Yes_____ No_____ N/A_____	
	Section 725.153 Copies of Contingency Plan	
725.153	Has the contingency plan (including all revisions) been:	
	a) maintained at the facility? Yes_____ No_____ N/A_____	
	b) submitted to:	
	- police department? Yes_____ No_____ N/A_____	725.153
	- fire department? Yes_____ No_____ N/A_____	
	- hospital? Yes_____ No_____ N/A_____	
	- emergency response teams? Yes_____ No_____ N/A_____	

Regulation	RCRA TSD FACILITY INSPECTION CHECKLIST (PART 725)	Violation
725.154	**Section 725.154 Amendment of Contingency Plan** Has the contingency plan been reviewed and revised whenever: a) regulations are revised? Yes_____ No_____ N/A_____ b) the plan fails in an emergency? Yes_____ No_____ N/A_____ c) the facility changes in a way that modifies the emergency response necessary? Yes_____ No_____ N/A_____ d) information regarding emergency coordinators changes? Yes_____ No_____ N/A_____ e) information regarding equipment changes? Yes_____ No_____ N/A_____	725.154
725.155	**Section 725.155 Emergency Coordinator** Is the emergency coordinator on-site or on call at all times? Yes_____ No___X___ N/A_____ Is the emergency coordinator familiar with all facility activities, wastes, records, layout and contingency plan? Yes_____ No_____ N/A___X_____ Does the emergency coordinator have the authority to commit the resources needed to carry out the actions specified in the contingency plan? Yes_____ No_____ N/A___X___	X 725.155
725.156	**Section 725.156 Emergency Procedures** If the facility has had a release, fire or explosion, have the procedures of this Section been followed regarding assessment, response and reporting? Yes_____ No_____ N/A___X___ **Note:** If the facility has had a release, explain in detail.	725.156
	SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING	
725.171(a)	**Section 725.171 Use of Manifest System** Does the facility accept waste from off-site? Yes___X___ No_____ N/A_____ If "No", skip to Section 725.173. For each manifest reviewed, did the facility: 1) sign and date each copy? Yes_____ No_____ N/A_____ 2) note any discrepancies? Yes_____ No_____ N/A_____ 3) give one copy to the transporter? Yes_____ No_____ N/A_____ 4) send one copy to the generator and one copy to the Agency within 30 days? Yes_____ No_____ N/A_____ 5) retain one copy for 3 years? Yes_____ No_____ N/A_____ Does the facility ship hazardous waste in bulk by water or rail? Yes_____ No_____ N/A_____ If "Yes", were the procedures in Section 725.171(b) followed? Yes_____ No_____ N/A_____ Does the facility initiate shipments of hazardous waste? Yes_____ No_____ N/A_____	No manifest accompanied shipment of spent acid. X 725.171(a)
725.171(c) 725.171(d)	**Note:** If "Yes", the facility is also a generator of hazardous waste. Complete the generator checklist. If an shipment was initiated from the facility has the o/o complied with the requirements of 722? No X Has the owner/operator sent the required documentation to the USEPA within three working days of the receipt of a shipment subject to Section 722, Subpart H (Imports and Exports)? Yes_____ No_____ N/A___X_____	725.171(d)
725.172(d)	**Section 725.172 Manifest Discrepancies** Were manifest discrepancies observed? Yes_____ No___X___ N/A_____ Has the owner/operator attempted to resolve discrepancies upon their discovery? Yes_____ No_____ N/A___X___ If not resolved within 15 days, has the owner/operator notified the Agency? Yes_____ No_____ N/A___X___	No manifest accompanied the shipment. 725.172(d)

Regulation	RCRA Subtitle C Site Inspection Checklist (Part 725)	Violation
725.173	**Section 725.173 Operating Record** a) Does the owner/operator have a written operating record at the facility? Yes____ ____ No___X___ N/A_____ b) Is the information recorded as it becomes available and maintained until closure? Yes_____ No_____ N/A____X____ b) Does the operating record contain the following: 1) description and quantity of each hazardous waste and the methods and dates of treatment, storage and disposal? Yes_____ No_____ N/A____X____	X 725.173

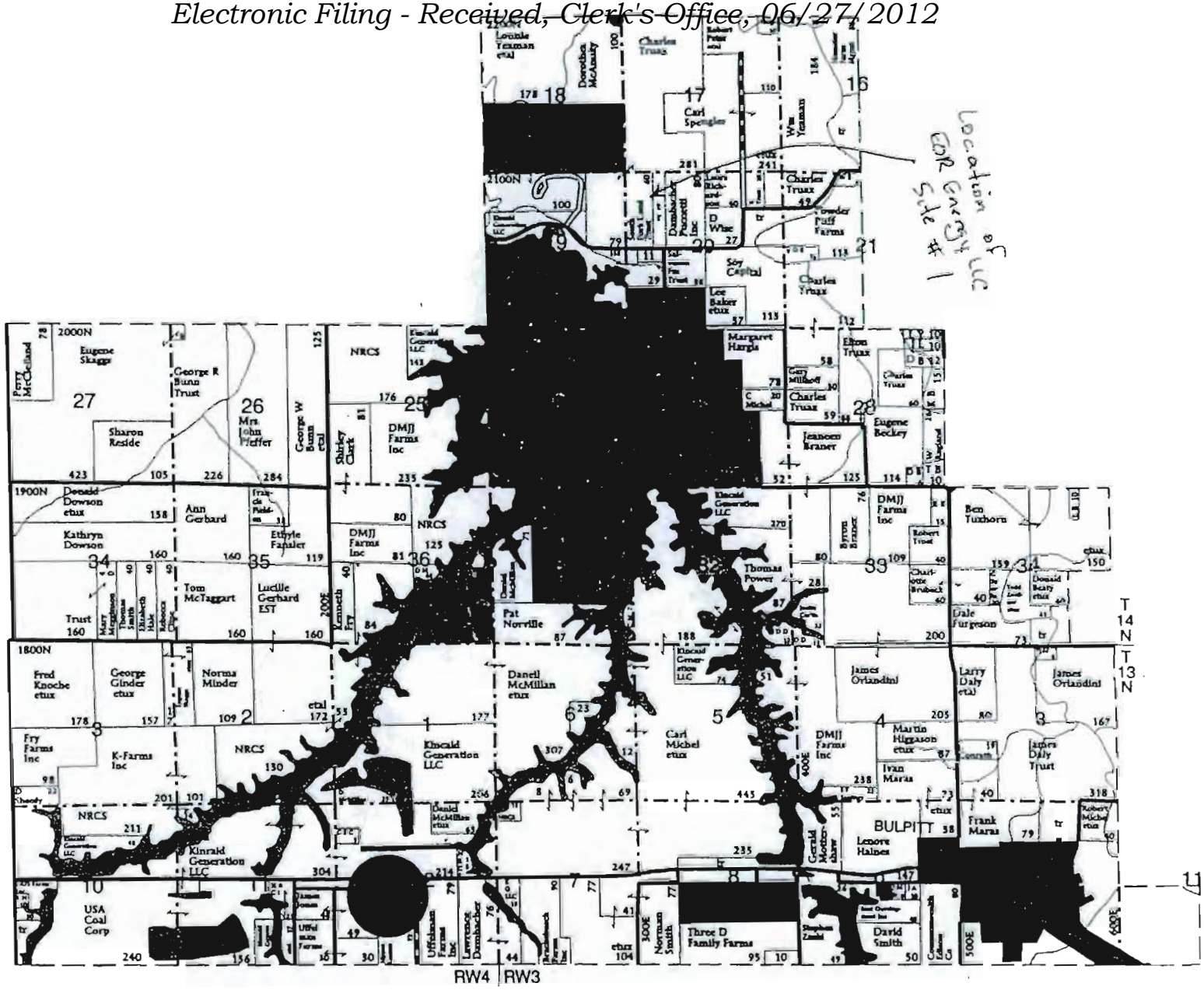
Regulation	RCRA FACILITY INSPECTION CHECKLIST (PART 725)	Violation
725.174(a)	**Section 725.174 Availability, Retention and Disposition of Records** Were all records and plans required under Part 725 made available for inspection? Yes_____ No_____ N/A___X___ Have all records been maintained during any unresolved enforcement action or as requested by the Director? Yes_____ No_____ N/A___X___ Upon closure of a land disposal facility, was the record of waste disposal location and quantities submitted to: - the Agency? Yes_____ No_____ N/A___X___ - the local land authority? Yes_____ No_____ N/A___X___	725.174(a)
725.175	**Section 725.175 Annual Report** Has the owner/operator submitted an annual report by March 1 of each year? Yes_____ No__X___ N/A_____	X 725.175 Hazardous waste has been stored on-site since 2002. No annual reports sub-mitted
725.176	**Section 725.176 Unmanifested Waste Report** Does the facility accept hazardous waste from off-site? Yes_____ No_____ N/A_____ If "No", skip to Section 725.177. Has the facility accepted waste from off-site for treatment, storage or disposal without a manifest or shipping papers? Yes___X___ No_____ N/A_____ Was the unmanifested waste exempt per Section 721.105? Yes_____ No___X___ N/A_____ Did the owner/operator complete an unmanifested waste report in accordance with the requirements of this Section? Yes_____ No___X___ N/A_____	725.176
725.177	**Section 725.177 Additional Reports** Has the owner/operator also reported to the Agency: a) releases, fires and explosions as specified in Section 725.156(j)? Yes_____ No_____ N/A___X___ b) groundwater contamination and monitoring data as specified in Sections 725.193 and 725.194? Yes_____ No_____ N/A___X___ c) facility closure as specified in Section 725.215? Yes_____ No_____ N/A___X___ d) as otherwise required by Subparts AA, BB and CC of Part 725? Yes_____ No_____ N/A___X___	725.177

Regulation		Violation
	COMMENTS:	
	SUBPART G: CLOSURE AND POST-CLOSURE No closure plan developed.	
725.212(a)	**Section 725.212 Closure Plan; Amendment of Plan**	X
	Was the most current facility closure plan available during the inspection? Yes_____ No___X___ N/A_____	725.212(a)
	Was the closure plan submitted to the Agency within the time frames specified in this Section? Yes_____ No_____ N/A___X___	
725.218(a)	**Section 725.218 Post-Closure Care Plan**	
	Was the most current facility post-closure plan available during the inspection? Yes_____ No_____ N/A___X___	725.218(a)
	Was the post-closure plan submitted to the Agency within the time frames specified in this Section? Yes_____ No_____ N/A___X___	
	SUBPART H: FINANCIAL REQUIREMENTS No detailed written estimate, X	
725.242(a)	**Section 725.242 Cost Estimate for Closure** in current dollars, of cost of closing site.	725.242(a)
	Has the owner/operator prepared a written estimate of the cost of closing the facility? Yes_____ No___X___ N/A_____	
725.244(a)	**Section 725.244 Cost Estimate for Post-Closure Care**	
	Has the owner/operator prepared a written estimate of the annual cost of post-closure monitoring and maintenance of the facility? Yes_____ No_____ N/A___X___	
	Comments:	725.244(a)

Regulation	[illegible] CHECKLIST (PART 725)	Violation
	SUBPART I: USE AND MANAGEMENT OF CONTAINERS	
725.271	**Section 725.271 Condition of Containers** If the containers have leaked or are in poor condition, has the owner/operator transferred the hazardous waste to a suitable container? Yes_______ No_______ N/A___X___	725.271
725.272	**Section 725.272 Compatibility of Waste with Container** Is the waste compatible with the container and/or liner? Yes___X___ No_______ N/A_______	725.272
725.273(a)	**Section 725.273 Management of Containers** Are containers of hazardous waste always closed except to remove or add waste during storage? Yes___X___ No_______ N/A_______	725.273(a)
725.273(b)	Are containers of hazardous waste being opened, handled, or stored in a manner which will prevent the rupture of the container or prevent it from leaking? Yes___X___ No_______ N/A_______	725.273(b)
725.274	**Section 725.274 Inspections** Is the owner/operator inspecting the storage area(s) at least weekly, looking for leaks or deterioration? Yes_______ No___X___ N/A_______ Is the storage area free from any evidence of leaking or deteriorating containers? (See also Section 725.131) Yes___X___ No_______ N/A_______	X 725.274 No weekly inspections
725.276	**Section 725.276 Special Requirements for Ignitable or Reactive Waste** Are containers holding hazardous waste located at least 15 meters (50 feet) from the facility's property line? Yes_______ No_______ N/A___X___ Note: See Section 725.117(a) for additional requirements for ignitable, reactive or incompatible wastes.	725.276

Regulation	RCRA TSD FACILITY INSPECTION CHECKLIST (PART 725)	Violation
725.277	**Section 725.277 Special Requirements for Incompatible Wastes** Is the owner/operator complying with the requirements concerning incompatible wastes? Yes_____ No_____ N/A___X___ Comments:	725.277
725.278	**Section 725.278 Air Emission Standards** Is the owner or operator managing all hazardous waste placed in containers in accordance with Subparts AA, BB and CC of Part 725? Yes_____ No___X___ N/A_____ Comments: The spent acid placed in the containers hasn't been determined whether its volatile organic concentration is below 500 ppmw as required to comply with Subpart CC.	X 725.278

R3-4-W

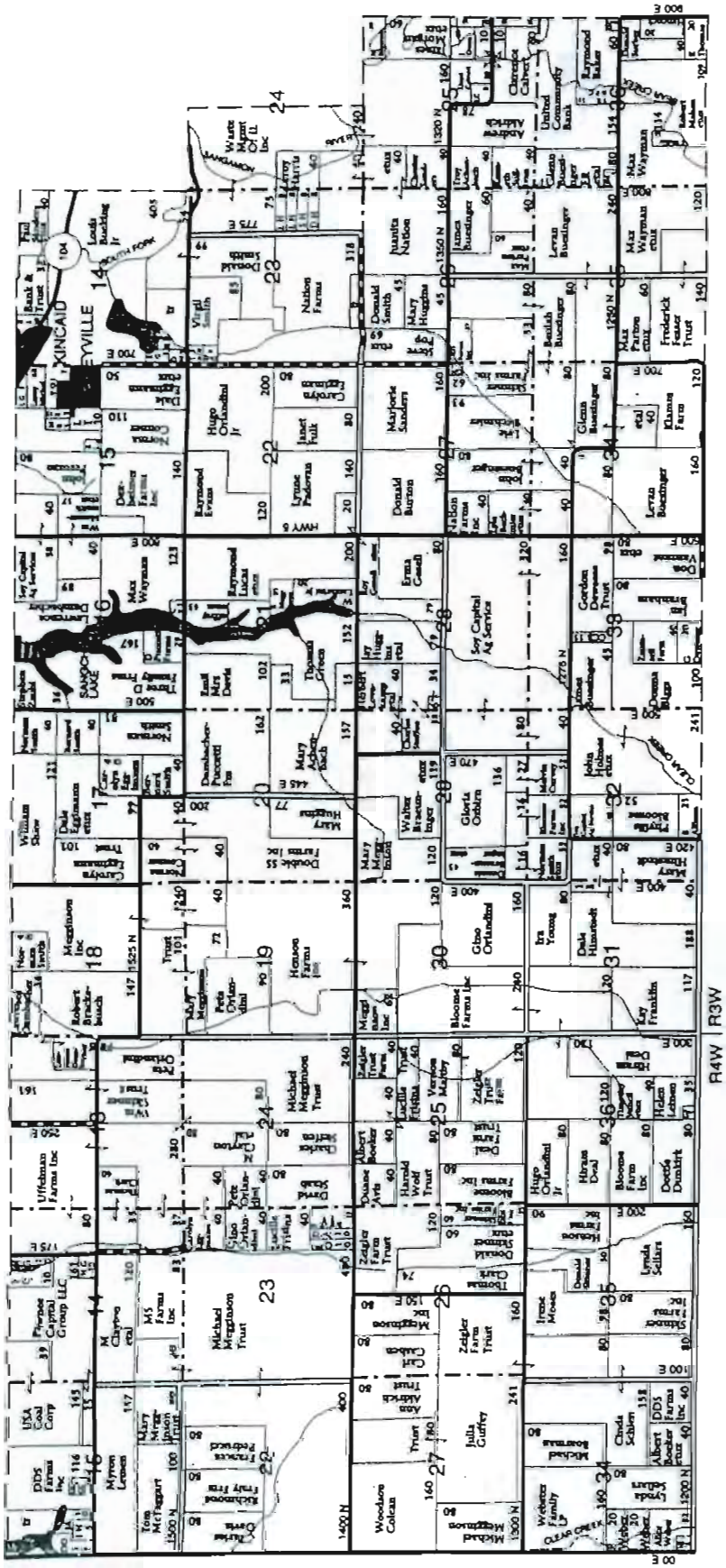


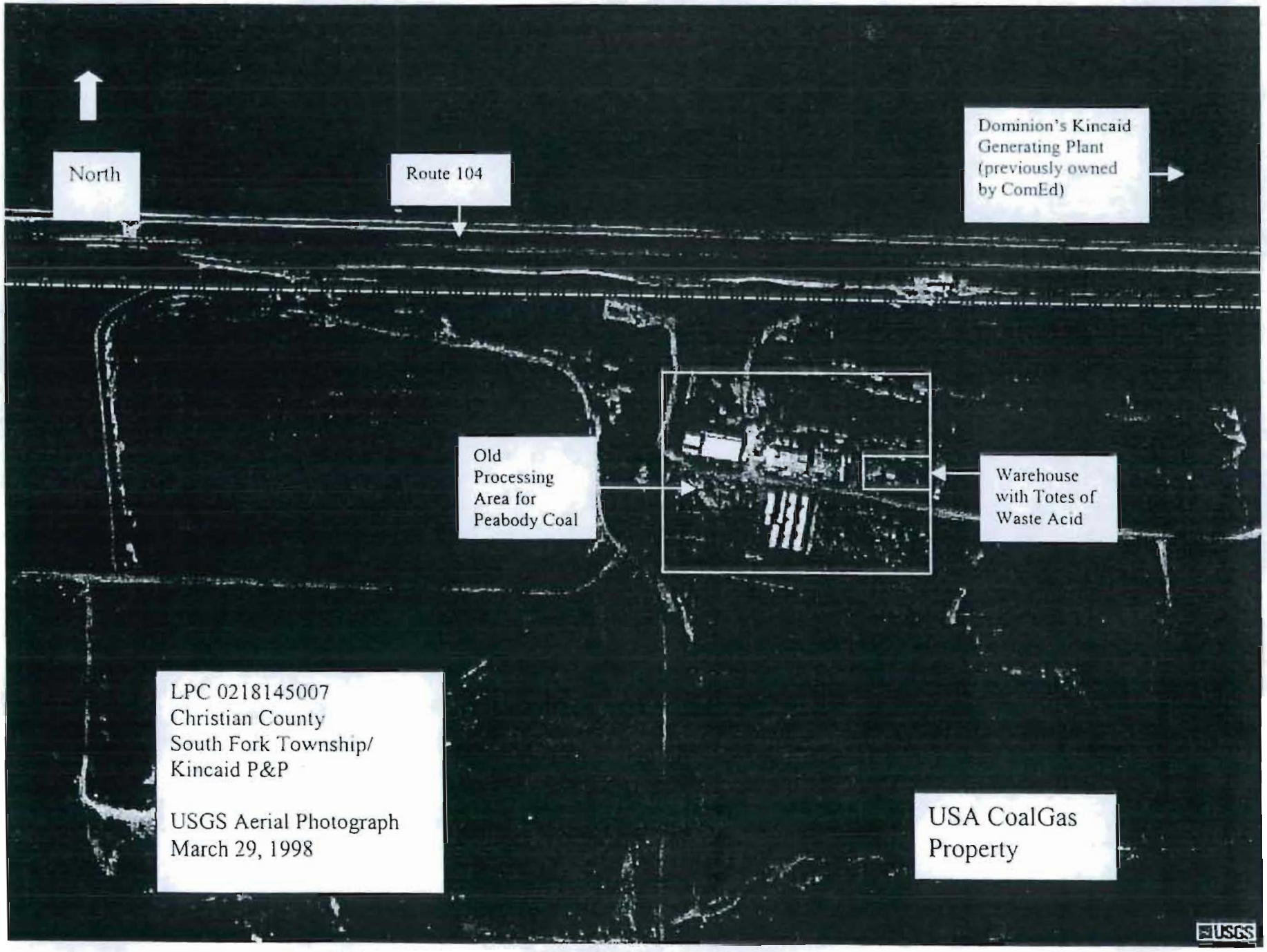
SOUTH FORK 'S' PLAT

Christian County
South Fork Township
Kincaid P.O.

R-3-4-W

T-13-N




North
Route 104
Dominion's Kincaid Generating Plant (previously owned by ComEd)
Old Processing Area for Peabody Coal
Warehouse with Totes of Waste Acid
LPC 0218145007
Christian County
South Fork Township/
Kincaid P&P
USGS Aerial Photograph
March 29, 1998
USA CoalGas Property
USGS

DIGITAL PHOTOGRAPHS

Date: 11/17/2004
Time: 10:57 am
Direction: Northeast
Photo by: Rich Johnson
Exposure #: 001
Comments: Photograph shows the warehouse used to store the totes of spent acid at USA CoalGas property. The property is located south of Illinois Route 104 and southwest of Dominion Kincaid Generation Plant.

Date: 11/17/2004
Time: 11:01 am
Direction: East
Photo by: Rich Johnson
Exposure #: 002
Comments: Photo shows empty plastic totes in the warehouse located at USA CoalGas property. The totes had been used to store the spent acid.

File Names: 0218145007~11172004-[Exp. #].jpg

DIGITAL PHOTOGRAPHS

Date: 11/17/2004
Time: 11:03 am
Direction: South
Photo by: Rich Johnson
Exposure #: 003
Comments: Photo shows 3 full and one partially full plastic totes for the spent acid stored in the warehouse located at USA CoalGas property.

Date: 11/17/2004
Time: 11:03 am
Direction: South
Photo by: Rich Johnson
Exposure #: 004
Comments: Photo shows a partially full plastic tote for the spent acid stored in the warehouse located at USA CoalGas property.

File Names: 0218145007~11172004-[Exp. #].jpg

DIGITAL PHOTOGRAPHS

Date: 11/17/2004
Time: 11:04 am
Direction: Southwest
Photo by: Rich Johnson
Exposure #: 005
Comments: Photo shows 3 full and one partially full plastic totes for the spent acid stored in the warehouse located at USA CoalGas property.

Date: 11/17/2004
Time: 11:36 am
Direction: Southwest
Photo by: Rich Johnson
Exposure #: 006
Comments: Photo shows a lockable gate located at the entrance to the USA CoalGas property. Note the sign posted at the entrance. The photo also shows the warehouse where the spent acid was being stored.

File Names: 0218145007~11172004-[Exp. #].jpg

DIGITAL PHOTOGRAPHS

Date: 11/17/2004
Time: 11:36 am
Direction: Southwest/west
Photo by: Rich Johnson
Exposure #: 007
Comments: Photo shows a lockable gate located at the entrance to the USA CoalGas property. Note the warehouse in the background where the spent acid in totes was being stored.

0218145007~11172004.doc

File Names: 0218145007~11172004-[Exp. #].jpg

DIGITAL PHOTOGRAPHS

Date: 11/17/2004
Time: 12:33 pm
Direction: Northeast
Photo by: Rich Johnson
Exposure #: 001
Comments:
Photograph shows a pipe from a compressor and a flexible hose attached to an oil well located north of Township Road 2050 N (Edinburg Blacktop).

Date: 11/17/2004
Time: 12:00 pm
Direction: West/northwest
Photo by: Rich Johnson
Exposure #: 002
Comments:
Photograph shows the pipe from the compressor inside the shed to the oil well. Note the oil pumps and tanks shown in the background. The shed and tank are located north of Township Road 2050 N (Edinburg Blacktop).

0218145010~11172004.doc

File Names: 0218145010~11172004-[Exp. #].jpg

DIGITAL PHOTOGRAPHS

Date: 11/17/2004
Time: 12:00 pm
Direction: West/northwest
Photo by: Rich Johnson
Exposure #: 001
Comments: Photograph shows several aboveground tanks for storing crude oil and brine water located along Cotton Hill Road (Township Road 4.25E).

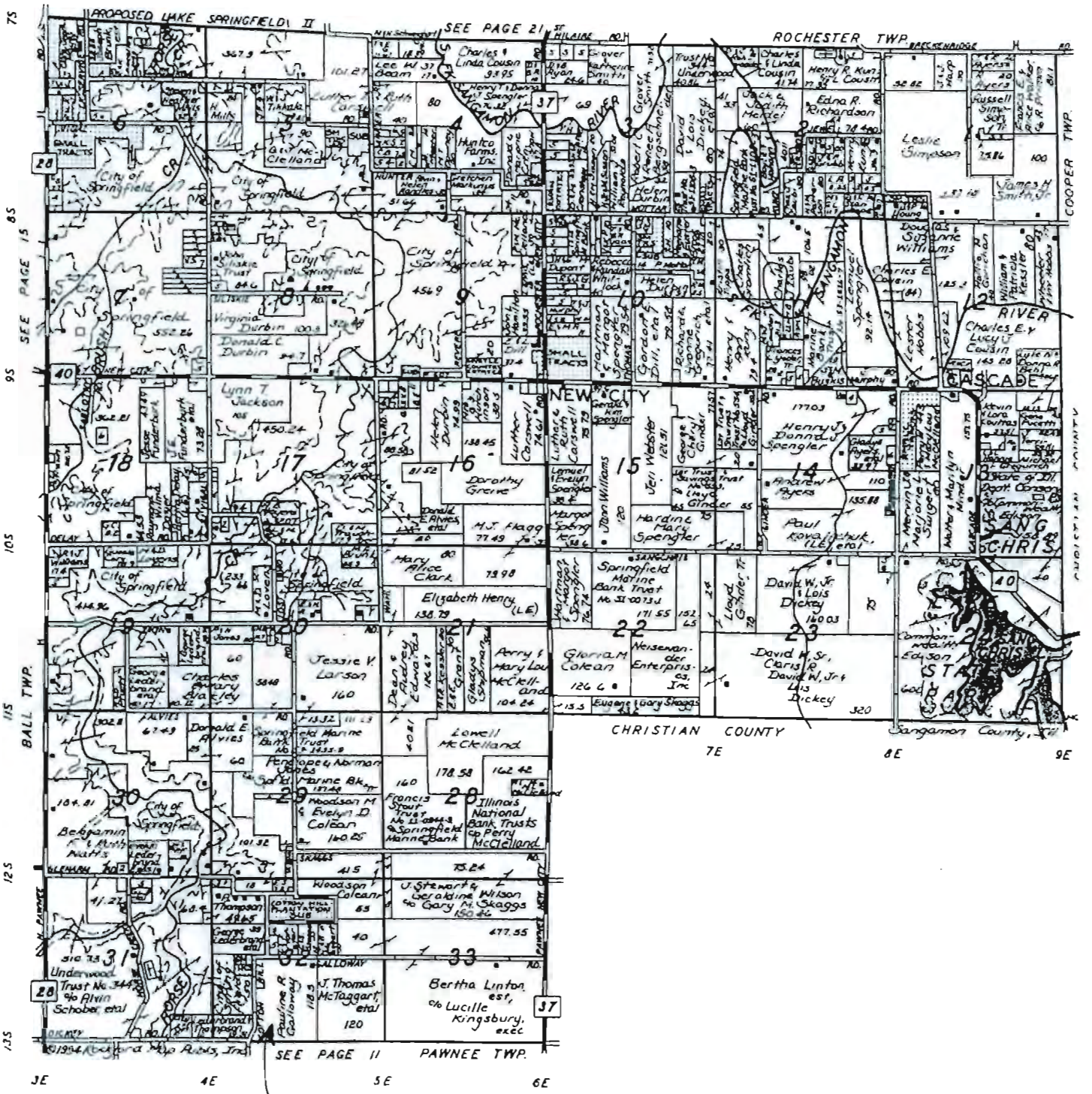
Date: 11/17/2004
Time: 12:00 pm
Direction: East/southeast
Photo by: Rich Johnson
Exposure #: 002
Comments: Photograph shows the oil pump (horse), two sheds, and the location where spent acid was discharged down an oil well.

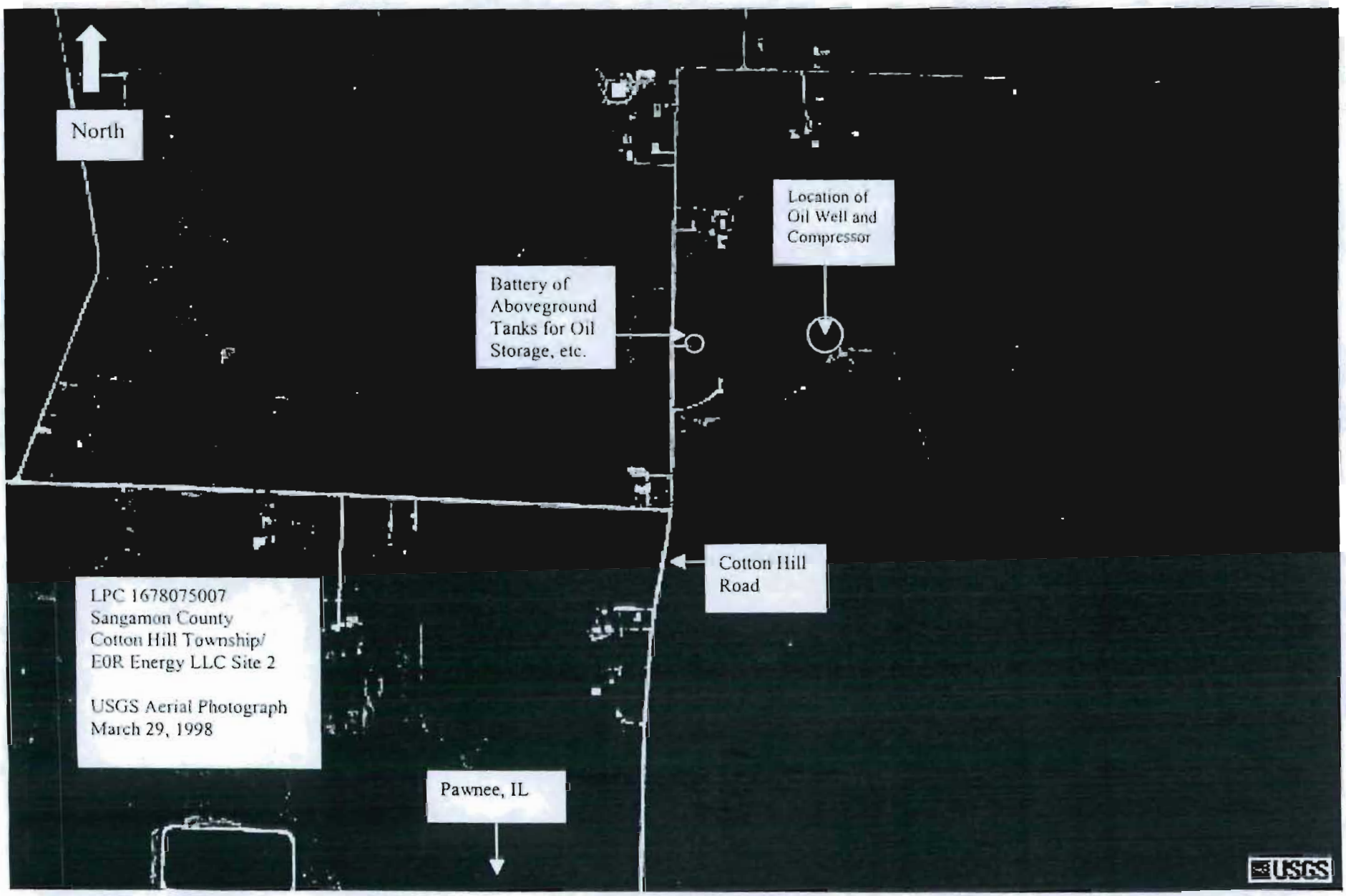
1678075007~11172004.doc

File Names: 1678075007~11172004-[Exp. #].jpg

LPC 0218145007 - Christian County
Sources: Kincaid P&P

COTTON HILL T. 14 N. - R. 4 W.




North
Location of Oil Well and Compressor
Battery of Aboveground Tanks for Oil Storage, etc.
Cotton Hill Road
LPC 1678075007
Sangamon County
Cotton Hill Township/
EOR Energy LLC Site 2
USGS Aerial Photograph
March 29, 1998
Pawnee, IL
USGS

ATTACHMENT 2

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Enforcement and Compliance Assurance
Office of Criminal Enforcement, Forensics and Training

NEICRP1039R01

ENFORCEMENT CONFIDENTIAL

CRIMINAL TECHNICAL REPORT

AET Environmental, Inc. (Kincaid P&P LLC)
Pawnee, Sangamon County, Illinois
NEIC Project Number: RP1039
CID Case Number: 0800-0460

May 2004

Project Leader
Bobby Williams, Regional Technical Coordinator, Region 8

Principal Analytical Chemist
Willis Collins, Chemist

Prepared for:
Criminal Investigation Division
Denver Area Office
Denver, Colorado

Authorized for Release by:

Diana A. Love, Director

NATIONAL ENFORCEMENT INVESTIGATIONS CENTER
Denver, Colorado

CONTENTS

The Contents shows all information contained in this report and is a clear indication of the end of the report.

EXECUTIVE SUMMARY

INTRODUCTION

The National Enforcement Investigations Center (NEIC) provided field and laboratory assistance to the Denver Area Office of the U.S. Environmental Protection Agency (EPA) Criminal Investigation Division (CID) with its investigation of AET Environmental, Inc. (AET) at the Kincaid P&P LLC (Kincaid) facility. The objective of the NEIC support was to collect technical evidence related to the alleged transportation, storage, and discharge of hazardous wastes, potential violations of the Resource Conservation and Recovery Act (RCRA) and the Underground Injection Control (UIC) program under the Federal Safe Drinking Water Act (SDWA).

According to the U.S. EPA Integrated Data for Enforcement Analysis (IDEA) database, AET is an authorized transporter of hazardous wastes (EPA identification number COR 000 009 456) located at 4301 Jackson Street in Denver, Colorado. The North American Industry Classification System (NAICS), listed the general business code for AET as "Waste Management and Remediation Services [NAICS code 562]." Specifically, AET was listed as "Hazardous Waste Collection, Other Waste Collection, and Remediation Services [NAICS codes 562112, 562219, and 562910]," respectively.

The Kincaid facility is located approximately 4.2 miles east of Pawnee, Illinois on Illinois Highway 104. NEIC personnel obtained the geographic location for the Kincaid facility with a Garmin® Model GPS 12 XL geographic positioning system unit, serial number 35316615. The geographic location was north 39°35.115', west 89°30.811'.

On February 4, 2004, NEIC personnel (Joyce Kopatich, Mike Collins, and Bobby Williams) conducted sampling activities at the Kincaid facility in association with a federal search warrant. NEIC personnel and CID special agents (SAs) from the Denver and Chicago Area Offices participated in the search warrant of the Kincaid facility.

The objective of the NEIC support in this investigation was to collect and analyze evidentiary samples from twelve, 275-gallon capacity totes. Analysis of evidentiary samples collected by NEIC personnel was performed by the NEIC laboratory branch.

All environmental measurement activities in this report were conducted by NEIC personnel under the NEIC Quality system.

SUMMARY OF FINDINGS

- pH analysis was conducted on liquid samples collected from 10 totes. The liquids in totes 01 through 08, and totes 10 and 11 all had a pH less than 2 standard units (s.u.); thereby exhibiting the RCRA characteristic of corrosivity (D002).

- TCLP analysis for the characteristic of toxicity was conducted on samples collected from totes 01 through 04. The results of the TCLP analysis for liquids in totes 01 through 04 exceeded the TCLP chromium limit of 5.0 milligrams per liter (mg/L), thereby exhibiting the RCRA characteristic of toxicity (D007).

FIELD ACTIVITIES TECHNICAL REPORT

ON-SITE ACTIVITIES

On February 4, 2004, government personnel arrived at the Kincaid facility at approximately 0800 hours to initiate the search of the property. Technical support to law enforcement personnel was provided by NEIC personnel Bobby Williams, Joyce Kopatich, and Mike Collins (sampling team).

M. Collins and J. Kopatich entered the southwest portion of the warehouse and used a Perkin Elmer Photovac Model 2020 (Serial No. EDKC334) and a ToxiRae Model PGM-35 (Serial No. 501454) to screen the ambient air in the warehouse. The warehouse had four totes containing liquids and eight totes with residue. After screening the southwest portion of the warehouse,they proceeded to the northwest portion of the warehouse to screen the air. Ambient air monitoring revealed no elevated levels of volatile organics or hydrogen cyanide. The liquids in totes 01 through 04, and in totes 06 and 07 were screened by the sampling team with 0-14 s.u. pH paper. The pH for the liquids in totes 01 through 04 ranged from 0 to 1 s.u. The pH values of the liquids in totes 06 and 07 were 1 s.u.

B. Williams used a yellow grease marker pen to identify each of the 12 totes. Totes 01 through 04 were located in the southwest portion of the warehouse and totes 05 through 12 were located in the northwest portion of the warehouse [Figure 1]. B. Williams documented the two areas of the warehouse with photographs [Appendix A - Photographs 1 through 5, Roll 1 - NEIC Photograph Log]. The totes were poly-vinyl with an 8-inch, black bung on the top of the tote and a 2-inch, quick-connect valve at the bottom. M. Collins measured totes 01 through 04 with a tape measure. Each tote measured 38 inches by 46 inches by 40 inches high and had a 275-gallon capacity. In the field logbook, B. Williams documented the labels, stamps, markings, placards, stencils, and size of each tote. The tote descriptions and estimated material volumes for the 12 totes were also noted in the field logbook and are listed in Table 1 - Tote Inventory.

After documentation of the information on the totes was complete, the sampling team proceeded to open totes 01, 02, 03, and 04, one at a time, to collect an air sample and to screen the headspace of each tote for volatile organics and hydrogen cyanide. To collect an air sample, M. Collins slowly removed the bung on the tote and J. Kopatich quickly inserted a Tygon® hose attached to a pre-cleaned negative pressured, 6-liter (L), stainless steel air sampling tank, into the headspace of the tote. J. Kopatich opened the air sampling tank valve for 1 minute and then closed and locked the valve [Table 2]. During the sample collection, the headspace in each tote was also

monitored for volatile organics and hydrogen cyanide, using a Photovac 2020 and a ToxiRae. The headspace readings at the bung holes for volatile organics and hydrogen cyanide were zero for totes 01 through 04. The four, 6-L air sampling tanks were placed in a locked ice chest, secured in the NEIC vehicle, and remained under the NEIC sampling team's control.

After the headspace sampling was completed, the sampling team proceeded to collect liquid samples from totes 01, 02, 03, and 04. J. Kopatich placed the following items on top of totes 01, 02, and 03: (1) three, 32-ounce sample jars labeled with sample numbers; (2) one, 8-ounce glass jar for field pH analysis labeled with the sample number; (3) a clean Teflon® bailer contained in plastic; and (4) a spill protector. Tote 04 was selected to collect a triplicate sample; therefore, the same items were placed on top of the tote with one difference. Nine, 32-ounce samples jars labeled with sample numbers were placed on top of tote 04. During the sampling of totes 01 through 04, SA Eric Hann recorded sample times and screening results. B. Williams later transferred SA Hann's notes into the NEIC field logbook and attached SA Hann's notes to the logbook. M. Collins measured the depth of liquid from the outside of the tote with a measuring tape [Table 1] and opened the bung. Liquid samples were collected from the totes using Teflon® bailers. M. Collins collected the samples from the totes and J. Kopatich held the sample jars. After the liquid was poured into the sample jars, Teflon®-coated sheets were placed on the sample jars, and the jar lids were tightened. The sampling team changed their outer sampling gloves between each tote sampled. The sampling team collected liquid from totes 01, 02, and 03 and placed it into three, 32-ounce, glass, sample jars and one, 8-ounce, glass jar for field pH analysis [Table 3] [Appendix A - Photographs 8, 9, 10, 11, 12 and 13 Roll 1 - NEIC Photograph Log]. Liquid samples from tote 04 consisted of nine, 32-ounce, glass jars for replicate samples, and one, 8-ounce, glass jar for field pH analysis from tote 04 [Table 3] [Appendix A - Photographs 6 and 7, Roll 1 - NEIC Photograph Log]. After the samples were collected, J. Kopatich placed each jar into a reclosable bag and secured the samples in an ice cooler locked with a resettable combination padlock. The combination was known only to the sampling team.

J. Kopatich calibrated Cole Parmer pH/mV/°C Meter Model 59002-00 (NEIC pH meter 3) prior to conducting field pH analysis. At 1345 hours, J. Kopatich attempted to measure the pH from the 8-ounce jars taken from totes 01 through 04; however, due to the extreme cold weather condition, the field pH readings were inconclusive.

Totes 05 through 12 contained small amounts of liquid and sediment residues. B. Williams and M. Collins moved totes 05 through 12 for easier access during sample collection. B. Williams documented the labels, stamps, markings, placards, and stencils found on totes 05 through 12 in the field logbook and by photographs [Appendix A - NEIC Photograph Log]. B. Williams and

M. Collins collected headspace air samples from totes 05 through 08 and from totes 10 through 12 into pre-cleaned, negative pressured, 6-L, stainless steel air sampling tanks [Figure 1] [Table 2] [Appendix A - Photographs 14 and 15, Roll 1 - NEIC Photograph Log]. B. Williams collected the air samples by placing the end of the Tygon® hose into the bung openings and opening the air sampling tank valves for one minute, as soon as M. Collins removed the caps from the totes. The air sampling tank valve was then closed and secured. Tote 09 did not have a cap; therefore, an air sample was not collected from tote 09. During the sample collection, the headspace in the totes was also monitored for volatile organics and hydrogen cyanide using a Photovac 2020 and a ToxiRae. The headspace readings at the bung holes for volatile organics and hydrogen cyanide were zero for totes 05 through 08 and totes 10 through 12.

While B. Williams was assisting M. Collins in sampling, SA Hann recorded sample times and instrument screening values. B. Williams later transferred SA Hann's notes into the NEIC field logbook and attached SA Hann's notes to the logbook B. Williams collected a background air sample from upwind of the totes (west of the totes) [Table 2]. The eight, 6-L air sampling tanks were placed in locked ice coolers and secured in the NEIC vehicle, and remained under the sampling team's control.

Samples were then collected from totes 05 through 08 and totes 10 through 12. Samples varied in volume but consisted of all residue that could be removed from the totes. In order to collect a sample from tote 05, B. Williams lifted one side of the tote to allow the liquid and sediment to flow to the bottom drain. M. Collins placed a 32-ounce glass jar beneath the bottom drain and opened the valve to collect sample 05. The sample 05 container consisted of about 1 inch of liquid and sediment [Table 3][Appendix A - Photographs 16 and 17, Roll 1 - NEIC Photograph Log]. B. Williams tilted tote 06 and M. Collins collected sample 06 from the bottom drain of the tote into a 32-ounce, glass jar and an 8-ounce, glass jar, pre-labeled with the sample number. Sample 06 consisted of one, full, 32-ounce, glass jar and one, 8-ounce, glass jar of liquid, sediment, and possibly ice crystals [Table 3] [Appendix A - Photographs 18 and 19, Roll 1 - NEIC Photograph Log].

B. Williams tilted tote 07 and M. Collins collected sample 07 from the bottom drain of the tote into one, 32-ounce, sample jar and an 8-ounce, sample jar. The 32-ounce, sample jar was four-fifths full and the 8-ounce, glass jar was full with liquid and some sediment [Table 3] [Appendix A - Photographs 20 and 21, Roll 1 - NEIC Photograph Log].

Tote 08 was nearly empty with a gray sediment on the bottom. B. Williams tilted tote 08 and M. Collins collected about one-half inch of liquid into a 32-ounce, glass jar. M. Collins closed the

bottom valve, and the tote was turned on its side. M. Collins taped a clean plastic scoop to a wood dowel rod and scrapped sediment from the bottom of tote 08 through the top bung. The gray sediment was placed into two, 8-ounce, glass jars. Sample 08 consisted of one, 32-ounce, glass jar with about one-half inch of liquid, and two, 8-ounce, glass jars of sediment from the bottom of the tote [Table 3] [Appendix A - Photographs 22 and 23, Roll 1 - NEIC Photograph Log].

Tote 09 was empty. B. Williams tilted tote 10 to allow the liquid and sediment to flow to the bottom drain. M. Collins placed a 32-ounce, glass jar beneath the bottom drain and opened the valve to collect sample 10. Sample 10 consisted of about 1 inch of liquid and sediment in the glass jar [Table 3]. A sample from tote 11 was collected into a 32-ounce, glass jar. B. Williams tilted one side of tote 11 to allow the liquid and sediment to flow to the bottom drain. M. Collins placed a 32-ounce, glass jar beneath the bottom drain of tote 11 and opened the valve to collect sample 11. Sample 11 consisted of about 3½ inches of liquid and sediment in the glass jar [Table 3] [Appendix A - Photographs 24 and 25, Roll 1 - NEIC Photograph Log]. Tote 12 was also empty. After B. Williams photographed the samples on the respective totes, J. Kopatich placed the sample jars in a reclosable bag and secured the samples in locked ice coolers.

B. Williams observed a label plate with Luxury Wheels' address and the company contact's telephone number on tote 05 [Appendix A - Photographs 1 and 2, Roll 2 - NEIC Photograph Log]. SA Mike Cook (case agent) requested that the sampling team remove the entire label plate from tote 05 for evidence. M. Collins removed the label plate and B. Williams placed it in a large plastic bag and secured the bag in the NEIC vehicle as evidence (sample 13). M. Collins and B. Williams returned totes 05 through 12 to the northwest portion of the warehouse and B. Williams photographed the totes in the warehouse [Appendix A - Photograph 3, Roll 2 - NEIC Photograph Log]. Totes 01 through 04 were photographed to document the condition of the totes after the sampling activities were completed [Appendix A - Photograph 4, Roll 2 - NEIC Photograph Log]. On totes 01 through 04, B. Williams observed a hose and pipe, which would allow for transferring material from the totes. B. Williams photographed the hose and pipe on tote 04 [Appendix A - Photograph 6, Roll 2 - NEIC Photograph Log]. The sampling team left the site at approximately 1620 hours with the samples secured in four ice coolers.

EVIDENCE MANAGEMENT SUMMARY

On February 4, 2004, after departing the site, the sampling team completed sample tags and five Chain-of-Custody Records (COC) (N 11885 through N 11889) [Appendix C - NEIC Chain-of-Custody Record] to identify and document the evidentiary samples collected from the Kincaid P&P

facility. Custody documentation was completed as follows for liquid and sediment samples 01 through 08, 10, and 11:

- Completed sample tags were affixed to the sample containers.
- Each sample container was secured in an outer, reclosable, plastic bag and sealed in a tamper-evident bag.
- Each sample was placed into a paint can, absorbent material was placed around the sample container, and a lid placed on the paint can.
- NEIC COC records N 11886 and N 11887 were completed.
- The liquid and sediment samples were placed into two locked ice coolers.

Custody documentation was completed for the air samples 01 through 08, 10 through 12, and for the air background sample as follows:

- Completed sample tags were affixed to the air sample tanks.
- NEIC COC record N 11885 was completed.
- The air samples were placed into two locked ice coolers.

A completed custody tag (NE 13020) was placed into the plastic drum liner bag containing the label plate from tote 05. The drum liner bag was cut so that the bag could be folded. Tamper-evident tape was wrapped around the drum liner bag at the cut and perpendicular to the cut on the bag. NEIC COC record N 11888 was completed and the drum liner bag containing the label plate was placed into the locked NEIC vehicle for transport to Denver, Colorado.

Samples contained in the locked ice coolers were placed in a government vehicle and driven back to Denver, Colorado. The government vehicle remained locked when it was not occupied.

Upon arrival in Denver, Colorado on February 9, 2004, the sampling team completed custody documentation for pH samples 01 through 04, 06, and 07 as follows:

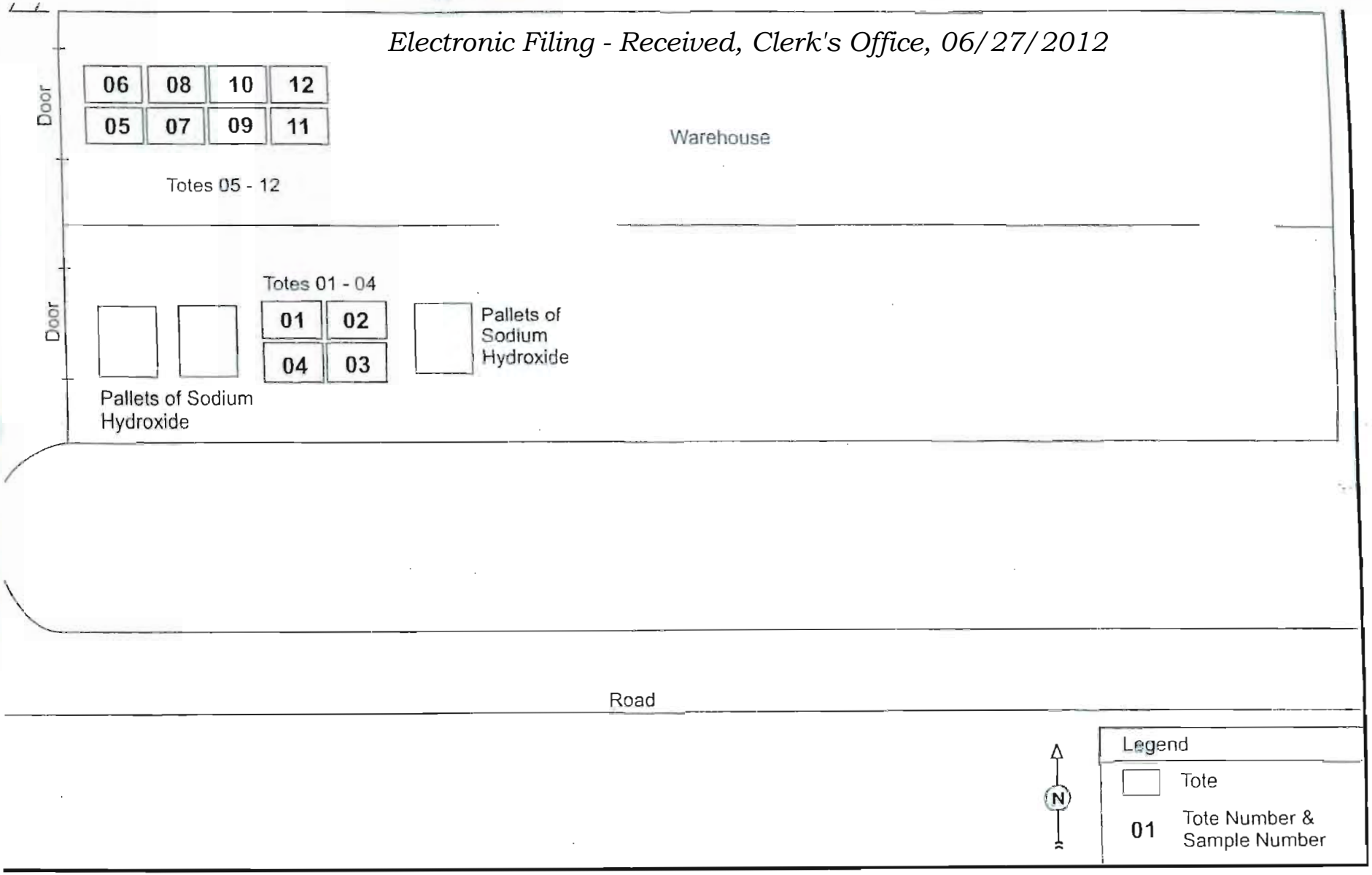
- Completed sample tags were affixed to the sample containers.
- Each sample container was secured in sealed, tamper-evident bag and an outer, reclosable, plastic bag.

- NEIC COC record N 11889 was completed.
- The pH samples were placed into a locked ice cooler with the liquid and sediment samples.

All samples were relinquished to NEIC Chemist Willis Collins by B. Williams on February 9, 2004 at the following times:

- Air sample containers at 1000
- Liquid and sediment samples at 1004
- pH samples at 1535

B. Williams relinquished custody of the label plate from tote 05 to SA Cook at 1037 hours on February 17, 2004.



Not to Scale

Figure 1

SITE MAP
AET Environmental, Inc. (Kincaid P&P LLC)
Pawnee, Illinois

Table 1

TOTE INVENTORY
AET Environmental, Inc. (Kincaid P&P LLC)
Pawnee, Illinois

Tote Number	Description of Totes	Contents of Totes (Field Screening Results)
01	Opaque, plastic tote with wire cage on plastic pallet; 38"x46"x40" high; bottom drain valve closed; black bung with white cap closed Label on side: Hazardous waste label painted over with black paint Placard on side: Corrosive "8" with black hand-written 3264 Stamp on side: Graduated scale 50 gallons to 250 gallons Stamp on top: UN31HA1 M4150 Markings on side: Yellow 01' Markings on top: Black hand-written 50/50	14-inches pale green liquid ~112 gallons per scale on side Photovac 2020 reading at bung: 0 ppm ToxiRae reading at bung: 0 ppm pH paper reading: 1 s.u. **Sample 01**
02	Opaque, plastic tote with wire cage on plastic pallet; 38"x46"x40" high; bottom drain valve closed; black bung with white cap closed Label on side: UN31HA1/Y/06-02 USA/GBC 3731KG/2073 KG 1040L/80KG 69KPA/06-02/06/02 Label on side: For Recycling Instructions Call 1-800-270-5393 Label on side: 06/25/02 (2) IBC0177 Placard on side: Placard painted over with black paint Stamp on side: Graduated scale 50 gallons to 250 gallons Stamp on top: UN31HA1 M4150 Markings on side: Yellow 02' Markings on top: Black hand-written 50/50	32 ½-inches pale green liquid and slushy ice crystals ~230 gallons per scale on side Photovac 2020 reading at bung: 0 ppm ToxiRae reading at bung: 0 ppm pH paper reading: 1 s.u. **Sample 02**
03	Opaque, plastic tote with wire cage on plastic pallet; 38"x46"x40" high; bottom drain valve closed; black bung with white cap closed Label on side: Hazardous waste label painted over with black paint Label on side: Covered by placard Label on side: 06/25/02 (2) IBC0177 Placard on side: Corrosive "8" with black hand-written 3264 Stamp on side: Graduated scale 50 gallons to 250 gallons Stamp on top: UN31HA1 M4150 Markings on side: Yellow 03' Markings on top: Black hand-written 50/50 Wht XTAUS	34-inches pale green liquid ~240 gallons per scale on side Photovac 2020 reading at bung: 0 ppm ToxiRae reading at bung: 0 ppm pH paper reading: 1 s.u. **Sample 03**

Table 1 (continued)

Tote Number	Description of Totes	Contents of Totes (Field Screening Results)
04	Opaque, plastic tote with wire cage on plastic pallet; 38"x46"x40" high; bottom drain valve closed; black bung with white cap closed Label on side: Hazardous waste label painted over with black paint Label on side: UN31HA1/Y/06-02 USA/GBC 3731KG/2073 KG 1040L/80KG 69KPA/06-02/06/02 Placard on side: Corrosive "8" with black hand-written 3264 Stamp on side: Graduated scale 50 gallons to 250 gallons Stamp on top: UN31HA1 M4150 Markings on side: Yellow 04' Markings on top: Black hand-written 70/30	34 ½-inches pale green liquid ~250 gallons per scale on side Photovac 2020 reading at bung: 0 ppm ToxiRae reading at bung: 0 ppm pH paper reading: 0 s.u. **Sample 04**
05	Opaque, plastic tote with wire cage on plastic pallet; 38"x46"x40" high; bottom drain valve closed; black bung with white cap closed Label on side: Hazardous waste label painted over with black paint Label on side: UN31HA1/Y/06-02 USA/GBC 3731KG/2073 KG 1040L/80KG 69KPA/06-02/06-02 Label on side: LUXURY WHEELS 1440 WINTERS AVE. GRAND JUNCTION, CO 81501 ATTN: DAVE 970-242-2001 Label on side: 06/25/02 (2) 1BC0177 Label on side: For Recycling Instructions Call 1-800-270-5393 Placard on side: Corrosive "8" placard painted over with black paint Stamp on side: Graduated scale 50 gallons to 250 gallons Stamp on top: UN31HA1 M4150 Markings on side: Yellow 05'	Gray cloudy sediment residue Photovac 2020 reading at bung: 0 ppm ToxiRae reading at bung: 0 ppm **Sample 05** **Sample 13 (Metal plate with Luxury Wheels label)**

Table 1 (continued)

Tote Number	Description of Totes	Contents of Totes (Field Screening Results)
06	Opaque, plastic tote with wire cage on plastic pallet; 38"x46"x40" high; bottom drain valve closed; black bung with white cap closed Label on side: UN31HA1/Y/06-02 USA/GBC 3731KG/2073 KG 1040L/80KG 69KPA/06-02/06-02 Label on side: For Recycling Instructions Call 1-800-270-5393 Label on side: 06/25/02 (2) IBC0177 Stamp on side: Gradusted scale 50 gallons to 250 gallons Stamp on top: UN31HA1 M4150 Markings on side: Yellow 06'	Gray cloudy liquid and sediment residue Photovac 2020 reading at bung: 0 ppm ToxiRae reading at bung: 0 ppm pH paper reading: 1 s.u. **Sample 06**
07	Opaque, plastic tote with wire cage on plastic pallet; 38"x46"x40" high; bottom drain valve closed; black bung with black cap closed Label on side: Hazardous waste label painted over with black paint Label on side: UN31HA1/Y/06-02 USA/GBC 3731KG/2073 KG 1040L/80KG 69KPA/06-02/06-02 Label on side: For Recycling Instructions Call 1-800-270-5393 Label on side: 06/25/02 (2) IBC0177 Placard on side: Corrosive "8" placard with black hand-written 3264; placard painted over with black paint Stamp on side: Graduated scale 50 gallons to 250 gallons Stamp on top: UN31HA1 M4150 Markings on side: Yellow 07'	Clear pale green liquid and dark gray sediment residue Photovac 2020 reading at bung: 0 ppm ToxiRae reading at bung: 0 ppm pH paper reading: 1 s.u. **Sample 07**

Table 1 (continued)

Tote Number	Description of Totes	Contents of Totes (Field Screening Results)
08	Opaque, plastic tote with wire cage on plastic pallet; 38"x46"x40" high; bottom drain valve closed; black bung with black cap closed Label on side: Hazardous waste label painted over with black paint Label on side: UN31HA1/Y/06-02 USA/GBC 3731KG/2073 KG 1040L/80KG 69KPA/06-02/06-02 Label on side: For Recycling Instructions Call 1-800-270-5393 Label on side: 06/25/02 (2) IBC0177 Placard on side: Corrosive "8" placard with black hand-written 3264 Stamp on side: Graduated scale 50 gallons to 250 gallons Stamp on top: UN31HA1 M4150 Markings on side: Yellow 08' Markings on top: Black hand-written 50/50 Markings on side: Black hand-written 4/12 2028 FE GRA	Clear pale green liquid and dark gray sediment residue Photovac 2020 reading at bung: 0 ppm ToxiRae reading at bung: 0 ppm **Sample 08**
09	Opaque, plastic tote with wire cage on plastic pallet; 38"x46"x40" high; bottom drain valve closed; black bung with cap missing Label on side: Hazardous waste label painted over with black paint Label on side: UN31HA1/Y/06-02 USA/GBC 3731KG/2073 KG 1040L/80KG 69KPA/06-02/06-02 Label on side: For Recycling Instructions Call 1-800-270-5393 Label on side: 06/25/02 (2) IBC0177 Placard on side: Corrosive "8" placard with black hand-written 3264 Stamp on side: Graduated scale 50 gallons to 250 gallons Stamp on top: UN31HA1 M4150 Markings on side: Yellow 09' Markings on top: Black hand-written 50/50 Markings on side: Black hand-written 2/12 2028 FE GRA	Empty

Table 1 (continued)

Tote Number	Description of Totes	Contents of Totes (Field Screening Results)
10	Opaque, plastic tote with wire cage on plastic pallet; 38"x46"x40" high; bottom drain valve closed; black bung with white cap closed Label on side: Hazardous waste label painted over with black paint Label on side: UN31HA1/Y/06-02 USA/GBC 3731KG/2073 KG 1040L/80KG 69KPA/06-02/06-02 Label on side: For Recycling Instructions Call 1-800-270-5393 Label on side: 06/25/02 (2) IBC0177 Placard on side: Corrosive "8" placard Stamp on side: Graduated scale 50 gallons to 250 gallons Stamp on top: UN31HA1 M4150 Markings on side: Yellow 10' Markings on top: Black hand-written 50/50	Gray cloudy liquid and sediment residue Photovac 2020 reading at bung: 0 ppm ToxiRae reading at bung: 0 ppm **Sample 10**
11	Opaque, plastic tote with wire cage on plastic pallet; 38"x46"x40" high; bottom drain valve closed; black bung with white cap closed Label on side: Hazardous waste label painted over with black paint Label on side: UN31HA1/Y/06-02 USA/GBC 3731KG/2073 KG 1040L/80KG 69KPA/06-02/06-02 Label on side: For Recycling Instructions Call 1-800-270-5393 Label on side: 06/25/02 (2) IBC0177 Placard on side: Placard painted over with black paint Stamp on side: Graduated scale 50 gallons to 250 gallons Stamp on top: UN31HA1 M4150 Markings on side: Yellow 11' Markings on top: Black hand-written 50/50	Gray cloudy liquid and sediment residue Photovac 2020 reading at bung: 0 ppm ToxiRae reading at bung: 0 ppm **Sample 11**

Table 1 (continued)

Tote Number	Description of Totes	Contents of Totes (Field Screening Results)
12	Opaque, plastic tote with wire cage on plastic pallet; 38"x46"x40" high; bottom drain valve closed; black bung with white cap closed Label on side: Hazardous waste label painted over with black paint Label on side: UN31HA1/Y/06-02 USA/GBC 3731KG/2073 KG 1040L/80KG 69KPA/06-02/06-02 Label on side: For Recycling Instructions Call 1-800-270-5393 Label on side: 06/25/02 (2) IBC0177 Placard on side: Placard painted over with black paint Stamp on side: Graduated scale 50 gallons to 250 gallons Stamp on top: UN31HA1 M4150 Markings on side: Yellow 12[1] Markings on top: Black hand-written 50/50	Empty Photovac 2020 reading at bung: 0 ppm ToxiRae reading at bung: 0 ppm **Sample 12 (air only)**

1 *Yellow numbers on sides of totes were written by B. Williams to identify totes.*

Table 2

AIR FIELD SAMPLE DESCRIPTIONS[1]
AET Environmental (Kincaid P&P)
Pawnee, Illinois

NEIC Sample Station Number NEIC Tag Number	Sample Station Location	Sample Time and Date	Sample Method	Sample Matrix	Field Sample Description
01 NE13008	Tote 01	1111 hours 02/04/2004	One, 6-L, stainless steel canister (Grab)	Air	Headspace at lid
02 NE13009	Tote 02	1114 hours 02/04/2004	One, 6-L, stainless steel canister (Grab)	Air	Headspace at lid
03 NE13010	Tote 03	1117 hours 02/04/2004	One, 6-L, stainless steel canister (Grab)	Air	Headspace at lid
04 NE13011	Tote 04	1122 hours 02/04/2004	One, 6-L, stainless steel canister (Grab)	Air	Headspace at lid
05 NE13012	Tote 05	1314 hours 02/04/2004	One, 6-L, stainless steel canister (Grab)	Air	Headspace at lid
06 NE13013	Tote 06	1315 hours 02/04/2004	One, 6-L, stainless steel canister (Grab)	Air	Headspace at lid
07 NE13014	Tote 07	1318 hours 02/04/2004	One, 6-L, stainless steel canister (Grab)	Air	Headspace at lid
08 NE13015	Tote 08	1321 hours 02/04/2004	One, 6-L, stainless steel canister (Grab)	Air	Headspace at lid
10 NE13016	Tote 10	1325 hours 02/04/2004	One, 6-L, stainless steel canister (Grab)	Air	Headspace at lid
11 NE13017	Tote 11	1327 hours 02/04/2004	One, 6-L, stainless steel canister (Grab)	Air	Headspace at lid
12 NE13018	Tote 12	1329 hours 02/04/2004	One, 6-L, stainless steel canister (Grab)	Air	Headspace at lid
Background NE13019	Up-wind of totes	1350 hours 02/04/2004	One, 6-L, stainless steel canister (Grab)	Air	Up-wind of totes

1 *All samples except the background sample were collected by J. Kopatich under the direction of B. Williams at the Kincaid facility. B. Williams collected the background sample.*

Table 3

LIQUID AND SEDIMENT FIELD SAMPLE DESCRIPTIONS[1]
AET Environmental, Inc. (Kincaid P&P LLC)
Pawnee, Illinois

NEIC Sample Station Number NEIC Tag Number	Sample Station Location	Sample Time and Date	Sample Method	Sample Matrix	Field Sample Description
01 NE12981, NE12982, NE12983, NE13021	Tote 01	1157 hours 02/04/2004	Teflon bailer (Grab)	Liquid	Pale green, aqueous, viscous liquid
02 NE12984, NE12985, NE12986, NE13022	Tote 02	1210 hours 02/04/2004	Teflon bailer (Grab)	Liquid and ice crystals	Pale green, aqueous, viscous liquid, ice crystals on top
03 NE12987, NE12988, NE12989, NE13023	Tote 03	1220 hours 02/04/2004	Teflon bailer (Grab)	Liquid	Pale green, aqueous, viscous liquid
04 NE12990, NE12991, NE12992, NE12993, NE12994, NE12995, NE12996, NE12997, NE12998, NE13024	Tote 04	1125 hours 02/04/2004	Teflon bailer (Grab)	Liquid	Pale green, aqueous, viscous liquid
05 NE13000	Tote 05	1350 hours 02/04/2004	Opened valve at bottom of tote. Tilted tote and poured from tote into container (Grab)	Liquid and sediment	One inch cloudy, light gray to white, opaque, aqueous, viscous liquid. Light gray sediment on bottom
06 NE13001, NE13025	Tote 06	1355 hours 02/04/2004	Opened valve at bottom of tote. Tilted tote and poured from tote into container (Grab)	Liquid and sediment (1"crystals - possibly ice)	Clear, pale green, aqueous, viscous liquid. Light green with black particles on bottom

(Table 3 continued)

NEIC Sample Station Number NEIC Tag Number	Sample Station Location	Sample Time and Date	Sample Method	Sample Matrix	Field Sample Description
07 NE13002 NE13026	Tote 07	1400 hours 02/04/2004	Opened valve at bottom of tote. Tilted tote and poured from tote into container (Grab)	Liquid and sediment	Clear, pale green, aqueous, viscous liquid. Little dark gray sediment in bottom
08 NE13003	Tote 08	1402 hours 02/04/2004	Opened valve at bottom of tote. Tilted tote and poured from tote into container (Grab)	Liquid and sediment	½ inch pale green, aqueous, viscous liquid. Dark to medium gray sediment
08 NE13004, NE13005	Tote 08	1407 hours 02/04/2004	Plastic scoop taped to wood dowel (Composite)	Sediment	Dark to medium gray sediment layered with medium gray sediment (light gray sandy-looking crystals - possibly ice)
10 NE13006	Tote 10	1425 hours 02/04/2004	Opened valve at bottom of tote. Tilted tote and poured from tote into container (Grab)	Liquid and sediment (crystals - possibly ice)	½ inch light-gray, opaque, cloudy, aqueous, viscous liquid. ½ inch gray One inch light gray sediment
11 NE13007	Tote 11	1427 hours 02/04/2004	Opened valve at bottom of tote. Tilted tote and poured from tote into container (Grab)	Liquid and sediment	1 ½ inches dark gray, cloudy, aqueous, viscous liquid. Two inches dark gray, granular sediment
13[2] NE13020	Tote 05	1435 hours 02/04/2004	Removed sign from tote (Grab)	Sign from Tote 05	Metal sign from Tote 05

1 *All samples were collected by M. Collins under the direction of B. Williams at the Kincaid facility.*
2 *Sample collected for CID evidence to show "Luxury Wheels" as origin of tote.*

LABORATORY ACTIVITIES TECHNICAL REPORT

On February 9, 2004, four coolers, locked with resettable locks, were hand delivered to NEIC by B. Williams and J. Kopatich of the NEIC. Principal Analytical Chemist, Willis Collins, checked the contents of the coolers against the chain-of-custody forms that accompanied the samples. Sample tags and station numbers were found to be correct. The chain-of-custody forms were then signed by W. Collins. Thirty-two glass bottles were placed in two ice chests and secured with resettable combination locks. Twelve air canisters were placed in W. Collins' storage locker with a resettable lock. All samples are locked in the Hazardous Sample Receipt and Storage area at the NEIC laboratory.

W. Collins opened and unpacked the coolers on February 10, 2004. Twelve stations were represented by 44 sample containers: 32 glass bottles and 12, 6-liter air canisters. Station 04 was represented by nine of the glass bottles. All samples, except the 6-liter air canisters, were contained in tamper evident bags. Phase separations and physical descriptions for the 32 glass bottles were conducted and recorded on February 10, 2004. Analytical results for the 12, 6-liter air canisters are not included in this report.

The samples were analyzed for common anions (e.g., nitrate, fluoride, and phosphate) by ion chromatography (NEICPROC/0075). A fluoride selective electrode was used to measure fluoride ions, and the results were confirmed by ion chromatography. Water content was determined by Coulometric Karl Fisher Titration (NEICPROC/00-073R1). The samples were spot tested for free cyanide. Twelve of the 32 samples were filtered and analyzed for elemental constituents using the Toxicity Characteristic Leaching Procedure (TCLP), EPA Method 1311 (SW-846 publication "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods"). The filtrates were analyzed for elemental constituents by inductively coupled plasma/mass spectrometry (NEIC PROC/00-062R2, Appendix B), and confirmed by atomic absorption spectroscopy (NEICPROC/99-017R1). The pH was measured using EPA Method 9040 (SW-846 publication "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods").

The analytical results are summarized in Table 4. The anion compositions of the stations tested were similar. Laboratory analyses were performed by W. Collins, John Fowler, Robin Ingamells, and Cyndy Lemmon under the NEIC quality system. A data quality summary is maintained in the project file.

ENFORCEMENT CONFIDENTIAL

Table 4

NEIC SAMPLE DESCRIPTIONS AND ANALYTICAL RESULTS
AET Environmental
Arvada, Colorado

Station Number	NEIC Tag Number	Laboratory Sample Description	Analytical Results	
01	NE12981	Light green, clear, nonviscous liquid	Fluoride Chloride Nitrite Bromide Nitrate Phosphate Sulfate Water TCLP	1.76% w/v 0.08% w/v < 0.01% w/v < 0.01% w/v 1.76% w/v 28.8% w/v 0.09% w/v 69.9% w/w 11.7 mg/L chromium[1]
01	NE12982	Light green, clear, nonviscous liquid	pH < 1[2] TCLP: 10.7mg/L chromium	
01	NE12983	Light green, clear, nonviscous liquid	TCLP: 10.5 mg/L chromium	
02	NE12984	Light green, clear, nonviscous liquid	Fluoride Chloride Nitrite Bromide Nitrate Phosphate Sulfate Water TCLP	1.24% w/v 0.06% w/v < 0.01% w/v < 0.01% w/v 1.40% w/v 20.7% w/v 0.07% w/v 77.2% w/w 7.82 mg/L chromium
02	NE12985	Light green, clear, nonviscous liquid	TCLP: 7.79 mg/L chromium	
02	NE12986	Light green, clear, nonviscous liquid	pH < 1 TCLP: 7.64 mg/L chromium	
03	NE12987	Light green, clear, nonviscous liquid	Fluoride Chloride Nitrite Bromide Nitrate Phosphate Sulfate Water TCLP	1.54% w/v 0.07% w/v < 0.01% w/v < 0.01% w/v 1.56% w/v 25.6% w/v 0.08% w/v 72.5% w/w 9.41 mg/L chromium
03	NE12988	Light green, clear, nonviscous liquid	pH < 1 TCLP: 9.23 mg/L chromium	
03	NE12989	Light green, clear, nonviscous liquid	TCLP: 9.25 mg/L chromium	
04	NE12990	Light green, clear, nonviscous liquid	Fluoride Chloride Nitrite Bromide Nitrate Phosphate Sulfate Water TCLP	1.73% w/v 0.08% w/v < 0.01% w/v < 0.01% w/v 1.80% w/v 28.4% w/v 0.09% w/v 68.7% w/w 10.6 mg/L chromium

ENFORCEMENT CONFIDENTIAL

(Table 4 continued)

Station Number	NEIC Tag Number	Laboratory Sample Description	Analytical Results	
04	NE12991	Light green, clear, nonviscous liquid	Water 67.8% w/w **TCLP: 10.6 mg/L chromium**	
04	NE12992	Light green, clear, nonviscous liquid	Water 69.5% w/w **pH < 1** **TCLP: 10.3 mg/L chromium**	
04	NE12993	Light green, clear, nonviscous liquid	Fluoride Chloride Nitrite Bromide Nitrate Phosphate Sulfate	1.69% w/v 0.08% w/v <0.01% w/v <0.01% w/v 1.80% w/v 29.2% w/v 0.09% w/v
04	NE12994	Light green, clear, nonviscous liquid	**pH < 1**	
04	NE12995	Light green, clear, nonviscous liquid	Not analyzed	
04	NE12996	Light green, clear, nonviscous liquid	Fluoride Chloride Nitrite Bromide Nitrate Phosphate Sulfate	1.71% w/v 0.08% w/v < 0.01% w/v < 0.01% w/v 1.79% w/v 28.6% w/v 0.09% w/v
04	NE12997	Light green, clear, nonviscous liquid	Not analyzed	
04	NE12998	Light green, clear, nonviscous liquid	**pH < 1**	
05	NE13000	Gray, opaque, nonviscous liquid	Fluoride Chloride Nitrite Bromide Nitrate Phosphate Sulfate Water **pH < 1**	1.14% w/v 0.11% w/v 0.03% w/v < 0.01% w/v 3.45% w/v 29.8% w/v 0.06% w/v 66.3% w/w
06-L1	NE13001	L-1; Light green cloudy non-viscous liquid (76.7%)	Fluoride Chloride Nitrite Bromide Nitrate Phosphate Sulfate Water **pH < 1**	1.88% w/v 0.08% w/v < 0.01% w/v < 0.01% w/v 1.86% w/v 29.1% w/v 0.10% w/v 71.7% w/w
06-S1	NE13001	White, opaque crystalline material (23.3%)	Not analyzed	

(Table 4 continued)

Station Number	NEIC Tag Number	Laboratory Sample Description	Analytical Results	
07	NE13002	Gray, opaque, nonviscous liquid	Fluoride Chloride Nitrite Bromide Nitrate Phosphate Sulfate Water **pH < 1**	1.76% w/v 0.08% w/v < 0.01% w/v < 0.01% w/v 1.82% w/v 29.7% w/v 0.09% w/v 72.3% w/w
08	NE13003	Gray, opaque, nonviscous liquid	Fluoride Chloride Nitrite Bromide Nitrate Phosphate Sulfate Water	1.58% w/v 0.11% w/v 0.03% w/v < 0.01% w/v 2.12% w/v 28.0% w/v 0.09% w/v 65.8 % w/w
08-L1	NE13004	L-1; Dark gray, opaque viscous liquid, with black granules (14.4 %)	pH < 1	
08-S1	NE13004	S-1; Dark gray with white and black granules mixed in the solid (85.6 %)	Not analyzed	
08-L1	NE13005	L-1; Dark gray, opaque viscous liquid, with black granules (11.6 %)	Not analyzed	
08-S1	NE13005	S-1; Dark gray with white & black granules mixed in the solid (88.4 %)	Not analyzed	
10	NE13006	Gray, opaque, nonviscous liquid	Fluoride Chloride Nitrite Bromide Nitrate Phosphate Sulfate Water **pH < 1**	1.96% w/v 0.10% w/v < 0.01% w/v < 0.01% w/v 1.71% w/v 27.6% w/v 0.09% w/v 68.6% w/w
11	NE13007	Gray, opaque, nonviscous liquid	Fluoride Chloride Nitrite Bromide Nitrate Phosphate Sulfate Water **pH < 1**	1.71% w/v 0.10% w/v <0.01% w/v <0.01% w/v 1.44% w/v 23.7% w/v 0.08% w/v 68.9% w/w

ENFORCEMENT CONFIDENTIAL

(Table 4 continued)

Station Number	NEIC Tag Number	Laboratory Sample Description	Analytical Results
01	NE13021	Light green, clear, nonviscous liquid (pH only)	**pH < 1**
02	NE13022	Light green, clear, nonviscous liquid (pH only)	**pH < 1**
03	NE13023	Light green, clear, nonviscous liquid (pH only)	**pH < 1**
04	NE13024	Light green, clear, nonviscous liquid (pH only)	**pH < 1**
06	NE13025	Light green, clear, nonviscous liquid (pH only)	**pH < 1**
07	NE13026	Light green, clear, nonviscous liquid (pH only)	**pH < 1**

1 *Materials with Toxicity Characteristic Leaching Procedure (TCLP) concentrations greater than 5.0 mg/L chromium exhibit the RCRA hazardous waste characteristic of toxicity, EPA HW No. D007. Entries in* ***bold*** *indicate results that exceed the regulatory limit.*

2 *Materials with a pH less than 2 exhibit the RCRA hazardous waste characteristic of corrosivity, EPA HW No. D002. Such results are indicated in* ***bold.***

APPENDIX A

NEIC PHOTOGRAPH LOG
(2 pages)

ENFORCEMENT CONFIDENTIAL

Appendix A

PHOTOGRAPH LOG
AET Environmental (Kincaid P & P)
Pawnee, Sangamon County, Illinois

Roll / Photograph Number	Photograph Date	Photographer	Subject
1/1	02/04/2004	Williams	8 empty totes in northwest portion of warehouse
1/2	02/04/2004	Williams	West 2 of 4 totes in southwest portion of warehouse - front tote partially full
1/3	02/04/2004	Williams	East 2 of 4 totes in southwest portion of warehouse
1/4	02/04/2004	Williams	4 totes labeled 01 through 04 in southwest portion of warehouse
1/5	02/04/2004	Williams	4 totes labeled 01 through 04 in southwest portion of warehouse
1/6	02/04/2004	Williams	Sample 04 from tote 04
1/7	02/04/2004	Williams	Closeup of sample 04 from tote 04
1/8	02/04/2004	Williams	Sample 01 from tote 01
1/9	02/04/2004	Williams	Closeup of sample 01 from tote 01
1/10	02/04/2004	Williams	Sample 02 from tote 02
1/11	02/04/2004	Williams	Closeup of sample 02 from tote 02
1/12	02/04/2004	Williams	Sample 03 from tote 03
1/13	02/04/2004	Williams	Closeup of sample 03 from tote 03
1/14	02/04/2004	Williams	8 totes labeled 05 through 12 moved from northwest portion of warehouse with air canisters on the totes
1/15	02/04/2004	Williams	8 totes labeled 05 through 12 moved from northwest portion of warehouse with air canisters on the totes
1/16	02/04/2004	Williams	Sample 05 from tote 05
1/17	02/04/2004	Williams	Closeup of sample 05 from tote 05
1/18	02/04/2004	Williams	Sample 06 from tote 06
1/19	02/04/2004	Williams	Closeup of sample 06 from tote 06
1/20	02/04/2004	Williams	Sample 07 from tote 07
1/21	02/04/2004	Williams	Closeup of sample 07 from tote 07
1/22	02/04/2004	Williams	Sample 08 from tote 08
1/23	02/04/2004	Williams	Closeup of sample 08 from tote 08
1/24	02/04/2004	Williams	Sample 11 from tote 11
1/25	02/04/2004	Williams	Closeup of sample 11 from tote 11

Appendix A (continued)

Roll / Photograph Number	Photograph Date	Photographer	Subject
2/1	02/04/2004	Williams	Closeup of "LUXURY WHEELS" label on tote 05
2/2	02/04/2004	Williams	Label plate with "LUXURY WHEELS" label on tote 05
2/3	02/04/2004	Williams	8 totes in northwest portion of warehouse
2/4	02/04/2004	Williams	4 totes in southwest portion of warehouse
2/5	02/04/2004	Williams	Closeup of search warrant left by CID on tote 01 in southwest portion of warehouse
2/6	02/04/2004	Williams	Iron pipe connected to hose on totes 01 and 04 in southwest portion of warehouse
2/7	02/04/2004	Kopatich	"Kincaid P&P" sign at entrance to site

APPENDIX B

CHAIN-OF-CUSTODY RECORD
(5 pages)

ONMENTAL PROTECTION AGENCY
of Enforcement and Compliance Monitoring

NATIONAL ENFORCEMENT INVESTIGATIONS CENTER
Building 53, Box 25227, Denver Federal Center
Denver, Colorado 80225

CHAIN OF CUSTODY RECORD

OJ. NO. 1039

PROJECT NAME: AET Environmental

LERS: (Signature) Bobby A Williams

NO.	DATE	TIME	COMP.	GRAB	STATION LOCATION	NO. OF CONTAINERS	TAG NUMBERS	SAMPLE TAG VERIFICATION	REMARKS
1	2/4/04	1111		X	Tote 01	1-6L Lactated	NE 13008		
2	"	1114		X	Tote 02	"	13009		
3	"	1117		X	Tote 03	"	13010		
4	"	1122		X	Tote 04	"	13011		
5	"	1314		X	Tote 05	"	13012		
6	"	1315		X	Tote 06	"	13013		
7	"	1318		X	Tote 07	"	13014		
8	"	1321		X	Tote 08	"	13015		
10	"	1325		X	Tote 10	"	13016		
11	"	1327		X	Tote 11	"	13017		
12	"	1329		X	Tote 12	"	13018		
Grab	"	1350		X	Background	"	13019		

FW 2/9/04

Relinquished by: (Signature)	Date / Time	Received by: (Signature)	Relinquished by: (Signature)	Date / Time	Received by: (Signature)
Bobby A Williams	2/9/04 1057				
Relinquished by: (Signature)	Date / Time	Received by: (Signature)	Relinquished by: (Signature)	Date / Time	Received by: (Signature)
Relinquished by: (Signature)	Date / Time	Received for Laboratory by: (Signature)	Date / Time	Remarks	
		Nellie Colton	02-09-04 10:00 AM		

tion: Original Accompanies Shipment; Copy to Coordinator Field Files

11005

of Enforcement and Compliance Monitoring

Building 53, Box 25227, Denver Federal Center
Denver, Colorado 80225

CHAIN OF CUSTODY RECORD

OJ. NO.	PROJECT NAME
1039	AET Environmental

ERS: (Signature)
Abby L. Williams

O.	DATE	TIME	COMP	GRAB	STATION LOCATION	NO. OF CONTAINERS	TAG NUMBERS	SAMPLE TAG VERIFICATION	REMARKS
	2/4/04	1435		X	Sign from Tote05	1Piece	NE13020		

Relinquished by: (Signature)	Date / Time	Received by: (Signature)	Relinquished by: (Signature)	Date / Time	Received by: (Signature)
by L. Williams	2/17/04 1037 hrs	Mike Kluck, SA			

Relinquished by: (Signature)	Date / Time	Received for Laboratory by: (Signature)	Date / Time	Remarks

n: Original Accompanies Shipment; Copy to Coordinator Field Files

* U.S. GOVERNMENT PRINTING OFFICE: 1986-773-427

N 11888

IONMENTAL PROTECTION AGENCY
of Enforcement and Compliance Monitoring

NATIONAL ENFORCEMENT INVESTIGATIONS CENTER
Building 53, Box 25227, Denver Federal Center
Denver, Colorado 80225

CHAIN OF CUSTODY RECORD

OJ. NO. 1039

PROJECT NAME: AET Environmental

LERS: (Signature) Bobby D. Williams

O.	DATE	TIME	COMP.	GRAB	STATION LOCATION	NO. OF CONTAINERS	TAG NUMBERS	SAMPLE TAG VERIFICATION	REMARKS
	2/4/04	1402hrs		X	Tote 08	1-1Qt	NE13003		0000533
	2/4/04	1407hrs	X		Tote 08	2-8oz	NE13004, 13005		0000538 0000545
	"	1425hrs		X	Tote 10	1-1Qt	NE13006		0000546
	"	1427		X	Tote 11	1-1Qt	NE13007		0000548

ished by: (Signature)	Date / Time	Received by: (Signature)	Relinquished by: (Signature)	Date / Time	Received by: (Signature)
by D. Williams	2/9/04 1063 hrs				
ished by: (Signature)	Date / Time	Received by: (Signature)	Relinquished by: (Signature)	Date / Time	Received by: (Signature)
shed by: (Signature)	Date / Time	Received for Laboratory by: (Signature)	Date / Time	Remarks	
			02-09-04 10:04 am		

Original Accompanies Shipment; Copy to Coordinator Field Files

U. S. GOVERNMENT PRINTING OFFICE: 1988—773-427

NMENTAL PROTECTION AGENCY
Enforcement and Compliance Monitoring

NATIONAL ENFORCEMENT INVESTIGATIONS CENTER
Building 53, Box 25227, Denver Federal Center
Denver, Colorado 80225

CHAIN OF CUSTODY RECORD

I. NO. 039

PROJECT NAME: AET Environmental

ERS: (Signature) Bobby D. Williams

DATE	TIME	COMP.	GRAB	STATION LOCATION	NO. OF CONTAINERS	TAG NUMBERS	SAMPLE TAG VERIFICATION	REMARKS
2/4/04	1157 hrs		X	Tote 01	3-1Gt	NE 12981, 12982		0000555,
→ 2/4/04						12983		0000556, 0000557
"	1210 hrs		X	Tote 02	"	NE 12984, 12985		0000558
						12986		0000554 0000559
"	1220 hrs		X	Tote 03	"	NE 12987, 12988		0000540 0000541
"	1125 hrs		X	Tote 04 2/4/04		12989		0000539
"	1125 hrs		X	Tote 04	9-1Gt	NE 12990, 12991		0000542 0000543
						12992, 12993		0000544 0000547
						12994, 12995		0000549 0000550
						12996, 12997		0000551 0000552
						12998		0000553
"	1350 hrs		X	Tote 05	1-1Gt	NE 13000		0000530
"	1355 hrs		X	Tote 06	1-1Gt	NE 13001		0000531
"	1400 hrs		X	Tote 07	1-1Gt	NE 13002		0000529

Relinquished by: (Signature)	Date / Time	Received by: (Signature)
ished by: (Signature) by D. Williams	2/5/04 1003 hrs	
ished by: (Signature)	Date / Time	Received by: (Signature)
ished by: (Signature)	Date / Time	Received for Laboratory by: (Signature) Willis Allen

Relinquished by: (Signature)	Date / Time	Received by: (Signature)
Relinquished by: (Signature)	Date / Time	Received by: (Signature)
Date / Time	Remarks	
02-09-04 10:04 AM		

: Original Accompanies Shipment; Copy to Coordinator Field Files

U.S. GOVERNMENT PRINTING OFFICE: 1988-773-427

ONMENTAL PROTECTION AGENCY
f Enforcement and Compliance Monitoring

Building 53, Box 25227, Denver Federal Center
Denver, Colorado 80225

CHAIN OF CUSTODY RECORD

U. NO. 039 | PROJECT NAME: AET Environmental

ERS; (Signature): Betty D. Williams

NO.	DATE	TIME	COMP.	GRAB	STATION LOCATION	NO. OF CONTAINERS	PH	TAG NUMBERS	SAMPLE TAG VERIFICATION	REMARKS
	2/4/04	1157		X	Tote 01	1-8oz	X	NE 13021		0020745
	"	1210		X	Tote 02	"	X	NE 13022		0000534
	"	1220		X	Tote 03	"	X	NE 13023		0000535
	"	1125		X	Tote 04	"	X	NE 13024		0000536
	"	1355		X	Tote 06	"	X	NE 13025		0000537
	"	1400		X	Tote 07	"	X	NE 13026		0000560

Relinquished by: (Signature)	Date / Time	Received by: (Signature)	Relinquished by: (Signature)	Date / Time	Received by: (Signature)
Betty D. Williams	2/9/04 1535				

Relinquished by: (Signature)	Date / Time	Received for Laboratory by: (Signature)	Date / Time	Remarks
			02-09-04 3:35 PM	

ion: Original Accompanies Shipment; Copy to Coordinator Field Files

* U.S. GOVERNMENT PRINTING OFFICE: 1986—773-427

N 11889

ATTACHMENT 3

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

BUREAU OF LAND / FIELD OPERATIONS SECTION

RCRA INSPECTION REPORT

GENERAL FACILITY INFORMATION

USEPA ID #:			**IEPA ID #:**	0218145002	
Facility Name:	USA CoalGas LP			**Phone #:**	773/792-1333
Location	Route 104 between Pawnee and Kincaid, Illinois			**County:**	Christian
City:	Pawnee	**State:**	Illinois	**Zip Code:**	62558
Region:	5 - Springfield	**Inspection Date:**	04/19/2005	**Time:**	10:15 AM - 2:35 PM
Weather:	Approximately 70 degrees F, partly cloudy, dry soil				

TYPE OF FACILITY

Notified As:	**Regulated As:** TSD

TYPE OF INSPECTION

CEI:	☒	**CME/O&M:**	☐	**CSI:**	☐	**NRR:**	☐	**CCI:**	☐	**PIF:**	☐	**CVI:**	☐	**CSE:**	☐	**CAO:**	☐

FUI to: 11/17/2004 **Other:**

NOTIFICATION INFORMATION (EPA 8700-12)

Notification Date:	(initial)	(subsequent)

PART A PERMIT INFORMATION (EPA 3510-3 OR EPA 8700-23)

Part A Date:	**Amended:**	**Withdrawn:**

PART B PERMIT INFORMATION

(Check one if applicable) Application Submitted? ☐ **Permit Issued?** ☐ **Date:**

ACTIVE ENFORCEMENT

Date facility referred to:	**USEPA:**	**IAGO:**	**County State's Attorney:**

ACTIVE ENFORCEMENT ORDERS

CACO:	**CAFO:**	**Federal Court Order:**
Consent Decree:	**IPCB Order:**	**State Court Order:**

TSD Facility Activity Summary

Activity by Process Code	On Part A?	On Part B?	Activity ever done?	Closed?	Being done during inspection?	Exempt per 35 IAC Sec:	On Annual Report:		
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐

Owner				Operator			
Name:	USA CoalGas LP			Name:	Kincaid P&P, LLC		
Address:	5487 N. Milwaukee Avenue			Address:	P.O. Box 1007		
City:	Chicago			City:	Pawnee		
State:	Illinois	Zip Code:	60630	State:	Illinois	Zip Code:	62558
Phone #:	773/792-1333			Phone #:	217/625-5006		

Person(s) Interviewed	Title	Phone #
Rick Wake	Employee of Kincaid P&P	217/625-5006

Inspection Participants	Agency/Bureau	Phone #
Richard Johnson*	IEPA/BOL/FOS, Springfield Region	217/786-6892
David Jansen	IEPA/BOL/FOS, Springfield Region	217/786-6892
Mike Cook	USEPA/CID, Denver Area Office	571/220-6545
Duane Pulliam	IDNR/OMM	217/782-7756
Steve Cook	IDNR/OMM	217/783-7756

*Report prepared by this person.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

BUREAU OF LAND / FIELD OPERATIONS SECTION

RCRA INSPECTION REPORT

GENERAL FACILITY INFORMATION

USEPA ID #:	ILR 000132928			**IEPA ID #:**	0218145007
Facility Name:	Kincaid P&P			**Phone #:**	217/625-5006
Location	P.O. Box 1007			**County:**	Chrisitan
City:	Pawnee	**State:**	Illinois	**Zip Code:**	62558
Region:	5 - Springfield	**Inspection Date:**	04/19/2005	**Time:**	10:15 AM - 2:35 PM
Weather:	Approximately 70 degrees F, partly cloudy, dry soil				

TYPE OF FACILITY

Notified As:	**Regulated As:** TSD

TYPE OF INSPECTION

CEI:	☒	**CME/O&M:**	☐	**CSI:**	☐	**NRR:**	☐	**CCI:**	☐	**PIF:**	☐	**CVI:**	☐	**CSE:**	☐	**CAO:**	☐

FUI to: 11/17/2004 **Other:**

NOTIFICATION INFORMATION (EPA 8700-12)

Notification Date:	(initial)	(subsequent)

PART A PERMIT INFORMATION (EPA 3510-3 OR EPA 8700-23)

Part A Date:	**Amended:**	**Withdrawn:**

PART B PERMIT INFORMATION

(Check one if applicable) Application Submitted? ☐ **Permit Issued?** ☐ **Date:**

ACTIVE ENFORCEMENT

Date facility referred to:	**USEPA:**	**IAGO:**	**County State's Attorney:**

ACTIVE ENFORCEMENT ORDERS

CACO:	**CAFO:**	**Federal Court Order:**
Consent Decree:	**IPCB Order:**	**State Court Order:**

TSD FACILITY ACTIVITY SUMMARY

Activity by Process Code	On Part A?	On Part B?	Activity ever done?	Closed?	Being done during inspection?	Exempt per 35 IAC Sec:	On Annual Report:		
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐

OWNER				OPERATOR			
Name:	USA CoalGas LP			**Name:**	Kincaid P&P, LLC		
Address:	5487 N. Milwaukee Avenue			**Address:**	P.O. Box 1007		
City:	Chicago			**City:**	Pawnee		
State:	Illinois	**Zip Code:**	60630	**State:**	Illinois	**Zip Code:**	62558
Phone #:	773/792-1333			**Phone #:**	217/625-5006		

PERSON(S) INTERVIEWED	TITLE	PHONE #
Rick Wake	Employee of Kincaid P&P	217/625-5006

INSPECTION PARTICIPANTS	AGENCY/BUREAU	PHONE #
Richard Johnson*	IEPA/BOL/FOS, Springfield Region	217/786-6892
David Jansen	IEPA/BOL/FOS, Springfield Region	217/786-6892
Mike Cook	USEPA/CID, Denver Area Office	571/220-6545
Duane Pulliam	IDNR/OMM	217/782-7756
Steve Cook	IDNR/OMM	217/782-7756

***Report prepared by this person.**

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

BUREAU OF LAND / FIELD OPERATIONS SECTION

RCRA INSPECTION REPORT

GENERAL FACILITY INFORMATION

USEPA ID #:	ILR 000134163			**IEPA ID #:**	0218145010
Facility Name:	EOR Energy LLC Site 1			**Phone #:**	303/333-8521
Location	2050 North Road & 400E Road			**County:**	Christian
City:	Edinburg	**State:**	Illinois	**Zip Code:**	62531
Region:	5 - Springfield	**Inspection Date:**	04/19/2005	**Time:**	10:15: AM - 2:35 PM
Weather:	Approximately 70 degrees F, partly cloudy, dry soil				

TYPE OF FACILITY

Notified As:	**Regulated As:** TSD

TYPE OF INSPECTION

CEI: ☒ **CME/O&M:** ☐ **CSI:** ☐ **NRR:** ☐ **CCI:** ☐ **PIF:** ☐ **CVI:** ☐ **CSE:** ☐ **CAO:** ☐	
FUI to: 11/17/2004	**Other:**

NOTIFICATION INFORMATION (EPA 8700-12)

Notification Date:	(initial)	(subsequent)

PART A PERMIT INFORMATION (EPA 3510-3 OR EPA 8700-23)

Part A Date:	**Amended:**	**Withdrawn:**

PART B PERMIT INFORMATION

(Check one if applicable) Application Submitted? ☐	**Permit Issued?** ☐	**Date:**

ACTIVE ENFORCEMENT

Date facility referred to:	**USEPA:**	**IAGO:**	**County State's Attorney:**

ACTIVE ENFORCEMENT ORDERS

CACO:	**CAFO:**	**Federal Court Order:**
Consent Decree:	**IPCB Order:**	**State Court Order:**

TSD Facility Activity Summary

Activity by Process Code	On Part A?	On Part B?	Activity ever done?	Closed?	Being done during inspection?	Exempt per 35 IAC Sec:	On Annual Report:		
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐

Owner				Operator			
Name:	Rink Lease c/o South Fork Land Trust, Attn: Mr. John Homeier, Trustee; and Truax Lease c/o Charles Truax			**Name:**	EOR Energy LLC		
Address:	3180 Adloff Lane (Rink), 412 E. 2050 North Road (Truax)			**Address:**	14 Lakeside Drive		
City:	Springfield (Rink), Edinburg (Truax)			**City:**	Denver		
State:	Illinois	**Zip Code:**	62703/62531	**State:**	Colorado	**Zip Code:**	80212
Phone #:	217/623-5996 (Chas. Truax)			**Phone #:**	217/625-5006		

Person(s) Interviewed	Title	Phone #
Rick Wake	Employee of Kincaid P&P	217/625-5006
Charlie Geary	Employee of Kincaid P&P	217/625-5006
Charles Truax, Senior	Owner of Truax Lease	217/623-5996
Charles Truax, Junior	Son of the Owner of Truax Lease	

Inspection Participants	Agency/Bureau	Phone #
Richard Johnson*	IEPA/BOL/FOS, Springfield Region	217/786-6892
David C. Jansen	IEPA/BOL/FOS, Springfield Region	217/786-6892
Mike Cook	USEPA/CID, Denver Area Office	571/220-6545
Duane Pulliam	IDNR,OMM	217/782-7756
Steve Cook	IDNR, OMM	217/782-7756

*Report prepared by this person.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

BUREAU OF LAND / FIELD OPERATIONS SECTION

RCRA INSPECTION REPORT

GENERAL FACILITY INFORMATION

USEPA ID #:	ILR 000134148		**IEPA ID #:**	1678075007	
Facility Name:	EOR Energy LLC Site 2			**Phone #:**	303/333-8521
Location	East of Cotton Hill Road (Twp Road 4.25E), Northeast of Dickey Road (Twp. Road 13S)			**County:**	Sangamon
City:	Pawnee	**State:**	Illinois	**Zip Code:**	62558
Region:	5 - Springfield	**Inspection Date:**	04/19/2005	**Time:**	10:15 AM - 2:35 PM
Weather:	Approximately 70 degrees F, partly cloudy, dry soil				

TYPE OF FACILITY

Notified As:	**Regulated As:** TSD

TYPE OF INSPECTION

CEI:	☒	**CME/O&M:**	☐	**CSI:**	☐	**NRR:**	☐	**CCI:**	☐	**PIF:**	☐	**CVI:**	☒	**CSE:**	☐	**CAO:**	☐

FUI to: 11/17/2004 **Other:**

NOTIFICATION INFORMATION (EPA 8700-12)

Notification Date:	(initial)	(subsequent)

PART A PERMIT INFORMATION (EPA 3510-3 OR EPA 8700-23)

Part A Date:	**Amended:**	**Withdrawn:**

PART B PERMIT INFORMATION

(Check one if applicable) **Application Submitted?** ☐ **Permit Issued?** ☐ **Date:**

ACTIVE ENFORCEMENT

Date facility referred to:	**USEPA:**	**IAGO:**	**County State's Attorney:**

ACTIVE ENFORCEMENT ORDERS

CACO:	**CAFO:**	**Federal Court Order:**
Consent Decree:	**IPCB Order:**	**State Court Order:**

TSD FACILITY ACTIVITY SUMMARY

Activity by Process Code	On Part A?	On Part B?	Activity ever done?	Closed?	Being done during inspection?	Exempt per 35 IAC Sec:	On Annual Report:		
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐

OWNER				OPERATOR			
Name:	Galloway Lease, Attn: Glenn Galloway			**Name:**	EOR Energy LLC		
Address:	12890 Cotton Hill Road			**Address:**	14 Lakeside Drive		
City:	Pawnee			**City:**	Denver		
State:	Illinois	**Zip Code:**	62558	**State:**	Colorado	**Zip Code:**	80212
Phone #:	217/625-7048			**Phone #:**	217/625-5006		

PERSON(S) INTERVIEWED	TITLE	PHONE #
Rick Wake	Employee of Kincaid P&P	217/625-5006
Charlie Geary	Employee of Kincaid P&P	217/625-5006
Paul Galloway	Part Owner of Galloway Lease	217/625-7048

INSPECTION PARTICIPANTS	AGENCY/BUREAU	PHONE #
Richard Johnson*	IEPA/BOL/FOS, Springfield Region	217/786-6892
David Jansen	IEPA/BOL/FOS, Springfield Region	217/786-6892
Mike Cook	USEPA/CID, Denver Area Office	571/220-6545
Duane Pulliam	IDNR,OMM	217/782-7756
Steve Cook	IDNR,OMM	217/782-7756

***Report prepared by this person.**

Illinois Environmental Protection Agency
Narrative

LPC #0218145007 – Christian County
Facility Name: South Fork Township/Kincaid P&P
FOS File

LPC #0218145010 – Christian County
Facility Name: South Fork Township/EOR Energy LLC Site 1
FOS File

LPC #167807 5007 – Sangamon County
Cotton Hill Township/EOR Energy LLC Site 2
FOS File

LPC #0218145002 – Christian County
South Fork Township/USA CoalGas LP
FOS File

Date of Inspections: April 19, 2005
RCJ Prepared by: Rich Johnson, Division of Land Pollution Control/Field Operations Section (DLPC/FOS), Springfield Region

I conducted investigations of Kincaid P&P LLC, EOR Energy LLC Site 1 and EOR Energy LLC Site 2 on April 19, 2005. The narrative of this report will be divided so as to describe each individual site. Accompanying me on the investigations were: Mr. David C. Jansen, DLPC/FOS, Springfield Region, Mr. Mike Cook, United States Environmental Protection Agency/Criminal Investigation Division, Mr. Duane Pulliam, Illinois Department of Natural Resources/ Office of Mines & Minerals (IDNR/OMM), and Mr. Steve Cook, IDNR/OMM. Kincaid P&P LLC (hereafter referred to as Kincaid P&P) is located along State Route 104 east of Pawnee, Illinois. USA CoalGas LP currently owns the property previously known as the Peabody Mine No. 10. My previous investigation of the sites was conducted November 17, 2004.

The United States Environmental Protection Agency (USEPA) had conducted an investigation at Kincaid P&P on February 4, 2004 concerning waste acid being brought to the site from Colorado. It should also be noted that the Colorado Department of Public Health and Environment (CDPHE) sent a Compliance Advisory Letter to Kincaid P&P and EOR Energy LLC dated September 8, 2004 requesting information concerning waste acid sent to Kincaid P&P. Twelve totes of waste acid were shipped from Colorado to Kincaid P&P (to the USA CoalGas property) on or around August 30, 2002. EOR Energy LLC (hereafter referred to as EOR Energy) and a company by the name of AET Environmental, Inc. were involved in arranging for the shipment to Kincaid P&P. Within 3 or 4 months of the waste acid being brought to Kincaid P&P, 8 and ½ totes of waste acid had been emptied down into wells in nearby oil fields. Both EOR Energy and AET

Environmental claim that the acid was used as a substitute for a commercial chemical product under the Code of Federal Regulations Section 261.2(e)(1)(ii), and therefore, would not be a solid waste. According to EOR Energy and AET Environmental, the acid was used to acidize the wells, something commonly done for older oil well fields by the oil industry. CDPHE, USEPA, and the Illinois EPA disagree with EOR Energy's interpretation of the regulation.

My November 17, 2004 inspection confirmed that 3 full totes and another half full tote of waste acid remained at the USA CoalGas property; the rest of the waste had been injected into wells in the oil fields referred to as EOR Energy LLC Site 1 and EOR Energy LLC Site 2. Hereafter EOR Energy LLC Site 1 and EOR Energy LLC Site 2 will be referred to as EOR Site 1 and EOR Site 2.

Based on the November 17, 2004 inspection, the Illinois EPA prepared and sent Violation Notices to Kincaid P&P (L-2004-01492), USA CoalGas (L-2004-01493), and EOR Energy LLC (L-2004-01494 and L-2004-01495). On April 28, 2005, the Illinois EPA met with Mr. Edward Torak representing Kincaid P&P and Mr. David O'Neill representing USA CoalGas to discuss apparent violations cited in Violation Notices L-2004-01492 and L-2004-01493, respectively. The meeting was requested pursuant to Section 31(a) of the Illinois Environmental Protection Act. During the meeting, the Illinois EPA requested that a copy of the completed manifest for the waste acid recently shipped to a Texas hazardous waste management facility be sent to this writer. Mr. Torak responded that he would send a copy of the completed manifest when he receives the original back.

The Illinois EPA received a letter dated March 23, 2005 from Mr. James Hamilton responding to the Illinois EPA's Violation Notices L-2004-01494 and L-2004-01495. In the letter, it was indicated that the acid was only placed down producing oil wells. It further states that approximately 250-300 gallons of product acid solution was placed down each oil well, and that approximately 1000 gallons of water was discharged into the oil wells after the acid was placed in the oil wells. The EOR Energy response was rejected as a Compliance Commitment Agreement by the Illinois EPA in a letter dated April 14, 2005.

April 19, 2005 Investigation of Kincaid P&P

We arrived onsite at 10:15 am on April 19, 2005. The temperature was about 70° F, it was partly cloudy, and the ground was dry. Met at the site was Mr. Rick Wake, an employee of Kincaid P&P. The investigation began by everyone introducing themselves and whom they represent. Mr. Wake was made aware of the purpose of our investigation. One purpose was to verify whether the waste acid being stored in an onsite warehouse had been collected and properly transported to a permitted hazardous waste management facility. The second purpose was to request Mr. Wake accompany us to the EOR Site 1 and EOR Site 2 locations to show us which wells in the two oil fields had received waste acid.

Mr. Wake, Mr. Charlie Geary and Mr. Ed Torak are Kincaid P&P employees hired by USA CoalGas to oversee the operations and upkeep of the USA CoalGas property. The duties described by Mr. Wake include repairing erosion channels on the soil cap over the mine gob piles, and treating stormwater/groundwater runoff from the covered mine waste prior to its release to surface water. Furthermore, Mr. Wake and Mr. Geary have been hired by EOR Energy and Mr. James Hamilton, the registered agent and a corporate officer at EOR Energy, to maintain EOR Energy's nearby oil fields. In this particular instance Mr. Hamilton reportedly directed them to unload the totes at USA CoalGas and then discharge the waste acid down into oil wells in the oil fields. Mr. Wake had previously indicated that it took about 3 or 4 months after receiving the waste acid to empty 8.5 totes of waste acid into the wells. Each of the totes reportedly had a capacity of around 250 to 300 gallons. During that time he said Mr. Hamilton called him several times to make sure the liquid was continuing to be discharged into the wells. Mr. Wake said Mr. Hamilton gave directions that one tote of acid per well was to be placed down each of the wells at the EOR Site 1 and 2 locations.

At the time of the current inspection at USA CoalGas, all totes containing waste acid were gone. Photographs 1, 2, 3 and 4 of LPC #0218145007, South Fork Township/Kincaid P&P were taken of a warehouse on USA CoalGas property. As shown in photos 1 and 2, the previously observed totes of waste acid have been removed. **It was also found that the totes that appeared to be empty located in the northwest part of the warehouse have been removed (see photo 4).** Mr. Wake provided a uniform hazardous waste manifest from the Texas Commission on Environmental Quality indicating 1000 gallons of hazardous corrosive waste from Kincaid P&P were shipped to SET Environmental, Inc. in Houston, Texas on April 14, 2005 (see Attachment 1). The manifest identified the waste as containing nitric acid and phosphoric acid, but did not indicate whether any other hazardous waste characteristics were exhibited. However, on the Land Disposal Restriction notice accompanying the shipment, it did indicate the waste exhibited the hazardous waste characteristic for TCLP chrome (D007). According to Mr. Wake, the 8 empty totes in the northwest part of the warehouse were also taken on the shipment along with the totes containing the waste acid. A separate shipping sheet from SET indicated 8 TP (units) with a volume of MT were collected from Kincaid P&P. The meaning for TP may be plastic tote, though there doesn't appear to be any indication that these 8 totes were empty (or full for that matter).

Of particular interest in the warehouse was an object setting on the concrete floor near where the full totes of waste acid had been stored. Photos 1 and 3 show a length of hose with metal connections. Mr. Wake said this hose was used to hook up the totes of waste acid to pipes connected to the oil field wells. Mr. Wake said when disposing the waste acid he would load a tote onto the back of a pickup truck and drive it to the oil field. From the back of the truck, the tote would be connected with the above-mentioned hose to a pipe on the wellhead. Waste acid would be gravity-fed into the pipe and down the well.

April 19, 2005 Investigation of EOR Site 2 (Galloway Lease)
EOR Site 2 is on property is located north of Pawnee, Illinois along Cotton Hill Road. Mike Cook (USEPA) contacted Mr. Glenn Galloway, one of the property owners, for permission to inspect EOR Site 2. Mr. Galloway was met at this house along Cotton Hill Road. Everyone was introduced to each other and Mr. Galloway was made aware of the purpose of our investigation. Mr. Galloway said he was already aware that the Illinois EPA and the USEPA were involved in investigating the oil field on his property, and wanted to meet with us prior our inspecting the wells. Photographs 1 through 16 of LPC #1678075007, Cotton Hill Township/EOR Energy LLC Site 2 were taken at the time of the inspection, as they relate to EOR Site 2. Mr. Charlie Geary, the other Kincaid P&P employee that took part in putting the waste acid down the oil wells, arrived at Mr. Galloway's residence and accompanied us for the rest of the investigations.

Mr. Galloway had an aerial photograph (see photos 1 and 2) showing the locations of the oil wells on the Galloway Lease property. Of the wells marked on the aerial photo, only 4 are actually part of the Galloway Lease. These include the locations numbered and/or described on the photo as "1, 2 (Salt Water Disposal), 3 and 4." These numbers correspond to IDNR/OMM permits or reference numbers of: Galloway #1 Injection (Gas Injection), Galloway #2 SWD (Salt Water Disposal), Galloway #3 (Oil), and Galloway #4 (Oil). Mr. Pulliam (OMM) said that that two of the designated wells are not production oil wells but are to inject or dispose either salt water (Galloway #2) or methane gas (Galloway # 1). Attachment 2 is a copy of IDNR/OMM's information of the wells for the Galloway Lease (along with the Rink and Truax Leases). Attachment 3 shows two diagrams drawn by Mr. Pulliam of IDNR/OMM representing the construction of Galloway #3 oil production well at the Galloway Lease, and Rink #1 salt water disposal well at the Rink Lease. After the inspection this writer had requested Mr. Pulliam provide a schematic diagram or any other rendering of what a typical oil and disposal wells for oil fields might look like. Mr. Galloway commented that it has been a matter of a couple of years since there has been any oil pumped from the two production wells. After a short discussion of the property with Mr. Galloway, we left to inspect the wells. Mr. Galloway did not accompany us.

The following information relates to the observations at the EOR Site 2 (Galloway Lease) in the order of inspection:

> Galloway #3 (Oil Production Well). Driving south of Mr. Galloway's home on Cotton Hill Road a short distance we came to a gravel road heading east. Taking this road we came to the edge of a farm field where Galloway #3 was observed (see photos 3, 4 and 5). Mr. Wake and Mr. Geary said about 15 gallons of waste acid were put down this well. The aboveground piping shown in photo 3 is attached to the wellhead for the oil well. It may be that the acid was discharged into the internal tubing of the well, which would be mostly filled with steel rods. A one-way valve in the pump at the bottom of the well would apparently prevent the waste acid from actually going down through to the formation. Since there would be little room for the acid to go

down, the space was filled and no further waste acid would go down. Photo 5 shows the electrical box that operates the well, and a sign identifies the well as EOR Energy LLC Galloway 3.

Galloway #4 (Oil Production Well). Driving east of Galloway #3 well along a dirt road we encountered Galloway #4 in the middle of a farm field. Photos 6, 7 and 8 show this well. The steel rods that are part of the internal well tubing are shown in photos 6 and 7. Mr. Wake and Mr. Geary indicated that they tried to put acid down the well, but nothing would go down. Photo 8 shows the electrical box that operates the well, and a sign identifying the well as EOR Energy LLC Galloway 4.

Galloway #1 (Gas Injection Well). This well is located almost directly east of Mr. Galloway's residence and is surrounded by farm fields. Photos 9, 10 and 11 show the well. Near the well are two sheds housing two different air compressors. According to Mr. Galloway, Mr. Wake and Mr. Geary, Galloway #1 is a gas injection well. Coal mine gas (methane) conveyed to the well via an underground pipe from the old coal mine is pumped down the well by the compressor(s). Apparently this method pressurizes or energizes the oil geological formation to make the oil flow towards the oil production wells. One of the compressors was said to be working, or has been in the past, while the other is not. Mr. Wake and Mr. Geary indicated one full tote of waste acid was discharged down this well. Apparently it took awhile to gravity-feed the waste acid down the well. Strong odors from the disposal of the waste acid were said to have been experienced by Mr. Wake and Mr. Geary at this particular well.

Galloway #2 (Salt Water Disposal Well). This well is located in the middle of farm fields north of Galloway #1. It was accessed by a dirt road. Photos 12 and 13 show parts of the well construction and associated shed. According to Mr. Wake and Mr. Geary, no acid was put down Galloway #2. Inside the shed is a pump for pumping salt water down into a geological formation. Salt water, also known as brine water, is pumped out of a geological formation along with the oil from an oil production well. Separator tanks in the vicinity of the wells separate the oil from the salt water. Oil and the water separate into 2 distinct phases in the separator tanks; oil being lighter than salt water forms the upper layer. When the separation is completed, the oil is pumped to adjacent tanks for storage until it can be transported to an oil refinery. Salt water is pumped into adjacent tanks where it resides until being discharged down salt water disposal wells in the same geologic formation as the well, or to a different formation. Mr. Wake and Mr. Geary said that none of the acid was disposed down into Galloway #2.

We came back to the Galloway Lease at the end of the investigation to take photographs 14, 15 and 16. The narrow upright metal tanks (referred to "gunbarrels" by Mike Cook) are apparently the separator tanks where the oil and salt water separate into distinct phases. The larger round tanks would either be the tanks accumulating salt water or oil.

April 19, 2005 Investigation of EOR Site 1 (Rink/Truax Leases)
The Rink and Truax Leases (hereafter referred to as Rink/Truax Leases) are adjacent to each other on farm fields located north of 2050 North Road (also known as the Edinburg Blacktop). An un-paved road heads north from the 2050 North Road between the Rink/Truax Leases.

Prior to inspecting the wells, we drove to the residence of Mr. Charles Truax where Mr. Truax and his son were met. Mike Cook (USEPA) contacted Mr. Truax, one of the property owners, for permission to inspect EOR Site 1. Mr. Cook had also obtained in a telephone conversation verbal permission to inspect the EOR Site 1 from Mr. John Homeier, the Trustee for the South Fork Land Trust (Rink Lease). Introductions were made and Mr. Truax was informed of our intention to inspect the oil wells on his property. Mr. Truax already knew some of the details of the USEPA investigation. After a short discussion, we left Mr. Truax's residence and proceeded to inspect the wells at the Rink/Truax Leases. Photos 1 through 17 indicated in the following narrative relate to LPC 0218145010, South Fork Township/EOR Energy Site 1.

The following information relates to the observations at the EOR Site 1 (Rink/Truax Leases) in the order of inspection:

Rink #4 (Oil Production Well). We drove to a un-paved road located north of Mr. Truax's residence off of 2050 North. Walking east of the road into a farm field we observed the well Rink #4 (see photos 1 and 2). According to Mr. Wake and Mr. Geary, it took about 2 hours to put about 25 gallons of waste acid down this oil production well. When it was apparent that no further acid was going down, they stopped adding the acid.

Rink Lease Separator Tank, and Tanks for Salt Water and Oil. Photo 3 shows these tanks setting along the un-paved road west of the other Rink wells. The tall, thin tank is apparently the separator tank where salt water and oil separate into phases. The other 2 tanks are for storage of the separated oil and brine.

Rink #6 (Oil Production Well). Walking east of the dirt road and north of Rink #4 was this production well (see photos 4, 5 and 6). It was noted that the sign for this well (see photo 6) identified the well as Rink #3. However, Mr. Pulliam said IDNR/OMM has the well designated as Rink #6. It is the IDNR designation that will be used for this report. According to Mr. Wake and Mr. Geary, no waste acid went down this well.

Rink #1 (Salt Water Disposal Well). This well is located east of the un-paved road and north of Rink #4 and #6 (see photos 7 and 8). A shed with a compressor is located adjacent to the well. A pipe from the compressor is connected to the wellhead, indicating that coal mine gas can be pumped down this well into an underlying geological formation. According to Mr. Wake and Mr. Geary, about 7 totes of the waste acid were dumped down this particular well. Apparently, there are no internal obstructions (steel rods, packer, etc.) preventing the liquid from going down the well, which made it easier to discharge as much acid as Mr. Wake and Mr. Geary wanted. Attachment 3 shows Mr. Pulliam's rendition of the well design. There was said to be about 3 back flushes of salt water made in the well. The back flushes followed a discharge of acid into the well. The salt water was pumped from one of the adjacent brine storage tanks.

Truax Lease Separator Tank, and the Salt Water and Oil Tanks. Photo 9 shows these tanks setting along the dirt road west of the dirt road and west of Rink #1. The tall, thin tank is apparently the separator tank where salt water and oil separate into phases. The other 2 tanks store the separated oil and brine.

Truax #1 (Oil Production Well). This oil production well is located south of the above-mentioned tanks in a farm field. Photos 10, 11 and 12 show the well and the associated equipment. According to Mr. Wake and Mr. Geary, no waste acid was dumped into this well.

Truax #3 (Oil Production Well). This oil production well is located south of Truax #1 in a farm field (see photos 13, 14 and 15). According to Mr. Wake and Mr. Geary, only about 25 gallons of waste acid was put down this well. When it was apparent that no further acid would go down the well, they stopped adding it.

Rink # 3 (Oil Production Well). This oil production well is located northeast of Rink #1 (SWD). To get to the well we had to get back on 1050 North Road and drive east a short distance to a road heading north next to the Sangchris Corner Store. The road continued past a locked gate, which Mr. Wake had a key for, to a small grassy strip of ground with a pavilion-type of shed. Rink #3 was northeast of the grassy lot and in a farm field. It does not have electricity supplied to it, so it had to be operated with a gas motor. Photos 16 and 17 show the well. It was noted that the sign for this well (see photo 6) identified the well as Rink #6, but that the IDNR/OMM has it identified as Rink #3. It is the IDNR designation that will be used for this report. According to Mr. Wake and Mr. Geary, no waste acid was put down this well.

Attachments to the Inspection Report

1. Attachment 1. A copy of a uniform hazardous waste manifest from the Texas Commission on Environmental Quality indicating 1000 gallons of hazardous corrosive waste from Kincaid P&P were shipped offsite to SET Environmental, Inc. in Houston, Texas on April 14, 2005

2. Attachment 2. A copy of IDNR/OMM's information of the wells for the Galloway Lease, the Rink Lease and the Truax Lease.

3. Attachment 3. Two diagrams were drawn by Mr. Pulliam of IDNR/OMM representing the construction of the Galloway #3 oil production well at the Galloway Lease, and the Rink #1 salt water disposal well at the Rink Lease.

Miscellaneous

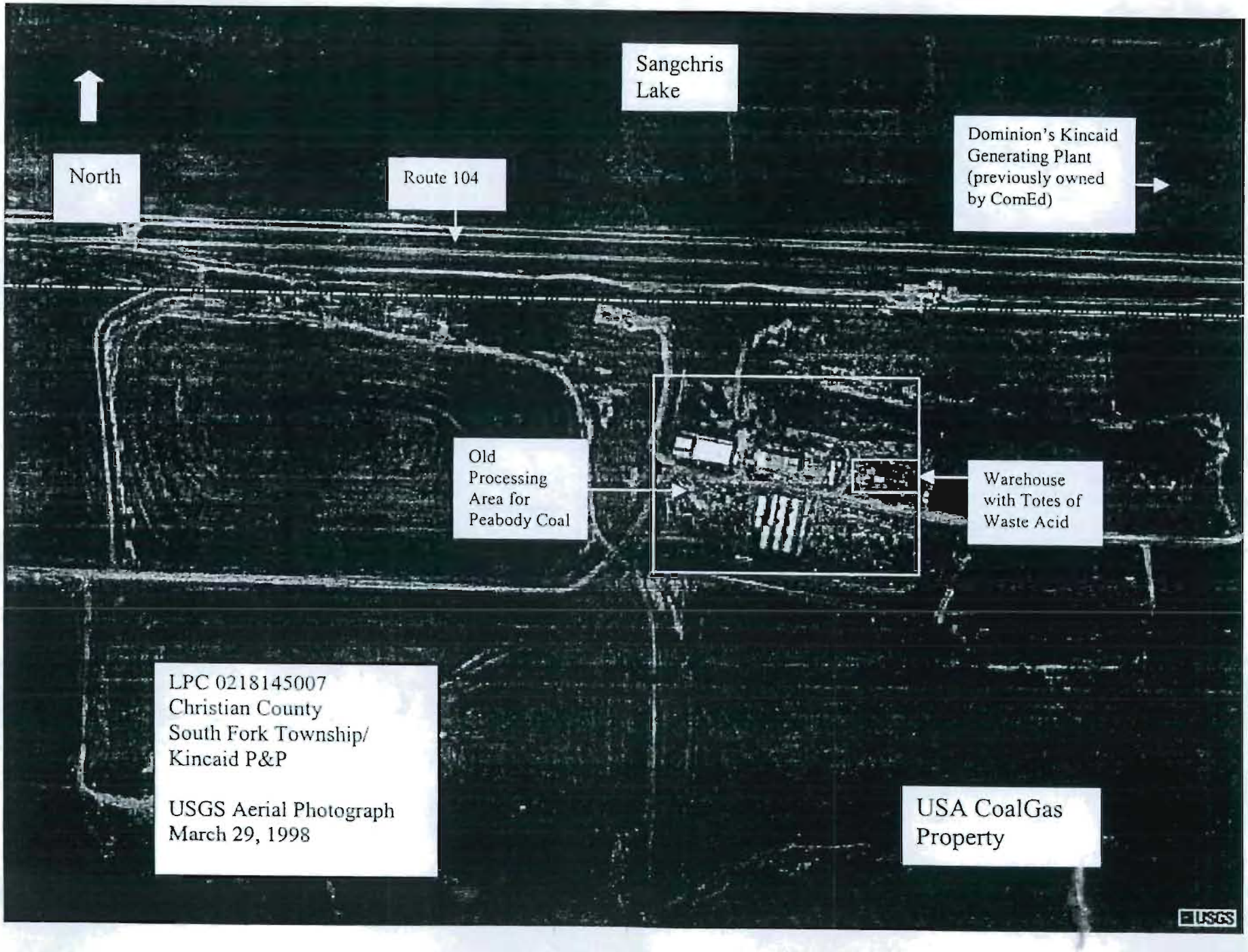
Mr. Wake and Mr. Geary indicated the following:

7 totes of acid were emptied into Rink #1 (Salt Water Disposal Well).
1 tote of acid was dumped into Galloway #1 (Gas Injection Well).
The remaining acid was distributed between Galloway #3 (@ 15 gallons), Galloway #4 (a small amount), and Rink #4 (@ 25 gallons).

It was noted that the copy of the manifest for waste acid sent offsite to Texas indicated 1000 gallons were shipped. During the November 17, 2004 inspection at Kincaid P&P and USA CoalGas I observed 3 full totes of acid and 1 tote about ½ full of acid. The number of gallons in the totes was mentioned by Kincaid P&P personnel as being around 275 gallons. In using a figure of 280 gallons of liquid for full totes and 140 gallons in a ½ full tote, then 3 full totes of 280 gallons, and one that was about ½ full would be about 980 gallons. The manifest indicated about 1000 gallons were shipped offsite. So if 280 gallons is in a full tote, then about 1960 gallons of acid went down Rink #1 (Salt Water Disposal Well), about 280 gallons went down Galloway #1 (Gas Injection Well), and the remaining ½ tote of acid being accounted for went in Galloway #3 (@ 15 gallons), Galloway #4 (a small amount), and Rink #4 (@ 25 gallons).

Mr. Jansen took GPS locations at the various locations we visited. The information obtained is attached with this report.

cc: DLPC/FOS, Springfield Region
CCSWD, Joe Stepping
USEPA, Mike Cook
IDNR, Duane Pulliam
DLC, Dan Merriman


North
Sangchris Lake
Route 104
Dominion's Kincaid Generating Plant (previously owned by ComEd)
Old Processing Area for Peabody Coal
Warehouse with Totes of Waste Acid
LPC 0218145007
Christian County
South Fork Township/
Kincaid P&P
USGS Aerial Photograph
March 29, 1998
USA CoalGas Property
USGS

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY
SITE SKETCH

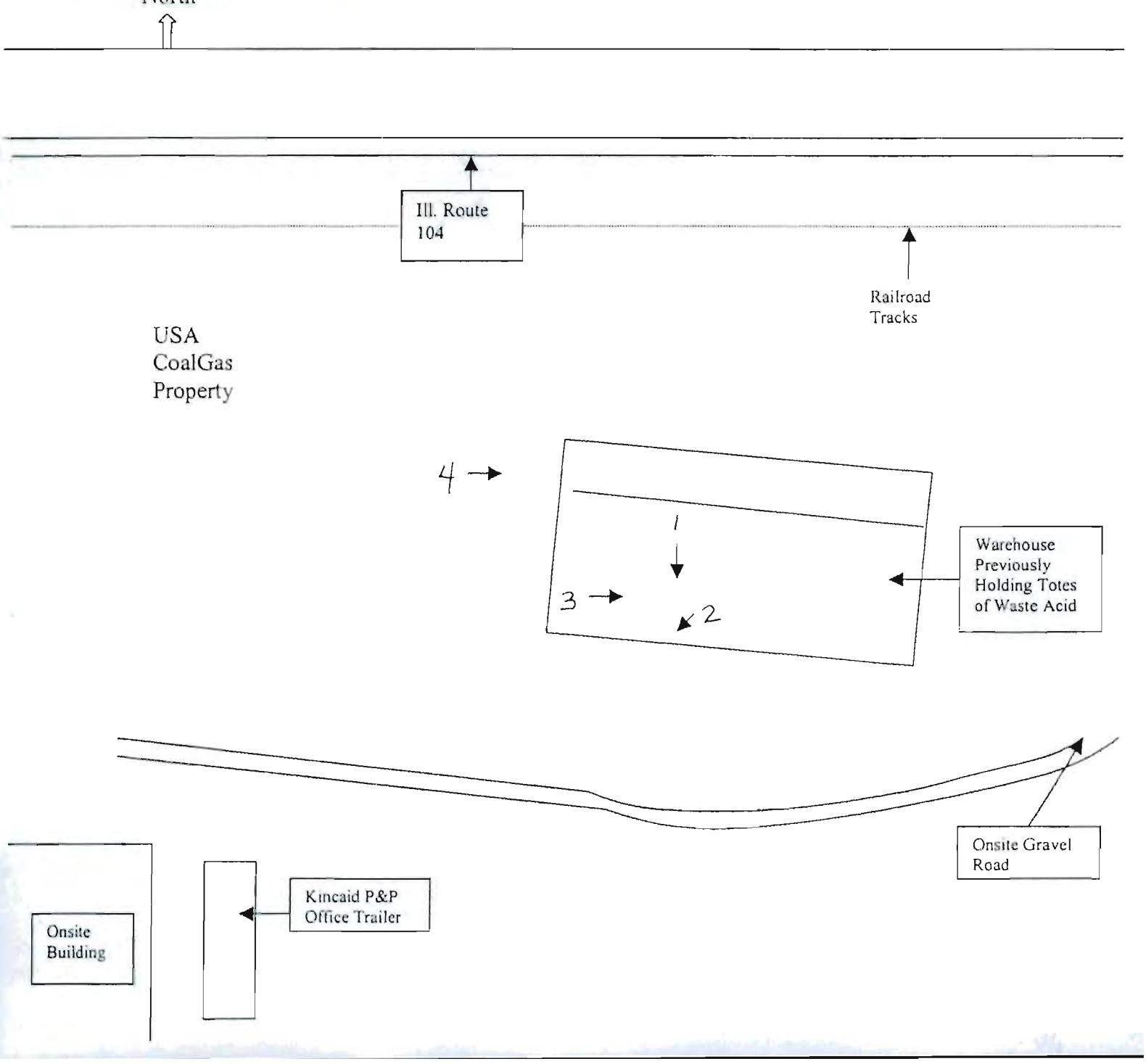
Date of Inspection: 04/19/2005
Site Code: 0218145007
Site Name: South Fork Township/Kincaid P&P

Inspector: Rich Johnson
County: Christian
Time: 10:15 am – 2:35 pm

Measurements Approximate

Not To Scale

Direction of Photo ↙



DIGITAL PHOTOGRAPHS

Date: 04/19/2005
Time: 10:34 am
Direction: South
Photo by: Rich Johnson
Exposure #: 001
Comments: Photograph shows the former location of the 3 full and one partially full totes of waste acid stored in the warehouse at USA CoalGas property. Note in the photo's foreground is a hose lying on the floor that was reportedly used to drain the waste acid into the oil field wells.

Date: 04/15/2005
Time: 10:35 am
Direction: Southwest
Photo by: Rich Johnson
Exposure #: 002
Comments: Photograph shows the former location of the 3 full and one partially full totes for the waste acid stored in the warehouse at USA CoalGas property. Note bags of product with high pH were stored adjacent to the waste acid.

File Names: 0218145007~04192005-[Exp. #].jpg

DIGITAL PHOTOGRAPHS

Date: 04/19/2005
Time: 10:36 am
Direction: East
Photo by: Rich Johnson
Exposure #: 003
Comments: Photo shows a hose lying on the floor in a warehouse at USA CoalGas where the waste acid was stored. The hose was reportedly used to drain the waste acid into the oil field wells.

Date: 04/15/2005
Time: 10:37 am
Direction: East
Photo by: Rich Johnson
Exposure #: 004
Comments: Photo shows a room in the warehouse at USA CoalGas where empty waste acid totes were previously stored.

0218145007~04192005.doc

File Names: 0218145007~04192005-[Exp. #].jpg

Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control

LPC #0218145010 — Christian County
South Fork Township/EOR Energy LLC Site 1
FOS File

DIGITAL PHOTOGRAPHS

Date: 04/19/2005
Time: 12:46 pm
Direction: Northeast
Photo by: Rich Johnson
Exposure #: 001
Comments: Photograph shows the location of Rink # 4 oil production well located on the Rink Lease.

Date: 04/19/2005
Time: 12:49 pm
Direction: Northeast
Photo by: Rich Johnson
Exposure #: 002
Comments: Photograph shows Rink # 4 oil production well located on the Rink Lease. Note the wellhead, and the associated pipes and valves.

File Names: 0218145010~04192005-[Exp. #].jpg

DIGITAL PHOTOGRAPHS

Date: 04/19/2005
Time: 12:57 pm
Direction: North/northeast
Photo by: Rich Johnson
Exposure #: 003
Comments: Photo shows a tank battery on the Rink Lease, west of Rink #4 and Rink #6 wells. Note the tall, thin tank separates the oil and brine water phases of the liquids pumped from the production wells. Brine water and oil go into the two other wells tanks behind the tall tank.

Date: 04/19/2005
Time: 1:03 pm
Direction: East/northeast
Photo by: Rich Johnson
Exposure #: 004
Comments: Photo shows the location of Rink # 6 oil production well located on the Rink Lease. Note that this well had been mis-identified as Rink #3.

File Names: 0218145010~04192005-[Exp. #].jpg

DIGITAL PHOTOGRAPHS

Date: 04/19/2005
Time: 1:04 pm
Direction: East
Photo by: Rich Johnson
Exposure #: 005
Comments: Photo shows a sign on a pole adjacent to Rink # 6 oil production well. Note that this well had been mis-identified as Rink #3.

Date: 04/19/2005
Time: 1:04 pm
Direction: North/northeast
Photo by: Rich Johnson
Exposure #: 006
Comments: Photo shows the location of Rink # 6 oil production well located on the Rink Lease. Note that this well had been mis-identified as Rink #3.

File Names: 0218145010~04192005-[Exp. #].jpg

DIGITAL PHOTOGRAPHS

Date: 04/19/2005
Time: 1:11 pm
Direction: Northeast
Photo by: Rich Johnson
Exposure #: 007
Comments: Photo shows Rink #1 salt water disposal well with gas injection located on the Rink Lease. Note the wellhead and associated pipes. The shed with an air compressor is located left (to the west) of the wellhead.

Date: 04/19/2005
Time: 1:11 pm
Direction: East
Photo by: Rich Johnson
Exposure #: 008
Comments: Photo shows a sign on a pole located near the Rink #1 salt water disposal well located on the Rink Lease.

File Names: 0218145010~04192005-[Exp. #].jpg

DIGITAL PHOTOGRAPHS

Date: 04/19/2005
Time: 1:19 pm
Direction: North
Photo by: Rich Johnson
Exposure #: 009
Comments: Photo shows a tank battery on the Truax Lease, west of Rink #1 well. Note the tall, thin tank separates the oil and brine water phases of the liquids pumped from the production wells. Brine water and oil go into the two other wells tanks near the tall tank.

Date: 04/19/2005
Time: 1:20 pm
Direction: West/southwest
Photo by: Rich Johnson
Exposure #: 010
Comments: Photo shows Truax #1 oil production well located on the Truax Lease.

File Names: 0218145010~04192005-[Exp. #].jpg

Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control

LPC #0218145010 — Christian County
South Fork Township/EOR Energy LLC Site 1
FOS File

DIGITAL PHOTOGRAPHS

Date: 04/19/2005
Time: 1:21 pm
Direction: South/southwest
Photo by: Rich Johnson
Exposure #: 011
Comments: Photo shows a sign for the Truax #1 oil production well located on the Truax Lease.

Date: 04/19/2005
Time: 1:23 pm
Direction: Southeast
Photo by: Rich Johnson
Exposure #: 012
Comments: Photo shows Truax #1 oil production well located on the Truax Lease. Note the wellhead and the pipes and valves associated with the well.

File Names: 0218145010~04192005-[Exp. #].jpg

DIGITAL PHOTOGRAPHS

Date: 04/19/2005
Time: 1:28 pm
Direction: West
Photo by: Rich Johnson
Exposure #: 013
Comments: Photo shows Truax #3 oil production well located on the Truax Lease.

Date: 04/19/2005
Time: 1:28 pm
Direction: West
Photo by: Rich Johnson
Exposure #: 014
Comments: Photo shows the electrical box and a sign adjacent to Truax #3 oil production well. Note the wording on the sign identifies the previous operator of the well as "E & L McEndree Corp."

File Names: 0218145010~04192005-[Exp. #].jpg

Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control

LPC #0218145010 — Christian County
South Fork Township/EOR Energy LLC Site 1
FOS File

DIGITAL PHOTOGRAPHS

Date: 04/19/2005
Time: 1:31 pm
Direction: Northwest
Photo by: Rich Johnson
Exposure #: 015
Comments: Photo shows Truax #3 oil production well located on the Truax Lease. Note the wellhead and associated pipes and valves.

Date: 04/19/2005
Time: 1:42 pm
Direction: Southwest
Photo by: Rich Johnson
Exposure #: 016
Comments: Photo shows Rink #3 oil production well located in the northeast region of the Rink Lease. Note the well does not have electricity service to it, instead being operated with a generator. It should also be noted that this well had been mis-identified as Rink #6.

File Names: 0218145010~04192005-[Exp. #].jpg

Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control

LPC #0218145010 — Christian County
South Fork Township/EOR Energy LLC Site 1
FOS File

DIGITAL PHOTOGRAPHS

Date: 04/19/2005
Time: 1:44 pm
Direction: East
Photo by: Rich Johnson
Exposure #: 017
Comments: Photo shows the sign adjacent the Rink # 3 oil production well. Note the sign identifies the well as Rink #6, but the well is actually Rink # 3.

0218145010~04192005.doc

File Names: 0218145010~04192005-[Exp. #].jpg

Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control

LPC #1678075007 — Sangamon County
Cotton Hill Township/EOR Energy LLC Site 2
FOS File

DIGITAL PHOTOGRAPHS

Date: 04/19/2005
Time: 11:07 am
Direction: North
Photo by: Rich Johnson
Exposure #: 001
Comments: Photograph shows an aerial photograph of the Galloway lease property. Note the bottom of the photograph is actually north.

Date: 04/19/2005
Time: 11:08 am
Direction: North
Photo by: Rich Johnson
Exposure #: 002
Comments: Photograph shows an aerial photograph of the Galloway lease property. Note the bottom of the photo is actually north.

File Names: 1678075007~04192005-[Exp. #].jpg

DIGITAL PHOTOGRAPHS

Date: 04/19/2005
Time: 11:16 am
Direction: North/northwest
Photo by: Rich Johnson
Exposure #: 003
Comments: Photo shows Galloway #3 production well located in the southwest region of the Galloway lease.

Date: 04/19/2005
Time: 11:16 am
Direction: Northwest
Photo by: Rich Johnson
Exposure #: 004
Comments: Photo shows Galloway #3 production well located in the southwest region of the Galloway lease. Note the wellhead and the associated pipes and valves.

File Names: 1678075007~04192005-[Exp. #].jpg

Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control

LPC #1678075007 — Sangamon County
Cotton Hill Township/EOR Energy LLC Site 2
FOS File

DIGITAL PHOTOGRAPHS

Date: 04/19/2005
Time: 11:24 am
Direction: West
Photo by: Rich Johnson
Exposure #: 005
Comments: Photo shows the electrical box and sign for the Galloway #3 production well located in the southwest region of the Galloway lease.

Date: 04/19/2005
Time: 11:31 am
Direction: East/southeast
Photo by: Rich Johnson
Exposure #: 006
Comments: Photo shows Galloway #4 production well located in the southeast/southcentral region of the Galloway lease.

File Names: 1678075007~04192005-[Exp. #].jpg

Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control

LPC #1678075007 — Sangamon County
Cotton Hill Township/EOR Energy LLC Site 2
FOS File

DIGITAL PHOTOGRAPHS

Date: 04/19/2005
Time: 11:31 am
Direction: Southeast
Photo by: Rich Johnson
Exposure #: 007
Comments: Photo shows Galloway #4 production well located in the southeast/southcentral region of the Galloway lease. Note the wellhead, rods, and the associated pipes and valves.

Date: 04/19/2005
Time: 11:31 am
Direction: Northeast
Photo by: Rich Johnson
Exposure #: 008
Comments: Photo shows the electrical box and sign for the Galloway #4 production well located in the southeast/southcentral region of the Galloway lease.

File Names: 1678075007~04192005-[Exp. #].jpg

DIGITAL PHOTOGRAPHS

Date: 04/19/2005
Time: 11:36 am
Direction: West
Photo by: Rich Johnson
Exposure #: 009
Comments: Photo shows Galloway #1 gas injection well located in the western region of the Galloway lease. Note the house in the background (owned by Glenn Galloway), and to the right of the house a tank battery for oil and other fluids.

Date: 04/19/2005
Time: 11:42 am
Direction: Southeast
Photo by: Rich Johnson
Exposure #: 010
Comments: Photo shows Galloway #1 gas injection well located in the western region of the Galloway lease. Note the wellhead, and the associated pipes and valves.

File Names: 1678075007~04192005-[Exp. #].jpg

DIGITAL PHOTOGRAPHS

Date: 04/19/2005
Time: 11:43 am
Direction: Southwest
Photo by: Rich Johnson
Exposure #: 011
Comments: Photo shows the electrical box and sign for the Galloway #1 gas injection well located in the western region of the Galloway lease. Note that the sign identifies the well as Galloway #5, but the well has been reassigned the designation of Galloway #1.

Date: 04/19/2005
Time: 11:54 am
Direction: North
Photo by: Rich Johnson
Exposure #: 012
Comments: Photo shows Galloway #2 salt water disposal well located in the central/northcentral region of the Galloway lease. Note the wellhead, and the associated pipes. A small shed with a pump is located just west (left) of the well.

File Names: 1678075007~04192005-[Exp. #].jpg

Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control

LPC #1678075007 — Sangamon County
Cotton Hill Township/EOR Energy LLC Site 2
FOS File

DIGITAL PHOTOGRAPHS

Date: 04/19/2005
Time: 11:57 am
Direction: North
Photo by: Rich Johnson
Exposure #: 013
Comments: Photo shows the interior of a small shed with a pump and an electrical box associated with Galloway #2 salt water disposal well. The well is located in the centralnorthcentral region of the Galloway lease.

Date: 04/19/2005
Time: 2:30 pm
Direction: Northwest
Photo by: Rich Johnson
Exposure #: 014
Comments: Photo shows the tank battery located along Cotton Hill Road. Note the thin, tall tanks used for separating the water and oil phases of the liquids pumped from the oil production wells. The other tanks hold brine water and oil.

File Names: 1678075007~04192005-[Exp. #].jpg

Illinois Environmental Protection Agency
Bureau of Land
Division of Land Pollution Control

LPC #1678075007 — Sangamon County
Cotton Hill Township/EOR Energy LLC Site 2
FOS File

DIGITAL PHOTOGRAPHS

Date: 04/19/2005
Time: 2:31 pm
Direction: South
Photo by: Rich Johnson
Exposure #: 015
Comments: Photo shows the tank battery located along Cotton Hill Road. Note the thin, tall tanks used for separating the water and oil phases of the liquids pumped from the oil production wells. The other tanks hold brine water and oil.

Date: 04/19/2005
Time: 2:32 pm
Direction: Southeast
Photo by: Rich Johnson
Exposure #: 016
Comments: Photo shows the tank battery located along Cotton Hill Road. Note the thin, tall tanks used for separating the water and oil phases of the liquids pumped from the oil production wells. The other tanks hold brine water and oil.

1678075007~04192005.doc

File Names: 1678075007~04192005-[Exp. #].jpg

ATTACHMENT 1

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
P.O. Box 13087
Austin, Texas 78711-3087

Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form approved. OMB No. 2050-0039.

UNIFORM HAZARDOUS WASTE MANIFEST

1. Generator's US EPA ID No. — Manifest Document No. — 2. Page 1 of 1 — Information in the shaded areas is not required by Federal law.

3. Generator's Name and Mailing Address
KINCAID P & P
ZENOBIA ROAD OFF ROUTE 104
PAWNEE, IL 62558
4. Generator's Phone ( ) 333-8513

A. State Manifest Document Number: 3497567
B. State Generator's ID: D0017

5. Transporter 1 Company Name: SET ENVIRONMENTAL, INC.
6. US EPA ID Number
C. State Transporter's ID: 40835
D. Transporter's Phone: 847 537-9221

7. Transporter 2 Company Name
8. US EPA ID Number
E. State Transporter's ID
F. Transporter's Phone

9. Designated Facility Name and Site Address
SET ENVIRONMENTAL, INC.
5743 CHESWOOD
HOUSTON, TX 77087
10. US EPA ID Number: TXD055135388
G. State Facility's ID: 50267
H. Facility's Phone: 713 645-8710

11A. HM	11. US DOT Description (including Proper Shipping Name, Hazard Class, ID Number and Packing Group)	12. Containers No.	Type	13. Total Quantity	14. Unit Wt/Vol	I. Waste No.
	a. WASTE CORROSIVE LIQUIDS, ACIDIC INORGANIC, N.O.S (NITRIC ACID, PHOSPHORIC ACID) 8 UN3264 PGII	004	TT	1.000	G	D002 OUTS113H
	b.					
	c.					
	d.					

J. Additional Descriptions for Materials Listed Above
APPROVAL#294-49402 (4X275 GAL TOTES)

K. Handling Codes for Wastes Listed Above
11A.)

15. Special Handling Instructions and Additional Information
EMERGENCY CONTACT# (3030) 333-8521 AET ENVIRONMENTAL
EMERGENCY RESPONSE GUIDEBOOK MAINTAINED ON VEHICLE.
NOTIFICATION OF WASTE RESTRICTED FROM LAND DISPOSAL FORM ATTACHED.

16. **GENERATOR'S CERTIFICATION:** I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packaged, marked, and labelled/placarded, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations, including applicable state regulations.
If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name: Rick Wake — Signature: R L Wake — Month 4 Day 14 Year 05

17. Transporter 1 Acknowledgement of Receipt of Materials
Printed/Typed Name: ANDREW DEBOER — Signature: Andrew deBoer — Date: Month 04 Day 14 Year 05

18. Transporter 2 Acknowledgement of Receipt of Materials
Printed/Typed Name — Signature — Date: Month Day Year

19. Discrepancy Indication Space

20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.
Printed/Typed Name — Signature — Date: Month Day Year

TCEQ-0311 (Rev. 09/01/02) White - original Pink-TSD Facility Yellow-Transporter Green-Generator's first copy

SET Environmental, Inc.
5738 Cheswood Street - Houston, TX 77087
713-645-8710 // 800-598-7328 // Fax: 713-649-1027

NOTIFICATION FOR WASTE RESTRICTED FROM LAND DISPOSAL

I. GENERAL INFORMATION

GENERATOR KINCAID P & P
MAILING ADDRESS ZENOBIA ROAD OFF ROUTE 104
CITY, STATE ZIP PAWNEE, IL 62558

U.S. EPA ID No: ILR000132928
State Manifest Document Number: 3497567
Manifest Document Number: 97567

II. LAND DISPOSAL RESTRICTION TABLE

Approval Number	RCRA Waste Code	Subcategory Codes (From Table I)	F-Solvent (Table II) or UHC Codes (Table III)	Treatability Group (WW) or (NWW)
294-49402	D002			NWW
	D007			NWW

III. CERTIFICATION

I am supplying this notification to SET Environmental, Inc. in accordance with the provisions of 40 CFR 268.7. I have determined that the material described above is restricted from land disposal and must be treated to conformance with the treatment standards specified in 40 CFR 268.40 and 268.48.

I hereby certify that all information supplied above is complete and accurate to the best of my knowledge and ability to determine that no omissions or errors exist.

Rick Wake
SIGNATURE

Rick Wake
NAME (Printed or Typed)

Foreman
TITLE

4-14-05
DATE

Copy Distribution: One copy to T1; One copy to Generator

SET Environmental, Inc.
450 Sumac Road Wheeling, Illinois 60090
847/537-9221 IL 9981957236

Order Date ____
Schedule Date 4-7
Driver ANDY D
Tractor 1982 Trailer V7

GENERATOR/SHIPPER
Company KINCAID F+P
Address ZENDA NON OFF ROUTE 124
USEPA ID# ____
IL GEN# ____
Shipping Address ____

Phone ____ Contact ____ PO# ____

TREATMENT/DISPOSAL FACILITY
Name SET ENVIRONMENTAL INC
5743 CHESWOOD
Address HOUSTON, TX
USEPA ID# ____
IL SITE# ____
Phone ____
Date & Time Scheduled ____

Comments to Driver ____

S #	# OF UNIT	TYPE OF UNIT(S)	VOLUME	WASTE NAME	SET NO	TSDF'S AUTH. NO	STATE AUTH. NO.
1	4	TP	1000 G				
2	8	TP	MT				
3							
4							

S #	PROPER SHIPPING NAME OR DESCRIPTION	HAZARD CLASS	UN or NA NUMBER	USEPA HAZ. I.D.#
1				
2				
3				
4				

This is to certify that the above named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation; and I understand that I am responsible for any costs incurred due to non-compliance of these regulations.

Signature R. L. Wake Date 4-14-05 Manifest No. TX3497567

Loading 5:30 PM (ARRIVAL) 6:15 PM (DEPARTURE) ____ (TOTAL) Unloading ____ (ARRIVAL) ____ (DEPARTURE) ____ (TOTAL) ____ (DATE)

Comments From Driver ____

103-01 12/86

South Fork Twp. / Kincaid P&P Compliance File

ILLINOIS DEPARTMENT OF NATURAL RESOURCES
OFFICE OF MINES AND MINERALS
DIVISION OF OIL AND GAS
ONE NATURAL RESOURCES WAY
SPRINGFIELD, ILLINOIS 62702-1271
(217) 524-6570 - PHONE
(217) 524-4819- FAX

FAX COVER SHEET

FAX NUMBER TRANSMITTED TO: (27) 786-6357

To: Rich Johnson IEPA

From: Duane Pullian

Client/Matter: E. O. R. Energy, LLC

4:20 p.m.

Date: 4/5/05

DOCUMENTS	NUMBER OF PAGES*
	1 of 7

COMMENTS:

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CONTACT JAN @ (217)524-6570 or @ <jfitzpatrick@dnrmail.state.il.us>.

REF #	OPER #	WELL NAME	LOCATION	SEC	TWN	RGE	TYPE	STAT	COUNTY
10358	3869	GALLOWAY #2 SWD	1002S 0978E NWc NE SW	32	14N	04W	SWD	A	SANGAMON
141017	3869	GALLOWAY #1 INJECTION	0330S 0386W NEc SE SW	32	14N	04W	GI	A	SANGAMON
141019	3869	GALLOWAY #3	0330N 0355E SWc SE SW	32	14N	04W	O	A	SANGAMON
141020	3869	GALLOWAY #4	0660N 1320E SWc SE SW	32	14N	04W	O	A	SANGAMON
142929	3869	RINK #1 DISPOSAL	0330S 0330E NWc	20	14N	03W	SWD	A	CHRISTIAN
142930	3869	RINK #3	0330N 0330E SWc SE SW	17	14N	03W	O	A	CHRISTIAN
142931	3869	RINK #4	0330S 0330E NWc SW NW	20	14N	03W	O	A	CHRISTIAN
142932	3869	RINK #6	0348N 0330E SWc NW NW	20	14N	03W	O	A	CHRISTIAN
142933	3869	TRUAX #1	0330S 0330W NEc	19	14N	03W	O	A	CHRISTIAN
142934	3869	G. TRUAX #3	0330N 0330W SEc NE NE	19	14N	03W	O	A	CHRISTIAN

42929 PERM #: 201004 OLD/NEW PERMITTEES: 218/3869
RINK #1 DISPOSAL
ENERGY, LLC
R DATE: 5/30/97 TRANSACTION #: 002787

142929

1 2

STATE OF ILLINOIS

Nº 201004

DEPARTMENT OF MINES AND MINERALS

DIVISION OF OIL AND GAS

SALT WATER DISPOSAL

AUTHORITY TO CONSTRUCT AND OPERATE AN ~~INJECTION~~ WELL

E & L McEndree Corp.
P.O. Box 484
Benton, IL 62812

CONVERSION - PERMIT #2133 ISSUED 9-21-60 TO JACK ROBINSON.

RINK #1 DISPOSAL
Sec. 20 Twp. 14N Rge. 3W
County CHRISTIAN

January 22, 1993
Springfield, Ill.

This is your authority under the Illinois Oil and Gas Act to construct and operate an injection well on the above-described premises. Exact location to be 330'S and 330'E of the NW corner.

Injection interval(s) as follows: Silurian 1688'-1714'

Surface elevation GL589 feet (MSL) Drilling Contractor

This permit expires one year from date issued unless operations commence prior thereto.

This permit is issued subject to the following conditions:

1. Install tubing and packer under supervision of division well inspector.
2. Prior to injection, conduct a mechanical integrity test at a minimum of 300 PSI for 30 minutes under supervision of a division well inspector.
3. Maximum injection rate and pressure: 20 BBLS/DAY 500 PSI
4. Set a minimum of of surface casing and circulate cement under supervision of well inspector.
5. INJECTION ALLOWED ONLY WHILE PRODUCING WELLS ON LEASE ARE PUMPING.

DIVISION OF OIL AND GAS

A legible copy of this permit shall be posted at Wellsite before drilling commences. If necessary to plug this well contact:

Springfield District, 217-524-1496 Gary Buzzard 217-676-2126

DIVISION WELL INSPECTOR

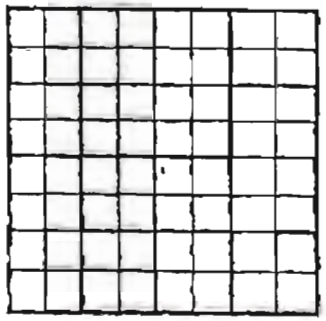
DIVISION SUPERVISOR

X10187 1M SETS 1-91

STATE OF ILLINOIS
DEPARTMENT OF NATURAL RESOURCES
Office of Mines and Minerals
Division of Oil and Gas

No. 202036
Date Issued: 9/9/99
Reference #: 141017

PERMIT TO DRILL AND/OR OPERATE A WELL FOR: [redacted] GAS INJECTION



This permit expires one year from date of issuance unless drilling or conversion operation are commenced prior thereto

PERMITTEE:
PERMITTEE NO. 3869
E.O.R. ENERGY, LLC
5915 N. BROADWAY
DENVER, CO 80216

WELL NAME: GALLOWAY #1 INJECTION
LOCATION: 0330S 0386W NEc SE SW
SEC: 32 TWP: 14N RGE: 04W COUNTY: SANGAMON
INJECTION INTERVAL(S) AS FOLLOWS:
SILURIAN 1729'-1744',

PERMIT CONDITIONS:
1. INSTALL TUBING AND PACKER UNDER SUPERVISION OF DIVISION WELL INSPECTOR
2.PRIOR TO INJECTION, CONDUCT A MECHANICAL INTEGRITY TEST A MINIMUM OF 300 PSI FOR 30 MINUTES UNDER SUPERVISION OF A DIVISION WELL INSPECTOR.
3. MAXIMUM INJECTION RATE AND PRESSURE: 700 BBLS/DAY; 700 PSI.
4. SET AND CEMENT AT LEAST NONE FT. OF SURFACE CASING, OR WITH APPROVAL OF DISTRICT MANAGER, SET AND CEMENT SURFACE CASING TO TOP OF BEDROCK AND CIRCULATE CEMENT TO SURFACE BEHIND LONGSTRING FROM CEMENT BASKET SET AT NONE FT , UNDER SUPERVISION OF WELL INSPECTOR.
5 CONVERSION - PERMIT #025640 ISSUED 8-10-83 TO OIL, GAS & MINERALS, INC
6 INJECTION ALLOWED ONLY WHILE PRODUCING WELLS ON LEASE ARE PUMPING

This permit or a legible photocopy shall be posted at the wellsite before drilling commence. If necessary, to plug this well, notify

SPRINGFIELD (217) 524-1673
District Office

This permit is conditioned upon compliance with the requirements of the Illinois Oil and Gas Act and the implementing regulations and authorizes the drilling and operation of the above described well

Division of Oil and Gas

Division Supervisor

10358 PERM #: 028255 OLD/NEW PERMITTEES: 1860/3667
WELL: GALLOWAY #2 SWD
E.O.R. ENERGY, LLC
TRANSFER DATE: 6/04/97 TRANSACTION #: 002809

TE OF ILLINOIS

ENT OF MINES AND MINERALS

DIVISION OF OIL AND GAS

X BV

№ 28255
10358

AUTHORITY TO DRILL AND OPERATE A WELL

Oil, Gas & Minerals, Inc.
Box 209
Taylorville, IL 62568

CONVERSION PERMIT #27331 Dated 10-26-83

GALLOWAY #2 SWD
Sec. 32 Twp. 14N Rge. 4W
County Sangamon

Springfield, Ill. December 15, 1983

SET AND CEMENT A MINIMUM OF _____ OF SURFACE CASING.

This is your authority under the State Oil and Gas Conservation ~~Act, effective~~ July 29, 1941, as amended, and the Rules and Regulations of this Division, to drill and operate a well for SALT WATER DISPOSAL on the above described premises.

Exact location of well to be 1002'S and 978'E of the NW corner of the NE quarter of the SW quarter of the above described section.

Said well is to be drilled with Rotary tools to a contemplated depth of Burlington

Elevation G.L.594 Ft. Drilling Contractor Taylor Drilling Olney, IL

This permit expires one year from date of issuance unless drilling operations have commenced, prior thereto, or on completion of work specified herein.

Instructions for cuttings from this well are outlined in Paragraph _____ on reverse side of this permit.

This permit or legible photostatic copy must be posted at the well site before drilling commences. If necessary to plug this well, notify

Gary Buzzard 217-623-4012
Inspector

DIVISION OF OIL AND GAS

George R. Lane
Petroleum Engineer

The issuance of this permit by this Department and by the acceptance of this permit by the permittee, the permittee agrees that this shall constitute notice as required in Section 8H of Chapter 104, Illinois Revised Statutes.

SUBPART A: GENERAL PROVISIONS

Section 240.10 Definitions

"Act"--means the Illinois Oil and Gas Act [225 ILCS 725].

"Annular or casing injection/disposal well"--means a well into which fluids are injected between the surface casing and the well bore, the surface casing and the production casing, and/or the production casing and the tubing, or a well into which fluids are injected which does not have production casing, tubing and packer.

"Cement"--means all petroleum industry cements meeting the requirements set forth in "Specifications for Oil Well Cements and Cement Additives", API Standard 10A, January, 1974, published by the American Petroleum Institute, 1220 L Street, Northwest, Washington, D.C. 20005 (this incorporation does not include any later publications or editions), except as provided in Subpart K of this Part.

"Class II fluids" means:

Produced water and/or other fluids brought to the surface in connection with drilling, completion, workover and plugging of oil and natural gas wells; enhanced recovery operations; or natural gas storage operations;

Produced water and/or other fluids from above, which prior to re-injection have been:

used on site for purposes integrally associated to oil and natural gas well drilling, completion, workover and plugging, oil and gas production, enhanced recovery operations or natural gas storage;

chemically treated or altered to the extent necessary to make them usable for purposes integrally related to oil and natural gas well drilling, completion, workover and plugging, oil and gas production, enhanced recovery operations, or natural gas storage operations;

commingled with fluid wastes resulting from fluid treatments outlined above, provided the commingled fluid wastes do not constitute a hazardous waste under the Resource Conservation and Recovery Act;

Freshwater from groundwater or surface water sources which is used for purposes integrally related or associated with oil and natural gas well drilling, completion, workover and plugging, oil and gas production, enhanced recovery operations or natural gas storage;

Waste fluids from gas plants (including filter backwash, precipitated sludge, iron sponge, hydrogen sulfide and scrubber liquid) which are an integral part of oil and gas production operations; and waste fluids from gas dehydration plants (including glycol-based compounds and filter backwash) which are an integral part of natural gas storage operations, unless the gas plant or gas dehydration plant wastes are classified as hazardous under the federal Resource Conservation and Recovery Act.

"Class II UIC well"--means an Injection, Disposal or Commercial Disposal well into which fluids are injected:

Which are brought to the surface in connection with natural gas storage operations, or conventional oil or natural gas production, and may be commingled with wastewaters from gas plants which are an integral part of production operations unless those waters are classified as a hazardous waste at the time of injection;

For enhanced recovery of oil or natural gas; and

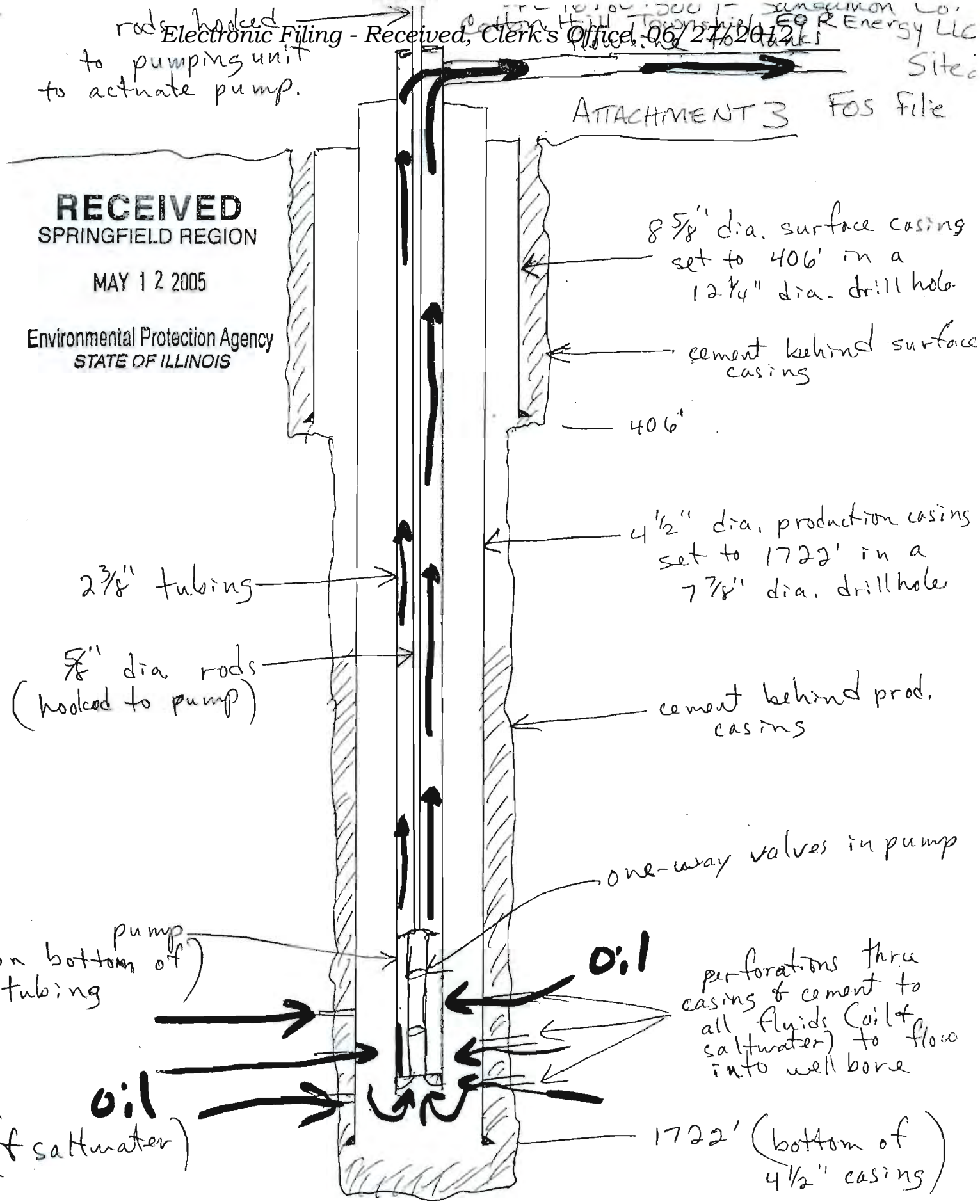
For storage of hydrocarbons which are liquid at standard temperature and pressure.

"Commercial Disposal Well"--means a permitted Class II well for which the permittee receives deliveries of Class II fluids by tank truck and charges a fee for the specific purpose of disposal of Class II fluids.

"Convert"--means to change an oil, gas, Class II UIC, water supply, observation or gas storage well to another of those types of wells, requiring the issuance of a new permit.

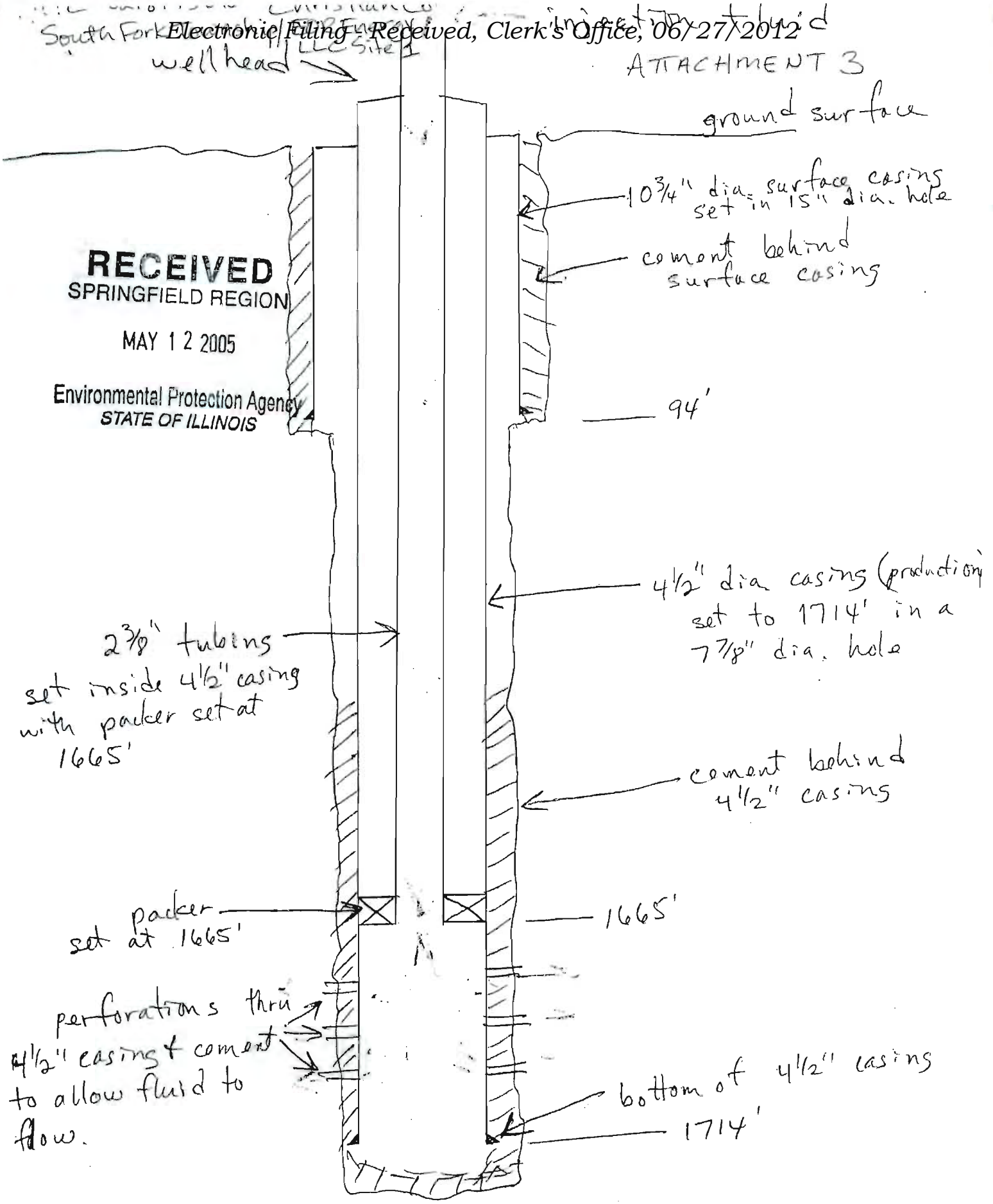
"Department"--means *the Department of Natural Resources, Office of Mines and Minerals of the State of Illinois.* (Section 1 of the Act)

"Directional Drilling"--means the controlled directional drilling when the bottom of the well bore is directed away from the vertical position.

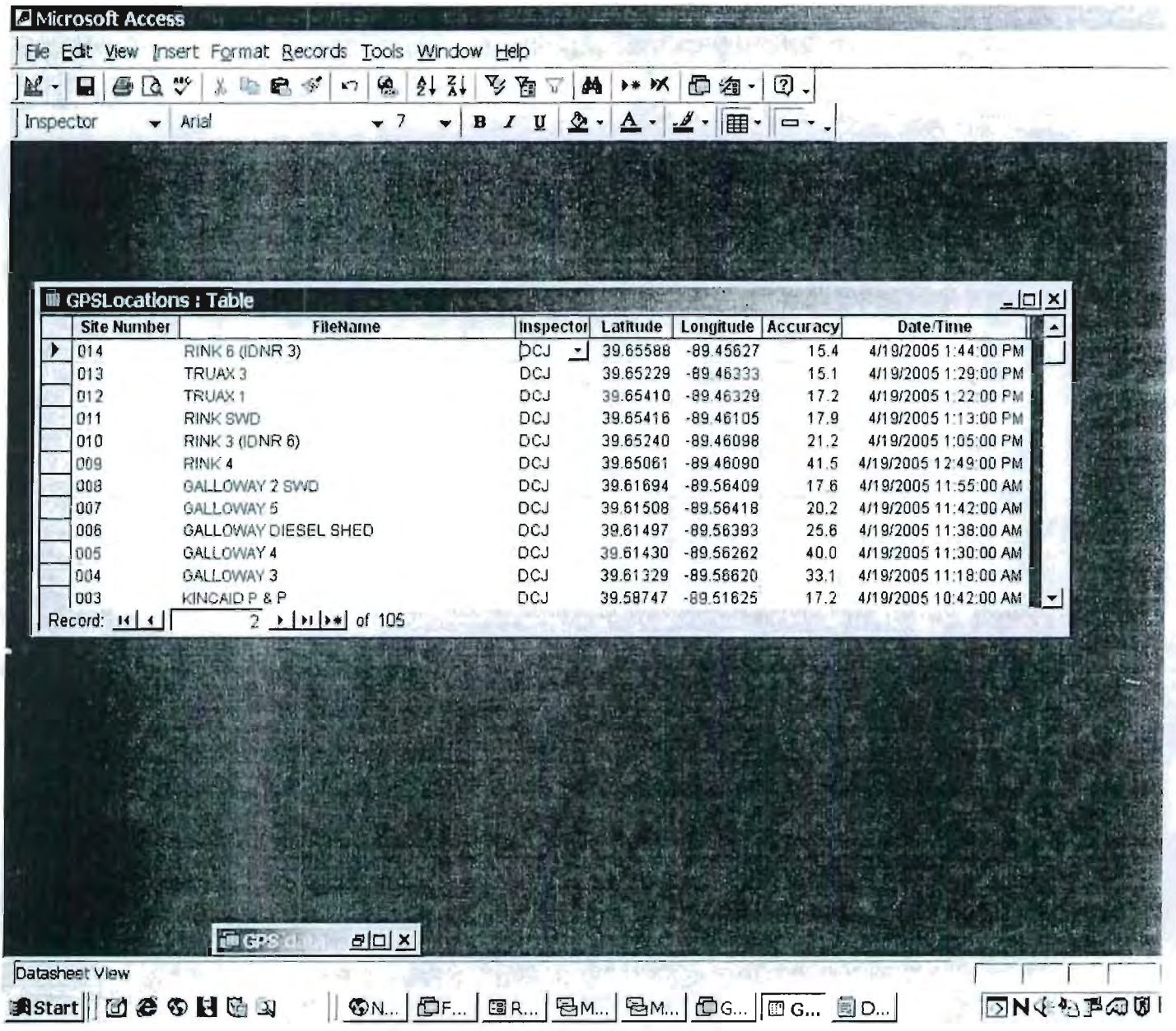


Galloway #3
well construction

ATTACHMENT 3



Rink #1 Disposal well construction



Above are the GPS data I obtained with BOL/FOS Springfield Region's Garmin GPSMAP 76S on 4/19/05.

The accuracy numbers are reported in feet, so each waypoint is accurate to plus or minus XX.X feet. The site number is the waypoint assigned by the GPS unit. The only 2 waypoints that were not recorded near a well were the waypoints collected near the Kincaid P & P shed, and the Galloway diesel engine shed. The Rink 6 and Rink 3 wells listed also include the correct IL DNR designations for the wells. "SWD" stands for "salt water disposal". The waypoints are listed in reverse chronological order.

David C. Jansen
Springfield Region Manager
Field Operations Section
Division of Land Pollution Control