APPENDIX A

Appendix A: Statutes and Regulations

A. Illinois Law

Section 12(g) of the Act, 415 ILCS 5/12(g) (2004)

No person shall:

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(g) Cause, threaten or allow the underground injection of contaminants without a UIC permit issued by the Agency under Section 39(d) of this Act, or in violation of any term or condition imposed by such permit, or in violation of any regulations or standards adopted by the Board or of any order adopted by the Board with respect to the UIC program.

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Section 21 of the Act, 415 ILCS 5/21 (2004)

No person shall:

* * *

(e) 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.

* * *

(f) Conduct any hazardous waste-storage, hazardous waste-treatment or hazardous waste-disposal operation:

(1) without a RCRA permit for the site issued by the Agency under subsection (d) of Section 39 of this Act, or in violation of any condition imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder; or

(2) in violation of any regulations or standards adopted by the Board under this Act; or

* * *

Section 3.185 of the Act, 415 ILCS 5/3.185 (2004)

"DISPOSAL" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste or hazardous waste into or on any land or water or into any well so that such waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

Section 3.205 of the Act, 415 ILCS 5/3.205 (2004)

"GENERATOR" means any person whose act or process produces waste.

Section 3.220 of the Act, 415 ILCS 5/3.220 (2004)

"HAZARDOUS WASTE" means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical , or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580, or pursuant to Board regulations.

Section 3.235 of the Act, 415 ILCS 5/3.235 (2004)

"INDUSTRIAL PROCESS WASTE" means any liquid, solid, semi-solid, or gaseous waste generated as a direct or indirect result of the manufacture of a product or the performance of a service. Any such waste which would pose a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means is an industrial process waste. "Industrial Process Waste" includes but is not limited to spent pickling liquors, cutting oils, chemical catalysts, distillation bottoms, etching acids, equipment cleanings, paint sludges, incinerator ashes (including but not limited to ash resulting from the incineration of potentially infectious medical waste), core sands, metallic dust sweepings, asbestos dust, and off-specification, contaminated or recalled wholesale or retail products. Specifically excluded are uncontaminated packaging materials, uncontaminated machinery components, general household waste, landscape waste and construction or demolition debris.

Section 3.315 of the Act, 415 ILCS 5/3.315 (2004)

"PERSON" is any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agency or assigns.

Section 3.470 of the Act, 415 ILCS 5/3.470 (2004)

"SOLID WASTE" means waste.

Section 3.480 of the Act, 415 ILCS 5/3.480 (2004)

"STORAGE" means the containment of waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal.

Section 3.485 of the Act, 415 ILCS 5/3.480 (2004)

"STORAGE SITE" is a site at which waste is stored. "Storage site" includes transfer stations but does not include (i) a site that accepts or receives waste in transfer containers unless the waste is removed from the transfer container or unless the transfer container becomes stationary, en route to a disposal, treatment, or storage facility for more than 5 business days, or (ii) a site that accepts or receives open top units containing only clean construction and demolition debris, or

(iii) a site that stores waste on a refuse motor vehicle or in the vehicle's detachable refuse receptacle for no more than 24 hours, excluding Saturdays, Sundays, and holidays, but only if the detachable refuse receptacle is completely covered or enclosed and is stored on the same site as the refuse motor vehicle that transported the receptacle to the site.

Nothing in this Section shall be construed to be less stringent than or inconsistent with the provisions of the federal Resource Conservation and Recovery Act of 1976 (P.L. 94-480) or regulations adopted under it.

Section 3.505 of the Act, 415 ILCS 5/3.505 (2004)

"TREATMENT" means any method, technique or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any waste so as to neutralize it or render it nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous.

Section 3.535 of the Act, 415 ILCS 5/3.535 (2004)

"WASTE" means any garbage . . . or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities...

35 Ill. Adm. Code 703.121(a) and (b)

a) No person may conduct any hazardous waste storage, hazardous waste treatment, or hazardous waste disposal operation as follows:

   1) Without a RCRA permit for the HWM (hazardous waste management) facility; or

   2) In violation of any condition imposed by a RCRA permit.

b) An owner or operator of a HWM unit must have permits during the active life (including the closure period) of the unit. An owner or operator of a surface impoundment, landfill, land treatment unit or a waste pile unit that received wastes after July 26, 1982, or that certified closure (according to 35 Ill. Adm. Code 725.215) after January 26, 1983, must have a post-closure care permit, unless it demonstrates closure by removal or decontamination, as provided under Sections 703.159 and 703.160, or obtains enforceable documents containing alternative requirements, as provided under Section 703.161. If a post-closure care permit is required, the permit must address applicable 35 Ill. Adm. Code 724 groundwater monitoring, unsaturated zone monitoring, corrective action, and post-closure care requirements.

* * *

35 Ill. Adm. Code 703.150

a) The owner or operator of an existing HWM facility or of an HWM facility in existence on the effective date of statutory or regulatory amendments that render 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 the following times, whichever comes first:

* * *

2) Thirty days after the date the owner or operator first becomes subject to the standards in 35 Ill. Adm. Code 725 or 726; or

* * *

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.

35. Ill Adm. Code 704.202

The owner or operator of any well that is used to inject hazardous wastes accompanied by a manifest or delivery document was required to apply for authorization to inject, as specified in Section 704.161(b)(1)(B), before August 2, 1984.

35 Ill. Adm. Code 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 the following:

a) Notification. The owner or operator shall comply with the notification requirements of Section 3010 of the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.).

b) Identification number. The owner or operator shall comply with the requirements of 35 Ill. Adm. Code 724.111 and 40 CFR 264.11 (1992).

c) Manifest system. The owner or operator shall comply with the applicable recordkeeping and reporting requirements for manifested wastes in 35 Ill. Adm. Code 724.171 and 40 CFR 264.71 (1992).

d) Manifest discrepancies. The owner or operator shall comply with 35 Ill. Adm. Code 724.172 and 40 CFR 264.72 (1992).

e) Operating record. The owner or operator shall comply with 35 Ill. Adm. Code 724.173(a), (b)(1), and (b)(2) and 40 CFR 264.73(a), (b)(1) and (b)(2) (1992), as amended at 57 Fed. Reg. 3487 (Jan. 29, 1992).

f) Annual report. The owner or operator shall comply with 35 Ill. Adm. Code 724.175 and 40 CFR 264.75 (1992).

g) Unmanifested waste report. The owner or operator shall comply with 35 Ill. Adm. Code 724.176 and 40 CFR 264.76 (1992).

h) Personnel training. The owner or operator shall comply with the applicable personnel training requirements of 35 Ill. Adm. Code 724.116 and 40 CFR 264.16 (1992).

i) Certification of closure. When abandonment is completed, the owner or operator must submit to the Agency certification by the owner or operator and certification by an independent registered professional engineer that the facility has been closed in accordance with the specifications in Section 704.188.

35 Ill. Adm. Code 725.111

Every facility owner or operator must apply to USEPA Region 5 for a USEPA identification number using USEPA Form 8700-12. The facility owner or operator must obtain a copy of the form from the Agency, Bureau of Land (217-782-6762), and submit a completed copy of the form to the Bureau of Land, in addition to notification to USEPA.

35 Ill. Adm. Code 725.113

a) Waste analysis:

1) Before an owner or operator treats, stores, or disposes of any hazardous wastes, or non-hazardous wastes if applicable under Section 725.213(d), the owner or operator must obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, the analysis must contain all the information that must be known to treat, store, or dispose of the waste in accordance with this Part and 35 Ill. Adm. Code 728.

2) The analysis may include data developed under 35 Ill. Adm. Code 721 and existing published or documented data on the hazardous waste or on waste generated from similar processes.

3) The analysis must be repeated as necessary to ensure that it is accurate and up to date. At a minimum, the analysis must be repeated as follows:

A) When the owner or operator is notified or has reason to believe that the process or operation generating the hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), has changed; and
B) For off-site facilities, when the results of the inspection required in subsection (a)(4) of this Section indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.

4) The owner or operator of an off-site facility must inspect and, if necessary, analyze each hazardous waste movement received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.

b) The owner or operator must 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 this Section. The owner or operator must keep this plan at the facility. At a minimum, the plan must specify the following:

1) The parameters for which each hazardous waste, or non-hazardous waste if

applicable under Section 725.213(d), will be analyzed and the rationale for the selection of these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with subsection (a) of this Section).

2) The test methods that will be used to test for these parameters.

3) The sampling method that will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either of the following methods:

   A) One of the sampling methods described in Appendix A to 35 Ill. Adm. Code 721, or

   B) An equivalent sampling method.

4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up-to-date.

5) For off-site facilities, the waste analyses that hazardous waste generators have agreed to supply.

6) Where applicable, the methods that will be used to meet the additional waste analysis requirements for specific waste management methods, as specified in Sections 725.300, 725.325, 725.352, 725.373, 725.414, 725.441, 725.475, 725.502, 725.934(d), 725.963(d), and 725.984, and 35 Ill. Adm. Code 728.107.

7) For surface impoundments exempted from land disposal restrictions under 35 Ill. Adm. Code 728.104(a), the procedures and schedules for the following:

   A) The sampling of impoundment contents;

   B) The analysis of test data; and

   C) The annual removal of residues that are not delisted under 35 Ill. Adm. Code 720.122 or that exhibit a characteristic of hazardous waste and either of the following is true:

      i) The waste residues do not meet the applicable treatment standards of Subpart D of 35 Ill. Adm. Code 728, or

      ii) Where no treatment standards have been established, the waste residues are prohibited from land disposal under 35 Ill. Adm. Code 728.132 or 728.139.

8) For an owner or operator seeking an exemption to the air emission standards of Subpart CC of 35 Ill. Adm. Code 724 in accordance with Section 725.983:

   A) If direct measurement is used for the waste determination, the procedures and schedules for waste sampling and analysis, and the analysis of test data to verify the exemption.

B) If knowledge of the waste is used for the waste determination, any information prepared by the facility owner or operator, or by the generator of the waste if the waste is received from off-site, that is used as the basis for knowledge of the waste.

c) For off-site facilities, the waste analysis plan required in subsection (b) of this Section must also specify the procedures that will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe the following:

1) The procedures that will be used to determine the identity of each movement of waste managed at the facility;

2) The sampling method that will be used to obtain a representative sample of the waste to be identified if the identification method includes sampling; and

3) The procedures that the owner or operator of an off-site landfill receiving containerized hazardous waste will use to determine whether a hazardous waste generator or treater has added a biodegradable sorbent to the waste in the container.

35 Ill. Adm. Code 725.114

a) The owner or operator must prevent the unknowing entry and minimize the possibility for the unauthorized entry of persons or livestock onto the active portion of his facility, unless the following are true:

1) Physical contact with the waste, structures, or equipment of the active portion of the facility will not injure unknowing or unauthorized persons or livestock that may enter the active portion of the facility; and

2) Disturbance of the waste or equipment by the unknowing or unauthorized entry of persons or livestock onto the active portion of a facility will not cause a violation of the requirements of this Part.

b) Unless exempt under subsections (a)(1) and (a)(2) of this Section, a facility must have the following:

1) A 24-hour surveillance system (e.g., television monitoring or surveillance by guards or facility personnel) that continuously monitors and controls entry into the active portion of the facility; or

2) Controlled access, including the following minimum elements:

A) An artificial or natural barrier (e.g., a fence in good repair or a fence combined with a cliff) that completely surrounds the active portion of the facility; and

B) A means to control entry at all times through the gates or other entrances to the active portion of the facility (e.g., an attendant, television monitors, locked entrance,

or controlled roadway access to the facility).

c) Unless exempt under subsection (a)(1) or (a)(2) of this Section, a sign with the legend, "Danger – Unauthorized Personnel Keep Out," must be posted at each entrance to the active portion of a facility and at other locations in sufficient numbers to be seen from any approach to this active portion. The sign must be legible from a distance of at least 25 feet. Existing signs with a legend other than "Danger – Unauthorized Personnel Keep Out" may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the active portion and that entry onto the active portion can be dangerous.

35 Ill. Adm. Code 725.115

a) The owner or operator must inspect the facility for malfunctions and deterioration, operator errors and discharges that may be causing – or which may lead to – the conditions listed below The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.

   1) Release of hazardous waste constituents to the environment, or

   2) A threat to human health.

35 Ill. Adm. Code 735.116

a) Personnel training program.

   1) Facility personnel must successfully complete a program of classroom instruction 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 this part. The owner or operator must ensure that this program includes all the elements described in the document required under subsection (d)(3) of this Section.

   2) This program must be directed by a person trained in hazardous waste management procedures, and must include instruction that teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.

   3) At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment and emergency systems, including the following where applicable:

      A) Procedures for using, inspecting, repairing and replacing facility emergency and monitoring equipment;

      B) Key parameters for automatic waste feed cut-off systems;

      C) Communications or alarm systems;

      D) Response to fires or explosions;

      E) Response to groundwater contamination incidents; and

F) Shutdown of operations.

4) For facility employees that receive emergency response training pursuant to the federal Occupational Safety and Health Administration (OSHA) regulations at 29 CFR 1910.120(p)(8) and 1910.120(q), the facility is not required to provide separate emergency response training pursuant to this section, provided that the overall facility OSHA emergency response training meets all the requirements of this Section.

b) Facility personnel must successfully complete the program required in subsection (a) of this Section upon the effective date of these regulations or six months after the date of their employment or assignment to a facility or to a new position at a facility, whichever is later. Employees hired after the effective date of these regulations must not work in unsupervised positions until they have completed the training requirements of subsection (a) of this Section.

c) Facility personnel must take part in an annual review of the initial training required in subsection (a) of this Section.

d) The owner or operator must maintain the following documents and records at the facility:

1) The job title for each position at the facility related to hazardous waste management and the name of the employee filling each job;

2) A written job description for each position listed under subsection (d)(1) of this Section. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications and duties of facility personnel assigned to each position;

3) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under subsection (d)(1) of this Section;

4) Records that document that the training or job experience required under subsections (a), (b), and (c) of this Section has been given to and completed by facility personnel.

e) Training records on current personnel must be kept until closure of the facility. Training records on former employees must be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

35 Ill. Adm. Code 725.117

a) The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction, including, but not limited to, open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the owner or operator must confine smoking and open flame to specially designated locations. "No Smoking" signs must be conspicuously placed wherever

there is a hazard from ignitable or reactive waste.

b) Where specifically required by other Sections of this Part, the treatment, storage, or disposal of ignitable or reactive waste and the mixture or commingling of incompatible waste or incompatible wastes and materials, must be conducted so that it does not do any of the following:

   1) It does not generate extreme heat or pressure, fire or explosion, or violent reaction;

   2) It does not produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health;

   3) It does not produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;

   4) It does not damage the structural integrity of the device or facility containing the waste; or

   5) Through other like means, it does not threaten human health or the environment.

35 Ill. Adm. Code 725.131

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 to air, soil, or surface water that could threaten human health or the environment.

35 Ill. Adm. Code 725.132

All facilities must be equipped with the following, unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below:

a) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;

b) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;

c) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment and decontamination equipment; and

d) Water at adequate volume and pressure to supply water hose streams or foam producing equipment or automatic sprinklers or water spray systems.

35 Ill. Adm. Code 725.137

a) The owner or operator must attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of the following organizations:

1) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility and possible evacuation routes;

2) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department and agreements with any others to provide support to the primary emergency authority;

3) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and

4) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses that could result from fires, explosions, or releases at the facility.

b) Where State or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record.

35 Ill. Adm. Code 725.151(a)

a) Each owner or operator must have a contingency plan for his facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

* * *

35 Ill. Adm. Code 725.155

At all times, there must be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

35 Ill. Adm. Code 725.171(c)

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c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of 35 Ill. Adm. Code 722.

* * *

35 Ill. Adm. Code 725.173

a) The owner or operator must keep a written operating record at the facility.

b) The following information must be recorded as it becomes available and maintained in the operating record for three years unless otherwise provided as follows:

1) A description and the quantity of each hazardous waste received and the methods and dates of its treatment, storage, or disposal at the facility, as required by Appendix A to this Part. This information must be maintained in the operating record until closure of the facility;

2) The location of each hazardous waste within the facility and the quantity at each location. For disposal facilities the location and quantity of each hazardous waste must be recorded on a map or diagram that shows each cell or disposal area. For all facilities this information must include cross-references to manifest document numbers if the waste was accompanied by a manifest. This information must be maintained in the operating record until closure of the facility;

3) Records and results of waste analysis, waste determinations, and trial tests performed, as specified in Sections 725.113, 725.300, 725.325, 725.352, 725.373, 725.414, 725.441, 725.475, 725.502, 725.934, 725.963, and 725.984 and 35 Ill. Adm. Code 728.104(a) and 728.107;

4) Summary reports and details of all incidents that require implementing the contingency plan, as specified in Section 725.156(j);

5) Records and results of inspections as required by Section 725.115(d) (except these data need be kept only three years);

6) Monitoring, testing, or analytical data, where required by Subpart F of this Part or Sections 725.119, 725.194, 725.291, 725.293, 725.295, 725.324, 725.326, 725.355, 725.360, 725.376, 725.378, 725.380(d)(1), 725.402, 725.404, 725.447, 725.477, 725.934(c) through (f), 725.935, 725.963(d) through (i), 725.964, and 725.1083 through 725.990. Maintain in the operating record for three years, except for records and results pertaining to groundwater monitoring and cleanup, and response action plans for surface impoundments, waste piles, and landfills, which must be maintained in the operating record until closure of the facility;

7) All closure cost estimates under Section 725.242 and, for disposal facilities, all post-closure cost estimates under Section 725.244 must be maintained in the operating record until closure of the facility;

8) Records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension of the effective date of any land disposal restriction granted pursuant to 35 Ill. Adm. Code 728.105, a petition pursuant to 35 Ill. Adm. Code 728.106, or a certification under 35 Ill. Adm. Code 728.108 and the applicable notice required of a generator under 35 Ill. Adm. Code 728.107(a). All of this information must be maintained in the operating record until closure of the facility;

9) For an off-site treatment facility, a copy of the notice and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;

10) For an on-site treatment facility, the information contained in the notice (except the manifest number) and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;

11) For an off-site land disposal facility, a copy of the notice and the certification and demonstration, if applicable, required of the generator or the owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107 or 728.108;

12) For an on-site land disposal facility, the information contained in the notice required of the generator or owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107, except for the manifest number, and the certification and demonstration, if applicable, required under 35 Ill. Adm. Code 728.107 or 728.108;

13) For an off-site storage facility, a copy of the notice and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;

14) For an on-site storage facility, the information contained in the notice (except the manifest number) and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108; and

15) Monitoring, testing or analytical data, and corrective action, where required by Sections 725.190 and 725.193(d)(2) and (d)(5), and the certification, as required by Section 725.196(f), must be maintained in the operating record until closure of the facility.

35 Ill. Adm. Code 725.175

The owner and operator must prepare and submit a single copy of an annual report to the Agency by March 1 of each year. The report form and instructions supplied by the Agency must be used for this report. The annual report must cover facility activities during the previous calendar year and must include the following information:

a) The USEPA identification number (Section 725.111), name and address of the facility;

b) The calendar year covered by the report;

c) For off-site facilities, the USEPA identification number of each hazardous waste generator from which the facility received a hazardous waste during the year; for imported shipments, the report must give the name and address of the foreign generator;

d) A description and the quantity of each hazardous waste the facility received during the year. For off-site facilities this information must be listed by USEPA identification number of each generator;

e) The method of treatment, storage, or disposal for each hazardous waste;

f) Monitoring data under Section 725.194(a)(2)(B), (a)(2)(C), and (b)(2), where required;

g) The most recent closure cost estimate under Section 725.242 and for disposal facilities the most recent post-closure cost estimate under Section 725.244;

h) For generators that treat, store, or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of the waste generated;

i) For generators that treat, store, or dispose of hazardous waste on-site, a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years, to the extent such information is available for years prior to 1984; and

j) The certification signed by the owner or operator of the facility or the owner or operator's authorized representative.

35 Ill. Adm. Code 725.212(a)

a) Written plan. Within six months after the effective date of the rule that first subjects a facility to provisions of this Section, the owner or operator of a hazardous waste management facility must have a written closure plan. Until final closure is completed and certified in accordance with Section 725.215, a copy of the most current plan must be furnished to the Agency upon request including request by mail. In addition, for facilities without approved plans, it must also be provided during site inspections on the day of inspection to any officer, employee, or representative of the Agency.

35 Ill. Adm. Code 725.242(a)

a) The owner or operator must have a detailed written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in Sections 725.211 through 725.215 and applicable closure requirements of Sections 725.297, 725.328, 725.358, 725.380, 725.410, 725.451, 725.481, 725.504, and 725.1102.

    1) The estimate must equal the cost of final closure at the point in the facility's active life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan (see Section 725.212(b)); and

    2) The closure cost estimate must be based on the costs to the owner or operator of hiring a third party to close the facility. A third party is a party that is neither a parent nor a subsidiary of the owner or operator. (See definition of "parent corporation" in Section 725.241(d).) The owner or operator may use costs for on-site disposal if the owner or operator demonstrates that on-site disposal capacity will exist at all times over the life of the facility.

    3) The closure cost estimate must not incorporate any salvage value that may be realized by the sale of hazardous wastes, or non-hazardous wastes if permitted by the Agency pursuant to Section 725.213(d), facility structures or equipment, land or other facility assets at the time of partial or final closure.

    4) The owner or operator must not incorporate a zero cost for hazardous waste, or non-hazardous waste if permitted by the Agency pursuant to Section 725.213(d), that may have economic value.

35 Ill. Adm. Code 725.243(a)

An owner or operator of each facility must establish financial assurance for closure of the facility. The owner or operator must choose from the options specified in subsections (a) through (e) of this Section.

a) Closure trust fund.

1) An owner or operator may satisfy the requirements of this Section by establishing a closure trust fund that conforms to the requirements of this subsection and submitting an original, signed duplicate of the trust agreement to the Agency. The trustee must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or State agency.

2) The wording of the trust agreement must be as specified in 35 Ill. Adm. Code 724.251, and the trust agreement must be accompanied by a formal certification of acknowledgment, as specified in 35 Ill. Adm. Code 724.251. Schedule A of the trust agreement must be updated within 60 days after a change in the amount of the current closure cost estimate covered by the agreement.

3) Payments into the trust fund must be made annually by the owner or operator over the 20 years beginning May 19, 1981, or over the remaining operating life of the facility as estimated in the closure plan, whichever period is shorter; this period is hereafter referred to as the "pay-in period." The payments into the closure trust fund must be made as follows:

A) The first payment must be made before May 19, 1981, except as provided in subsection (a)(5) of this Section. The first payment must be at least equal to the current closure cost estimate, except as provided in subsection (f) of this Section, divided by the number of years in the pay-in period.

B) Subsequent payments must be made no later than 30 days after each anniversary date of the first payment. The amount of each subsequent payment must be determined by this formula:

$$\text{Next payment} = \frac{CE - CV}{Y}$$

Where:

CE = the current closure cost estimate

CV = the current value of the trust fund

Y = the number of years remaining in the pay-in period

4) The owner or operator may accelerate payments into the trust fund or may deposit the full amount of the current closure cost estimate at the time the fund is established. However, the owner or operator must maintain the value of the fund at no less than the value that the fund would have if annual payments were made as specified in subsection (a)(3) of this Section.

5) If the owner or operator establishes a closure trust fund after having used one or more alternate mechanisms specified in this Section, the owner or operator's first payment must be in at least the amount that the fund would contain if the trust fund were established initially and annual payments made as specified in subsection (a)(3) of this Section.

6) After the pay-in period is completed, whenever the current closure cost estimate changes, the owner or operator must compare the new estimate with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the owner or operator, within 60 days after the change in the cost estimate, must either deposit an amount into the fund so that its value after this deposit at least equals the amount of the current closure cost estimate, or obtain other financial assurance, as specified in this Section, to cover the difference.

7) If the value of the trust fund is greater than the total amount of the current closure cost estimate, the owner or operator may submit a written request to the Agency for release of the amount in excess of the current closure cost estimate.

8) If an owner or operator substitutes other financial assurance, as specified in this Section, for all or part of the trust fund, the owner or operator may submit a written request to the Agency for release of the amount in excess of the current closure cost estimate covered by the trust fund.

9) Within 60 days after receiving a request from the owner or operator for release of funds as specified in subsection (a)(7) or (a)(8) of this Section, the Agency must instruct the trustee to release to the owner or operator such funds as the Agency specifies in writing.

10) After beginning partial or final closure, an owner or operator or another person authorized to conduct partial or final closure may request reimbursement for closure expenditures by submitting itemized bills to the Agency. The owner or operator may request reimbursement for partial closure only if sufficient funds are remaining in the trust fund to cover the maximum costs of closing the facility over its remaining operating life. Within 60 days after receiving bills for partial or final closure activities, the Agency must instruct the trustee to make reimbursement in those amounts as the Agency specifies in writing if the Agency determines that the partial or final closure expenditures are in accordance with the approved closure plan, or otherwise justified. If the Agency determines that the maximum cost of closure over the remaining life of the facility will be significantly greater than the value of the trust fund, it must withhold reimbursement of such amounts as it deems prudent until it determines, in accordance with subsection (h) of this Section, that the owner or operator is no longer required to maintain financial assurance for final closure of the facility. If the Agency does not instruct the trustee to make such reimbursements, the Agency must provide the owner or operator a detailed written statement of reasons.

11) The Agency must agree to termination of the trust when either of the following occurs:

A) An owner or operator substitutes alternate financial assurance, as specified in this Section; or

B) The Agency releases the owner or operator from the requirements of this Section in

accordance with subsection (h) of this Section.

35 Ill. Adm. Code 725.274

At least weekly, the owner or operator must inspect areas where containers are stored. The owner or operator must look for leaking containers and for deterioration of containers caused by corrosion or other factors.

B. Federal Law

42 U.S.C. § 6903(5)

(5) The term "hazardous waste" means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may

(A) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or

(B) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

40 C.F.R. § 261.2

(a)

(1) A solid waste is any discarded material that is not excluded under § 261.4(a) or that is not excluded by a variance granted under §§ 260.30 and 260.31 or that is not excluded by a non-waste determination under §§ 260.30 and 260.34.

(2) (i) A discarded material is any material which is:

(A) Abandoned, as explained in paragraph (b) of this section; or

(B) Recycled, as explained in paragraph (c) of this section; or

* * *

(b) Materials are solid waste if they are abandoned by being:

(1) Disposed of; or

* * *

(3) Accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated.

(c) Materials are solid wastes if they are recycled--or accumulated, stored, or treated before recycling--as specified in paragraphs (c)(1) through (4) of this section.

(1) Used in a manner constituting disposal.

* * *

40 C.F.R. § 261.3

(a) A solid waste, as defined in § 261.2, is a hazardous waste if:

(1) It is not excluded from regulation as a hazardous waste under § 261.4(b); and

(2) It meets any of the following criteria:

(i) It exhibits any of the characteristics of hazardous waste identified in subpart C of this part...

40 C.F.R. § 261.20 "Subpart C"

(a) A solid waste, as defined in § 261.2, which is not excluded from regulation as a hazardous waste under § 261.4(b), is a hazardous waste if it exhibits any of the characteristics identified in this subpart.

* * *

40 C.F.R. § 261.22 Characteristic of Corrosivity

(a) A solid waste exhibits the characteristic of corrosivity if a representative sample of the waste has either of the following properties:

(1) It is aqueous and has a pH less than or equal to 2 or greater than or equal to 12.5, as determined by a pH meter using Method 9040C in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in § 260.11 of this chapter.

* * *

(b) A solid waste that exhibits the characteristic of corrosivity has the EPA Hazardous Waste Number of D002.

40 C.F.R. § 261.24 Characteristic of Toxicity

(a) A solid waste (except manufactured gas plant waste) exhibits the characteristic of toxicity if, using the Toxicity Characteristic Leaching Procedure, test Method 1311 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in § 260.11 of this chapter, the extract from a representative sample of the waste contains any of the contaminants listed in table 1 at the concentration equal to or greater than the respective value given in that table. Where the waste contains less than 0.5 percent filterable solids, the waste itself, after filtering using the methodology outlined in Method 1311, is considered to be the extract for the purpose of this section.

(b) A solid waste that exhibits the characteristic of toxicity has the EPA Hazardous Waste

Number specified in Table 1 which corresponds to the toxic contaminant causing it to be hazardous.

Table 1-Maximum Concentration of Contaminants for the Toxicity Characteristic

EPA HW No.	Contaminant	CAS No.	Regulatory Level (mg/L)
***	***	***	***
D007	Chromium	7440-47-3	5.0
***	***	***	***

EXHIBIT A

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, and E.O.R. ENERGY, LLC, a Colorado limited liability company,	)	
Respondents.	)	

NOTICE OF SERVICE OF DISCOVERY DOCUMENTS

To: John T. Therriault
Assistant Clerk
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

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

PLEASE TAKE NOTICE that I have today served on the Respondent, E.O.R. Energy, LLC, the following discovery document in the above-referenced matter.

1. COMPLAINANT'S REQUEST TO ADMIT FACTS BY E.O.R. ENERGY, LLC

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: January 22, 2009

CERTIFICATE OF SERVICE

I hereby certify that I did on January 22, 2009, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, a true and correct copy of the following instruments entitled NOTICE OF SERVICE OF DISCOVERY DOCUMENTS and COMPLAINANT'S REQUEST TO ADMIT FACTS BY E.O.R. ENERGY, LLC

To: E.O.R. ENERGY, LLC
c/o James Hamilton, III
14 Lakeside Lane
Denver, CO 80212

and the original and five copies of the NOTICE OF SERVICE OF DISCOVERY DOCUMENTS was sent by First Class Mail with postage thereon fully prepaid

To: John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
State of Illinois Center
Suite 11-500
100 West Randolph
Chicago, IL 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 E.O.R. ENERGY, LLC

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. E.O.R. Energy, LLC ("E.O.R.") is a Colorado company based in Denver, CO.
2. E.O.R. is involved in the petroleum production industry.
3. E.O.R. owns leases to oil production wells in Illinois.
4. E.O.R. operates brine injection wells in Illinois.
5. E.O.R. owns leases to natural gas production wells in Illinois.
6. Arthur Clark is a corporate officer in E.O.R.
7. Arthur Clark was a corporate officer in E.O.R. during July and August of 2002.

8. Arthur Clark was a corporate officer in E.O.R. from July 2002, through the present date.

9. Arthur Clark is employed by AET Environmental, Inc. ("AET").

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

11. James Hamilton is a corporate officer in E.O.R.

12. James Hamilton was a corporate officer in E.O.R. during July and August of 2002.

13. James Hamilton was a corporate officer in E.O.R. from July 2002, through the present date.

14. In July of 2002, AET was hired to remove acid material from a business known as Luxury Wheels in Grand Junction, CO.

15. In July of 2002, AET took control of eight (8) two hundred and seventy five (275) gallon totes of acid material from Luxury Wheels.

16. On or about July 18, 2002, the acid material arrived at the AET 10-day transfer facility in Denver, CO.

17. E.O.R.'s office is located in the same building as AET.

18. Arthur Clark became aware of the eight (8) totes of acid after they came into AET's possession.

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

20. In July of 2002, AET attempted to dispose of the acid material.

21. In July of 2002, the acid material was rejected for disposal at Arvada Treatment Center ("ATC") in Arvada,CO.

22. In July of 2002, the acid material was also rejected for disposal at Safety Kleen, in Deer Trail, CO.

23. In July of 2002, Arthur Clark handled the acid material while it was in AET possession.

24. In July of 2002, Arthur Clark handled the acid material at the AET 10-day transfer facility in Denver, CO.

25. In August of 2002, Arthur Clark handled the acid material at the AET 10-day transfer facility in Denver, CO.

26. The acid material was creating an orange gas when it arrived at the AET facility.

27. The acid material was off-gassing an orange gas when it arrived at the AET facility.

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

29. The trailer was left open during the daytime.

30. A fan was placed in the trailer.

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

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

33. While under the control of AET, Arthur Clark directed the storage of the acid material.

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

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

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

37. Arthur Clark diluted the acid material with water.

38. Arthur Clark directed an AET employee to dilute the acid material with water.

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

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

41. Arthur Clark diluted the acid material with glycolic acid.

42. Arthur Clark directed an AET employee to dilute the acid material with glycolic acid.

43. While under the control of AET, the acid material was diluted with Alumetch G.

44. An AET employee diluted the acid material with Alumetch G.

45. Arthur Clark diluted the acid material with Alumetch G.

46. Arthur Clark directed an AET employee to dilute the acid material with Alumetch G.

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

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

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

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

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

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

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

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

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

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

57. The Hazardous Material Bill of Lading listed Frank Gines as the Agent for Luxury Wheels.

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

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

60. E.O.R. paid Luxury Wheels for the acid material.

61. E.O.R. paid AET for the acid material.

62. E.O.R. paid nothing for the acid material.

63. E.O.R. paid to ship the acid material from Colorado to Illinois.

64. Luxury Wheels paid to ship the acid material from Colorado to Illinois.

65. AET paid to ship the acid material from Colorado to Illinois.

66. Arthur Clark made the decision to ship the acid material to Kincaid P&P, in Pawnee, Illinois.

67. James Hamilton made the decision to ship the acid material to Kincaid P&P, in Pawnee, Illinois.

68. An E.O.R. representative contacted Kincaid P&P about the shipment of acid material.

69. An E.O.R. representative notified Kincaid P&P the that the acid material was being shipped to the Kincaid P&P site in Pawnee, Illinois.

70. An E.O.R. representative asked Kincaid P&P for permission to store the acid material at the Kincaid P&P site in Pawnee, Illinois.

71. Kincaid P&P gave E.O.R. permission to store the acid material at the Kincaid P&P site in Pawnee, Illinois.

72. An E.O.R. representative contacted USA CoalGas about the shipment of acid material.

73. An E.O.R representative notified USA CoalGas the that the acid material was being shipped to the Kincaid P&P site in Pawnee, Illinois.

74. An E.O.R. representative asked Kincaid USA CoalGas for permission to store the acid material at the Kincaid P&P site in Pawnee, Illinois.

75. USA CoalGas gave E.O.R. permission to store the acid material at the Kincaid P&P site in Pawnee, Illinois.

76. E.O.R. holds leases for oil wells in Central Illinois.

78. E.O.R. Energy holds oil leases for two oil fields near Pawnee, Illinois.

79. E.O.R. Energy holds oil leases on an oil field referred to as the "Rink-Truax Lease."

80. The Rink-Truax Lease is located north of 2050 N Road and 400 E Road, South Fork Township, Christian County, Illinois.

81. E.O.R. Energy holds oil leases on an oil field referred to as the "Galloway Lease."

82. The Galloway Lease is located along Township Road 4.25E South East of the junction with Township Road 13S, Pawnee, Cotton Hill Township, Sangamon County, Illinois.

83. From August of 2002 until the date of service, E.O.R. held oil leases in the Rink-Truax Lease.

84. From From August of 2002 until the date of service, E.O.R. held oil leases in the Galloway Lease.

85. E.O.R. operates one or more brine injection wells on its oil leases in Central Illinois.

86. E.O.R. operates one or more brine injection wells on the Galloway Lease.

87. E.O.R. operates one or more brine injection wells on the Rink-Truax Lease.

88. In August of 2002, Rick Wake was employed by Kincaid P&P.

89. In August of 2002, E.O.R. paid Rick Wake to maintain oil wells located in Central Illinois.

90. In August of 2002, Charles Geary was employed by Kincaid P&P.

91. In August of 2002, E.O.R. paid Charles Geary to maintain oil wells located in Central Illinois.

92. From August of 2002, until November of 2004, E.O.R. paid Rick Wake to maintain oil wells located in Central Illinois.

93. From August of 2002, until November of 2004, E.O.R. paid Charles Geary to maintain oil wells located in Central Illinois.

94. After the acid material arrived in Pawnee, Illinois, it was stored in a structure owned by Kincaid P&P.

95. After the acid material arrived in Pawnee, Illinois, E.O.R. observed the manner in which the acid material was stored.

96. After the acid material arrived in Pawnee, Illinois, E.O.R. approved the manner in which the acid material was stored.

97. The structure in which the acid material was stored had no electric power.

98. The structure in which the acid material was stored was not heated.

99. The structure in which the acid material was stored did not entirely keep out the outside weather.

100. At some time between August of 2002, and November of 2004, bags of hydrated lime were stored on pallets near the plastic totes containing the acid material.

101. Several of the bags of lime had deteriorated to the point that the paper was split and the material fell on the ground around the bags.

102. Hydrated lime is a strong base.

103. Hydrated lime reacts violently when mixed with acid.

104. Hydrated lime could react violently if mixed with the acid material stored on the Kincaid P&P property between August of 2002 and November of 2004.

105. Prior to August of 2002, E.O.R. was issued a Resource Conservation and Recovery Act ("RCRA") permit to conduct a hazardous waste management ("HWM") facility at the Kincaid P&P site.

106. E.O.R. obtain a detailed chemical and physical analysis of the acid material prior to storing it at the Kincaid P&P site.

107. From August of 2002 until November of 2004, E.O.R. employed measures to prevent unauthorized entry into the building storing the acid material at the Kincaid P&P site.

108. E.O.R. supplied a material safety data sheet ("MSDS") for the acid material to Rick Wake.

109. E.O.R. supplied a material safety data sheet ("MSDS") for the acid material to Charles Geary.

110. Prior to the acid material arriving at the Kincaid P&P site, E.O.R. asked Rick Wake if he had ever handled any acid material.

111. Prior to the acid material arriving at the Kincaid P&P site, E.O.R. asked Charles Geary if he had ever handled any acid material.

112. After the acid material arrived at the Kincaid P&P site. E.O.R. educated Rick Wake about the proper handling of the material.

113. After the acid material arrived at the Kincaid P&P site, E.O.R. trained Rick Wake on the proper handling of the material.

114 After the acid material arrived at the Kincaid P&P site, E.O.R. educated Charles Geary about the proper handling of the material.

115. After the acid material arrived at the Kincaid P&P site, E.O.R. trained Charles Geary on the proper handling of the material.

116. After the acid material arrived at the Kincaid P&P site, E.O.R. asked Rick Wake if he knew how to properly handle the acid material.

117. After the acid material arrived at the Kincaid P&P site, E.O.R. asked Charles Geary if he knew how to properly handle the acid material.

118. After the acid material arrived at the Kincaid P&P site, E.O.R. supplied proper safety equipment to Rick Wake for the safe handling of the material.

119. After the acid material arrived at the Kincaid P&P site, E.O.R. supplied proper safety equipment to Charles Geary for the safe handling of the material.

120. Arthur Clark told Rick Wake that the acid material was a light grade acid.

121. Arthur Clark told Charles Geary that the acid material was a light grade acid.

122. Arthur Clark told Rick Wake that the acid material was not very strong.

123. Arthur Clark told Charles Geary that the acid material was not very strong.

124. Arthur Clark advised Rick Wake to keep the acid out of his eyes and wash it off if it got on his skin.

125. Arthur Clark advised Charles Geary to keep the acid out of his eyes and wash it off if it got on his skin.

126. After the acid material arrived at the Kincaid P&P site, E.O.R. oversaw the storage of the acid material.

127. After the acid material arrived at the Kincaid P&P site, E.O.R. oversaw the use of the acid.

128. After the acid material arrived at the Kincaid P&P site, E.O.R. inquired about the storage of the acid material.

129. After the acid material arrived at the Kincaid P&P site, E.O.R. inquired about the use of the acid.

130. After the acid material arrived at the Kincaid P&P site, E.O.R. directed Rick Wake on the usage of the acid material.

131. After the acid material arrived at the Kincaid P&P site, E.O.R. directed Charles Geary on the usage of the acid material.

132. After the acid material arrived at the Kincaid P&P site, E.O.R. asked Rick Wake if he had ever treated wells with an acid solution.

133. After the acid material arrived at the Kincaid P&P site, E.O.R. asked Charles Geary if he had ever treated wells with an acid solution.

134. E.O.R. believed that Rick Wake had experience treating wells with acid material.

135. E.O.R. believed that Charles Geary had experience treating wells with acid material.

136. E.O.R. had evidence that Rick Wake had experience treating wells with acid material.

137. E.O.R. had evidence that Charles Geary had experience treating wells with acid material.

138. In August of 2002, Rick Wake had no experience treating wells with acid material.

139. In August of 2002, Charles Geary had no experience treating wells with acid material.

140. After the acid material arrived at the Kincaid P&P site, E.O.R. directed Rick Wake to use the acid material to treat wells under the control of E.O.R.

141. After the acid material arrived at the Kincaid P&P site, E.O.R. directed Charles Geary to use the acid material to treat wells under the control of E.O.R.

142. After the acid material arrived at the Kincaid P&P site, E.O.R. thoroughly explained the process it wanted Rick Wake to use while treating E.O.R.'s wells with the acid material.

143. After the acid material arrived at the Kincaid P&P site, E.O.R. thoroughly explained the process it wanted Charles Geary to use while treating E.O.R.'s wells with the acid material.

144. After the acid material arrived at the Kincaid P&P site, E.O.R. directed Rick Wake to apply the acid material to E.O.R.'s wells through a gravity feed system.

145. After the acid material arrived at the Kincaid P&P site, E.O.R. directed Charles Geary to apply the acid material to E.O.R.'s wells through a gravity feed system.

146. After the acid material arrived at the Kincaid P&P site, E.O.R. directed Rick Wake to apply the acid material to E.O.R.'s wells under pressure.

147. After the acid material arrived at the Kincaid P&P site, E.O.R. directed Charles Geary to apply the acid material to E.O.R.'s wells under pressure.

148. After the acid material arrived at the Kincaid P&P site, E.O.R. supplied the necessary equipment required to treat its wells with the acid treatment.

149. After the acid material arrived at the Kincaid P&P site, E.O.R. supplied the necessary equipment to apply the acid material to E.O.R.'s wells under pressure.

150. Rick Wake and supplied the equipment used to transfer the acid material from the plastic totes to E.O.R.'s wells.

151. Charles Geary supplied the equipment used to transfer the acid material from the plastic totes to E.O.R.'s wells.

152. E.O.R. observed the methods used by Rick Wake and Charles Geary to treat E.O.R.'s wells with the acid material.

153. E.O.R. approved of the methods used by Rick Wake and Charles Geary to treat E.O.R.'s wells with the acid material.

154. E.O.R. specifically directed Rick Wake which wells to treat with the acid material.

155. E.O.R. specifically directed Charles Geary which wells to treat with the acid material.

156. E.O.R. generally directed Rick Wake to treat any of E.O.R.'s wells with the acid material.

157. E.O.R. generally directed Charles Geary to treat any of E.O.R.'s wells with the acid material.

158. From August 2002, through November of 2004, E.O.R. asked Rick Wake which wells were being treated with the acid material.

159. From August 2002, through November of 2004, E.O.R. asked Charles Geary which wells were being treated with the acid material.

160. Rick Wake advised E.O.R. that the acid material was placed down production wells.

161. Rick Wake advised E.O.R. that the acid material was placed down a brine injection well.

162. Prior to August 2002, E.O.R. treated oil wells under its control with acid.

163 Prior to August 2002, E.O.R. paid t have oil wells under its control treated with acid.

164. In January of 2004, James Hamilton contacted Charles Geary at his residence and told him to place all remaining acid material down E.O.R.'s wells as soon as possible.

165. In January of 2004, James Hamilton contacted Charles Geary at his residence and told him to rinse out all twelve of the totes located at the Kincaid P&P site.

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 D Mankowski
MICHAEL D. MANKOWSKI
Environmental Bureau
Assistant Attorney General

Attorney Reg. No. 6287767
500 South Second Street
Springfield, Illinois 62706
217/557-0586
Dated: January 21, 2009

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,

M Catapano

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	1
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	1
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	1
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 1 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	1
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.

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HEALTH HAZARD DATA

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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

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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

NAME USED ON LABEL: ALUM ETCH-G

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.

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REACTIVITY DATA

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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.

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SPECIAL PROTECTION INFORMATION

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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.

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SPECIAL PRECAUTIONS

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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.

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ENVIRONMENTAL INFORMATION

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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.

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TRANSPORTATION

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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.

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ADDITIONAL INFORMATION

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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

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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
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***N/E = NOT ESTABLISHED

EXHIBIT D

ATT'N FRANK

07/16/2002 10:30 8212813551 AET ENVIRONMENTAL PAGE 05

P.01

ARVADA TREATMENT CENTER, LLC

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

SITE: 5800 E FENTON STREET, ARVADA, CO 80002

WASTE MATERIAL PROFILE SHEET

Profile Number

A. GENERAL INFORMATION

GENERATOR EPA ID #: CO0085252804

GENERATOR CODE

GENERATOR NAME: Luxury Wheels

ADDRESS: 1440 Winters Ave.

CITY: Grand Junction STATE: CO ZIP: 81501

GENERATOR TECHNICAL CONTACT: David Hajdek 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 one): ☐ Unused chemical or product ☐ Lab Pack ☐ Spent halogenated solvents ☐ Spent non-halogenated solvents ... ☐ Wood preservation ... ☐ Electroplating ... ☐ 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 ☐ ... remediation ☐ Other

Other Process Information (check all that apply)

C. PHYSICAL PROPERTIES

PHYSICAL STATE: ☐ SOLID WITHOUT FREE LIQUIDS ☐ POWDER ☐ MONOLITHIC SOLID ☒ LIQUID WITH NO SOLIDS ☐ LIQUID/SOLID MIXTURE ☐ GAS/AEROSOL

NUMBER OF PHASES/LAYERS: ☒ 1 ☐ 2 ☐ 3

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 ☐ 0.8-1.0 ☐ 1.0 (e.g. Water) ☐ 1.0-1.2 ☒ > 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

Profile Number

Apr 14 03 10:48a Wayne Tafoya 303-431-6090 p.1

EXHIBIT E

UNIFORM HAZARDOUS WASTE MANIFEST

1D08528230418215 of 1

3. Generator's Name and Mailing Address

1440 Winters Avenue
Grand Junction, CO 51501

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 CTD021552125
7. Transporter 2 Company Name	8. US EPA ID Number
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 COR000006874

C. State Transporter's ID
D. Transporter's Phone
E. State Transporter's ID
F. Transporter's Phone
G. State Facility's ID
H. Facility's Phone (303) 431-4825

	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	02000	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

ERGY #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]	[signature]	01 25 06

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name	Signature	Month Day Year
[illegible]	[signature]	[illegible]

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

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 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. COD085223041 Manifest Document No. 8215
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: UTD981552425
C. State Transporter's ID
D. Transporter's Phone (301) 281-3507

7. Transporter 2 Company Name: AET ENVIRONMENTAL
8. US EPA ID Number: COR000009456
E. State Transporter's ID
F. Transporter's Phone 303 333-4521

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: COR000006874
Ship to Alternate Facility see BOX 19
G. State Facility's ID
H. Facility's Phone (303) 431-4826

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. WASTE CORROSIVE LIQUID, N.O.S., (CONTAINS FLUOROBORIC ACID GLYCOLIC ACID), 8, UN1760, PGII	X	008	TT	01300	G	D002
b.						
c.						
d.						

J. Additional Descriptions for Materials Listed Above
a. ALUMINUM ETCH 20 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: A. David Hattery | Signature: [signature] | Month Day Year: 07 10 02

17. Transporter 1 Acknowledgement of Receipt of Materials
Printed/Typed Name: James A. Lucy | Signature: James A. Lucy | Month Day Year: 07 10 02

18. Transporter 2 Acknowledgement of Receipt of Materials
Printed/Typed Name: Andrew Grandy | Signature: [signature] | Month Day Year: 07 10 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

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

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

TRANSPORTER #2

PRINTED ON RECYCLED PAPER USING SOYBEAN INK

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)

Manifest Document No.: COD085282804 | 18215

Page 2 of 2

Information in the shaded areas is not required by Federal law.

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: UTD981550425

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.	Type	30. Total Quantity	31. Unit Wt/Vol	R. Waste No.
a.							
b.							
c.							
d.							
e.							
f.							
g.							
h.							
i.							

7/27/12

S. Additional Descriptions for Materials Listed Above

T. Handling Codes for Wastes Listed Above

32. Special Handling Instructions and Additional Information

GENERATOR

TRANSPORTER

33. Transporter ___ Acknowledgement of Receipt of Materials

Printed/Typed Name	Signature	Date (Month Day Year)
Trah Gull		7 27 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

C. 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 788488

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

Component	From	To	Component	From	To
	—	%		—	%
Phosphoric Acid	30 —	40 %	Glycolic Acid	2 —	3 %
Nitric Acid	12 —	18 %	Water	Balance	%
Flouraboric 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, OR ETIOLOGICAL AGENT	☐	REDUCING AGENT	☐
OSHA REGULATED CARCINOGENS	☐	SPONTANEOUSLY IGNITES WITH AIR	☐	ASBESTOS	☐	NONE OF THE ABOVE	☒

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

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

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

I. SAMPLE STATUS

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

J. SPECIFIC DISPOSAL RESTRICTIONS OR REQUESTS:

SPECIAL WASTE HANDLING REQUIREMENTS: Acid Splash PPE-Level C

OTHER COMMENTS OR REQUESTS:

K. BIENNIAL/ANNUAL REPORTING INFORMATION.

SIC CODE ___ SOURCE CODE ___ FORM CODE ___ ORIGIN CODE ___

GENERATOR'S CERTIFICATION

I hereby 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 are representative of the actual waste. If Clean Harbors discovers a discrepancy during the approval process, Generator grants Clean Harbors the authority to amend the profile, as Clean Harbors deems necessary, to reflect the discrepancy.

AUTHORIZED SIGNATURE NAME (PRINT) TITLE DATE

FOR CLEAN HARBORS USE ONLY

CHI REPRESENTATIVE COMPLETING PROFILE:

CLEAN HARBORS COPY

EXHIBIT H

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

In Collect on Delivery Shipments, the term "COD" must appear before consignee's name or as otherwise provided in Item 430, Sec. 1.

TO:
Consignee KILGAIN P & P
Street ROUTE 104 (EAST OF PAWNEE
City PAWNEE State IL Zip Code 62558

FROM:
Shipper LUXURY WHEELS
Street 1440 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 DESCRIPTON 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, PG II.				
		CONTACT RICK OR CHARLIE 24 HRS				
		PRIOR TO DELIVERY				
		1-217-625-5606				

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 absent 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 extent provided by such provisions. See NMFC Item 172. (3)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) Item 360, Bills of Lading, Freight Bills and Statements of Charges and Section 1(a) the Contract 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: $

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)

C.O.D. FEE:
PREPAID ☐
COLLECT ☐ $

TOTAL CHARGES: $

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
PER [signature]
FRANK GINES AGENT FOR LUXURY WHEELS

CARRIER SLT EXPRESS
PER [signature]
DATE 8/20/02

2

Permanent post-office address of shipper

(AIL 11/97)

STYLE F160-3 Labelmaster, An American Labelmark Co., Chicago, IL 60646 800-621-5808

PRINTED ON RECYCLED PAPER USING SOY INK

EXHIBIT I

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:		
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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:**

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:		
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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:		
	☐	☐	☐	☐	☐		☐	☐	☐
	☐	☐	☐	☐	☐		☐	☐	☐
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	☐	☐	☐	☐	☐		☐	☐	☐

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 TSD FACILITY 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)
	SUBPART B: GENERAL FACILITY STANDARDS	X
	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 TSD FACILITY INSPECTION CHECKLIST (PART 725)	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_____	X
	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.	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_____	X
	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___	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:	X
	- daily inspections of areas subject to spills? Yes_____ No_____ N/A___X___	725.115(b)
	- 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).	
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_____	
725.116(a)	**Section 725.116 Personnel Training** 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 725.116(a)
	- procedures for using, inspecting, repairing and replacing facility emergency and monitoring equipment? Yes_____ No_____ N/A___X_____	
	- 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	RCRA TSD FACILITY INSPECTION CHECKLIST (PART 725)	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	X
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_____	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 availalole
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 TSD FACILITY 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 TSD 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) X
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_____	725.175 Hazardous waste has been stored on-site since 2002. No annual reports submitted
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	RCRA TSD FACILITY INSPECTION CHECKLIST (PART 725)	Violation
	COMMENTS:	

SUBPART G: CLOSURE AND POST-CLOSURE

No closure plan developed.

Section 725.212 Closure Plan; Amendment of Plan — Violation: X

725.212(a) Was the most current facility closure plan available during the inspection?

Yes_____ No___X___ N/A_____ — Violation: 725.212(a)

Was the closure plan submitted to the Agency within the time frames specified in this Section?

Yes_____ No_____ N/A___X___

Section 725.218 Post-Closure Care Plan

725.218(a) Was the most current facility post-closure plan available during the inspection?

Yes_____ No_____ N/A___X___

Was the post-closure plan submitted to the Agency within the time frames specified in this Section? — Violation: 725.218(a)

Yes_____ No_____ N/A___X___

SUBPART H: FINANCIAL REQUIREMENTS

No detailed written estimate, in current dollars, of cost of closing site. — Violation: X

Section 725.242 Cost Estimate for Closure

725.242(a) Has the owner/operator prepared a written estimate of the cost of closing the facility? — Violation: 725.242(a)

Yes_____ No___X___ N/A_____

Section 725.244 Cost Estimate for Post-Closure Care

725.244(a) Has the owner/operator prepared a written estimate of the annual cost of post-closure monitoring and maintenance of the facility?

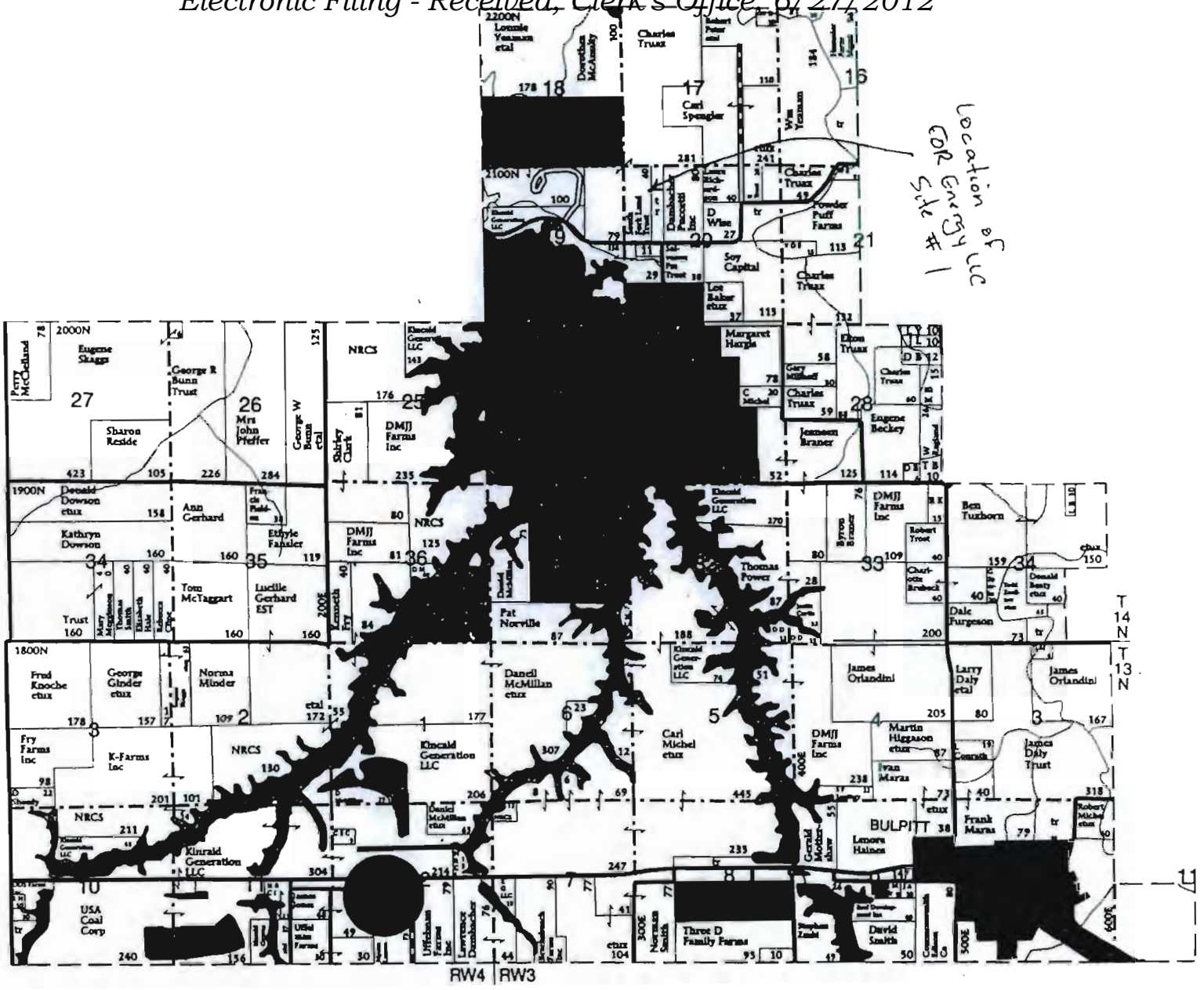
Yes_____ No_____ N/A___X___

Comments: — Violation: 725.244(a)

Regulation	RCRA TSD FACILITY INSPECTION CHECKLIST (PART 725)	Violation
	SUBPART I: USE AND MANAGEMENT OF CONTAINERS	
	Section 725.271 Condition of Containers	
725.271	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
	Section 725.272 Compatibility of Waste with Container	
725.272	Is the waste compatible with the container and/or liner? Yes___X___ No_____ N/A_____	725.272
	Section 725.273 Management of Containers	
725.273(a)	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)
	Section 725.274 Inspections	
725.274	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
	Section 725.276 Special Requirements for Ignitable or Reactive Waste	
725.276	Are containers holding hazardous waste located at least 15 meters (50 feet) from the facility's property line? Yes_____ No_____ N/A___X_____	725.276
	Note: See Section 725.117(a) for additional requirements for ignitable, reactive or incompatible wastes.	

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

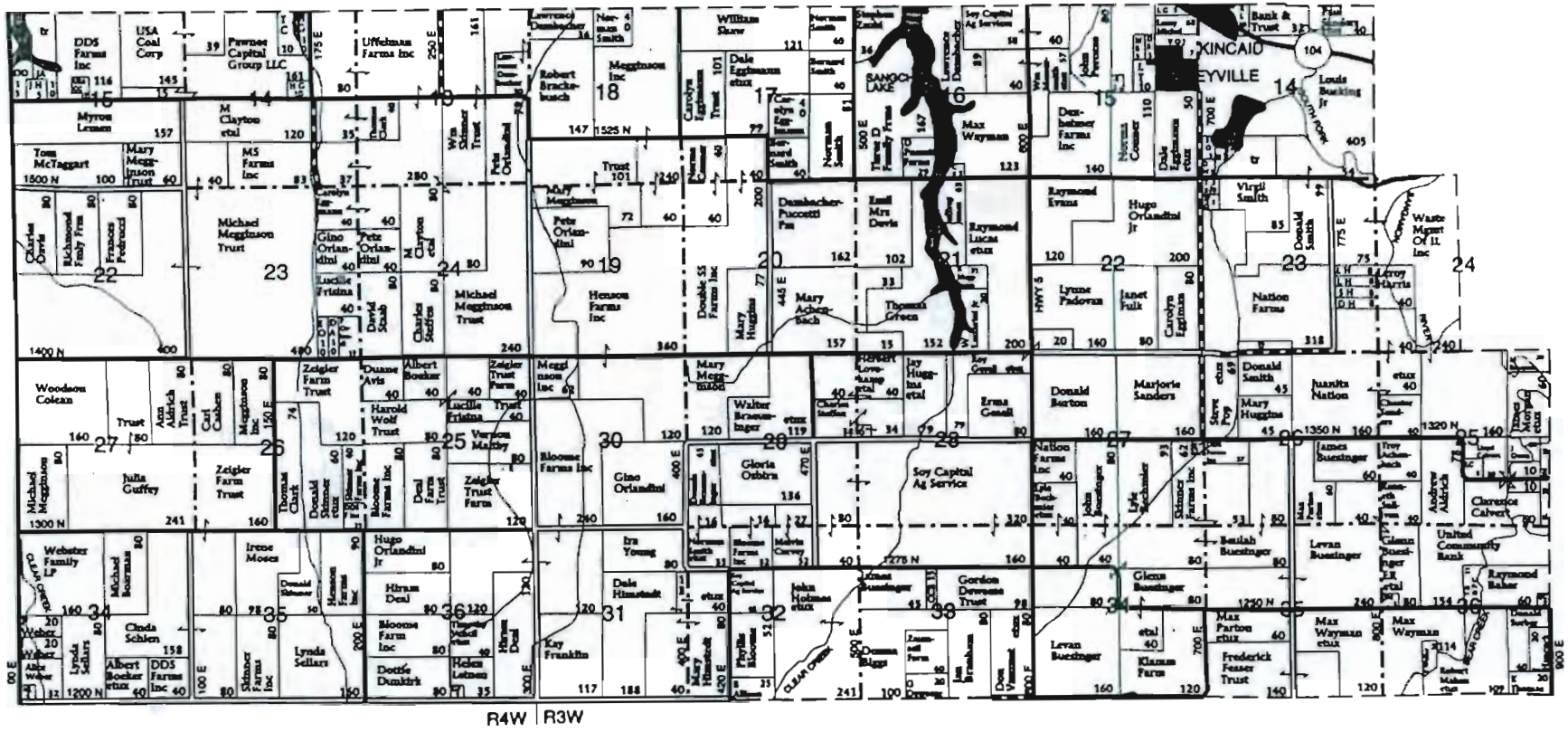


location of EOR Energy LLC Site #1

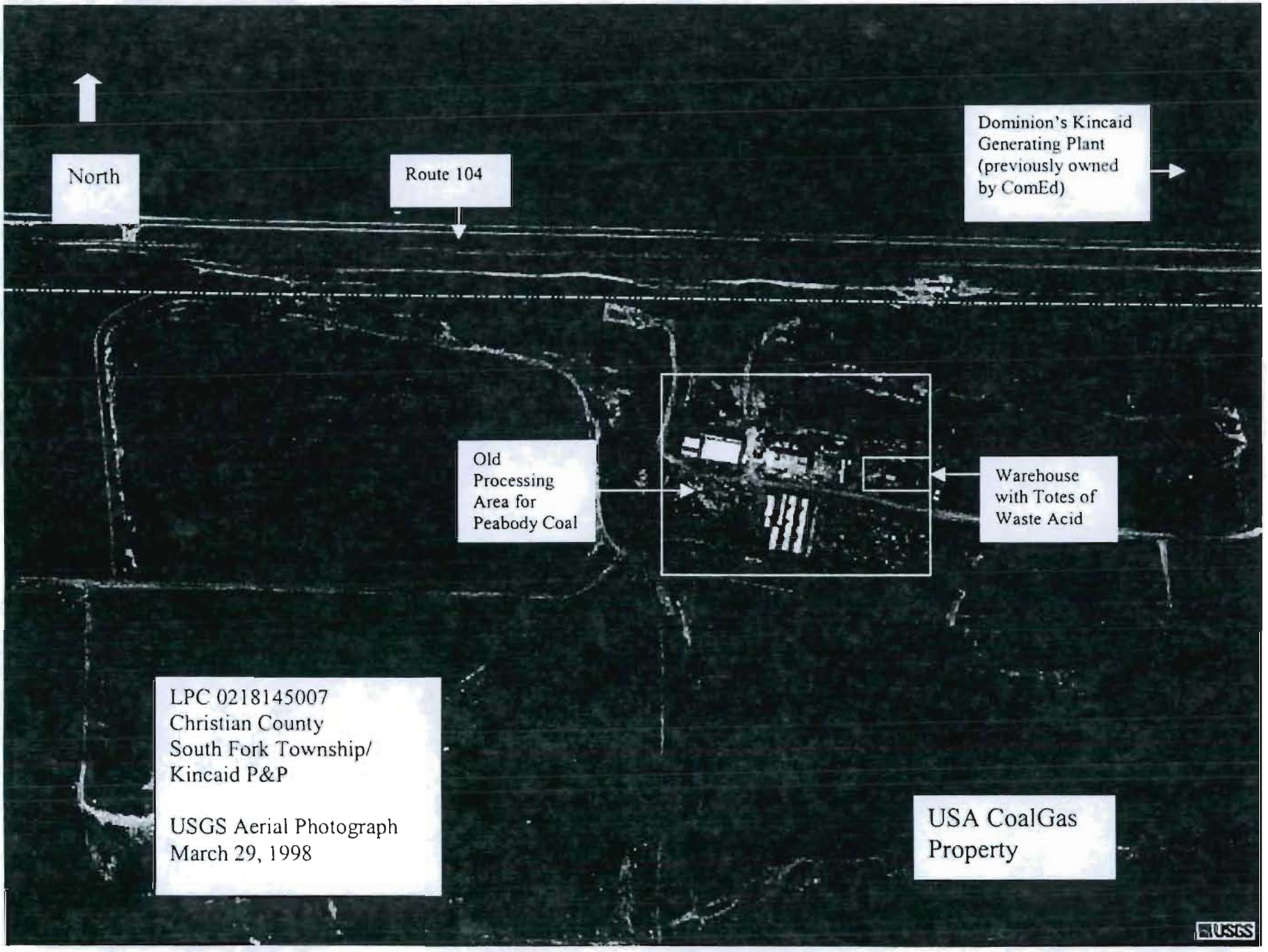
LPC 0218145007 - Christian County
South Fork Township
Kincaid P.O.

T-13-N

R-3-W



LPC 0218450001 - Christian County South Fork Township/ Kincaid P&P


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

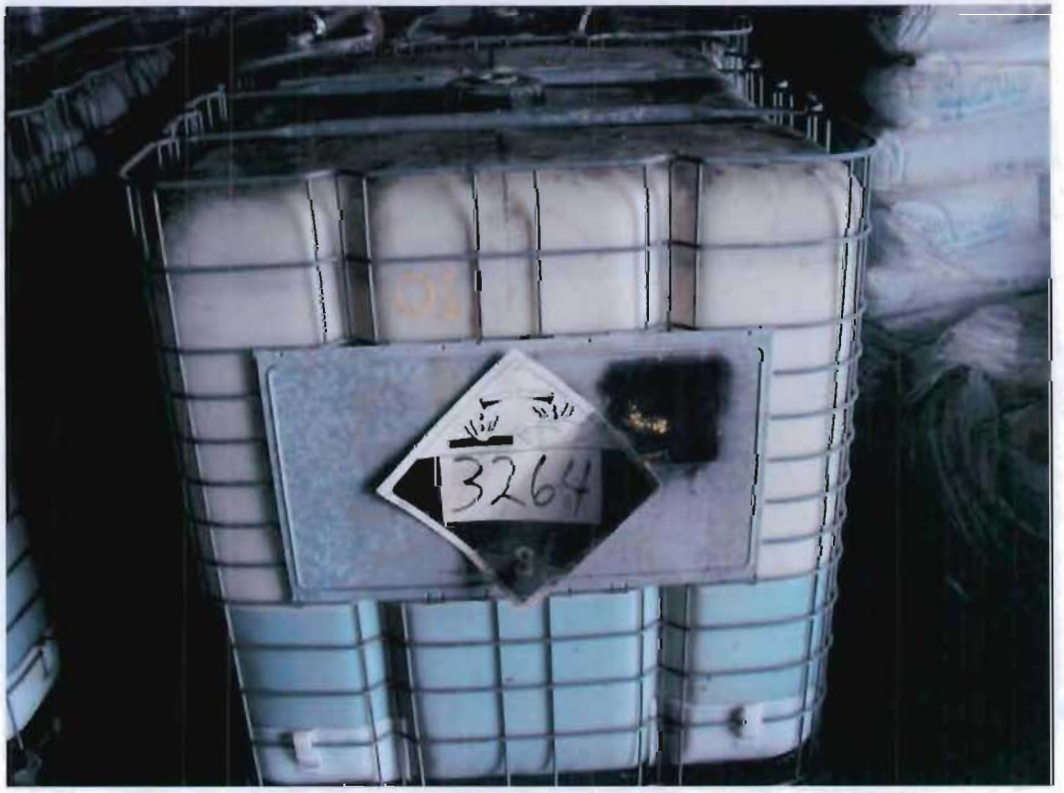
Date: 11/17/2004
Time: 10:57 am
Direction: Northeast
Photo by: Rich Johnson
Exposure #: 001
Comments: Photograph shows the warehouse used to store the totes of spent acid at USA CoalGas property. The property is located south of Illinois Route 104 and southwest of Dominion Kincaid Generation Plant.

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: 12:00 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

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

PC 0218145007 - Christian County
South Fork Township
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/
E0R 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:

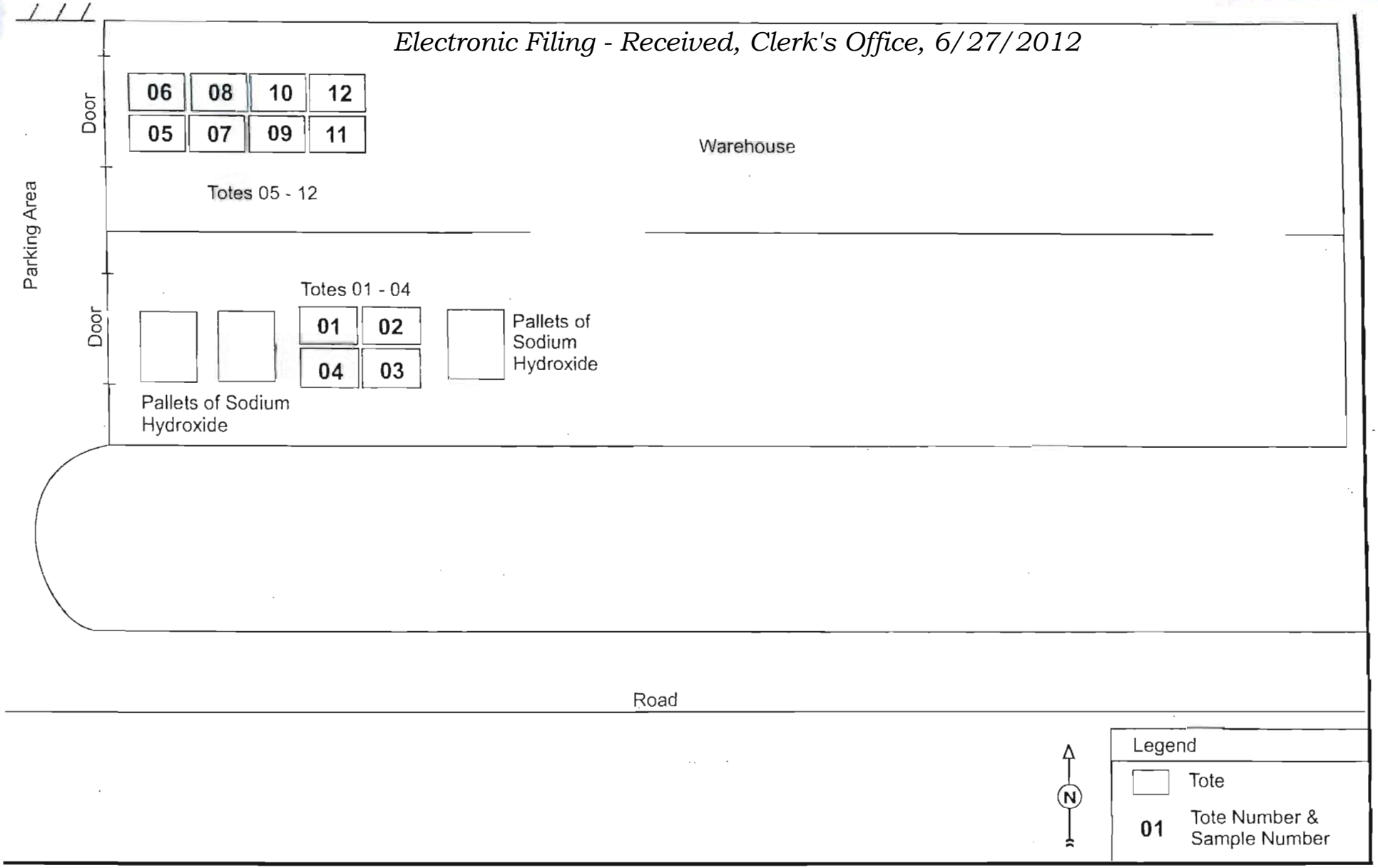
- Completed sample tags were affixed to the sample containers.
- Each sample container was secured in sealed, tamper-evident bag and an outer, reclosable, plastic bag.

- 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 ToxiRac 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) IBC0177 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' Markings on top: Black hand-written 70/30	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.

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**

(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

(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)

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)

VIRONMENTAL PROTECTION AGENCY
ice of Enforcement and Compliance Monitoring

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

CHAIN OF CUSTODY RECORD

PROJ. NO. P1039

PROJECT NAME AET Environmental

AMPLERS: (Signature) Bobby A. Williams

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

BW 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 1054				
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 10:10 AM		

Distribution: Original Accompanies Shipment; Copy to Coordinator Field Files

11005

...ENVIRONMENTAL PROTECTION AGENCY
...fice of Enforcement and Compliance Monitoring

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

CHAIN OF CUSTODY RECORD

PROJ. NO.: RP1039
PROJECT NAME: AET Environmental
SAMPLERS: (Signature) Bobby D. Williams

A. NO.	DATE	TIME	COMP.	GRAB	STATION LOCATION	NO. OF CONTAINERS	TAG NUMBERS	SAMPLE TAG VERIFICATION	REMARKS
3	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)
Bobby D. Williams	2/17/04 1037 hrs	Mike Kloth, SA			

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

...ibution: Original Accompanies Shipment; Copy to Coordinator Field Files

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

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NVIRONMENTAL PROTECTION AGENCY
ffice of Enforcement and Compliance Monitoring

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

CHAIN OF CUSTODY RECORD

PROJ. NO.: RP1039
PROJECT NAME: AET Environmental
SAMPLERS: (Signature) Bobby D. Williams

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

Relinquished by: (Signature)	Date / Time	Received by: (Signature)	Relinquished by: (Signature)	Date / Time	Received by: (Signature)
Bobby D. Williams	2/9/04 1003 hrs				

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

Distribution: Original Accompanies Shipment; Copy to Coordinator Field Files

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VIRONMENTAL PROTECTION AGENCY
e of Enforcement and Compliance Monitoring
NATIONAL ENFORCEMENT INVESTIGATIONS CENTER
Building 53, Box 25227, Denver Federal Center
Denver, Colorado 80225

CHAIN OF CUSTODY RECORD

PROJ. NO. 21039 | PROJECT NAME AET Environmental | NO. OF CONTAINERS

SAMPLERS: (Signature) Bobby D. Williams

. NO.	DATE	TIME	COMP.	GRAB	STATION LOCATION	NO. OF CONTAINERS	TAG NUMBERS	SAMPLE TAG VERIFICATION	REMARKS
1	2/4/04	1157hrs		X	Tote 01	3-1Qt	NE 12981, 12982		0000555,
2	2/4/04						12983		0000556, 0000557
2	"	1210hrs		X	Tote 02	"	NE 12984, 12985		0000558
							12986		0000554 0000559
3	"	1220hrs		X	Tote 03	"	NE 12987, 12988		0000540 0000541
4	"	1125hrs		X	Tote 04 Bad 2/4/04		12989		0000539
4	"	1125hrs		X	Tote 04	9-1Qt	NE 12990, 12991		0000542 0000543
							12992, 12993		0000544 0000547
							12994, 12995		0000549 0000550
							12996, 12997		0000551 0000552
							12998		0000553
5	"	1350hrs		X	Tote 05	1-1Qt	NE 13000		0000530
6	"	1355hrs		X	Tote 06	1-1Qt	NE 13001		0000531
7	"	1400hrs		X	Tote 07	1-1Qt	NE 13002		0000529

Relinquished by: (Signature)	Date / Time	Received by: (Signature)	Relinquished by: (Signature)	Date / Time	Received by: (Signature)
Bobby D. Williams	2/9/04 1003 hrs				
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	
		Willie Allen	02-09-04 10.04 AM		

Distribution: Original Accompanies Shipment; Copy to Coordinator Field Files

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

VIRONMENTAL PROTECTION AGENCY
ice of Enforcement and Compliance Monitoring

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

CHAIN OF CUSTODY RECORD

PROJ. NO. P1039 | PROJECT NAME AET Environmental

MPLERS: (Signature) Bobby D. Williams

A. NO.	DATE	TIME	COMP.	GRAB	STATION LOCATION	NO. OF CONTAINERS	pH	TAG NUMBERS	SAMPLE TAG VERIFICATION	REMARKS
01	2/4/04	1157		X	Tote 01	1-8oz	X	NE 13021		002,0745
02	"	1210		X	Tote 02	"	X	NE 13022		0000534
03	"	1220		X	Tote 03	"	X	NE 13023		0000535
04	"	1125		X	Tote 04	"	X	NE 13024		0000536
06	"	1355		X	Tote 06	"	X	NE 13025		0000537
07	"	1400		X	Tote 07	"	X	NE 13026		0000560

Relinquished by: (Signature)	Date / Time	Received by: (Signature)	Relinquished by: (Signature)	Date / Time	Received by: (Signature)
Bobby D. Williams	2/9/04 1535				
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	
			02-09-04 3:35 PM		

Distribution: 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:		
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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:		
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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:		
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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:		
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OWNER / OPERATOR

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

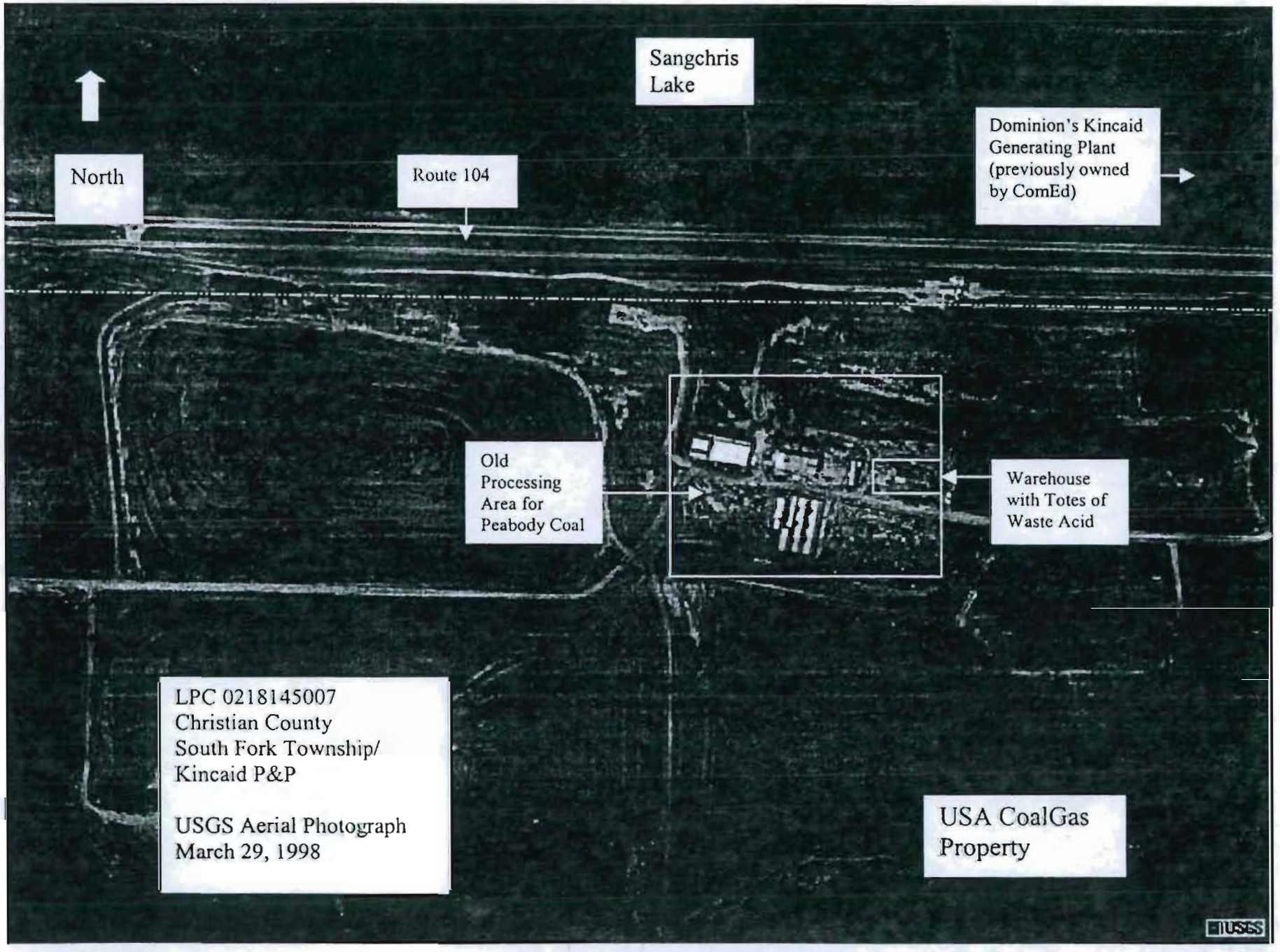
Mr. Wake and Mr. Geary indicated the following:

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


Sangchris Lake
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

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

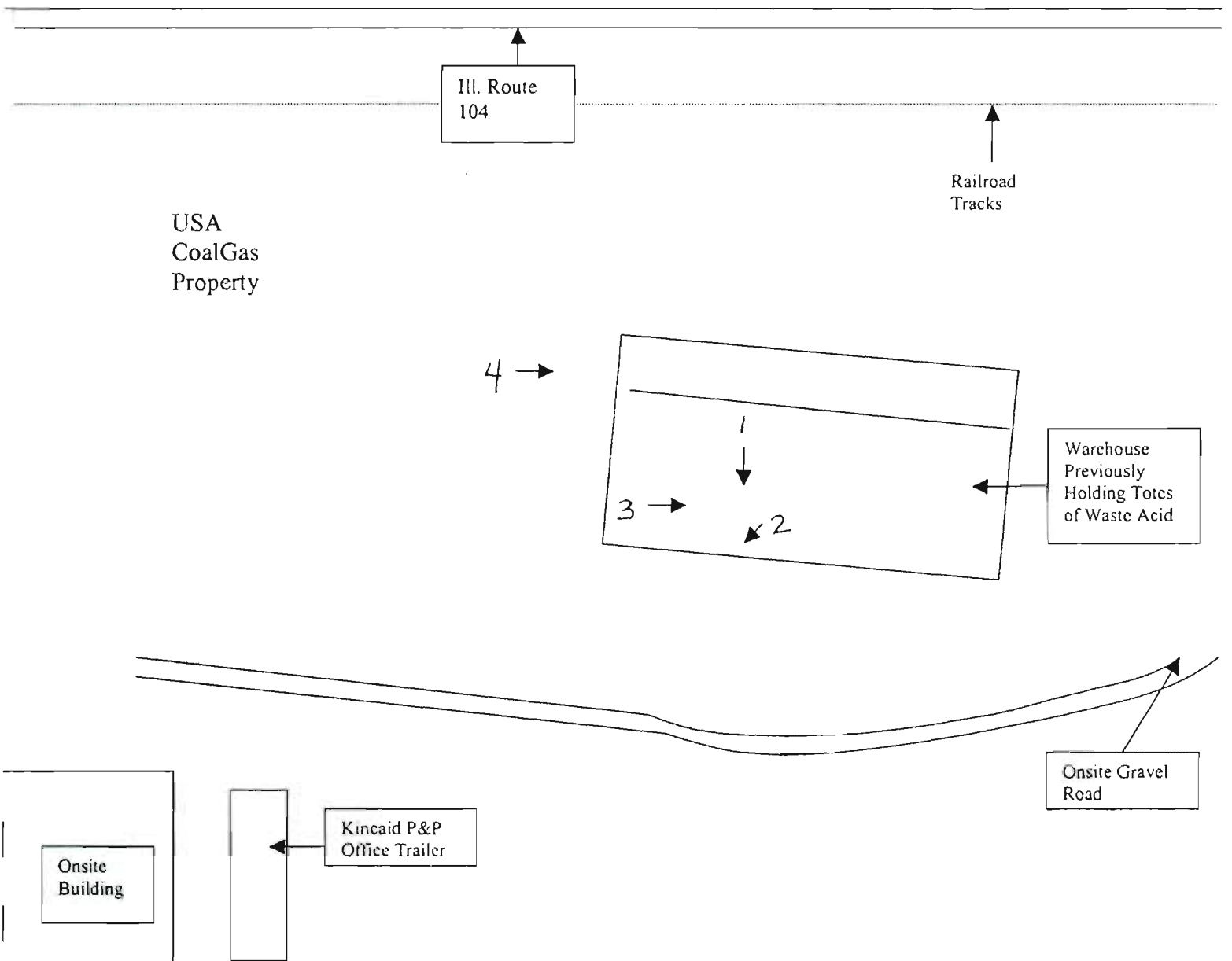
Inspector: Rich Johnson
County: Christian
Time: 10:15 am – 2:35 pm

Measurements Approximate

Not To Scale

North

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 #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

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: 11:16 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

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: 11:36 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

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: 11:43 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

Illinois Environmental Protection Agency
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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

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: 12:57 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

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: 1:04 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

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

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 (217) 333-8511

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: I L D 9 8 1 9 5 7 . . 3 8
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: T X D 0 5 5 1 3 5 3 8 8
G. State Facility's ID: 5 0 2 6 7
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	TF	1000	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.

GENERATOR

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

TRANSPORTER

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name: ANDREW DEIBOEF | Signature: Andrew deiBoer | Date: Month 04 | Day 14 | Year 05

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name | Signature | Date: Month . | Day . | Year .

FACILITY

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 ILD981957236

Order Date ____
Schedule Date 4-7
Driver ANDY D
Tractor 1332 Trailer V75

GENERATOR/SHIPPER

Company KINCAID F+P
Address ZENORIA ROAD OFF ROUTE 154
USEPA ID# ____
IL GEN# ____
Shipping Address ____

Phone ____ Contact ____ PO# ____

TREATMENT/DISPOSAL FACILITY

Name SET ENVIRONMENTAL INC
5743 CHESHIRE
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. Wade 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

Existing Co. 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: (217) 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>.

Tuesday, April 05, 2005 Wells permitted to E.O.R. Energy, LLC

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

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

X160167 UM SETS 1-01

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

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',

This permit expires one year from date of issuance unless drilling or conversion operation are commenced prior thereto

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

TE OF ILLINOIS

X BV

№ 28255
10358

ENT OF MINES AND MINERALS

DIVISION OF OIL AND GAS

AUTHORITY TO DRILL AND OPERATE A WELL

Oil, Gas & Minerals, Inc.
Box 209/159
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 8f 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

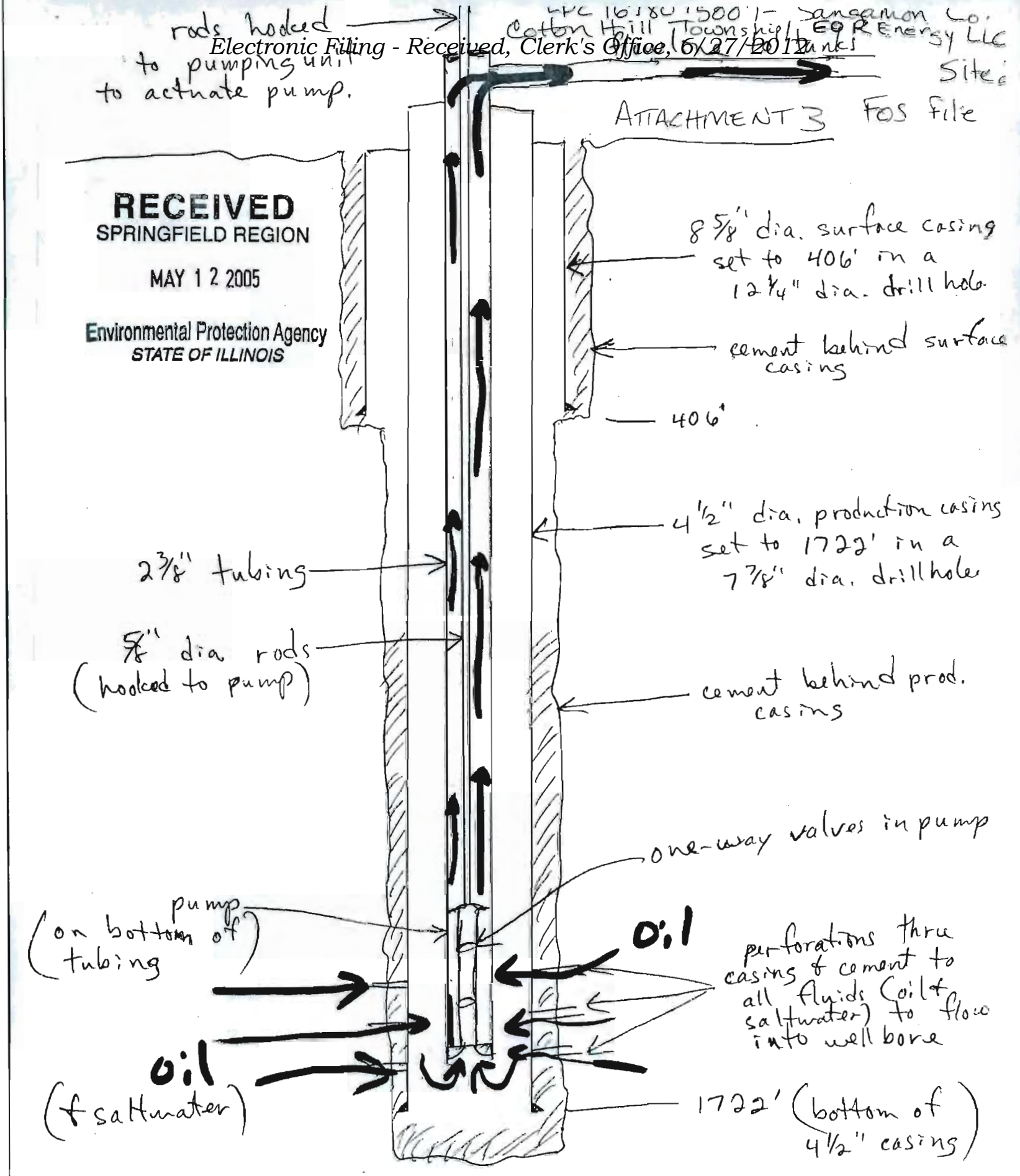
For storage of hydrocarbons which are liquid at standard temperature and pressure.

"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)

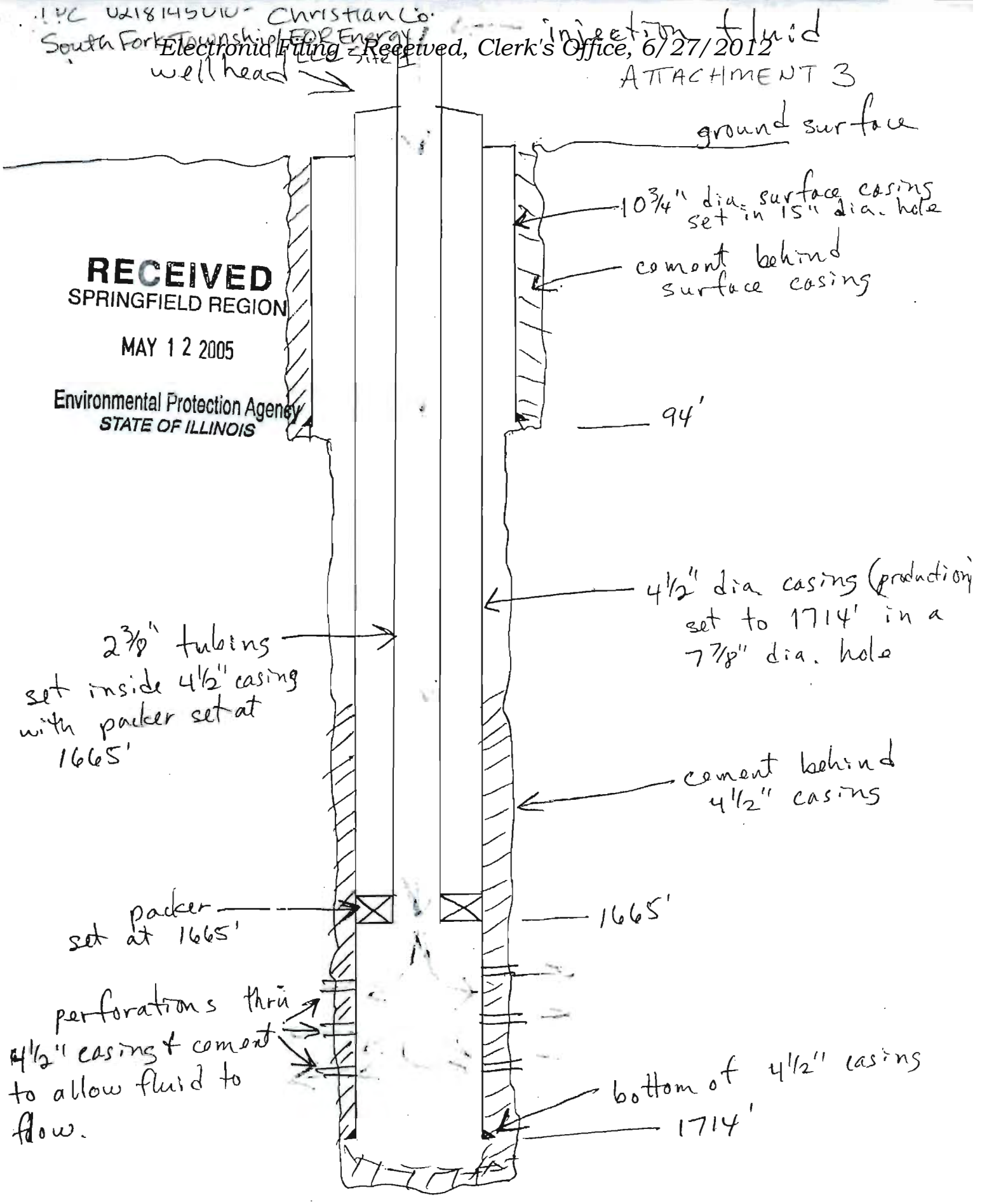
"Directional Drilling"--means the controlled directional drilling when the bottom of the well bore is directed away from the vertical position.



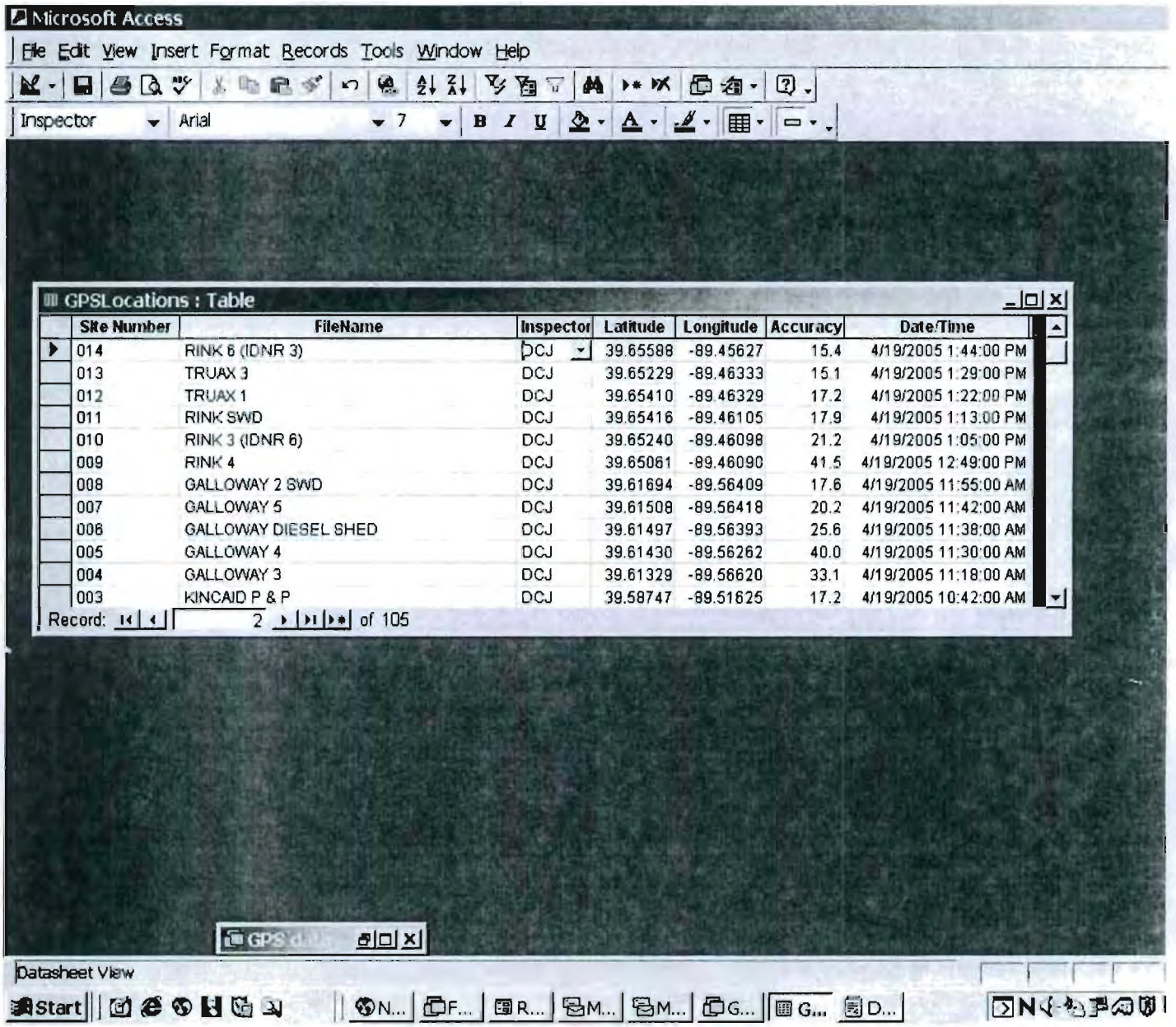
Galloway #3
well construction

IPC 0218145010 - Christian Co.
South Fork Township / EDP Energy

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

EXHIBIT J

Arthur F. Clark, PhD, CHMM
Technical Director

Arthur Clark is a biochemist and a chemical engineer, with over 35 years of experience. AET's senior scientist and executive project manager for decontamination, site remediation projects, treatment technologies, and facility closures, he works with AET project managers to develop work plans and safe operating procedures, and ensures that these procedures are followed. He designs and manufactures oil, glycol, and methanol recycling plants and equipment. He has developed patented technologies for glycol and methanol recycling and enhanced energy systems for secondary oil recovery. Prior to his work with AET, he also performed biomedical research for 15 years in the U.S., Switzerland and Sweden.

EDUCATION
*Ohio University: PhD, Biochemistry
*Colorado School of Mines: MS, Chemical Engineering

Close