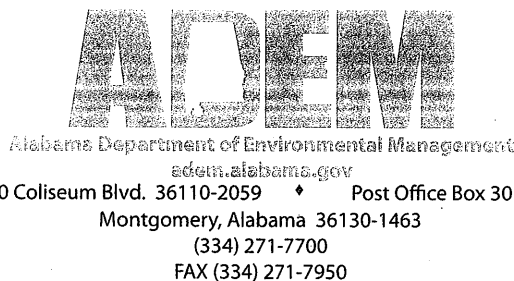


ONIS "TREY" GLENN, III
DIRECTOR



BOB RILEY
GOVERNOR

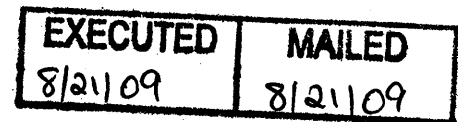
August 21, 2009

CERTIFIED MAIL 91 7108 2133 3936 3540 5436

Mr. Jeff Miller
President
Research Solvents & Chemicals, Inc.
402 Industrial Park Drive
Pelham, Alabama 35124

ADMINISTRATIVE ORDER No. 09-096-GW

Re: **Research Solvents & Chemicals Inc.**
402 Industrial Park Drive
Pelham, Shelby Co., Alabama
Groundwater Incident # GW 05-08-01



Dear Mr. Miller:

Enclosed please find Administrative Order No. 09-096-GW, which requires you to take certain actions in regard to alleged violations of the Alabama Water Pollution Control Act. This order has been issued.

Please note the issuance date August 21, 2009. The terms of the Administrative Order require certain actions to be completed relative to the issuance date of the Order.

Pursuant to Code of Alabama 1975, §22-22A-7(c)(1) this Order may be appealed by filing a request for a hearing before the Environmental Management Commission within thirty days after receiving this Order. The request should be addressed to the Chair of the Environmental Management Commission and should comply with the requirements of ADEM Admin. Code r. 335-2-1-.04. Copies of ADEM Admin. Code, Div. 2, Environmental Management Commission regulations can be viewed or downloaded from ADEM's webpage at <http://www.adem.state.al.us/Regulations/regulations.htm> or may be obtained by submitting a request in writing to the ADEM – Permits & Services Division.

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (Fax)

Decatur Branch
2715 Sandlin Road, S.W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (Fax)

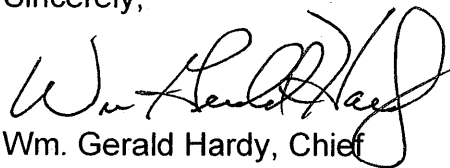
Mobile Branch
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (Fax)

Mobile - Coastal
4171 Commanders Drive
Mobile, AL 36615-1421
(251) 432-6533
(251) 432-6598 (Fax)

Mr. Jeff Miller
Page 2

Should you have any questions concerning this matter, please contact Mr. Whit Slagle, Chief of the Hydrogeology Section, in Montgomery at (334) 271-7831.

Sincerely,



Wm. Gerald Hardy, Chief
ADEM Land Division

WGH/SSM/WS/MFB/rh

Enclosure

cc: Sonja M. Massey, Chief
ADEM Groundwater Branch, Land Division

Whit Slagle, Chief
Hydrogeology Section, Groundwater Branch

Stephanie Carter, Hydrogeologist
Hydrogeology Section, ADEM Groundwater Branch, Land Division

ADEM Office of General Counsel

**ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**

In The Matter Of:)

Research Solvents & Chemicals Inc.)
402 Industrial Park Drive)
Pelham, Shelby County, Alabama)

ADMINISTRATIVE ORDER

No. 09-096-GW

Groundwater Incident No. GW 05-08-01)

FINDINGS

Pursuant to the provisions of the Alabama Environmental Management Act, §§ 22-22A-1 to 22-22A-16, Ala. Code (2006 Rplc.Vol.); the Alabama Water Pollution Control Act, §§ 22-22-1 to 22-22-14, Ala. Code (2006 Rplc.Vol.); and the ADEM Administrative Code of Regulations (ADEM Admin. Code r.) promulgated pursuant thereto, the Alabama Department of Environmental Management ("ADEM" or "the Department") makes the following FINDINGS:

1. Research Solvents & Chemicals Inc. (hereinafter "RSC"), operates the facility located at 402 Industrial Park Drive in Pelham, Shelby County, Alabama.

2. ADEM is a duly constituted agency of the State of Alabama pursuant to §§ 22-22A-1 to 22-22A-16, Ala. Code (2006 Rplc.Vol.).

3. Pursuant to § 22-22A-4(n), Ala. Code (2006 Rplc.Vol.), ADEM is the State Environmental Control Agency for the purposes of federal environmental law, including 33 U.S.C. §§ 1251 to 1387.

4. ADEM is authorized to administer and enforce the provisions of the Alabama Water Pollution Control Act, §§ 22-22-1 to 22-22-14, Ala. Code (2006 Rplc.Vol.).

5. Pursuant to § 22-22-9(e), Ala. Code (2006 Rplc.Vol.), whenever the Department determines that any person is in violation of, or is about to violate, the Alabama Water Pollution Control Act, or any regulation or permit issued thereunder, such person shall file with the Department within the time required a full report of actions taken or being taken to control such discharge of pollution.

6. On July 22, 2005, the Department was notified that results of a Phase I Environmental Assessment Report prepared by Conestoga, Rovers and Associates, documented elevated concentrations of volatile organic compounds on adjacent property that is immediately downgradient of the Research Solvents and Chemicals facility and associated aboveground storage tanks.

7. On August 10, 2005, the Department assigned a Groundwater Incident Number (GW 05-08-01) to the site and issued a letter requiring a comprehensive site investigation.

8. On August 19, 2005, the Department received a copy of the Phase I Environmental Site Assessment Report prepared by Conestoga, Rovers and Associates, that provided the analytical data supporting the need for investigation of a release of contaminants to soils/groundwater at the facility.

9. On November 4, 2005, a Preliminary Investigation Work Plan was received from RSC's consultant, MWH Americas Inc.

10. On March 9, 2006, the Department issued a letter Request to Modify Preliminary Investigation Work Plan to reflect the Comprehensive Assessment Plan requested in the August 10, 2005, Groundwater Incident letter.

11. On April 14, 2006, the Comprehensive Assessment Work Plan was received by the Department.

12. On October 10, 2006, the Department received the Comprehensive Investigation Data Report from MWH Americas Inc. for RSC.

13. On March 8, 2007, the Department received the Comprehensive Investigation Report from MWH Americas Inc. for RSC.

14. On April 10, 2007, the Department received the Supplemental Soil & Groundwater Assessment Report from Tom Joiner and Associates for Sherman Industries.

ORDER

Based on the foregoing FINDINGS and pursuant to §§ 22-22A-5(1), 22-22A-5(10), 22-22A-5(12), 22-22A-5(18), and 22-22-9(k), Ala. Code (2006 Rplc.Vol.), it is hereby ORDERED:

A. That, within thirty days from the issuance of this Administrative Order, RSC shall submit to the Department an investigative and remediation plan that shall include and provide for the following items A.1 through A.3 below. Any modifications required by the Department to submitted plans and proposals for items A.1 through A.3 below shall be incorporated into the scope of work and documented in subsequent communications and reports to ADEM. After completion of the submitted items A.1 through A.3 below by RSC, the Department will review submitted reports and data and determine what further actions may be required by RSC at the subject property. Recommendations regarding continued assessment and/or remediation should be proposed at the conclusion of each of the approved activities described in A.1 through A.3 below.

- A.1 A plan for conducting a subsurface soil vapor survey around the buildings located on RSC and Sherman Industries properties where indoor workers are present. A report of the findings of the completed vapor survey shall be submitted to the Department within 60 days of acceptance of the plan by the Department.
- A.2 A plan and schedule of implementation for a Comprehensive soil and groundwater investigation must be proposed which is adequate to thoroughly define the vertical and horizontal extent of the contamination both on-site and off-site.
- A.3 A plan and schedule of implementation for identification and mitigation of continuing sources of unpermitted discharges.

B. That, if required by the Department RSC shall undertake further assessment, monitoring, reporting, and/or abatement activities as directed by the Department, and shall continue such required actions until released in writing by the Department.

C. That, should any provision of this Administrative Order be declared by a court of competent jurisdiction or the Environmental Management Commission to be inconsistent with

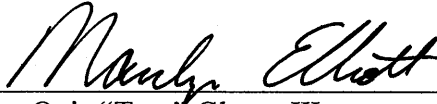
Federal or State law, and therefore unenforceable, the remaining provisions hereof shall remain in full force and effect.

D. That, except as otherwise set forth herein, this Administrative Order is not and shall not be interpreted to be a permit or modification of a permit under Federal, State or local law, and shall not be construed to waive or relieve the Owner of the obligation to comply in the future with all applicable law.

E. That the issuance of this Administrative Order does not preclude the Department from seeking criminal fines or other appropriate sanctions or relief against the Owner for the violations cited herein.

F. That failure to comply with the provisions of this Administrative Order shall constitute cause for commencement of legal action by the Department against the Owner for recovery of additional civil penalties, criminal fines, or other appropriate sanctions or relief.

ORDERED and ISSUED this the 21st day of August, 2009.



Onis "Trey" Glenn, III
Director

ADMINISTRATIVE ORDER CERTIFICATE OF SERVICE

I, **Wm. Gerald Hardy**, hereby certify that I have served the Administrative Order No. 09-096-GW upon the person listed below by sending the same, postage paid, through the United States Mail, Certified Mail Receipt # 91 7108 2133 3936 3540 5436. to:

Mr. Jeff Miller
President, General Manager
Research Solvents & Chemicals Inc.
402 Industrial Park Drive
Pelham, Alabama 35124

8/21/2009
Dated

Wm. Gerald Hardy
Wm. Gerald Hardy