

**LANCE R. LEFLEUR**  
DIRECTOR



**ROBERT J. BENTLEY**  
GOVERNOR

Alabama Department of Environmental Management  
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463  
Montgomery, Alabama 36130-1463  
(334) 271-7700 ■ FAX (334) 271-7950

NOV 16 2012

**CERTIFIED MAIL 91 7108 2133 3935 0353 8952**  
**RETURN RECEIPT REQUESTED**

Mr. Yashwant Awasthi  
Vice President  
AlphaPet, Inc.  
1301 Finley Island Road  
Decatur, Alabama 35601

RE: Consent Order No. 13-016-CWP  
SID Permit No. IU 08-52-00551  
AlphaPet, Inc.  
Decatur, AL  
Morgan County (103)

Dear Mr. Awasthi:

Please find the enclosed ADEM Consent Order No. 13-016-CWP which requires you to take certain actions at AlphaPet, Inc., 1301 Finley Island Road, Decatur, AL in regard to alleged violations of the Alabama Water Pollution Control Act. This Consent Order has been issued with the consent of AlphaPet, Inc. Please note that the assessed civil penalty is due within 45 days.

Sincerely,

A handwritten signature in black ink that reads "Glenda L. Dean".

Glenda L. Dean, Chief  
Water Division

GLD/tp

File: ECO/13-016-CWP

Enclosure

cc: Tom Johnston/ADEM, Office of General Counsel  
Laura Eubank/ADEM, Office of General Counsel  
Daphne Smart/ADEM, Industrial Municipal Branch/Water Division  
Scott Ramsey/ADEM, Industrial Municipal Branch/Water Division  
Theo Pinson/ADEM, Industrial Municipal Branch/Water Division  
Decatur Utilities

**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)

**ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT**

IN THE MATTER OF: \_\_\_\_\_ )  
 )  
 )

**AlphaPet, Inc.** )  
1301 Finley Island Road )  
Decatur, Morgan County, Alabama )

**SID Permit No. IU 08-52-00551** )

Consent Order No. 13-016-CWP

***PREAMBLE***

This Special Order by Consent is made and entered into by the Alabama Department of Environmental Management (hereinafter "the Department") and AlphaPet Inc (hereinafter the "Permittee") pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22-22A-16 (2006 Rplc. Vol.), the Alabama Water Pollution Control Act, Ala. Code §§ 22-22-1 to 22-22-14 (2006 Rplc. Vol.), and the regulations promulgated pursuant thereto, and § 402 of the Federal Water Pollution Control Act, 33 U.S.C. § 1342.

***STIPULATIONS***

1. The Permittee operates a chemical plant (hereinafter "the Facility"), located on 1301 Finley Island Rd in the city of Decatur, Morgan County, Alabama. The Permittee discharges pollutants from a point source into the Decatur Dry Creek Waste Water Treatment Plant (AL0048593).

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

3. Pursuant to § 22-22A-4(n), Ala. Code (2006 Rplc. Vol.), the Department is

the state agency responsible for the promulgation and enforcement of water pollution control regulations in accordance with the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 to 1387. In addition, the Department is authorized to administer and enforce the provisions of the Alabama Water Pollution Control Act (hereinafter "AWPCA"), Ala. Code §§ 22-22-1 through 22-22-14 (2006 Rplc. Vol.).

4. The Department issued State Indirect Discharge (hereinafter "SID") Permit Number IU 08-52-00551 (hereinafter "the Permit"), in accordance with ADEM Admin. Code r. 335-6-5 and the AWPCA, to the Permittee on April 16, 2009, effective April 16, 2009, establishing limitations on the discharge of pollutants from such point source(s), designated therein as outfall(s) number DSN001S, into the Decatur Dry Creek Waste Water Treatment Plant (AL0048593). The Permit requires that the Permittee monitor its discharge and submit periodic Discharge Monitoring Reports (hereinafter "DMRs") to the Department describing the results of the monitoring. In addition, the Permit requires that the Permittee properly operate and maintain all facilities and systems of treatment and control which are installed or used by the Permittee to achieve compliance with the terms and conditions of the Permit.

5. The DMRs submitted to the Department by the Permittee indicate that the Permittee has discharged pollutants in violation of the limits imposed by Part I.A of the Permit. The effluent violations noted are listed in Attachment #1.

6. The Permittee submitted correspondence to the Department dated May 23, 2012 indicating that a power outage and resulting plant shutdown caused by the April 27, 2011 storm event were directly responsible for certain limitation exceedances listed in Attachment #1.

7. The Permittee submitted a letter dated May 3, 2012 detailing the ongoing efforts of the facility to achieve pH compliance. The letter is shown as Attachment #3.

8. The Permittee consents to abide by the terms of this Consent Order and pay the civil penalty assessed herein.

### **CONTENTIONS**

Pursuant to Ala. Code § 22-22A-5(18)(c) (2006 Rplc. Vol.), in determining the amount of any penalty, the Department must give consideration to the seriousness of the violation, including any irreparable harm to the environment and any threat to the health or safety of the public; the standard of care manifested by such person; the economic benefit that delayed compliance may have conferred upon such person; the nature, extent and degree of success of such person's efforts to minimize or mitigate the effects of such violation upon the environment; such person's history of previous violations; and the ability of such person to pay such penalty. Any civil penalty assessed pursuant to this authority shall not exceed \$25,000.00 for each violation, provided however, that the total penalty assessed in an order issued by the Department shall not exceed \$250,000.00. Each day that such violation continues shall constitute a separate violation. In arriving at this civil penalty (summarized in Attachment #2), the Department has considered the following:

A. SERIOUSNESS OF THE VIOLATION AND BASE PENALTY: Based on information available to the Department, violations of the Permit, ADEM Admin. Code r. 335-6-5 and the AWPCA were noted. Considering the general nature of each violation, the magnitude and duration of each non-compliant discharge, the characteristics of each pollutant discharge, the effects, if any, on impaired waters, and any available evidence of irreparable harm to the environment or threat to the public, the Department determined the base penalty to be \$4,725.

B. THE STANDARD OF CARE: In consideration of the standard of care provided by the Permittee, the Department believes the civil penalty sought in this manner is sufficient.

C. ECONOMIC BENEFIT WHICH DELAYED COMPLIANCE MAY HAVE CONFERRED: The Department has been unable to ascertain if the Permittee received a significant economic benefit as a direct result of non-compliance with the Permit.

D. EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATION UPON THE ENVIRONMENT: There are no known environmental effects as a result of the violations.

E. HISTORY OF PREVIOUS VIOLATIONS: The Permittee has a history of previous violations, although no formal enforcement action has been taken. In consideration of this history, the Department has enhanced the civil penalty by an additional \$975.

F. THE ABILITY TO PAY: The Permittee has not alleged an inability to pay the civil penalty.

G. OTHER FACTORS: This Special Order by Consent is a negotiated settlement and, therefore, the Department has compromised the amount of the penalty the Department believes is warranted in this matter in the spirit of cooperation and desire to resolve this matter amicable, without incurring the unwarranted expense of litigation.

H. The civil penalty is summarized in Attachment #2.

#### **ORDER**

THEREFORE, the Permittee, along with the Department, desires to resolve and settle the compliance issues cited above. The Department has carefully considered the facts available to it and has considered the six penalty factors enumerated in Ala. Code § 22-22A-5(18)(c) (2006 Rplc. Vol.), as well as the need for timely and effective

enforcement, and the Department believes that the penalty assessed below and the following conditions are appropriate to address the violations alleged herein. Therefore, the Department and the Permittee agree to enter into this CONSENT ORDER with the following terms and conditions:

A. The Permittee agrees to pay to the Department a civil penalty in the amount of Five Thousand Seven Hundred Dollars (\$5,700.00) in settlement of the violations alleged herein within forty-five days from the effective date of this Consent Order. Failure to pay the civil penalty within forty-five days from the effective date may result in the Department's filing a civil action in the Circuit Court of Montgomery County to recover the civil penalty.

B. The Permittee agrees that all penalties due pursuant to this Consent Order shall be made payable to the Alabama Department of Environmental Management by certified or cashier's check and shall be remitted to:

Office of General Counsel  
Alabama Department of Environmental Management  
P.O. Box 301463  
Montgomery, Alabama 36130-1463

C. If not already enrolled in the Department's Electronic Environmental Discharge Monitoring Reports (hereinafter "eDMR") Reporting System Program (hereinafter "E2 Program"), the Permittee agrees to prepare and submit to the Department a complete application for enrollment for all of its permitted facilities, so that it is received by the Department not later than 30 days after the effective date of this Consent Order. If the Department determines through its review of the submitted application that the submittal is not sufficient for the Permittee to participate in the E2 Program, then the Permittee must modify the application so that it is sufficient. The Permittee shall submit modifications to the application, if required, so that they are

received by the Department no later than fourteen days after receipt of the Department's comments. Upon acceptance by the Department into the E2 Program, the Permittee agrees to begin the electronic submittals of DMRs through the E2 Program no later than the 28<sup>th</sup> days of the month following the first complete monitoring period. The Permittee agrees to fully implement all aspects of the E2 Program including the cessation of federal paper DMR submittals, if applicable, no later than 180 days after acceptance into the E2 Program, unless an extension is granted in writing by the Department. The Permittee further agrees to abide by all terms, conditions, and limitations of the E2 Program immediately upon acceptance into the E2 Program.

D. The Permittee agrees to prepare and submit to the Department, not later than sixty days after the effective date of this Consent Order, an Engineering Report that identifies the potential causes of noncompliance and summarizes an investigation of the changes necessary for the Permittee to achieve compliance with the Permit. The Engineering Report must include a schedule for implementation (i.e., a Compliance Plan). At a minimum, the Permittee shall consider each of the following in making its determination: the need for changes in maintenance and operating procedures; the need for modification of existing treatment and collection system works; and the need for new or additional treatment and collection system works. The Engineering Report shall be prepared by a professional engineer licensed to practice in the State of Alabama. If the Department determines through its review of the submitted Engineering Report that the report is not sufficient to accomplish compliance with the Permit, then the report shall be modified so that it does accomplish compliance. Modifications to the Engineering Report, if required, shall be submitted to ADEM no later than thirty days after receipt of the Department's comments.

E. The Permittee agrees to prepare and submit detailed progress reports to the

Department describing in detail the Permittee's progress towards achieving compliance with the items presented in the Compliance Plan. Such reports shall be submitted beginning 60 days after the effective date of this Consent Order and shall continue to be submitted every 60 days until the compliance date established in the following paragraph is attained. In addition, not later than fourteen days following each applicable due date contained in this Consent Order, the Permittee shall submit a written notice of noncompliance with the requirements of that paragraph, if applicable. Notices of noncompliance shall state the cause of noncompliance, the corrective action taken, and shall describe the Permittee's ability to comply with any remaining requirements of this Consent Order.

F. No later than 210 days after the date of entry of this Consent Order, the Permittee agrees to comply with the Part 1.A Parameters limitations of the Permit. The Permittee further agrees to comply with all other terms, conditions, and limitations of its Permit immediately upon the effective date of this Consent Order.

G. The Permittee agrees that, after the effective date of this Consent Order, it shall pay stipulated penalties for each day it fails to meet any of the written submittal milestone dates or requirement dates contained herein. The stipulated civil penalties for failure to meet each milestone or any requirement date, except for *Force Majeure* acts as hereinafter defined, shall be as follows:

<u>Period of Noncompliance</u>	<u>Penalty per Day per Violation</u>
1st to 30th day	\$ 100.00
31st to 60th day	\$ 200.00
After 60 days	\$ 300.00



If the Permittee fails to meet any milestone or any assigned date ninety days after the required dates found in paragraphs A, C, D, and E, the Department reserves the right to file a new action against the Defendant.

H. The parties agree should violations continue to occur after 210 days after the effective date of this Consent Order or as stipulated in paragraph F above, then the Department shall be free to issue an additional order or file suit against the Permittee in the Circuit Court of Montgomery County or other court of competent jurisdiction to enforce compliance of this Consent Order.

I. The Permittee agrees that payment of stipulated penalties due for violations of milestone violations as indicated in G contained herein under this Consent Order shall be due not later than the 28<sup>th</sup> day of the month following the month a milestone date was not achieved. Notification to the Permittee by the Department of the assessment of any stipulated penalty is not required.

J. The parties agree that this Consent Order shall apply to and be binding upon both parties, their directors, officers, and all persons or entities acting under or for them. Each signatory to this Consent Order certifies that he or she is fully authorized by the party he or she represents to enter into the terms and conditions of this Consent Order, to execute the Consent Order on behalf of the party represented, and to legally bind such party.

K. The parties agree that, subject to the terms of these presents and subject to provisions otherwise provided by statute, this Consent Order is intended to operate as a full resolution of the violations which are cited in this Consent Order.

L. The Permittee agrees that it is not relieved from any liability if it fails to comply with any provision of this Consent Order.

M. For purposes of this Consent Order only, the Permittee agrees that the Department may properly bring an action to compel compliance with the terms and conditions contained herein in the Circuit Court of Montgomery County. The Permittee also agrees that in any action brought by the Department to compel compliance with the terms of this Agreement, the Permittee shall be limited to the defenses of *Force Majeure*, compliance with this Agreement and physical impossibility. A *Force Majeure* is defined as any event arising from causes that are not foreseeable and are beyond the reasonable control of the Permittee, including its contractors and consultants, which could not be overcome by due diligence (i.e., causes which could have been overcome or avoided by the exercise of due diligence will not be considered to have been beyond the reasonable control of the Permittee) and which delays or prevents performance by a date required by the Consent Order. Events such as unanticipated or increased costs of performance, changed economic circumstances, normal precipitation events, or failure to obtain federal, state, or local permits shall not constitute *Force Majeure*. Any request for a modification of a deadline must be accompanied by the reasons (including documentation) for each extension and the proposed extension time. This information shall be submitted to the Department a minimum of ten working days prior to the original anticipated completion date. If the Department, after review of the extension request, finds the work was delayed because of conditions beyond the control and without the fault of the Permittee, the Department may extend the time as justified by the circumstances. The Department may also grant any other additional time extension as justified by the circumstances, but it is not obligated to do so.

N. The Parties agree that the sole purpose of this Consent Order is to resolve and dispose of all allegations and contentions stated herein concerning the factual circumstances referenced herein. Should additional facts and circumstances be

discovered in the future concerning the facility which would constitute possible violations not addressed in this Consent Order, then such future violations may be addressed in other Orders as may be issued by the Director, by litigation initiated by the Department, or by such other enforcement action as may be appropriate, and the Permittee shall not object to such future orders, litigation or enforcement action based on the issuance of this Consent Order if future orders, litigation or other enforcement action address new matters not raised in this Consent Order.

O. The Parties agree that this Consent Order shall be considered final and effective immediately upon signature of all parties. This Consent Order shall not be appealable, and the Permittee does hereby waive any hearing on the terms and conditions of same.

P. The Parties agree that this Consent Order shall not affect the Permittee's obligation to comply with any Federal, State, or local laws or regulations.

Q. The Parties agree that final approval and entry into this Consent Order are subject to the requirements that the Department provide notice of proposed Orders to the public, and that the public have at least thirty days within which to comment on the Consent Order.

R. The Parties agree that, should any provision of this Consent 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.

S. The Parties agree that any modifications of this Consent Order must be agreed to in writing signed by both parties.

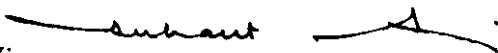
T. The Parties agree that, except as otherwise set forth herein, this Consent Order is not and shall not be interpreted to be a permit or modification of an existing

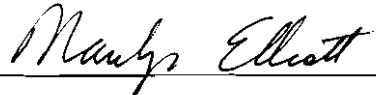
permit under Federal, State or local law, and shall not be construed to waive or relieve the Permittee of its obligations to comply in the future with any permit.

Executed in duplicate, with each part being an original.

AlphaPet, Inc.

ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT

By: 

By: 

Its: Vice President

Its: Deputy Director

Date: 09/15/2012

Date: NOV 16 2012

**Attachment 1:        Effluent Violations**

## Attachment 1: Effluent Violations

<b>Monitoring Period</b>	<b>Outfall</b>	<b>Parameter</b>	<b>Average, Max, Min</b>	<b>Unit</b>	<b>Limit</b>	<b>Reported Value</b>
August 2010	001S	pH	Daily Minimum	s.u.	5.0	4.4
August 2010	001S	pH Excursion Time	Daily Maximum	Minutes	60	105
September 2010	001S	pH	Daily Minimum	s.u.	5.0	3.6
October 2010	001S	pH	Daily Minimum	s.u.	5.0	4.5
October 2010	001S	pH	Daily Minimum	s.u.	5.0	4.4
October 2010	001S	pH	Daily Minimum	s.u.	5.0	3.0
November 2010	001S	pH	Daily Minimum	s.u.	5.0	4.7
November 2010	001S	pH	Daily Minimum	s.u.	5.0	4.0
November 2010	001S	pH	Daily Minimum	s.u.	5.0	3.9
November 2010	001S	pH	Daily Minimum	s.u.	5.0	4.0
November 2010	001S	pH	Daily Minimum	s.u.	5.0	4.2
November 2010	001S	pH Excursion Time	Monthly Average	Minutes	446	525
January 2011	001S	pH	Daily Minimum	s.u.	5.0	4.2
January 2011	001S	pH	Daily Minimum	s.u.	5.0	4.3
March 2011	001S	pH	Daily Minimum	s.u.	5.0	3.7
March 2011	001S	pH	Daily Minimum	s.u.	5.0	4.6
March 2011	001S	pH	Daily Minimum	s.u.	5.0	1.8
March 2011	001S	pH	Daily Minimum	s.u.	5.0	3.6
March 2011	001S	pH	Daily Minimum	s.u.	5.0	0.3
March 2011	001S	pH	Daily Minimum	s.u.	5.0	0.6
March 2011	001S	pH	Daily Minimum	s.u.	5.0	4.2
March 2011	001S	pH	Daily Minimum	s.u.	5.0	4.8
March 2011	001S	pH	Daily Minimum	s.u.	5.0	0.1
March 2011	001S	pH	Daily Minimum	s.u.	5.0	0.1
March 2011	001S	pH Excursion Time	Monthly Average	Minutes	446	521
April 2011	001S	pH	Daily Minimum	s.u.	5.0	0.8
April 2011	001S	pH	Daily Minimum	s.u.	5.0	0.5
April 2011	001S	pH	Daily Minimum	s.u.	5.0	1.5
April 2011	001S	pH	Daily Minimum	s.u.	5.0	4.3
April 2011	001S	pH	Daily Minimum	s.u.	5.0	2.5
*April 2011	001S	pH	Daily Minimum	s.u.	5.0	3.8
*April 2011	001S	pH Excursion Time	Monthly Average	Minutes	446	451
*May 2011	001S	pH	Daily Minimum	s.u.	5.0	4.40
*May 2011	001S	pH	Daily Minimum	s.u.	5.0	4.40
*May 2011	001S	pH	Daily Minimum	s.u.	5.0	4.30
*May 2011	001S	pH	Daily Minimum	s.u.	5.0	3.40
*May 2011	001S	pH	Daily Minimum	s.u.	5.0	4.37
*May 2011	001S	pH	Daily Minimum	s.u.	5.0	4.10
*May 2011	001S	pH Excursion Time	Daily Maximum	Minutes	60	75
*May 2011	001S	pH Excursion Time	Daily Maximum	Minutes	60	225
*May 2011	001S	pH Excursion Time	Daily Maximum	Minutes	60	183
*May 2011	001S	pH Excursion Time	Daily Maximum	Minutes	60	300
*May 2011	001S	pH Excursion Time	Monthly Average	Minutes	446	1586
*June 2011	001S	pH	Daily Minimum	s.u.	5.0	3.6
*June 2011	001S	pH	Daily Minimum	s.u.	5.0	4.7
*June 2011	001S	pH	Daily Minimum	s.u.	5.0	4.0
*June 2011	001S	pH	Daily Minimum	s.u.	5.0	4.3
*June 2011	001S	pH	Daily Minimum	s.u.	5.0	4.6
*June 2011	001S	pH	Daily Minimum	s.u.	5.0	4.7

June 2011	001S	pH	Daily Minimum	s.u.	5.0	3.9
June 2011	001S	pH	Daily Minimum	s.u.	5.0	4.9
June 2011	001S	Chloroform	Daily Maximum	lbs/day	0.4798	2.1535
June 2011	001S	Chloroform	Monthly Average	lbs/day	0.1639	0.9083
August 2011	001S	pH	Daily Minimum	s.u.	5.0	4.8
August 2011	001S	pH	Daily Minimum	s.u.	5.0	4.1
September 2011	001S	pH	Daily Minimum	s.u.	5.0	4.3
October 2011	001S	pH	Daily Minimum	s.u.	5.0	4.3
October 2011	001S	pH	Daily Minimum	s.u.	5.0	4.5

\*Violations associated with the April 27, 2011 storms.

Attachment 2:      Penalty Synopsis



Attachment 2: Penalty Synopsis

**AlphaPet Inc.**

**IU 08-52-00551**

<b>Violation</b>	<b>Number of Violations</b>	<b>Seriousness of Violation &amp; Base Penalty*</b>	<b>Standard of Care*</b>	<b>History of Previous Violations*</b>
Industrial Effluent Violation	58	\$4,725.00	\$0.00	\$975.00
<b>Totals:</b>	<b>58</b>	<b>\$4,725.00</b>	<b>\$0.00</b>	<b>\$975.00</b>

**Economic Benefit\*:**

**Mitigating Factors\*:**

**Ability to Pay\*:**

**Other Factors\*:**

---

**Civil Penalty: \$5,700.00**

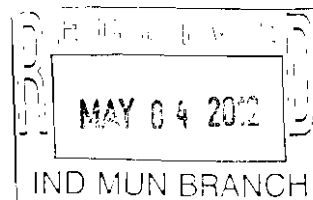
Attachment 3: May 3, 2012 Letter

May 3, 2012

MAY 04 2012

Mr. Theo Pinson  
Water Division  
Alabama Department of Environmental Management  
1400 Coliseum Boulevard  
Montgomery, AL 36110-2059

RE: SID Permit IU 08-52-00551  
AlphaPet, Incorporated  
Morgan County, Alabama



Dear Mr. Pinson:

We have prepared this correspondence to provide detailed information about the ongoing efforts to address our compliance with the pH requirements of the above referenced permit. The SID Permit for our facility was effective on April 16, 2009; discharges of process water began in June 2009.

Attached is a document with the following detailed information:

1. Waste water handling – startup operations
2. A detailed chronological list of modifications performed to reduce pH excursions.
3. Trend graph of pH excursions – minutes outside pH range of 6-9.
4. Trend graph of pH excursions – number of excursions outside pH range of 6-9.
5. Trend graph of pH excursions – minutes of excursions below the pH of 5.
6. Trend graph of pH excursions – number of excursions below the pH of 5.
7. Waste water handling – current operations.
8. Proposed modifications – currently in design phase.
9. Waste water handling – proposed operations.
10. Summary of pH excursions.

It was determined early in this process that debris (paper towels) was interfering by wrapping around the pH probe, producing erroneous pH readings. We have implemented operational changes in our waste water handling to identify when an excursion occurs; allowing us to take immediate action to correct a potential problem before it impacts our final pH.<sup>1</sup> With the work completed to date we have

<sup>1</sup> Two additional pH probes have been installed, one at Section A of the waste water collection pit and to provide redundancy a second probe at the final outfall. These additional probes are connected to the DCS system with alarms, allowing control room operators to continuously monitor the pH at these locations. Corrective action is taken as soon as the operators are aware of a potential problem.



identified all potential sources of high/low pH which can impact compliance with our SID permit and have eliminated nearly all pH excursions.<sup>2</sup>

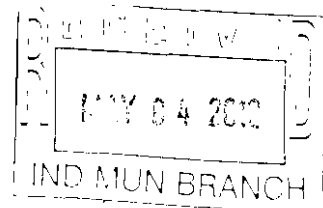
We are currently in the design phase for an approved capital expenditure to provide final pH adjustment of our process waste water. The project will include a final pH adjustment system with a retention time adequate to maintain a pH range of 6.0 -9.0 s.u. along with an equalization/holding tank to allow for additional treatment, if necessary. This project has an estimated completion date of February 2013. Along with the work completed to date, this project will complete the effort to insure 100% compliance with the pH limitations of our SID permit.

If you have any questions, or would like additional information, please give me a call at (256) 308-1180 Extension 2401.

Sincerely,

Sameer Gupta  
AlphaPet, Inc.

Attachments as Indicated



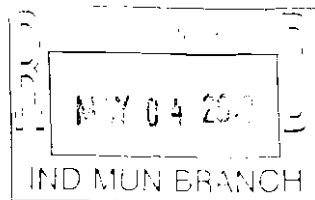
<sup>2</sup> The facility has been in compliance with the pH limits contained in the SID Permit for the time period of November 2011 – March 2012; the only exception being a pH of 4.4 on February 1, 2012 (duration of 15 minutes).



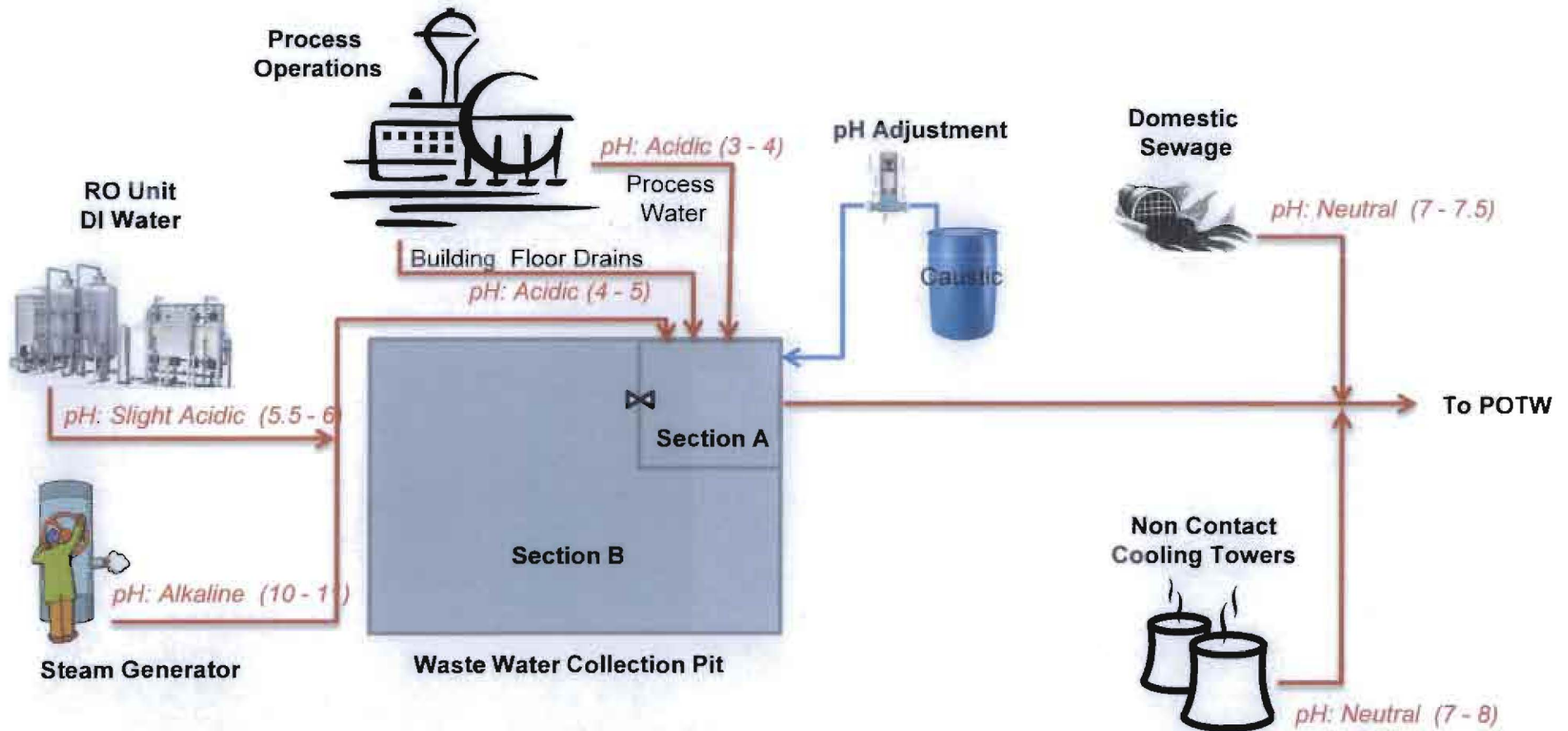
**ALPHAPET INC.**

(A subsidiary of Indorama Ventures Public Company Limited)  
1301, Finley Island Road, Decatur, Alabama, AL35601, USA  
Tel: (256) 308 1180 Fax: (256) 341 5926  
[www.indoramaventures.com](http://www.indoramaventures.com)

## Waste Water Handling at Alphapet Inc.

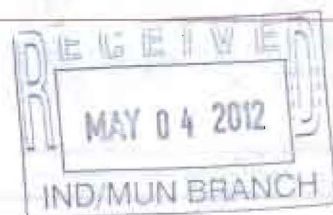


## Waste Water Handling - Startup



## pH Excursions – Modifications done to reduce the Incidences.

No.	Issue Identified	Measures Taken	Comp. By.
1.	Inadequate agitation in mixing pit.	Underground pit water circulated with a pump taking inlet from the pit and putting back in the pit.	Jul. 2010
2.	Inadequate pH monitoring and control.	pH control changed from local manual to DCS control to have better monitoring and control and quick response to handle emergency situations.	Aug. 2010
3.	Issues with caustic dosing and mixing with process water before discharge.	Caustic dosing point changed to feeding to recirculating water pipe for proper mixing with water.	Nov. 2010
4.	Shock Blow-downs from utility systems	Utilities system blow downs diverted to secondary pit and released to out flow at a fairly constant rate.	Feb. 2011
5.	Malfunctioning of Process water stripping operation.	Cleaning process water discharge line and resuming normal stripping operation	May 2011
6.	Collection of sludge in the under ground pit.	Scheduled cleaning of underground mixing pit to remove sludge.	June 2011

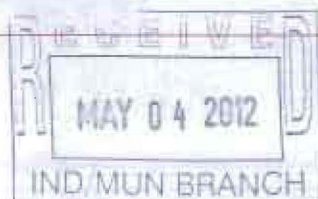




## pH Excursions – Modifications done to reduce the Incidences.

No.	Issue Identified	Measures Taken	Comp. By.
7.	No standby probe to cross check outfall pH probe.	Standby pH probe installed with DCS monitoring at Metering manhole to crosscheck the operation of pH probe used for compliance.	Sep. 2011
8.	pH Excursion on the water streams having high flow bypassing pH neutralization	Installed pH monitoring for water streams bypassing pH adjustment pit.	Nov. 2011
9.	Debris (Paper) collecting at pH Probe.	Installed air hand driers in the Restrooms to eliminate usage of paper towels.	Mar. 2012
		Installed a Deflector at the pH sensor to divert debris and not let it come in contact of pH probe.	Mar. 2012
10.	Process water flow & pH variation during Process Upsets.	Scheme Identified.	Engineering by July 2012 & Execution Expected completion by Oct 31 <sup>st</sup> 2012.
11.	Shock load from underground pits having chemical operation.		

May 2012



AlphaPet Inc.

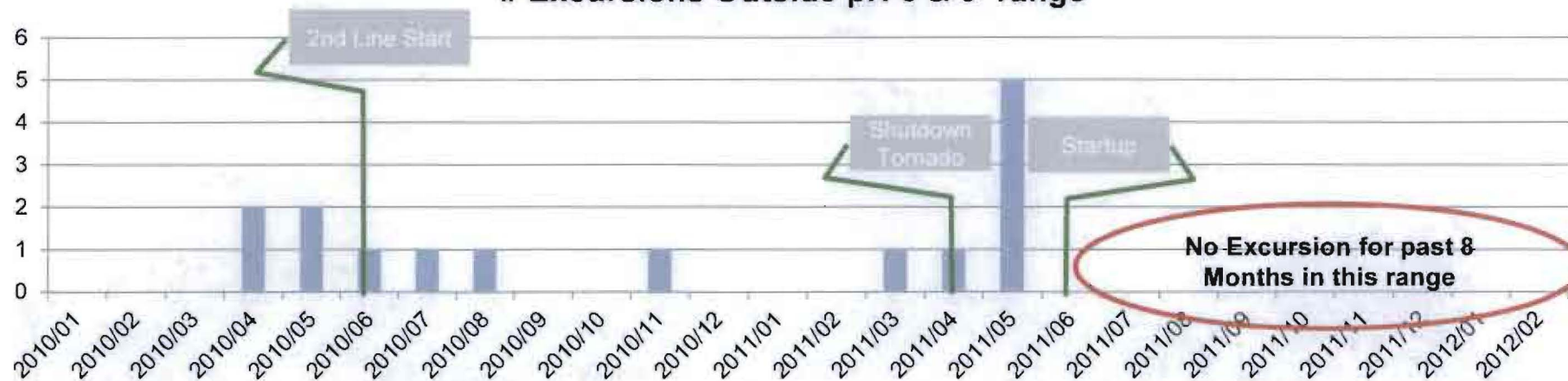


## Excursion Trend

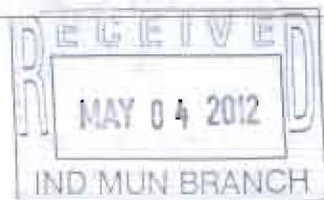
### Minutes Outside pH 6 & 9 range



### # Excursions Outside pH 6 & 9 range



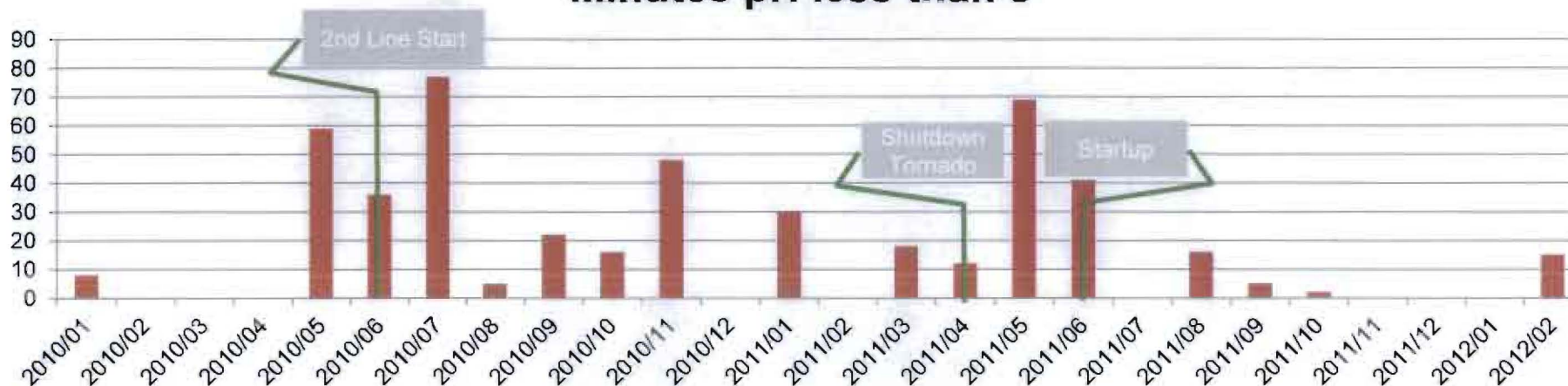
May 2012



AlphaPet Inc.

## Excursion Trend

### Minutes pH less than 5



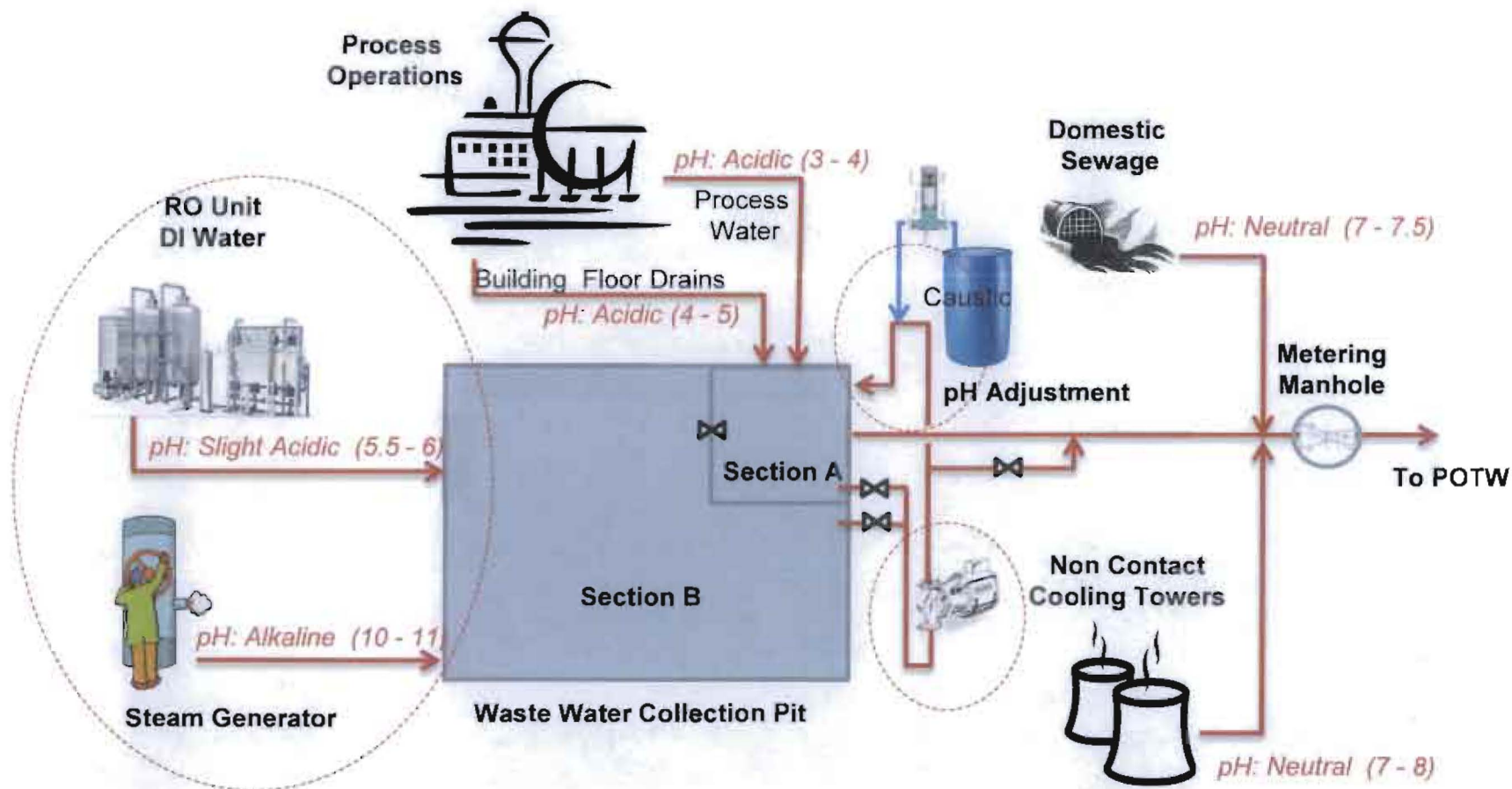
### # Excursions pH less than 5



May 2012

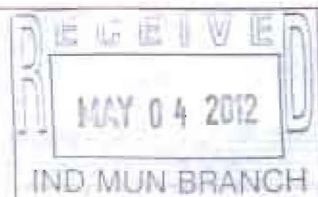
AlphaPet Inc.



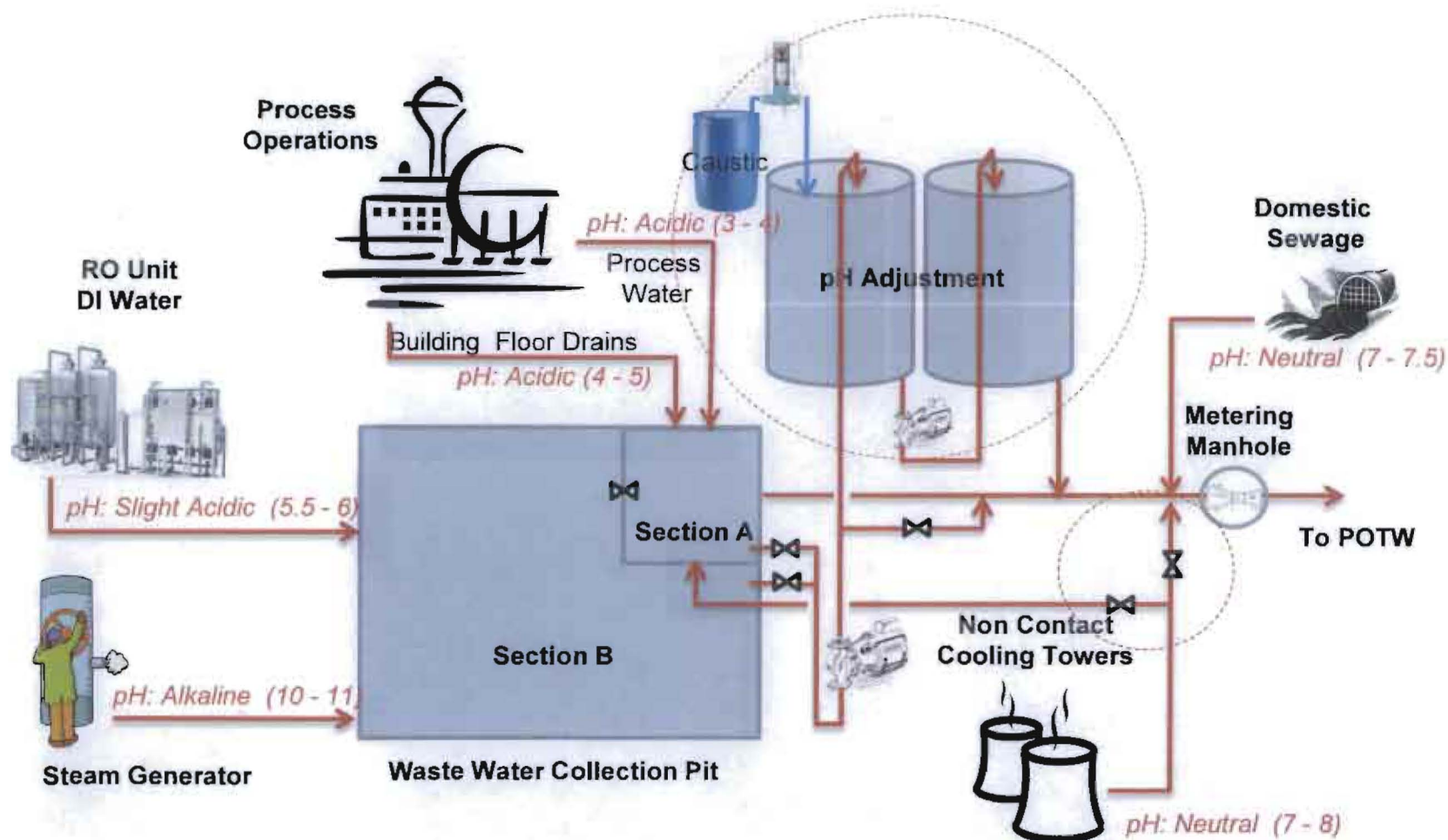




- ▶ Install additional tank with agitation to give more holdup time for pH neutralization.
- ▶ Secondary Buffer tank with agitation and option of pH neutralizing before discharge to cater emergency situations of pH excursion.
- ▶ Option of separately adding acid & Caustic for better pH control.
- ▶ Divert Cooling Tower blow down water into mixing tank which will reduce the impact of shock load coming to waste water mixing pit.



## Waste Water Handling - Proposed Setup



- ▶ Daily Maximum Minutes > 60 – Outside 6 – 9 pH range
  - No excursion on for last 10 months.
  - Last excursion recorded in May 2011 while plant was not in operation and pH control system and monitoring system was out of power.
  - No excursion since Aug 2010 discounting May 2011 excursions (19 months).
  
- ▶ Monthly Maximum Minutes > 446 Outside 6 – 9 range
  - No excursion for last 10 months.
  - Last excursion recorded in May 2011 while plant was not in operation and pH control system and monitoring system was out of power.
  
- ▶ Daily Minimum No incidence below pH 5
  - Number of minutes/month has reduced by 90% - from 75mins (July 2010 – as two line operation started) to an average of less than 10mins for last 10 months.
  - Number of incidences has also reduced by 75% - from 6 (July 2010) to an average of less than 2 for last 10 months.

