



August 17, 2010

Clayton Shurley
Hard Hat Oil Field Services
1060 Heber Springs Road South
Heber Springs, AR 72543

Dear Mr. Shurley

On August 10, 2010 I performed an investigation of the above noted property located in Cleburne County, AR. This investigation was in response to a complaint concerning the illegal disposal of waste absorbent pads or rugs on private property. This is a violation of the Arkansas Solid Waste Management Act, A.C.A. §8-6-205. Specifically, the following violations were noted:

1. Operation of an unpermitted solid waste disposal facility, which is in violation of §8-6-205 (a)(3), (4) and (5). **"No person shall dispose of solid waste at any disposal site or facility other than a disposal site or facility for which a permit has been issued by the Department."**

By law anyone who violates any provision of the Solid Waste Management Act may be subject to criminal, administrative and civil penalties up to \$10,000. Measures must be taken to correct the violation. You must notify me in writing at PO Box 442, Mountain Home, AR. 72654 or call 870-424-3322 within **10 days** of the date of this letter with a plan of action for the cleaned up and properly disposal of all the waste at a permitted disposal facility. Copies of your waste disposal receipt will be required.

Please be advised, that failure to complete the clean up and contact with me in regard to this notification will warrant formal enforcement action. Your cooperation is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Meador".

Gary Meador, Inspector
Solid Waste Division



Arkansas Department of Environmental Quality

Solid Waste Management Division

Complaint/Illegal Dump Investigation Worksheet



County	Cleburne	PDS ID	011000	AFIN	12-00000	Page 1 of 2
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Date Received	8/5/2010	Received By	H. Love
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Complainant Name / Address / Phone	X	Anonymous
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Complaint Lodged Against / Address / Phone
<p>4 Owners</p> <p>Clayton Shirley – owns Buildings phone # 501-691-5580</p> <p>James Shirley 501-940-3247</p> <p>Jory Castleberg 501-691-4582</p> <p>Matt Evens 501-412-4122</p> <p>Also: Greg Branscum (Safety Coordinator) 501-691-2353</p>

Location Description	Complaint Description of Waste
<p>Hard Hat Oil Field Services</p> <p>1060 Heber Springs Road South</p> <p>Heber Springs, AR 72543</p> <p>Greg Branscum Hwy 5 Toward Mt View owner of chicken farm</p>	<p>Illegal Dumping – Oil Company is not properly disposing of drilling sludge absorbent pads(diapers). Were treating as Hazardous Waste but found cost too high, so putting in dumpster and also hauling to farm around chicken house. The chicken houses are in Stone Co.</p>

Investigation Section

Date Investigated	8-10-10	Time Investigated	1430
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SECTION 1	Size of Waste Mass	Violation Ranking	Points
Length	>640 yd ³	5	
Width	320 yd ³ to 640 yd ³ = 16 roll offs	5	
Height	160 yd ³ to 320 yd ³ = 8 roll offs	4	
Total	80 yd ³ to 160 yd ³ = 4 roll offs	3	
~yd ³	40 yd ³ to 80 yd ³ = 2 roll offs	2	
	40 yd ³ or < = 1 roll off	1	
Size of Waste Mass Score			0

SECTION 2	Contents of Waste Mass	Violation Ranking	Points
Household Waste		5	
Hazardous items {i.e. paint thinner, cleaning chemicals, oil cans, herbicides, medical waste, asbestos}		5	
White Waste {i.e. Refrigerators and appliances that may contain Freon}		3	
Construction/Demolition Waste		3	
Approximate Number of Tires:		3	
Abandoned Vehicles /Auto Parts: {May contain gasoline, oil, antifreeze or other automotive fluids}		2	
Other Bulky Waste: {i.e. TV's, Furniture, Mattresses, etc.}		2	
Yard Waste		1	
Dead Animals		4	
Other			
Contents of Waste Mass Score			0

SECTION 3 Site Assessment Violation Ranking Points

Air Pollution	Open Burning	5	
Air Pollution	Evidence of Open Burning	4	
Air Pollution	Strong; Foul Odor Present	3	
Water Pollution	Waste in or near standing or flowing water	5	
Water Pollution	Probability of leachate (run-off) into ground/surface water	5	
Public Health Risk Assessment	Vectors sighted	5	
Public Health Risk Assessment	Evidence of Vectors {i.e. rats, flies, mosquitoes, snakes, scavengers}	4	
Site Usage Assessment	Site attended or maintained for a fee	5	
Site Usage Assessment	History of previous complaints	5	
Site Usage Assessment	Active, attractive nuisance; evidence of recent dumping	5	
Site Usage Assessment	Dumping resumed at cleaned up or closed site	4	
Site Usage Assessment	Old Site; no evidence of recent dumping; overgrown	2	
Site Assessment Score			0
*Violation Ranking: 1 (Least Serious Violation) to 5 (Most Serious Violation)			TOTAL SCORE 0

GPS Reading 35.459083° -92.037412°

SECTION 4 Violations

Solid Waste Management Act §8-6-205

x	(a)(2) To construct, install, alter, modify, use or operate any solid waste processing or disposal facility or disposal site without a permit from the department
x	(a)(3) To dispose of solid wastes at any disposal site or facility other than a disposal site or for which a permit has been issued by the department
	(a)(3) Individual's household disposal that creates a public or private nuisance or a hazard to health and/or violates a city ordinance or other law and/or involves the open dumping of garbage
	(a)(4) To dump, deposit, throw, or in any manner leave or abandon any solid wastes upon property owned by another person without the written permission of the owner or upon public property
x	(a)(5) To sort, collect, transport, process, or dispose of solid waste contrary to the rules, regulations or orders of the department, or create or likely to create a public nuisance or public health hazard or to cause or likely to cause water or air pollution (Ark. Water and Air Pollution Control Act §8-4-101 et seq)
	(a)(5)(b) A rebuttal presumption when one (1) or more items of solid waste bear the name to indicate that the person committed the unlawful act of disposal

Air Pollution Control Code §8-4-310(a)(1)(2)(3)

5)(a) No person shall cause or permit the open burning of refuse, garbage, trade wastes or other waste material, or shall conduct a salvage operation by open burning

Investigation Comments

Final Disposition

INVALID COMPLAINT	x	VALID COMPLAINT
No evidence found	x	Letter Sent
No illegal disposal occurring		Follow-up Investigation
Salvageable materials		Response Received
8-6-205(a)(3) exemption		No further action
Unknown violator – No further action	x	Complaint Forwarded To Les Branscum, HAZ Waste





**Arkansas Department of Environmental Quality
Solid Waste Management Division
Complaint/Illegal Dump Investigation Worksheet Attachment**



County	Cleburne	PDS ID	011000	Date	8-10-10	Follow-up Investigation		Page 3
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Location	Hard Hat Oilfield Services 1060 Heber Springs Road South Heber Springs, AR 72543
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Investigation Comments

On this date I met with Clayton Shurley and Jory Castleberg, Owners of Hard Hat Oilfield Services and investigated their shop and work yard in response to the alleged complaint. I inquired as to the use and disposal of the absorbent pads in their business. Mr. Shurley stated they use the pads when cleaning well casing at the gas drilling sites. The pads are laid on the ground and used to capture oil and grease and thread compound when pressure washing the casing. The absorbent pads are reused until they are totally saturated and then thrown away. Mr. Shurley stated the spent absorbent pads are packed in barrels and shipped to Heritage-Crystal Clean, LLC, 2711 Confederate Blvd., Little Rock, AR for disposal.

I ask if any of the spent pads have ever been placed in their dumpster for disposal and Mr. Shurley said there were times in the past that some spent pads had been thrown in the dumpster. Kendrick Ketchum, Service Sanitation, 501-362-2080, provides waste service for Hard Hat Oilfield Services. Also, I question if Greg Branscum, their Safety Coordinator, had hauled any of the spent pads to his property. Mr. Shurley stated that Branscum had recently hauled some of the spent pad to his farm located in Stone County and planned to use the pads on the ground as a weed barrier around his poultry houses. I will follow with a site investigation of Mr. Branscum's property at a later date.

I informed both Shurley and Castleberg that all of the waste absorbent pads must be disposed of legally at a permitted disposal facility and all the waste pads taken to Branscum's property must be retrieved for proper disposal. They must keep proper disposal documentation, including waste profile records from the disposal facility, disposal receipts, transportation manifest, etc.

8-11-10, Greg Branscum called and left a message stating that the waste pads have been hauled from his farm back to Hard Hat Oilfield Services at 1060 Heber Springs Road, Heber Springs.

8-16-10, I returned Clayton Shurley call. He wanted to confirm that I received a fax on how they planned to handle the disposal of their absorbent rugs or pads. See attached page titled "Absorbent Rug Disposal Program". Mr. Clayton stated that they had no disposal with Crystal Clean in 2009 and all their waste rugs/ pads in 2009 were disposed of at the well drilling site or in their dumpster provided by Service Sanitation.

Additional attachments: MSDS for Bestolfie 2000 Thread Compound.

Final Disposition

Follow up investigation to be scheduled for Greg Branscum property.

Referral to Les Branscum, Inspector, HAZ Waste Division, ADEQ, for follow on the drummed waste pads shipped to Crystal Clean.

Effects of Overexposure	
Acute	Product may cause irritation to the eyes and/or skin. Ingestion of the product may cause gastrointestinal irritation and upset.
Chronic	Prolonged and repeated contact with the product may cause a defatting of the skin, dermatitis, folliculitis and/or oil acne.
Signs and Symptoms of Exposure	Skin or eye irritation; see effects of overexposure described above.
Aggravated Medical Conditions	Chronic forms of kidney, liver, and hematopoietic diseases; preexisting respiratory and cardiovascular disorders may be aggravated by ingestion or inhalation of large doses. Preexisting eye or skin disorders may be aggravated by prolonged contact with this product.
Notes to Physician	The hydrocarbons contained in this product are mild irritants of the eyes and mucous membranes, central nervous system depressants, and primary chemical irritants of the skin. Prolonged or repeated skin contact, especially with poor personal hygiene, may cause skin disorders. For combustion product effects see Hazardous Combustion Products in Section 5. Fire Fighting Measures.
4. FIRST AID MEASURES	
Eyes	Flush with copious amounts of water. Get immediate medical attention.
Skin	Wash thoroughly with soap and water after use. If irritation occurs, get medical attention.
Ingestion	Get immediate medical attention. DO NOT INDUCE VOMITING! Possible aspiration hazard.
Inhalation	Remove from exposure. Get medical attention if experiencing cough, irritation or difficult breathing.
5. FIRE FIGHTING MEASURES	
Flash Point	Minimum 385°F (196°C) Test Method: ASTM D 92, C.O.C.
Flammable Limits in Air (% by volume, estimated)	Lower: 0.6% Upper: 7.0%
Auto-ignition Temperature	Not Available
Hazardous Combustion Products	Combustion products are highly dependent on the combustion conditions. CO, CO ₂ , CaO, LiO ₂ , fluorides, oxygenates, and unidentified organic compounds may be formed during combustion. High temperatures may produce metal fume, vapor, and/or dust. Combustion products may cause effects of overexposure as noted in Section 3. Hazards Identification. They may also cause headache; dizziness; coma; convulsion; weakness; drowsiness; tachypnea; nausea; paresthesias; dyspnea; asphyxiation; mild to severe eye, skin or respiratory tract irritation; metal fume fever; metallic taste in mouth; cough; pneumonia; pneumoconiosis; ulceration or perforation of the nasal septum; polymer fume fever; cumulative bone damage; excessive salivation; thirst; sweating; stiff spine; calcification of ligaments of ribs and pelvis; lung damage; and/or central nervous system effects. Other unidentified health effects may occur.
Conditions Contributing to Flammability	High temperatures; open flame; combining with strong oxidizer or acid
Extinguishing Media	Dry chemical, water fog, foam, or carbon dioxide may be suitable for extinguishing fires involving this product. Do not spray water directly on burning material. Observe caution when using water or foam as frothing may occur.
Special Fire Fighting Procedures	Use full-body protection and full-face, self-contained breathing apparatus operated in a positive-pressure mode. Use water spray (fog) to cool containers and disperse vapors.
Unusual Fire and Explosion Hazards	Product fume and/or vapor may be irritating or toxic if inhaled. The product, or its dust, can react vigorously with strong oxidizing agents.
Sensitivity to Impact	Not Applicable
Sensitivity to Static Discharge	Not Applicable

6. ACCIDENTAL RELEASE MEASURES

Steps to be Taken if Material is Released or Spilled Clean area with an appropriate cleanser. Keep petroleum products out of streams and waterways. Assure conformity with applicable governmental regulations.

Neutralizing Chemicals Not Applicable

7. HANDLING AND STORAGE

The two major means of metal absorption are inhalation and ingestion. After use, always wash hands before smoking, eating, or drinking. Smoking, eating, and drinking should be confined to uncontaminated areas.

Work clothes and equipment should remain in designated areas. Before reuse, launder contaminated clothing separate from personal clothing.

Avoid skin contact and use personal protection when handling product, waste product, or contaminated equipment. Wash with soap and water after use. Prolonged and repeated contact can cause defatting action of the skin and may cause disorders such as dermatitis, folliculitis, and oil acne.

This product is intended for industrial use only. KEEP OUT OF REACH OF CHILDREN.

This product may separate. Stir well before use. The flash point of this product depends on the degree of separation. Store in a cool, dry area where accidental contact with acids is not possible. Keep storage containers closed when not in use. Do not store or handle near high temperature or open flame.

8. EXPOSURE CONTROLS, PERSONAL PROTECTION

Ventilation Requirements No special requirements under conditions of normal use (air concentrations below PEL/TLV levels).

Specific Personal Protection Equipment

RESPIRATORY None required for normal use. Dry residue may be created by high downhole temperatures; if the residue is removed without a solvent or other means of controlling dust, workers should wear air-purifying respirators.

EYE Vented goggles or safety glasses with side shields should be worn when using this product.

GLOVE Oil-resistant gloves should be worn when handling this product.

OTHER CLOTHING AND EQUIPMENT As appropriate for the industrial environment.

9. PHYSICAL AND CHEMICAL PROPERTIES

BOILING POINT @ 760 mm Hg	550°F (288°C) Approx. IBP	MELTING POINT	320-350°F (160-177°C) dropping point of grease
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SPECIFIC GRAVITY (H₂O = 1)	1.2	VAPOR PRESSURE (Reference Temperature)	Negligible
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VAPOR DENSITY (Air = 1)	Not Available	SOLUBILITY IN H₂O (% by wt.)	Negligible
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% VOLATILE BY VOLUME	Not Available	EVAPORATION RATE (Butyl Acetate = 1)	Not Available
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COEFF. WATER/OIL DISTRIBUTION	Not Available	pH	Not Available
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FREEZING POINT	Not Available	ODOR THRESHOLD	Not Available
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APPEARANCE AND ODOR Black-copper semisolid, oil/grease odor, noncombustible, nonvolatile under normal use

10. STABILITY AND REACTIVITY

Conditions Contributing to Instability Not Applicable **Reactivity** Not Applicable

Incompatibility Strong oxidizers or acids combined with this product may liberate hydrogen gas.

Hazardous Decomposition Products Under normal temperatures this product will not decompose.

Conditions Contributing to Hazardous Polymerization Not Applicable

11. TOXICOLOGICAL INFORMATION

Toxicity, Mutagenic, Teratogenic, Synergistic and Sensitization Information

LD₅₀ and LC₅₀ information on the oil and grease is not available. LD₅₀ and LC₅₀ information on other components is not available. Rare cases of allergic contact dermatitis have been reported in people working with copper dust.

Carcinogenicity: According to the OSHA Hazard Communication Standard, a carcinogenic warning statement is not required. Passes IP 346 Method.

12. ECOLOGICAL INFORMATION

Not Available

13. DISPOSAL CONSIDERATIONS

Waste Disposal Method

Discard in accordance with local, state, and federal regulations. Empty containers are exempt from RCRA Subtitle C if they contain no more than 2.5 cm of their original contents in the bottom of the container or less than 3% of the original net weight (less than 0.3% by weight for containers over 110 gallons), or if the residue is analyzed and demonstrated to be nonhazardous.

“Empty” Container Warning

“Empty” containers retain residue and can be dangerous. DO NOT PRESSURIZE, CUT, WELD, BRAZE, SOLDER, DRILL, GRIND, OR EXPOSE SUCH CONTAINERS TO HEAT, FLAME, SPARKS OR OTHER SOURCES OF IGNITION; THEY MAY EXPLODE AND CAUSE INJURY AND/OR DEATH. “Empty” containers should be completely drained and properly sealed. Recycle or discard plastic liner, pail or drum in accordance with local, state, and federal regulations. “Empty” drums may be sent to a drum reconditioner.

14. TRANSPORT INFORMATION

U.S. DOT Ground: Not regulated.

ICAO/IATA: Not regulated.

IMDG: Not regulated per the U.S. DOT Approval CA2005070007. A copy of the DOT Exception available upon request.

Canadian Transportation of Dangerous Goods This product is not considered Hazardous Material for shipping under Canadian Transportation of Dangerous Goods.

15. REGULATORY INFORMATION

Toxic Chemical Release Reporting, EPA Regulation 40 C.F.R. §372 (SARA Section 313)

Reportable chemicals in product: 4 % copper (CAS# 7440-50-8)

California Safe Drinking Water and Toxic Enforcement Act of 1986 (“Proposition 65”)

WARNING: This product contains lead, a chemical known to the State of California to cause cancer, birth defects or other reproductive harm. Overexposure from this product may be prevented by following the recommendations throughout this MSDS.

Toxic Substances Control Act (TSCA), EPA Regulation 40 C.F.R. §710

The product is a mixture as defined by TSCA. The chemical ingredients in this product are in the Section 8 (b) Chemical Substance Inventory (40 C.F.R. §710) and/or are otherwise in compliance with TSCA. In the case of ingredients obtained from other manufacturers, this company relies on the assurance of responsible third parties in providing this statement.

Canadian Workplace Hazardous Materials Information System

This product is considered controlled in Canada and has been placed in WHMIS Subdivision B of Division 2 of Class D due to lead content. This MSDS has been prepared to meet WHMIS and OSHA requirements using the ANSI 16 heading MSDS format.

16. OTHER INFORMATION

Not Applicable



Hard Hat Oilfield Services Complaint 011000, New absorbent pads



Hard Hat Oilfield Services Complaint 011000, Used absorbent pads



Hard Hat Oilfield Services Complaint 011000, Waste absorbent pads