PORT EVERGLADES FRANCHISE APPLICATION

An application will not be deemed completed and processed until all required documents and fees are received.
A separate application must be filed for each type of franchise Applicant wishes to apply for.

CHECK ONE

- [ ] STEAMSHIP AGENT
- [ ] STEVEDORE
- [ ] CARGO HANDLER
- [ ] TUGBOAT & TOWING
- [ ] VESSEL BUNKERING
- [x] VESSEL OILY WASTE REMOVAL
- [ ] VESSEL SANITARY WASTE WATER REMOVAL

Note: Applicant is defined as the legal entity applying for the franchise. All information contained in this application shall apply only to the Applicant, not to any parent, affiliate, or subsidiary entities.

Applicant's Name FCC Environmental, LLC
(Name as it appears on the certificate of incorporation, charter, by-laws, or other official document)

Applicant's Business Address 523 N. Sam Houston Pkwy E. Houston, TX 77060
Number / Street / City/State/Zip

Phone # (281) 668 - 3300 E-mail address _____ @ _____

Fax #: (281) 668 - 3301

Name of the person authorized to bind the Applicant
(This person's signature must appear on Page 10.)

Name Miguel Pena

Title Corporate Controller

Business Address 523 N. Sam Houston Pkwy E Ste 400, Houston TX 77060
Number / Street / City/State/Zip

Phone # (281) 668 - 3300 E-mail address miguel.pena @ fccenvironmental.com

Fax #: (281) 668 - 3301

Provide the Name and Contact Information of Applicant's Representative to whom questions about this application are to be directed: (if different from the person authorized to bind the Applicant)

Representative's Name John Goelz

Representative's Title Regional Field Services Director

Representative's Business Address 233 Central Florida Parkway Orlando, FL 32824
Number / Street / City/State/Zip

Representative's Phone # (407) 466 - 4035

Representative's E-mail address john.goelz @ fccenvironmental.com

Representative's Fax #: (812) 754 - 3789

PLEASE COMPLETE THIS APPLICATION AND LABEL ALL REQUIRED BACKUP DOCUMENTATION TO CLEARLY IDENTIFY THE SECTION OF THE APPLICATION TO WHICH THE DOCUMENTATION APPLIES (I.E., SECTION A, B, C, etc.).

Section A

1. List the name(s) of Applicant's officers including CEO, COO, CFO, director(s), member(s), partner(s), shareholder(s), principal(s), employee(s), agents, and local representative(s) active in the management of the Applicant.

Officers:

Title President
First Name Aurelio Middle Name Lazaro
Last Name Blasco
Business Street Address Ulises 18 28043 Madrid Spain
City, State, Zip Code
Phone Number (281) 668 3300 Fax Number ( )
Email Address Ablasco@fcc.es.

Title Exec Vice President
First Name Ken Middle Name
Last Name Cherry
Business Street Address 523 N. Sam Houston Pkwy E. Suite 400
City, State, Zip Code Houston, TX 77060
Phone Number (281) 668 3300 Fax Number ( )
Email Address kenneth.cherry@fccenvironmental.com.

Title Sr. Vice President · Admin/Treas.
First Name Santiago Middle Name
Last Name Carrasco
Business Street Address 523 N. Sam Houston Pkwy E Suite 400
City, State, Zip Code Houston, TX 77060
Phone Number (281) 668 3300 Fax Number ( )
Email Address santiago.carrasco@fccenvironmental.com

Title
First Name Middle Name
Last Name
Business Street Address
City, State, Zip Code
Phone Number ( ) Fax Number ( )
Email Address @.

Attach additional sheets if necessary.

2. RESUMES: Provide a resume for each officer, director, member, partner, shareholder, principal, employee, agent, and local representative(s) active in the management of the Applicant, as listed above.

Attached

Section B

1. Place checkmark to describe the Applicant:
   ( ) Sole Proprietorship ( ) Corporation ( ) Partnership ( ) Joint Venture (X) Limited Liability Company

2. Provide copies of the documents filed at the time the Applicant was formed including Articles of Incorporation (if a corporation); Articles of Organization (if an LLC); or Certificate of Limited Partnership or Limited Liability Limited Partnership (if a partnership). If the Applicant was not formed in the State of Florida, provide a copy of the documents demonstrating that the Applicant is authorized to conduct business in the State of Florida.
   attached - cert. of good standing

Section C

1. Has there been any change in the ownership of the Applicant within the last five (5) years? (e.g., any transfer of interest to another party)
   Yes___ No X If "Yes," please provide details in the space provided. Attach additional sheets if necessary.

2. Has there been any name change of the Applicant or has the Applicant operated under a different name within the last five (5) years?
   Yes X No___ If "Yes," please provide details in the space provided, including: Prior name(s) and Date of name change(s) filed with the State of Florida's Division of Corporations or other applicable state agency. Attach additional sheets if necessary.
   Applicant, FCC Environmental, LLC assumed its present name on July 1, 2010. Previous applicant name was Hydrocarbon Recovery Services, Inc.

3. Has there been any change in the officers, directors, executives, partners, shareholders, or members of the Applicant within the past five (5) years?
   Yes ✓ No___ If "Yes," please provide details in the space provided, including:
   Prior officers, directors, executives, partners, shareholders, members
   Name(s) Ramon Pujal 2013
   New officers, directors, executives, partners, shareholders, members
   Name(s) Santiago Carrasco 2013
   Also supply documentation evidencing the changes including resolution or minutes appointing new officers, list of new principals with titles and contact information, and effective date of changes. Attach additional sheets if necessary.

Section D

Provide copies of all fictitious name registrations filed by the Applicant with the State of Florida's Division of Corporations or other State agencies. If none, indicate "None" NONE.

Section E

1. Has the Applicant acquired another business entity within the last five (5) years?
   Yes___ No X If "Yes," please provide the full legal name of any business entity which the Applicant acquired during the last five (5) years which engaged in a similar business activity as the business activity which is the subject of this Port Everglades Franchise Application.
   If none, indicate "None" none.

2. Indicate in the space provided the date of the acquisition and whether the acquisition was by a stock purchase or asset purchase and whether the Applicant herein is relying on the background and history of the acquired firm's officers, managers, employees and/or the acquired firm's business reputation in the industry to describe the Applicant's experience or previous business history. Attach additional sheets if necessary.

3. Has the Applicant been acquired by another business entity within the last five (5) years?
   Yes___ No X If "Yes," provide the full legal name of any business entity which acquired the Applicant during the last five (5) years which engaged in a similar business activity as the business activity which is the subject of this Port Everglades Franchise Application.
   If none, indicate "None" none.

4. Indicate in the space provided the date of the acquisition and whether the acquisition was by a stock purchase or asset purchase and whether the Applicant herein is relying on the background and history of the parent firm's officers, managers, employees and/or the parent firm's business reputation in the industry to describe the Applicant's experience or previous business history. Attach additional sheets if necessary.

Section F

Provide the Applicant's previous business history, including length of time in the same or similar business activities as planned at Port Everglades.

attached

Section G

1. Provide a list of the Applicant's current managerial employees, including supervisors, superintendents, and forepersons. attached

2. List the previous work history/experience of the Applicant's current managerial employees, including their active involvement in seaports and length of time in the same or similar business activities as planned at Port Everglades.

   attached

Section H

List all seaports, including Port Everglades (if application is for renewal), where the Applicant is currently performing the services/operation which is the subject of this Franchise application. **Use this form for each seaport listed. Photocopy additional pages as needed (one page for each seaport listed).**

If none, state "None" _____.

Seaport Jacksonville, FL - Jaxport Number of Years Operating at this Seaport 3

List below all of the Applicant's Clients for which it provides services at the seaport listed above.

Client Name (Company)	Number of Years Applicant has Provided Services to this Client
Inchcape Shipping Services	3
Norton Lilly	3
Crowley	6

Section H

List all seaports, including Port Everglades (if application is for renewal), where the Applicant is currently performing the services/operation which is the subject of this Franchise application. **Use this form for each seaport listed. Photocopy additional pages as needed (one page for each seaport listed).**

If none, state "None" _____.

Seaport Port of Tampa, Tampa FL Number of Years Operating at this Seaport 11

List below all of the Applicant's Clients for which it provides services at the seaport listed above.

Client Name (Company)	Number of Years Applicant has Provided Services to this Client
Kinder Morgan	6
Eastern Associated Terminals Co.	11
Lane Construction	11

Section H

List all seaports, including Port Everglades (if application is for renewal), where the Applicant is currently performing the services/operation which is the subject of this Franchise application. **Use this form for each seaport listed. Photocopy additional pages as needed (one page for each seaport listed).**

If none, state "None" _____.

Seaport Port Canaveral, Cape Canaveral, FL Number of Years Operating at this Seaport 3

List below all of the Applicant's Clients for which it provides services at the seaport listed above.

Client Name (Company)	Number of Years Applicant has Provided Services to this Client
Seaport Canaveral	3

Section H

List all seaports, including Port Everglades (if application is for renewal), where the Applicant is currently performing the services/operation which is the subject of this Franchise application. **Use this form for each seaport listed. Photocopy additional pages as needed (one page for each seaport listed).**

If none, state "None" _____.

Seaport Port Everglades, Ft. Laud. FL Number of Years Operating at this Seaport 1

List below all of the Applicant's Clients for which it provides services at the seaport listed above.

Client Name (Company)	Number of Years Applicant has Provided Services to this Client
Valls Ship Agencies	1
Everglades Pipeline	1

Section I

1. Provide a description of all past (within the last five (5) years) and pending litigation and legal claims where the Applicant is a named party, whether in the State of Florida or in another jurisdiction, involving allegations that Applicant has violated or otherwise failed to comply with environmental laws, rules, or regulations or committed a public entity crime as defined by Chapter 287, Florida Statutes, or theft-related crime such as fraud, bribery, smuggling, embezzlement or misappropriation of funds or acts of moral turpitude, meaning conduct or acts that tend to degrade persons in society or ridicule public morals.

The description must include all of the following:

a) The case title and docket number — see attached NOV sheet

b) The name and location of the court before which it is pending or was heard

c) The identification of all parties to the litigation

d) General nature of all claims being made

If none, indicate "None" _____.

2. Indicate whether in the last five (5) years the Applicant or an officer, director, executive, partner, or a shareholder, employee or agent who is or was (during the time period in which the illegal conduct or activity took place) active in the management of the Applicant was charged, indicted, found guilty or convicted of illegal conduct or activity (with or without an adjudication of guilt) as a result of a jury verdict, nonjury trial, entry of a plea of guilty or nolo contendere where the illegal conduct or activity (1) is considered to be a public entity crime as defined by Chapter 287, Florida Statutes, as amended from time to time, or (2) is customarily considered to be a white-collar crime or theft-related crime such as fraud, smuggling, bribery, embezzlement, or misappropriation of funds, etc. or (3) results in a felony conviction where the crime is directly related to the business activities for which the franchise is sought.

Yes No ✓

If you responded "Yes," please provide all of the following information for each indictment, charge, or conviction:

a) A description of the case style and docket number
b) The nature of the charge or indictment
c) Date of the charge or indictment
d) Location of the court before which the proceeding is pending or was heard
e) The disposition (e.g., convicted, acquitted, dismissed, etc.)
f) Any sentence imposed
g) Any evidence which the County (in its discretion) may determine that the Applicant and/or person found guilty or convicted of illegal conduct or activity has conducted itself, himself or herself in a manner as to warrant the granting or renewal of the franchise.

Section J

The Applicant must provide a current certificate(s) of insurance. Franchise insurance requirements are determined by Broward County's Risk Management Division and are contained in the Port Everglades Tariff No. 12 as amended, revised or reissued from time to time. The Port Everglades Tariff is contained in the Broward County Administrative Code, Chapter 42, and is available for inspection on line at: http//:www:broward.org/port/tariff.

attached

Section K

1. The Applicant must provide its most recent audited or reviewed financial statements prepared in accordance with generally accepted accounting principles, or other documents and information which demonstrate the Applicant's creditworthiness, financial responsibility, and resources, which the Port will consider in evaluating the Applicant's financial responsibility.

   attached

2. Has the Applicant or entity acquired by Applicant (discussed in Section E herein) sought relief under any provision of the Federal Bankruptcy Code or under any state insolvency law filed by or against it within the last five (5) year period?
   Yes___ No X

   If "Yes," please provide the following information for each bankruptcy or insolvency proceeding:
   a) Date petition was filed or relief sought
   b) Title of case and docket number
   c) Name and address of court or agency
   d) Nature of judgment or relief
   e) Date entered

3. Has any receiver, fiscal agent, trustee, reorganization trustee, or similar officer been appointed in the last five (5) year period by a court for the business or property of the Applicant?
   Yes___ No X
   If "Yes," please provide the following information for each appointment:
   a) Name of person appointed
   b) Date appointed
   c) Name and address of court
   d) Reason for appointment

4. Has any receiver, fiscal agent, trustee, reorganization trustee, or similar officer been appointed in the last five (5) year period by a court for any entity, business, or property acquired by the Applicant?
   Yes___ No X
   If "Yes," please provide the following information for each appointment:
   a) Name of person appointed
   b) Date appointed
   c) Name and address of court
   d) Reason for appointment

Section L

List four (4) credit references for the Applicant, one of which must be a bank. Use this format:
Name of Reference _____ Nature of Business _____
Contact Name _____ Title _____
Legal Business Street Address _____
City, State, Zip Code _____
Phone Number (___)_____
(Provide on a separate sheet.)

attached

Section M

1. Security: Pursuant to Port Everglades Tariff 12, Item 960, all Franchisees are required to furnish an Indemnity and Payment Bond or Irrevocable Letter of Credit drawn on a U.S. bank in a format and an amount not less than $20,000 as required by Broward County Port Everglades Department.

2. Has the Applicant been denied a bond or letter of credit within the past five (5) years?
   Yes___ No X
   If "Yes," please provide a summary explanation in the space provided of why the Applicant was denied. Use additional sheets if necessary.

Section N

1. Provide a list and description of all equipment currently owned and/or leased by the Applicant and intended to be used by the Applicant for the type of service(s) intended to be performed at Port Everglades including the age, type of equipment and model number.
   attached
2. Identify the type of fuel used for each piece of equipment.
   diesel for all equipment, except unleaded fuel for utility/pickup trucks.
3. Indicate which equipment, if any, is to be domiciled at Port Everglades.
   NONE
4. Will all equipment operators be employees of the Applicant, on the payroll of the Applicant, with wages, taxes, benefits, and insurance paid by the Applicant?
   Yes ✓ No___
   If "No," please explain in the space provided who will operate the equipment and pay wages, taxes, benefits, and insurance, if the franchise is granted. Use additional sheets if necessary.

Section O

Provide a copy of the Applicant's current Broward County Business Tax Receipt (formerly Occupational License). attached

Section P

1. Provide a copy of Applicant's safety program.
2. Provide a copy of Applicant's substance abuse policy.
3. Provide a copy of Applicant's employee job training program/policy.
4. Provide information regarding frequency of training.
5. Include equipment operator certificates, if any.

attached

Section Q

1. Has the Applicant received within the past five (5) years or does the Applicant have pending any citations, notices of violations, warning notices, or fines from any federal, state, or local environmental regulatory agencies?
   Yes X No___

2. Has the Applicant received within the past five (5) years or does the Applicant have pending any citations, notices of violations, warning notices, or civil penalties from the U.S. Coast Guard?
   Yes X No___

3. Has the Applicant received within the past five (5) years or does the Applicant have pending any citations, notices of violations, warning notices, or fines from the Occupational Safety and Health Administration?
   Yes X No___ attached

If you responded "Yes" to any of this section's questions 1, 2, or 3 above, please provide a detailed summary for each question containing the following information:
a) Name and address of the agency issuing the citation or notice
b) Date of the notice
c) Nature of the violation
d) Copies of the infraction notice(s) from the agency
e) Disposition of case
f) Amount of fines, if any
g) Corrective action taken
Attach copies of all citations, notices of violations, warning notices, civil penalties and fines issued by local, state, and federal regulatory agencies, all related correspondence, and proof of payment of fines.

4. Provide a statement (and/or documentation) which describes the Applicant's commitment to environmental protection, environmental maintenance, and environmental enhancement in the Port. attached

Section R
Provide written evidence of Applicant's ability to promote and develop growth in the business activities, projects or facilities of Port Everglades through its provision of the services (i.e., stevedore, cargo handler or steamship agent) it seeks to perform at Port Everglades. For first-time applicants (stevedore, cargo handler and steamship agent), the written evidence must demonstrate Applicant's ability to attract and retain new business such that, Broward County may determine in its discretion that the franchise is in the best interests of the operation and promotion of the port and harbor facilities. The term "new business" is defined in Chapter 32, Part II of the Broward County Administrative Code as may be amended from time to time.

attached

By signing and submitting this application, Applicant certifies that it has read and understands the governing rules and regulations for a franchise as provided in Chapter 32, Part II, of the Broward County Administrative Code as amended. For additional information, visit: http://www.municode.com/resources/gateway.asp?pid=13528&sid=9.

By signing and submitting this application, Applicant certifies that all information provided in this application is true and correct and further, understands that providing false or misleading information on this application may result in the franchise application being denied, or in instances of renewal, a franchise revoked. Applicant hereby waives any and all claims for any damages resulting to the Applicant from any disclosure or publication in any manner of any material or information acquired by Broward County during the franchise application process or during any inquiries, investigations, or public hearings.

The individual executing this application personally warrants that s/he has the full binding authority to execute this application on behalf of the Applicant. Applicant further understands that if there are any changes to the information provided herein (subsequent to this application submission) and/or to its officers, directors, senior management personnel and/or in its business operation as stated in this application, Applicant agrees to provide such updated information to the Port Everglades Department of Broward County including the furnishing of the names, addresses (and other information as required above) with respect to persons becoming associated with Applicant after its franchise application is submitted and any other required documentation requested by Port Everglades Department staff as relating to the changes in the business operation. This information must be submitted within ten (10) calendar days from the date of any change made by the Applicant.

Applicant certifies that all workers performing functions for Applicant who are subject to the Longshore and Harbor Workers' Act are covered by Longshore and Harbor Workers' Act, Jones Act Insurance, as required by federal law.

By signing and submitting this application, Applicant authorizes the Port Everglades Department of Broward County to make any inquiry or investigation it deems appropriate to verify or augment the information contained in this application, and authorizes others to release to the Port Everglades Department of Broward County any and all information sought in such inquiry. Applicant further understands that under the laws of the State of Florida, this application is subject to the Florida Public Records Act (Chapter 119, Florida Statutes) as may be amended.

Signature of Applicant's Authorized Representative Miguel Pena Date Signed 8/14/13

Signature name and title - typed or printed Miguel Pena

Witness Signature (*Required*) Tina Arnold

Witness name-typed or printed Tina Arnold

Witness Signature (*Required*) Cheryl Stone

Witness name-typed or printed Cheryl Stone

If a franchise is granted, all official notices/correspondence should be sent to:

Name John Goelz Title Regional Field Services Director

Address 233 Central FL Parkway Orlando, FL 32824 Phone (407) 466-4085

If you have checked an Applicant box for VESSEL BUNKERING, OR VESSEL OILY WASTE REMOVAL, OR VESSEL SANITARY WASTE WATER REMOVAL, then the following additional information is required:

☐ **VESSEL BUNKERING**

Section T- A Letter of Adequacy from the U.S. Coast Guard and a copy of the applicant's operations manual approved by the U.S. Coast Guard.
Section V- A copy of the applicant's Oil Spill Contingency Plan for Marine Transportation Related Facilities approved by the U.S. Coast Guard.
Section W- A Terminal Facility Discharge Prevention and Response Certificate with a copy of an approved Oil Spill Contingency Plan from the Florida Dept. of Environmental Protection.
Section Z- An approved Discharge Cleanup Organization Certificate from the Florida Dept. of Environmental Protection which has been issued to the applicant or to its cleanup contractor with a copy of the cleanup contract showing the expiration date.

☒ **VESSEL OILY WASTE REMOVAL**

Section S - Certificate of Adequacy in compliance with the Directives of MARPOL 73/75 and 33 CFR 158, if applicable.
Section T- A Letter of Adequacy from the U.S. Coast Guard and a copy of the Applicant's operations manual approved by the U.S. Coast Guard.
Section U- A Waste Transporter License from the Broward County Environmental Protection Department identifying the nature of the discarded hazardous (or non-hazardous) material to be transported.
Section V- A copy of the Applicant's Oil Spill Contingency Plan for Marine Transportation Related Facilities approved by the U.S. Coast Guard.
Section W- A Terminal Facility Discharge Prevention and Response Certificate with a copy of an approved Oil Spill Contingency Plan from the Florida Dept. of Environmental Protection.
Section X- A Used Oil Collector, Transporter, and Recycler Certificate from the Florida Dept. of Environmental Protection.
Section Y- An Identification Certificate from the U.S. Environmental Protection Agency.
Section Z- An approved Discharge Cleanup Organization Certificate from the Florida Dept. of Environmental Protection which has been issued to the Applicant or to its cleanup contractor with a copy of the cleanup contract showing the expiration date.

☐ **VESSEL SANITARY WASTE WATER REMOVAL**

Section U- A Waste Transporter License from the Broward County Environmental Protection Department identifying the nature of the discarded hazardous (or non-hazardous) material to be transported.
Section Z1- A copy of the Applicant's operations manual.
Section Z2- A Septage Receiving Facility Waste Hauler Discharge Permit from the Broward County Water and Wastewater Services Operations Division.

Section B.2

FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS

Detail by Entity Name

Foreign Limited Liability Company

FCC ENVIRONMENTAL, LLC

Filing Information

Document Number	M10000003104
FEI/EIN Number	45-0569557
Date Filed	07/13/2010
State	DE
Status	ACTIVE

Principal Address

523 N SAM HOUSTON PKWY E
STE 400
HOUSTON, TX 77060

Changed: 02/13/2013

Mailing Address

523 N SAM HOUSTON PKWY E
STE 400
HOUSTON, TX 77060

Changed: 02/13/2013

Registered Agent Name & Address

CT CORPORATION SYSTEM
1200 SOUTH PINE ISLAND ROAD
PLANTATION, FL 33324

Manager/Member Detail

Name & Address

Title T

PUJOL, RAMON
523 N SAM HOUSTON PKWY E HOUSTON TX 77060
HOUSTON, TX 77060

Title MGR

PENA, MIGUEL
523 N. SAM HOUSTON PKWY E SUITE# 400 HOUST
HOUSTON, TX 77060

Title GM

CHERRY, KEN
523 N. SAM HOUSTON PKWY E. SUITE # 400 HOU
HOUSTON, TX 77060

Title P

BLASCO, AURELIO
523 N. SAM HOUSTON PKWY E. SUITE# 400 HOUS
HOUSTON, TX 77060

Annual Reports

Report Year	Filed Date
2011	02/11/2011
2012	01/11/2012
2013	02/13/2013

Document Images

02/13/2013 -- ANNUAL REPORT	View image in PDF format
05/08/2012 -- ANNUAL REPORT	View image in PDF format
01/11/2012 -- ANNUAL REPORT	View image in PDF format
02/11/2011 -- ANNUAL REPORT	View image in PDF format
07/13/2010 -- Foreign Limited	View image in PDF format

State of Florida

Section B.2

Department of State

I certify from the records of this office that FCC ENVIRONMENTAL, LLC is a limited liability company organized under the laws of Delaware, authorized to transact business in the State of Florida, qualified on July 13, 2010.

The document number of this limited liability company is M10000003104.

I further certify that said limited liability company has paid all fees due this office through December 31, 2012, that its most recent annual report was filed on January 11, 2012, and its status is active.

I further certify that said limited liability company has not filed a Certificate of Withdrawal.

Given under my hand and the Great Seal of Florida, at Tallahassee, the Capital, this the Sixteenth day of February, 2012

Secretary of State

Authentication ID: **400222196674-021612-M10000003104**

To authenticate this certificate,visit the following site, enter this ID, and then follow the instructions displayed.
https://efile.sunbiz.org/certauthver.html

Division of Corporations

Section B.2 (Cont.)

M10000003104

Florida Department of State
Division of Corporations
Electronic Filing Cover Sheet

Note: Please print this page and use it as a cover sheet. Type the fax audit number (shown below) on the top and bottom of all pages of the document.

(((H10000160999 3)))

H100001609993ABC2

Note: DO NOT hit the REFRESH/RELOAD button on your browser from this page. Doing so will generate another cover sheet.

To:
Division of Corporations
Fax Number : (850)617-6383

From:
Account Name : C T CORPORATION SYSTEM
Account Number : FCA000000023
Phone : (850)222-1092
Fax Number : (850)878-5368

Enter the email address for this business entity to be used for future annual report mailings. Enter only one email address please.

Email Address: _____

RECEIVED
10 JUL 13 PM 4:59
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

Foreign Limited Liability Company
FCC Environmental, LLC

Certificate of Status	0
Certified Copy	0
Page Count	05
Estimated Charge	$125.00

FILED
10 JUL 13 PM 12:07
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

Electronic Filing Menu Corporate Filing Menu Help

G. MCLEOD
JUL 14 2010
EXAMINER

COVER LETTER

TO: Registration Section
Division of Corporations

SUBJECT: FCC Environmental, LLC
Name of Limited Liability Company

The enclosed "Application by Foreign Limited Liability Company for Authorization to Transact Business in Florida," Certificate of Existence, and check are submitted to register the above referenced foreign limited liability company to transact business in Florida..

Please return all correspondence concerning this matter to the following:

Name of Person

Firm/Company

Address

City/State and Zip Code

Mark.Happ@fccenvironmental.com
E-mail address: (to be used for future annual report notification)

FILED
10 JUL 13 PM 12:07
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

For further information concerning this matter, please call:

Name of Person at ( ) Area Code & Daytime Telephone Number

MAILING ADDRESS:
Division of Corporations
Registration Section
P.O. Box 6327
Tallahassee, FL 32314

STREET ADDRESS:
Division of Corporations
Registration Section
Clifton Building
2661 Executive Center Circle
Tallahassee, FL 32301

Enclosed is a check for the following amount:

☐ $125.00 Filing Fee ☐ $130.00 Filing Fee & Certificate of Status ☐ $155.00 Filing Fee & Certified Copy ☐ $160.00 Filing Fee, Certificate of Status & Certified Copy

APPLICATION BY FOREIGN LIMITED LIABILITY COMPANY FOR AUTHORIZATION TO TRANSACT BUSINESS IN FLORIDA

IN COMPLIANCE WITH SECTION 608.508, FLORIDA STATUTES, THE FOLLOWING IS SUBMITTED TO REGISTER A FOREIGN LIMITED LIABILITY COMPANY TO TRANSACT BUSINESS IN THE STATE OF FLORIDA:

1. FCC Environmental, LLC
(Name of Foreign Limited Liability Company; must include "Limited Liability Company," "L.L.C.," or "LLC.")

(If name unavailable, enter alternate name adopted for the purpose of transacting business in Florida and attach a copy of the written consent of the managers or managing members adopting the alternate name. The alternate name must include "Limited Liability Company," "L.L.C," "LLC.")

2. Delaware
(Jurisdiction under the law of which foreign limited liability company is organized)

3. 45-0569557
(FEI number, if applicable)

4. 08/01/2007
(Date of Organization)

5. Perpetual
(Duration: Year limited liability company will cease to exist or "perpetual")

6. Upon Qualification
(Date first transacted business in Florida, if prior to registration.)
(See sections 608.501 & 608.502 F.S. to determine penalty liability)

7. 523 N. Sam Houston Pkwy E., Suite 400, Houston, TX 77060
(Street Address of Principal Office)

8. If limited liability company is a manager-managed company, check here ☒

9. The name and usual business addresses of the managing members or managers are as follows:

Ramon Pujol , 523 N. Sam Houston Pkwy E., Suite 400, Houston, TX 77060

10. Attached is an original certificate of existence, no more than 90 days old, duly authenticated by the official having custody of records in the jurisdiction under the law of which it is organized: (A photocopy is not acceptable. If the certificate is in a foreign language, a translation of the certificate under oath of the translator must be submitted.)

11. Nature of business or purposes to be conducted or promoted in Florida:

Used oil recycler and environmental services

Signature of a member or an authorized representative of a member.
(In accordance with section 608.408(3), F.S., the execution of this document constitutes an affirmation under the penalties of perjury that the facts stated herein are true.)

Ramon Pujol
Typed or printed name of signee

FILED
10 JUL 13 PM 12:07
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

CERTIFICATE OF DESIGNATION OF REGISTERED AGENT/REGISTERED OFFICE

PURSUANT TO THE PROVISIONS OF SECTION 608.415 or 608.507, FLORIDA STATUTES, THE UNDERSIGNED LIMITED LIABILITY COMPANY SUBMITS THE FOLLOWING STATEMENT TO DESIGNATE A REGISTERED OFFICE AND REGISTERED AGENT IN THE STATE OF FLORIDA.

1. The name of the Limited Liability Company is:

FCC Environmental, LLC

If unavailable, the alternate to be used in the state of Florida is:

2. The name and the Florida street address of the registered agent and office are:

C T Corporation System
(Name)

1200 South Pine Island Road
Florida Street Address (P.O. Box NOT ACCEPTABLE)

Plantation FL 33324
City/State/Zip

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent as provided for in Chapter 608, Florida Statutes.

C T Corporation System
By: Rebecca Barth Assistant Secretary Rebecca Barth
(Signature)

$ 100.00	Filing Fee for Application
$ 25.00	Designation of Registered Agent
$ 30.00	Certified Copy (optional)
$ 5.00	Certificate of Status (optional)

Delaware

The First State

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "FCC ENVIRONMENTAL, LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE FIRST DAY OF JULY, A.D. 2010.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE BEEN PAID TO DATE.

AND I DO HEREBY FURTHER CERTIFY THAT THE SAID "FCC ENVIRONMENTAL, LLC" WAS FORMED ON THE FIRST DAY OF AUGUST, A.D. 2007.

Jeffrey W. Bullock, Secretary of State

4399958 8300

AUTHENTICATION: 8090818

100708504

DATE: 07-01-10

You may verify this certificate online at corp.delaware.gov/authver.shtml

Delaware

The First State

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY THAT THE CERTIFICATE OF CONVERSION OF A DELAWARE CORPORATION "HYDROCARBON RECOVERY SERVICES, INC." TO A DELAWARE LIMITED LIABILITY COMPANY OF "FCC ENVIRONMENTAL, LLC", WAS FILED IN THIS OFFICE ON THE FIRST DAY OF JULY, A.D. 2010, AT 11:26 O'CLOCK A.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE AFORESAID LIMITED LIABILITY COMPANY IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE NOT HAVING BEEN CANCELLED OR DISSOLVED SO FAR AS THE RECORDS OF THIS OFFICE SHOW AND IS DULY AUTHORIZED TO TRANSACT BUSINESS.

SECRETARY'S OFFICE 1793 DELAWARE 1855

Jeffrey W. Bullock, Secretary of State

4399958 8317

AUTHENTICATION: 8090819

100708504

DATE: 07-01-10

You may verify this certificate online at corp.delaware.gov/authver.shtml

Delaware

The First State

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY THAT THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF CONVERSION OF A DELAWARE CORPORATION UNDER THE NAME OF "HYDROCARBON RECOVERY SERVICES, INC." TO A DELAWARE LIMITED LIABILITY COMPANY, CHANGING ITS NAME FROM "HYDROCARBON RECOVERY SERVICES, INC." TO "FCC ENVIRONMENTAL, LLC", FILED IN THIS OFFICE ON THE FIRST DAY OF JULY, A.D. 2010, AT 11:26 O'CLOCK A.M.

Jeffrey W. Bullock, Secretary of State

4399958 8100V

AUTHENTICATION: 8090817

100708504

DATE: 07-01-10

You may verify this certificate online at corp.delaware.gov/authver.shtml

State of Delaware
Secretary of State
Division of Corporations
Delivered 11:26 AM 07/01/2010
FILED 11:26 AM 07/01/2010
SRV 100708504 - 4399958 FILE

STATE OF DELAWARE
CERTIFICATE OF CONVERSION
FROM A CORPORATION TO A
LIMITED LIABILITY COMPANY PURSUANT TO
SECTION 18-214 OF THE LIMITED LIABILITY ACT

1.) The jurisdiction where the Corporation first formed is Delaware.

2.) The jurisdiction immediately prior to filing this Certificate is Delaware.

3.) The date the corporation first formed is 8/01/2007.

4.) The name of the Corporation immediately prior to filing this Certificate is Hydrocarbon Recovery Services, Inc.

5.) The name of the Limited Liability Company as set forth in the Certificate of Formation is FCC Environmental, LLC.

IN WITNESS WHEREOF, the undersigned have executed this Certificate on the 1st day of July, A.D. 2010.

By: _____
Authorized Person

Name: Ramon Pujol
Print or Type

State of Delaware
Secretary of State
Division of Corporations
Delivered 11:26 AM 07/01/2010
FILED 11:26 AM 07/01/2010
SRV 100708504 - 4399958 FILE

STATE *of* DELAWARE
LIMITED LIABILITY COMPANY
CERTIFICATE *of* FORMATION

First: The name of the limited liability company is _____
FCC Environmental, LLC

Second: The address of its registered office in the State of Delaware is _____
1209 Orange Street in the City of Wilmington.
Zip code 19801. The name of its Registered agent at such address is
The Corporation Trust Company

Third: (Use this paragraph only if the company is to have a specific effective date of dissolution: "The latest date on which the limited liability company is to dissolve is _____.")

Fourth: (Insert any other matters the members determine to include herein.)

In Witness Whereof, the undersigned have executed this Certificate of Formation this 1st day of July, 2010.

By: _____
Authorized Person (s)

Name: Ramon Pujol

Port Everglades application:

Section F:

FCC Environmental is one of the world's largest environmental services companies providing services in North and South America and a large number countries throughout Europe. In the United States, FCC Environmental is focused on providing best-in-class industrial waste and recycling services with a strong focus on hydrocarbon-based waste streams. The company serves more than 30,000 customers covering the eastern half of the country.

Internationally, FCC Environmental provide a full-range of environmental services and is recognized as an industry leader delivering innovative waste collection and treatment services for solid waste, hazardous waste, electronic waste, paper, metal, glass and other specialized materials. Customers number in the millions.

FCC Environmental forms part of FCC, headquartered in Spain and present in more than fifty countries and generating over $20 billion in revenue. While environmental services is the company's most important activity, the group also has significant businesses dedicated to renewable energy, water treatment, construction, real estate and a wide variety of additional services.

Before becoming part of the FCC family in 2008, FCC Environmental was known as Hydrocarbon Recovery Services Inc. FCC purchased the company from Siemens Water Technologies Corp. in order to form the US division of FCC Environmental. Prior to that, Hydrocarbon Services was owned by Vivendi and even earlier by US Filter which was bought by Siemens in 2004. US Filter made a series of acquisitions beginning in 1997 related to the Hydrocarbon Services business, including: PORI International, Mobley Environmental Services, Eastern Oil, Energy Recovery and Alpha Omega Environmental Services. Once a stable business platform had been developed, US Filter continued both organic growth and growth expansion through the acquisition of companies including Procycle, International Petroleum and Magnum.

Today, FCC Environmental is dedicated to the same high level of service our customers have come to know and respect.

Section G:

Alton Hummel, FS Supervisor, PIC, Pompano Beach, FL - 13+ years experience

Shane Herbold, PIC, Pompano Beach, FL – 6+ years experience

Jerry Mason, FS Supervisor, PIC, Jacksonville, FL – 7+ years experience

Tony Piotrowski, FS Supervisor, PIC, Plant City, FL – 11+ years experience

Allen Stinson, PIC, Plant City, FL – 8+ years experience

Rick Smith, FS Supervisor, PIC, Orlando, FL – 7+ years experience

Norbert Gonzalez, PIC, Orlando, FL – 4+ years experience

ACORD®

CERTIFICATE OF LIABILITY INSURANCE

DATE(MM/DD/YYYY) 04/29/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

Holder Identifier :

PRODUCER
Aon Risk Services Southwest, Inc.
Houston TX Office
5555 San Felipe
Suite 1500
Houston TX 77056 USA

CONTACT NAME:
PHONE (A/C. No. Ext): (866) 283-7122 FAX (A/C. No.): (847) 953-5390
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A:	Chartis Specialty Insurance Company	26883
INSURER B:	Zurich American Ins Co	16535
INSURER C:	American Zurich Ins Co	40142
INSURER D:	Ironshore Specialty Insurance Company	25445
INSURER E:		
INSURER F:		

INSURED
FCC Environmental, LLC
523 N. Sam Houston Pkwy
Suite 400
Houston TX 77060 USA

COVERAGES **CERTIFICATE NUMBER:** 570049752820 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS. **Limits shown are as requested**

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
B	GENERAL LIABILITY			GLO589895600	05/01/2013	05/01/2014	EACH OCCURRENCE	$1,000,000
	X COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	$300,000
	CLAIMS-MADE X OCCUR						MED EXP (Any one person)	$10,000
	X Contractual Liability						PERSONAL & ADV INJURY	$1,000,000
							GENERAL AGGREGATE	$2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$2,000,000
B	AUTOMOBILE LIABILITY			BAP-5898955-00	05/01/2013	05/01/2014	COMBINED SINGLE LIMIT (Ea accident)	$1,000,000
	X ANY AUTO						BODILY INJURY (Per person)	
	ALL OWNED AUTOS / SCHEDULED AUTOS						BODILY INJURY (Per accident)	
	HIRED AUTOS / NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	
D	X UMBRELLA LIAB X OCCUR			000256903 SIR applies per policy terms & conditions	05/01/2013	05/01/2014	EACH OCCURRENCE	$10,000,000
	EXCESS LIAB CLAIMS-MADE						AGGREGATE	$10,000,000
	DED X RETENTION $10,000							
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			WC589895700	05/01/2013	05/01/2014	X WC STATU-TORY LIMITS OTH-ER	
	ANY PROPRIETOR / PARTNER / EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N N	N/A					E.L. EACH ACCIDENT	$1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE-EA EMPLOYEE	$1,000,000
							E.L. DISEASE-POLICY LIMIT	$1,000,000
A	Poll Legal Liab			PLS12780665 Incl. Contractors PLL	05/01/2011	05/01/2014	Policy Aggregate Each Incident	$1,000,000 $1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Broward County is included as Additional Insured as required by written contract, but limited to the operations of the Insured under said contract, per the applicable endorsement with respect to the General Liability policy. U.S. Longshore and Harbor Workers' Act Coverage Endorsement is included under the Workers Compensation policy.

Certificate No : 570049752820

CERTIFICATE HOLDER

Broward County
Attn: Port Everglades Dept.
1850 Eller Drive
Fort Lauderdale FL 33316 USA

FRANCISCO VASQUEZ
2013.05.13
14:03:42 -04'00'

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Aon Risk Services Southwest, Inc.

Section K

APPLICANT'S FINANCIAL DOCUMENTS HAVE BEEN REVIEWED BY PORT EVERGLADES FINANCE DIVISION

FCC Environmental, LLC 523 N. Sam Houston Pkwy E., Ste. 400, Houston, TX 77060

CORPORATE INFORMATION

Legal Name: FCC Environmental, LLC
Federal Identification Number: 45-0569557
State & Year of Incorporation: Delaware 8/01/07
Dun & Bradstreet (D&B) No.: 96-027-7692
FCC Financial Statements: http://www.fcc.es/fcc/corp/ing/ipaei_if_ipp.htm

Banking Information:

Disbursement Account: 2510535882 BBVA Texasccs@bbvacompass.com Global Cash Management GTB Account Management & Service 24 Greenway Plaza Houston, TX 77046 Phone: 713-993-8590 Fax: 800-897-3195

Credit References:

Automotive Rentals, Inc. PO Box 8500 Philadelphia, PA 19178 Attn: Nikki Cassidy Fax: 856-787-2366
Groendyke Transportation Dept. 1706 Tulsa, OK 74182 Attn: Pamela Shaffer Phone: 800-843-2103 X210 Fax: 580-234-8696 pshaffer@groendyke.com
Resource Options, Inc. 200 Highland Avenue Needham, MA 02494 Attn: Greg Kerr Phone: 781-455-0224 Fax: 781-455-7132 gkerr@resourceoptions.com

Accounts Payable Information:
Phone: 281-668-3300
Fax: 281-668-3306

Revised 11/07/19

INDEMNITY AND PAYMENT BOND

BOND NO. **946931**

KNOW ALL BY THESE PRESENTS:

That we, **FCC ENVIRONMENTAL, LLC** as INDEMNITOR and **THE INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** as SURETY, a surety company authorized to do business in the State of Florida, are held and firmly bound unto BROWARD COUNTY, as OBLIGEE, a political subdivision of the State of Florida, in the full sum of **FORTY THOUSAND and 00/100 DOLLARS ($40,000.00),** for the payment of which we bind ourselves, our heirs, successors, assigns and personal representatives for the performance of the obligations hereinafter set forth:

NOW THEREFORE, the condition of this obligation is such that if INDEMNITOR, its heirs, executors, administrators, successors and assigns shall well and truly save harmless and keep indemnified BROWARD COUNTY, its successors and assigns, from and against all loss, costs, expenses, damages, injury, claims, actions, liabilities and demands of every kind (including but not limited to all reasonable attorney's fees to and through appellate, supplemental and bankruptcy proceedings) which arises from, is caused by, or results from or on account of:

(i) failure of INDEMNITOR to pay to BROWARD COUNTY, when due, any and all tariff or other charges that have accrued at Port Everglades (whether relating to the furnishing of services or materials to INDEMNITOR, its principals, agents, servants or employees at Port Everglades; or, due to injury to property of Port Everglades; or, stemming from the use of Port Everglades facilities by INDEMNITOR, its principals, agents, servants or employees; or, otherwise); or

(ii) non-compliance by INDEMNITOR, its principals, agents, servants or employees with applicable laws, ordinances, rules and regulations of the federal, state and local governmental units or agencies (including but not limited to the terms and provisions of the BROWARD COUNTY Code of Ordinances, Administrative Code, and all procedures and policies of the Port Everglades Department), as amended from time to time; or

(iii) any act, omission, negligence or misconduct of INDEMNITOR, its principals, agents, servants or employees in Port Everglades (whether causing injury to persons or otherwise;

then these obligations shall be null and void, otherwise to remain in full force and effect.

AS A FURTHER CONDITION of this obligation that it shall remain in full force and effect until and unless the Surety provides at least ninety (90) days prior written notice to BROWARD COUNTY of its intention to terminate this Bond.

Any notices required herein shall be given in writing and be delivered to: Broward County's Port Everglades Department, Attn: Director of Administration, 1850 Eller Drive, Fort Lauderdale, Florida 33316, with a copy to: Broward County Administrator, Governmental Center, 115 S. Andrews Avenue, Fort Lauderdale, Florida 33301.

IN WITNESS WHEREOF, INDEMNITOR has caused this Bond to be executed by Mark Happ, on this 21 day of September, 2012, and attested to by its Secretary and its corporate seal to be affixed, and the Surety has caused this Bond to be executed on this 20th day of September, 2012, in its name, by its Attorney-in-Fact, duly authorized to do so.

INDEMNITOR:

Company Name: **FCC ENVIRONMENTAL, LLC**

ATTEST:

Cheryl Slone
Corporate Secretary

Cheryl Slone
(Print Name of Secretary)

(SEAL)

By: Mark Jame Happ

MARK HAPP
(Print Name of Pres./Vice Pres.)

Title: SVP - FINANCE
(Print)

21st day of September, 2012

SURETY:

Company Name **THE INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA**

ATTEST: Triniy Garcia

Triniy Garcia

See Power of Attorney

(SEAL)

By: Marcia K. Cesafsky

Marcia K. Cesafsky
~~(Print Name of Pres./Vice Pres.)~~

Title: Attorney-in-Fact
(Print)

20th day of September, 2012

ACKNOWLEDGEMENT BY SURETY

STATE OF ILLINOIS
COUNTY OF COOK

On this 20th day of September, 2012, before me, Colleen Harrington, a Notary Public, within and for said County and State, personally appeared Marcia K. Cesafsky to me personally known to be the Attorney-in-Fact of and for The Insurance Company of the State of Pennsylvania acknowledged that she executed the said instrument as the free act and deed of said Company.

WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the aforesaid County, the day and year in this certificate first above written.

Colleen Harrington

Notary Public in the State of Illinois
County of Cook

OFFICIAL SEAL
COLLEEN HARRINGTON
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES
MARCH 21, 2016

POWER OF ATTORNEY

The Insurance Company of the State of Pennsylvania **Power No. 25974**

Principal Bond Office: 175 Water Street, New York, NY 10038

No. 02-B-08281

KNOW ALL MEN BY THESE PRESENTS:

That The Insurance company of the State of Pennsylvania, a Pennsylvania corporation, does hereby appoint:

--Karen L. Daniel, Sandra M. Martinez, Linda M. Napolillo, Susan A. Welsh,
Marcia K. Casefsky, Robert B. Duncan, James A. Cuthbertson,
Jennifer L. Jakaitis, Christopher P. Troha: of Chicago, Illinois--

its true and lawful Attorney(s)-in-Fact, with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business, and to bind the respective company thereby.

IN WITNESS WHEREOF, The Insurance Company of the State of Pennsylvania has executed these presents

this 29th day of February, 2012

Anthony Romano, Vice President

STATE OF NEW YORK }
COUNTY OF NEW YORK } ss.

On this 29th day of February, 2012 before me came the above named officer of The Insurance Company of the State of Pennsylvania, to me personally known to be the individual and officer described herein, and acknowledged that he executed the foregoing instrument and affixed the seals of said corporation thereto by authority of his office.

Juliana E. Hallenbeck

JULIANA HALLENBECK
Notary Public, State of New York
No. 01HA6125871
Qualified in Bronx County
My Commission Expires April 18, 2013

CERTIFICATE

Exerpts of Resolutions adopted by the Boards of Directors of The Insurance Company of the State of Pennsylvania, on May 18, 1976:

"**RESOLVED**, that the Chairman of the Board, the President, or any Vice President be, and hereby is, authorized to appoint Attorneys-in-Fact to represent and act for and on behalf of the Company to execute bonds, undertakings, recognizances and other contracts of indemity and writings obligatory in the nature thereof, and to attach thereto the corporate seal of the Company, in the transaction of its surety business;

"**RESOLVED**, that the signatures and attestations of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company when so affixed with respect to any bond, undertaking, recognizance and other contract of indemnity and writing obligatory in the nature thereof;

"**RESOLVED**, that any such Attorney-in-Fact delivering a secretarial certification that the foregoing resolutions still be in effect may insert in such certification the date thereof, said date to be not later than the date of delivery thereof by such Attorney-in-Fact."

I, Denis Butkovic, Secretary of The Insurance Company of the State of Pennsylvania, do hereby certify that the foregoing exerpts of Resolutions adopted by the Boards of Directors of this corporation, and the Power of Attorney issued pursuant thereto, are true and correct, and that both the Resolutions and the Powers of Attorney are in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of the corporation

this 20th day of September, 2012

Denis Butkovic, Secretary

23238 (4/02)

Equipment Information

Branch	Make	Model	Volume (gal)	Plate	State
Pompano Beach	Kenworth	Oil Truck	4000	N8541F	FL
	Kenworth	T300	4000	Q574HI	FL
	Peterbilt	335	4000	N1961L	FL
	Peterbilt	335	4000	N8732H	FL
	Kenworth	T800B	4000	N4373K	FL
	Heil	Oil Trailer	6500	448759	WI
	Heil	Oil Trailer	6500	448760	WI
	Heil	Tank Trailer	6500	515026	WI
	KW	Vacuum Truck	3500	N6554C	FL
	Kenworth	Vacuum Truck	3500	N5753D	FL
	Ford	Vacuum Truck	3500	N3718C	FL
	Kenworth	Vacuum Truck	3500	N8533F	FL
	Kenworth	Tractor Tandem	NA	X33XPX	FL
	KW	Tractor Tandem	NA	X34XPX	FL
	International	Tractor Tandem	NA	W765FK	FL
	International	Tractor Tandem	NA	W764FK	FL
Fort Pierce	Polar	Oil Trailer	6500	479821	WI
	Freightliner	FL-90 Tanker	6500	N5748D	FL
	Kenworth	Vacuum Truck	3500	N8540F	FL
	Kenworth	Oil 4200G	4200	N3719C	FL
	Peterbilt	335	4000	M7068P	FL
	Peterbilt	335	4000	M8033N	FL
	Polar	Tanker Trailer	6500	447623	WI
	Press	Vacuum Trailer	5000	448757	WI
	Midco	Vacuum Trailer	6000	448773	WI
	Polar	Oil Trailer	6500	448779	WI
	Heil	Oil Trailer	6500	448758	WI
	Fruehauf	Tanker Trailer	6500	447631	WI
	Kenworth	Tractor Tandem	NA	W95GRA	FL
	Kenworth	Tractor Tandem	NA	W96GRA	FL
	Kenworth	Tractor Tandem	NA	W49AGW	FL
Jacksonville	Freightliner	Tank Truck	4700	250249	IN
	Peterbilt	Tank Truck	4800	065HAJ	FL
	Freightliner	Tank Truck	3300	222032	IN

Branch	Make	Model	Volume (gal)	Plate	State
Orlando	Fruehauf	T4 Tanker Trailer	6500	447875	WI
	Mack	M64 Tanker	6500	N1585B	FL
	Press	Vacuum Trailer	5000	448756	WI
	Polar	Tank Trailer	6500	447634	WI
	Kenworth	M59 Vacuum Truck	3500	N9860C	FL
	Freightliner	Vacuum Truck	3500	W37AGC	FL
	Kenworth	Tractor Tandem	NA	793HAZ	FL
	Kenworth	Tractor Tandem	NA	W23AGW	FL
Plant City	Freightliner	FL-91 Tanker	3000	N3730C	FL
	Freightliner	FL-92 Tanker	3000	N1582	FL
	Freightliner	FL-98 Tanker	3000	N5809D	FL
	Mack	M-966 Tanker	4700	N5750D	FL
	Freightliner	FL-45 Tanker	3000	N8538F	FL
	Freightliner	Tanker	3000	W72IMT	FL
	Polar	Tanker T-1	7300	447876	WI
	Polar	Tanker Trailer	7300	447624	WI
	Polar	Tanker Trailer	7300	447625	WI
	Polar	Tanker Trailer	7300	447626	WI
	Polar	Tanker Trailer	7300	447627	WI
	Polar	Tanker Trailer	7300	447628	WI
	Polar	Tanker Trailer	7300	447629	WI
	Polar	Tanker Trailer	7300	447630	WI
	Polar	Tanker Trailer	7300	447633	WI
	Misc	Tank Trailer	5000	447632	WI
	Kenworth	M-60 Vac Truck	3500	N3725C	FL
	Kenworth	Vacuum Truck	3500	N3724C	FL
	Mack	Tractor Tandem	NA	W38AGC	FL
	Mack	Tractor Tandem	NA	W71AGW	FL
	Mack	Tractor Tandem	NA	W36AGC	FL
	Kenworth	Tractor Tandem	NA	029HLY	FL
	Kenworth	Tractor Tandem	NA	030HLY	FL
	Mack	Tractor Tandem	NA	V064FF	FL
	Freightliner	Tractor Tandem	NA	409590	IN
	Freightliner	Tractor Tandem	NA	358997	IN
	Freightliner	Tractor Tandem	NA	358998	IN

Field Services FT Pierce

Vacuum Units:	Unit Number
3,500 gal duel tanks w/pressure washer (Kieth Huber)	
5200 gallon Vac Tanker	V5
Kenworth Tractor	
Loader	
(2) 22 cy rolloff boxes	

Temporary storage
21000 gallon Frac tanks (3)

Small Pickups
F-150 Utility truck

Respiratory Protection Equipment
Air Purifying Respirators (each employee)

Atomospheric Monitoring and Ventilation Equipment
Explosion meter (02/LEL/CO/H2S) (1)

Miscellanious Equipment
Gasoline Generator (5000 watt)

BROWARD COUNTY LOCAL BUSINESS TAX RECEIPT

115 S. Andrews Ave., Rm. A-100, Ft. Lauderdale, FL 33301-1895 – 954-831-4000

VALID OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013

DBA:
Business Name: FCC ENVIRONMENTAL LLC

Receipt #: 326-4517
Business Type: COURIER/TRANSPORT/DLVRY/TOWING (TRUCKING EQUIPMENT STORAGE)

Owner Name: FCC ENVIRONMENTAL LLC
Business Location: 1280 NE 48 ST
POMPANO BEACH
Business Phone: 954-785-2320

Business Opened: 04/30/1993
State/County/Cert/Reg: 93OU261
Exemption Code:

Rooms	Seats	Employees	Machines	Professionals
		4		

	For Vending Business Only					
	Number of Machines:			Vending Type:		
Tax Amount	Transfer Fee	NSF Fee	Penalty	Prior Years	Collection Cost	Total Paid
33.00	0.00	0.00	0.00	0.00	0.00	33.00

THIS RECEIPT MUST BE POSTED CONSPICUOUSLY IN YOUR PLACE OF BUSINESS

THIS BECOMES A TAX RECEIPT

WHEN VALIDATED

This tax is levied for the privilege of doing business within Broward County and is non-regulatory in nature. You must meet all County and/or Municipality planning and zoning requirements. This Business Tax Receipt must be transferred when the business is sold, business name has changed or you have moved the business location. This receipt does not indicate that the business is legal or that

BROWARD COUNTY LOCAL BUSINESS TAX RECEIPT

115 S. Andrews Ave., Rm. A-100, Ft. Lauderdale, FL 33301-1895 – 954-831-4000

VALID OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014

DBA:
Business Name: FCC ENVIRONMENTAL LLC

Receipt #: 326-4517
Business Type: COURIER/TRANSPORT/DLVRY/TOWING (TRUCKING EQUIPMENT STORAGE)

Owner Name: FCC ENVIRONMENTAL LLC
Business Location: 1280 NE 48 ST
POMPANO BEACH
Business Phone: 954-785-2320

Business Opened: 04/30/1993
State/County/Cert/Reg: 93OU261
Exemption Code:

Rooms	Seats	Employees	Machines	Professionals
		4		

	For Vending Business Only					
	Number of Machines:			Vending Type:		
Tax Amount	Transfer Fee	NSF Fee	Penalty	Prior Years	Collection Cost	Total Paid
33.00	0.00	0.00	0.00	0.00	0.00	33.00

THIS RECEIPT MUST BE POSTED CONSPICUOUSLY IN YOUR PLACE OF BUSINESS

THIS BECOMES A TAX RECEIPT

WHEN VALIDATED

This tax is levied for the privilege of doing business within Broward County and is non-regulatory in nature. You must meet all County and/or Municipality planning and zoning requirements. This Business Tax Receipt must be transferred when the business is sold, business name has changed or you have moved the business location. This receipt does not indicate that the business is legal or that

BROWARD COUNTY LOCAL BUSINESS TAX RECEIPT

115 S. Andrews Ave., Rm. A-100, Ft. Lauderdale, FL 33301-1895 – 954-831-4000

VALID OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014

DBA:
Business Name: FCC ENVIRONMENTAL LLC

Receipt #: 372-48
Business Type: WHOLESALE PETROLEUM (WASTE OIL TRANSPORT/COLL FACIL)

Owner Name: FCC ENVIRONMENTAL LLC
Business Location: 1280 NE 48 ST
POMPANO BEACH
Business Phone: 954-977-7312

Business Opened: 05/19/1993
State/County/Cert/Reg: 93OU330
Exemption Code:

Rooms	Seats	Employees	Machines	Professionals

For Vending Business Only

Number of Machines: Vending Type:

Tax Amount	Transfer Fee	NSF Fee	Penalty	Prior Years	Collection Cost	Total Paid
112.50	0.00	0.00	0.00	0.00	0.00	112.50

THIS RECEIPT MUST BE POSTED CONSPICUOUSLY IN YOUR PLACE OF BUSINESS

THIS BECOMES A TAX RECEIPT WHEN VALIDATED

This tax is levied for the privilege of doing business within Broward County and is non-regulatory in nature. You must meet all County and/or Municipality planning and zoning requirements. This Business Tax Receipt must be transferred when the business is sold, business name has changed or you have moved the business location. This receipt does not indicate that the business is legal or that

BROWARD COUNTY LOCAL BUSINESS TAX RECEIPT

115 S. Andrews Ave., Rm. A-100, Ft. Lauderdale, FL 33301-1895 – 954-831-4000

VALID OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014

DBA:
Business Name: FCC ENVIRONMENTAL LLC

Receipt #: 329-25108
Business Type: ALL OTHERS (TRUCK/EQUIP STORAGE)

Owner Name: FCC ENVIRONMENTAL LLC
Business Location: 1300 NE 48 ST
POMPANO BEACH
Business Phone: 954-473-4488

Business Opened: 05/19/1993
State/County/Cert/Reg: 93OU321
Exemption Code:

Rooms	Seats	Employees	Machines	Professionals
		8		

	For Vending Business Only					
	Number of Machines:			Vending Type:		
Tax Amount	Transfer Fee	NSF Fee	Penalty	Prior Years	Collection Cost	Total Paid
81.00	0.00	0.00	0.00	0.00	0.00	81.00

THIS RECEIPT MUST BE POSTED CONSPICUOUSLY IN YOUR PLACE OF BUSINESS

THIS BECOMES A TAX RECEIPT

WHEN VALIDATED

This tax is levied for the privilege of doing business within Broward County and is non-regulatory in nature. You must meet all County and/or Municipality planning and zoning requirements. This Business Tax Receipt must be transferred when the business is sold, business name has changed or you have moved the business location. This receipt does not indicate that the business is legal or that

SAFETY MANUAL

FCC environmental

Note: Entire Safety/Health/Training Program is on file in Port Business Administration.

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Part One

Part Two

DRUG AND ALCOHOL FREE WORKPLACE

Our Company recognizes the importance of maintaining a safe, productive and efficient work environment for its employees, stakeholders and any person conducting business for and/or on behalf of the Company. The use and abuse of alcohol, drugs and/or controlled substances can impair the ability to perform job responsibilities and also can result in the potential for accidents on-duty and other failures that may pose serious safety and health risks to employees, co-workers, customers and the general public.

To demonstrate its commitment to a work environment free of the hazards associated with the use and misuse of drugs and alcohol, we have established this policy. Employees and/or any person conducting business for and/or on behalf of the Company are required to comply with all aspects of this policy, applicable laws and customer contractual obligations as a condition of employment, or continued employment, with us. Any person who violates this policy will be prohibited from conducting business for and/or on behalf of the Company.

To comply with U.S. Federal Motor Carrier Safety Administration (FMCSA) regulations (49 CFR Parts 40 and 382), we have implemented and administer a controlled substances and alcohol testing program for all Commercial Driver's License (CDL) drivers who operate Commercial Motor Vehicles (CMV) for Hydrocarbon Recovery Services Inc. dba FCC Environmental and International Petroleum Corporation of Delaware (hereinafter collectively referred to as FCC).

The use, possession, transfer, sale, purchase, manufacture, distribution, dispensation, solicitation or being under the influence of any controlled substance, drug or other intoxicant, including alcohol, at any time while on Company premises, or when performing any Company business, including while driving Company-provided vehicles, is prohibited. The only exceptions to this rule are:

- individuals may use legal over-the-counter medications or prescription drugs while at work strictly in accordance with the product instructions or a physician's prescription provided, however, that the use of such substances does not adversely affect the individual's ability to perform his or her job, or to do so in a safe manner; and
- alcohol may be consumed within reason as part of an authorized Company social event, as specified below.

DEFINITIONS

ADULTERATED SPECIMEN

"Adulterated specimen" means a specimen that contains a substance that is not expected to be present in human urine or a substance expected to be present but that is at a concentration that it is not consistent with human urine.

ALCOHOL

"Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol, including methyl and isopropyl alcohol. "Alcohol use" means the consumption of

any beverage, mixture or preparation, including any medication, containing alcohol. The Company recognizes that alcohol is a legal substance that is regulated in terms of allowable levels of use by the U.S. Department of Transportation and state departments of motor vehicles.

COMMERCIAL MOTOR VEHICLE

A "Commercial Motor Vehicle" (CMV) for the purpose of controlled substance, drug and alcohol testing means a motor vehicle or a combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

1) has a (manufacturer's) gross combination weight of 26,001 pounds or more inclusive of a towed unit with a gross vehicle weight rating of 10,001 pounds or more; or
2) has a (manufacturer's) gross vehicle weight rating of 26,001 pounds or more; or
3) is designed to transport 16 or more passengers, including the driver; or
4) is of any size or weight that is used in the transportation of materials found to be hazardous for the purpose of the U.S. Hazardous Materials Transportation Act (49 C.F.R. Part 172, Sub-part F), and that require the motor vehicle to be placarded under the Hazardous Material Regulations.

CONTROLLED SUBSTANCE

The term "controlled substance" has the meaning set forth in 21 U.S.C. Section 802(6) and includes all substances listed on Schedules I through V of 21 C.F.R. §1308 (§1308.11 through §1308.15), as they may be amended from time to time.

DILUTE SPECIMEN

"Dilute specimen" means a specimen with creatinine and specific gravity values that are lower than expected for human urine. The results of a dilute specimen are either a "positive dilute" or a "negative dilute". (See "DRUG (CONTROLLED SUBSTANCES) AND ALCOHOL TESTING OF EMPLOYEES AND OTHERS")

DRIVERS

- **DOT (CDL) DRIVER**

A "DOT (CDL) Driver" means any person who is subject to the Commercial Driver's License (CDL) requirements and who operates a CMV for and/or on behalf of the Company. For purposes of this policy, the term "any person" includes but is not limited to: any and all employees who are employed by us, whether paid or unpaid; consultants; owner-operators and their employees; and independent contractors and their employees. The term "any person" also includes any individual, authorized or not authorized, while operating a CMV vehicle for and/or on behalf of the Company.

A DOT (CDL) Driver is subject to all applicable alcohol and controlled substance testing requirements established by the U.S. Department of Transportation, other authorized regulatory agencies and this policy.

- **NON-DOT DRIVER**

A "non-DOT Driver" means any employee who operates a Company vehicle (including a forklift) in the normal everyday course of his/her position (e.g., field service technician, sales representative, etc.).

- **SAFETY SENSITIVE FUNCTIONS OF DOT (CDL) DRIVERS**

"Safety sensitive functions of DOT (CDL) Drivers" means to any of those on-duty functions (published in 49 C.F.R. §382.107) listed below:

1) All time spent waiting at a carrier or shipper plant, terminal, facility or other property to be dispatched, unless the DOT (CDL) Driver has been relieved from duty by the Company;

2) All time spent inspecting equipment as required by the Federal Motor Carrier Safety Regulations or otherwise inspecting, servicing or conditioning any CMV at any time;

3) All time spent at the driving controls of a CMV in operation;

4) All time, other than driving time, spent on or in a CMV (except for time spent resting in the sleeper berth);

5) All time spent loading or unloading a CMV, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle or in giving or receiving receipts for shipments loaded or unloaded;

6) All time spent performing the DOT (CDL) Driver's requirements associated with an accident;

7) All time spent repairing, obtaining assistance or remaining in attendance upon a disabled vehicle.

ILLEGAL DRUG

"Illegal drug" means any controlled substance (including the presence of their metabolites) of which the sale, possession or use is prohibited under state or federal law. Illegal drugs include, but are not limited to: marijuana, cocaine, opiates, phencyclidine (PCP), barbiturates, methamphetamines, amphetamines, methaqualone, benzodiazepines, propoxyphene and their metabolites; prescription medications not legally obtained or not being used in the manner, combination or quantity prescribed; legal over-the-counter medications used other than as directed by the package instructions or as directed by a physician; so-called designer, look-alike or synthetic drugs; and solvents, glue, inhalants or patches used as an intoxicant, even if the possession of such substances are not specifically prohibited by applicable law.

LEGAL DRUG

"Legal drug" means prescription medications and over-the-counter medications that have been legally obtained and are being used only in the manner, combination or quantity for which they were prescribed or manufactured.

MRO (Medical Review Officer)

A "Medical Review Officer" (MRO) is a qualified physician who is employed by the Company's third-party drug testing administrator and reviews testing results. The MRO has the authority to contact an employee or any person who has been tested on behalf of the Company to inquire regarding the results of specimen testing and to render a determination of the test result.

REFUSAL TO TEST

A "Refusal to Test" situation exists when a person:

(1) Has failed to appear for any test within a reasonable time, as determined by the Company, after being directed to do so by the Company. This includes failure of a person to appear for a test when notified by a consortium/third-party administrator.
(2) Has failed to remain at the testing site until the testing process is complete.
(3) Has failed to provide a urine specimen for any drug test that is required by DOT regulations.
(4) In the case of a directly observed or monitored collection in a drug test, has failed to permit the observation or monitoring of his/her provision of a specimen.
(5) Has failed to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.
(6) Has failed or declined to take a second test that the Company or the collector has directed him/her to take.
(7) Has failed to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the designated Company representative as part of the "shy bladder" or "inability to provide a breath specimen" procedures or
(8) Has failed to cooperate with any testing procedure.

SUBSTANCE ABUSE PROFESSIONAL

A "Substance Abuse Professional" (SAP) means a qualified physician, psychologist, social worker, employee assistance professional or drug and alcohol counselor. Information about SAPs will be provided to an employee who violates this policy so that an employee may seek assistance for help with his/her substance abuse/alcohol problems. All arrangements for the services of a SAP (including payment for same) are the responsibility of the employee.

SUBSTITUTED SPECIMEN

A "Substituted specimen" means a specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

UNDER THE INFLUENCE

"Under the influence" means that an employee is affected by a drug or alcohol, or any combination of drugs and/or alcohol, in any detectable manner. The symptoms of influence are not limited to those consistent with misbehavior, or to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance.

Under the influence of alcohol includes a breath alcohol concentration (BAC) of 0.02 percent or higher.

POSSESSION OR USE OF DRUGS OR ALCOHOL

Use of illegal drugs on or off duty, on or off Company premises is prohibited. Off-duty use of alcohol is prohibited to the extent that such use adversely affects the Company's legitimate interests or the potential ability of an employee to safely and efficiently perform his/her job duties. This includes the possession or use of illegal drugs and being under the influence of alcohol while driving a Company vehicle during off-duty hours.

The unauthorized possession, use or being under the influence of alcohol while on Company premises at any time, whether during work hours or non-work hours, including meal and break periods, and/or when performing any Company business, including when driving vehicles, is prohibited. Reporting to work or remaining at work with a breath alcohol concentration of 0.02 percent or higher is also prohibited. The exception to this rule is the possession or use of alcohol as part of an authorized Company-sponsored function or activity, provided that such use is in moderation and does not result in an employee being "under the influence" of alcohol. A DOT (CDL) Driver or non-DOT Driver may not perform any safety-sensitive function within four (4) hours of ingesting alcohol regardless of his/her breath alcohol concentration.

The use, possession, transfer, sale, purchase, manufacture, distribution, dispensation, solicitation or being under the influence of any illegal drug while on Company premises at any time, whether during work hours or non-work hours, including meal and break periods, and/or when performing any Company business, including when driving vehicles, is prohibited. Reporting to work or remaining at work while under the influence of an illegal drug is also prohibited.

We recognize that employees may need to use legal drugs from time to time for medical reasons. The possession or use of legal drugs while on Company premises, during work hours and/or when performing any Company business, including when driving vehicles, is permitted, provided such use or influence does not affect the safety of an employee, co-workers, customers or the public, an employee's job performance or the safe or efficient operation of Company facilities, equipment and vehicles.

An employee using a legal drug has an obligation to inquire and determine whether the legal drug he/she is taking may or will affect his/her ability to safely and efficiently perform job duties. If an employee is using a legal drug at the direction of a physician, dentist or other licensed practitioner, an employee is required to obtain a written statement of any work-related restrictions. Any such restrictions must be reported to his/her supervisor prior to reporting to work while using any legal drug. An employee may continue to work while using a legal drug provided that the Company determines that an employee does not pose a threat to his/her own safety or the safety of co-workers, customers or the public, or that an employee's job performance will not significantly be affected by the legal drug. Otherwise, an employee may be required to take a leave of absence or comply with other appropriate action as determined by the Company.

APPLICANT AND EMPLOYEE OBLIGATIONS

As a condition of employment or continued employment with the Company, all Company employees and job applicants must abide by the terms of this policy. Any violation of this policy will result in immediate disciplinary action, up to and including unpaid suspension and/or immediate termination of employment or denial of employment, subject to applicable law.

All current employees subject to this policy will have indicated their consent, acknowledgment and authorization for alcohol and drug testing by affixing their signature to the receipt included in this Policy. All job applicants subject to this policy will have indicated their consent, acknowledgment and authorization for alcohol and drug testing by affixing their signature to the Company's application for employment.

As mandated by the U.S. Drug-Free Workplace Act of 1988, employees must report any conviction under a criminal drug statute for violations occurring on or off Company premises while conducting Company business. A report of a conviction must be made within five (5) days after the conviction.

Any employee who is cited for driving under the influence of drugs or alcohol while operating a Company vehicle, including both on-duty or off-duty use of a Company vehicle, must immediately advise his/her supervisor of that fact. Employees who drive as part of their job duties for the Company must also advise his/her supervisor no later than the next business day if they are cited for driving under the influence of drugs or alcohol while driving their own vehicle during either on-duty or off-duty hours.

EMPLOYEE ASSISTANCE

We are willing to provide, and strongly encourages individuals to seek assistance for drug or alcohol problems. Our Employee Assistance Program (EAP) is available through CIGNA Behavioral Health to assist employees in getting such help. However, each individual has the responsibility to seek assistance before alcohol or drug problems lead to problems or violations of this policy. The EAP may be contacted at the following telephone number 24 hours a day, seven days a week, 365 days a year: 1-877-622-4327.

An employee's voluntary decision to seek assistance in advance from the EAP will not be used as the basis for disciplinary action. On the other hand, using the EAP will neither lessen nor prevent the imposition of disciplinary action where an individual has violated this policy and where the Company learns of that violation from sources other than the EAP.

An employee may be required to submit to a substance abuse evaluation by our EAP and follow the recommendations of the Substance Abuse Professional. The employee will further be required to sign a release to ensure compliance with the EAP for attendance and follow-through with recommendations.

An employee who is terminated due to violation of this policy will be advised of the availability of EAP assistance and/or other assistance in the evaluation and treatment of substance abuse.

ENFORCEMENT

Employees are expected to cooperate with the Company in the investigation of possible violations of this policy. Accordingly, employees must report to their supervisor, the local HR Representative or other management personnel any known or suspected violations.

The Company reserves the right to utilize other means consistent with sound business practices to determine violations of this policy, including, but not limited to, searches of employee and Company.

DISCIPLINARY ACTION

Violation of this policy will result in immediate disciplinary action, up to and including unpaid suspension and/or immediate termination of employment, even if an employee has voluntarily engaged in substance abuse counseling and rehabilitation prior to the incident of violation, as follows:

- A verified positive drug (controlled substance) test will result in immediate termination of employment or, in the case of an application, denial of employment.

- Any person who is tested under the provisions of this policy and who is found to have a breath alcohol concentration (BAC) of 0.02 percent or higher, but less than the greater of 0.08 percent and the maximum BAC permitted by applicable state law, will be relieved from duty, suspended and required to seek assistance and evaluation through our EAP. The person will not be permitted to return to work until released by the SAP and has a test result with a BAC of less than 0.02 percent. A person who is found to have a BAC of 0.02 percent or higher on subsequent alcohol test(s) conducted under this policy will be terminated.

- Any person who is tested under the provisions of this policy and who is found to have a BAC that equals or exceeds the greater of 0.08 percent and the maximum BAC permitted by applicable state law will be immediately terminated.

- Any DOT (CDL) Driver who is tested under the provisions of this policy and who is found to have a BAC of 0.02 percent or higher, but less than 0.04 percent, will be relieved from duty, suspended and required to seek assistance and evaluation through our EAP. The DOT (CDL) Driver will not be permitted to return to work until released by the SAP and has a test result with a BAC of less than 0.02 percent. A DOT (CDL) Driver who is found to have a BAC of 0.02 percent or higher on subsequent alcohol test(s) conducted under this policy will be terminated.

- Any DOT (CDL) Driver who is tested under the provisions of this policy and who is found to have a BAC that equals or exceeds 0.04 percent will be immediately terminated.

- Any person, including a DOT (CDL) driver and non-DOT driver, directed to take a drug (controlled substance) and/or alcohol test based on reasonable suspicion will be relieved from duty, transported by FCC to the testing site and will be suspended pending the Company's receipt of test results. If the test result is negative, the person will receive back pay in an amount equal to any wages lost while suspended. A positive test result indicating the prohibited use of drugs or alcohol will result in disciplinary action up to and including immediate termination.

Even if a person has voluntarily engaged in substance abuse counseling and rehabilitation prior to the incident of violation, following the recommendations of the SAP will be required as a condition of employment and will not stand alone to prevent the imposition of disciplinary action, including termination.

Any employee who has been terminated for a violation of this policy may seek re-employment with the Company no sooner than six (6) months following termination of employment. However, the Company is under no obligation to re-employ the former employee. The Company may require documentation that the applicant has been evaluated by a SAP and successfully

completed rehabilitation. The former employee is subject to the same pre-employment drug testing required of all job applicants.

The Company may also report persons in violation of this policy to law enforcement authorities, if we in our sole discretion deem it necessary, useful or appropriate to do so and/or in accordance with applicable law.

Any person or visitor found in violation of this policy may be refused entry to, or be removed and barred from, Company premises. Such persons may be reported to law enforcement authorities if the Company in its sole discretion deems it necessary, useful or appropriate to do so and/or in accordance with applicable law.

DRUG (CONTROLLED SUBSTANCES) TESTING OF APPLICANTS

To ensure a safe, productive, efficient and substance-free workplace, we require drug (controlled substances) screening tests for job applicants prior to commencing employment and, as specified below, subject to applicable laws or customer contract requirements.

All job applicants who have been given a conditional offer of employment will be required to undergo a drug test prior to beginning employment with the Company. The pre-employment drug test is required to be completed within five (5) working days from the date of offer.

A positive test result, a positive dilute test result or a refusal to test determination will result in the revocation of any job offer that has been extended to such job applicant. Applicants may reapply for employment no sooner than six (6) months after the date of the failed drug test. The Company may require documentation that the Applicant has been evaluated by a Substance Abuse Professional and successfully completed rehabilitation. The applicant will be required to pass another drug test as a condition of employment.

Applicants for CDL positions are required to sign a release authorization to permit the Company to obtain prior controlled substance and alcohol abuse violations of DOT rules. FCC will contact previous employers for whom the driver applicant worked during the past two (2) years.

DRUG (CONTROLLED SUBSTANCES) AND ALCOHOL TESTING OF EMPLOYEES AND OTHERS

All employees are subject to any and all of the following types of controlled substance and alcohol testing, as set forth below, subject to applicable law or customer contract requirements: reasonable suspicion; random; post-vehicular accident; return-to-duty; confirmation; and follow-up. Controlled substance and alcohol testing will be conducted during, immediately following or immediately prior to the individual performing work for the Company.

A. Reasonable Suspicion Testing

Where the Company has reasonable suspicion that a person is using or is under the influence of drugs or alcohol in violation of this policy, the person will be required to take a drug and/or alcohol test within two (2) hours following the observation. If a reasonable suspicion test is not administered within two (2) hours following the observation, the supervisor will prepare and maintain a file record stating the reason why the test was not administered promptly. If the alcohol test is not administered within eight (8) hours, no further attempt will be made to

administer the test; but the supervisor will prepare and maintain a file record of the observation and statement of why the test was not administered promptly.

Additionally, a description of the employee's conduct or other factors giving rise to the reasonable cause determination must be prepared and signed by a witness as soon as possible within 24 hours of the observed behavior, or before the results of the drug test are released, whichever is earlier.

After a reasonable-suspicion determination has been made, the employee may not perform any safety-sensitive function(s) until a BAC of less than 0.02 percent is received and a negative drug (controlled substance) test is confirmed.

The following is a non-exhaustive list of observed symptoms, as compared to the employee's "normal" behavior, and evidence that may be utilized in determining whether there is reasonable suspicion sufficient to require an employee to submit to drug and/or alcohol testing:

- Sudden mood or attitude changes, such as depression, laughter, irritability, panic, hallucinations, confusion, inattentiveness, aggressive behavior, unexplained burst or lack of energy and other changes that are different from the employee's normal mood and attitude, especially if observed after breaks, meal periods or other occasions when the employee may have had an opportunity to use drugs or alcohol;
- Slurred speech, rapid speech, talkativeness;
- Hyper-body movements, twitching, poor muscular control or motor coordination;
- Runny nose, sniffles, itchy nose, white powder around nose;
- Bloodshot or watery eyes, dilated or constricted pupils, pupils that do not respond to changes in light, blank stare, rapid and involuntary eye movement;
- Needle marks and tracks on the body;
- Smell of alcohol, marijuana or solvents;
- Presence of drug paraphernalia, such as small pieces of foil or folded paper, safety razor blade, cigarette papers and remnants, pipes, alligator clips or hemostats;
- Observations of chronic or withdrawal effects of drugs or alcohol;
- Statements of personal observations by co-workers and other persons; or
- Following an industrial accident, which will prompt further investigation for reasonable suspicion.

Some of the above symptoms and evidence are not necessarily sufficient by themselves. The Company's decision of reasonable suspicion will be based on all of the surrounding circumstances.

The determination whether reasonable suspicion exists in a particular situation shall be made by the highest-ranking supervisor or Company official on site, ***in conjunction with*** Human Resources.

B. Random Testing

All DOT (CDL) Drivers will be randomly selected for unannounced random drug and/or alcohol testing. All non-DOT Drivers will be randomly selected for unannounced random drug testing. There is no random alcohol testing of non-DOT Drivers. Selection will be made by a scientifically valid method, using computerized random number generation that is matched with individuals' employee identification numbers. Each person will have an equal chance of being

tested each time random selections are made. Employees or other persons selected for testing will be notified by their supervisor or HR Representative on the day they are to be tested immediately prior to being tested. The person selected must proceed to the testing facility immediately upon notification of his/her selection. A person's failure to report to the collection site or other refusal to submit to testing, or a positive test result, will be grounds for (1) in the case of an employee, disciplinary action up to and including termination of employment, and (2) in the case of other persons, corrective action up to a prohibition against performing work for and on behalf of FCC.

For DOT (CDL) Drivers and non-DOT Drivers, tests will be conducted at a rate per year as specified by the U. S. Department of Transportation, other regulatory agency or as determined by the Company. The average number of DOT (CDL) Driver positions will be used when calculating the number of tests required. Any driver may be tested once a year, more than once a year or not at all due to the random selection process.

A DOT (CDL) Driver will be randomly tested for alcohol while the Driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions or just after the driver has ceased performing safety-sensitive functions.

In the event an employee is selected for a random test and is on vacation, leave of absence or temporary layoff during the entire testing period (month, quarter, etc.), he/she will not be required to undergo the test.

C. Post-Vehicular Accident Testing DOT (CDL) and Non-DOT Drivers

A post-vehicular accident alcohol and controlled substance test is required when there is reasonable suspicion to believe a driver has violated the provisions of this policy and, for DOT (CDL) Drivers, as further conditioned below.

Nothing in this policy should be construed as authorizing or requiring the delay of necessary medical attention for injured drivers or other persons following an accident. Also, the DOT (CDL) Driver or non-DOT Driver is not prohibited from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

The results of a urine test for the use of controlled substances or a breath alcohol test that is conducted by local, state or federal officials having independent authority for the test will be considered to meet the requirements of this policy, provided such test results are obtained by the Company.

Any person subject to the Commercial Driver's License (CDL) requirements who is involved in an accident while operating a CMV for and on behalf of the Company is subject to post-vehicular accident alcohol and controlled substance testing under the following conditions:

1. If the accident involved the loss of human life; or
2. The DOT (CDL) Driver receives a citation or is likely to receive a citation for a moving traffic violation arising from the accident, and there was bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
3. The DOT (CDL) Driver receives a citation or is likely to receive a citation for a moving traffic violation arising from the accident, and any vehicle involved in the accident is

towed or transported from the scene of the accident as a result of the damage incurred in the accident.

With Regard to Post-Vehicular Accident Alcohol Tests

1. If the driver has not undergone an alcohol test within two (2) hours after the accident, the driver's supervisor will write and keep on file a report detailing why no test was promptly administered and take all necessary action to accomplish the test.

2. If the driver has not undergone an alcohol test within eight (8) hours after the accident, the driver's supervisor will write and keep on file the report described above and shall cease efforts to require a post-vehicular accident alcohol test.

3. A driver who is subject to post-vehicular accident testing must be available for an alcohol test, or the Company will consider the driver to have refused to undergo testing. The driver must not consume any alcohol during the eight (8) hours immediately following the accident or until after he/she has undergone an alcohol test, and then only if off duty.

With Regard To Post-Vehicular Accident Drug Tests and Controlled Substance Tests

If a post-vehicular accident controlled substance test is required, the DOT (CDL) Driver or non-DOT Driver must be tested as soon as possible and within 32 hours following the accident. If a DOT (CDL) Driver or non-DOT Driver has not submitted to a controlled substance test within 32 hours following the accident, the driver's supervisor will cease attempts to administer a controlled substances test and prepare and maintain a file record stating the reasons the test was not promptly administered.

A driver subject to post-vehicular accident testing shall remain readily available for such testing or may be deemed by FCC to have refused to submit to testing.

D. Return-to-Duty Testing

Return-to-duty testing refers to breath alcohol and drug (controlled substance) testing conducted after a DOT (CDL) Driver or non-DOT Driver has engaged in prohibited conduct under this policy and completed any counseling prescribed by a SAP.

Prior to returning to duty, a driver must undergo a return-to-duty alcohol test with a result indicating a BAC of less than 0.02 percent.

Prior to returning to duty, a driver must undergo a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances use.

E. Follow-Up Testing

For a DOT (CDL) Driver, unannounced, follow-up breath alcohol testing and/or controlled substances testing must be given at least six (6) times within the first 12 months following return to duty and may continue up to 60 months following his/her return to duty. The number of tests, whether for both drugs and alcohol, and the duration of follow-up tests are determined by the SAP. Follow-up testing for alcohol will be performed when the DOT (CDL) Driver is performing safety-sensitive functions or immediately prior to performing or immediately after performing safety-sensitive functions.

For a non-DOT Driver, unannounced, follow-up breath alcohol testing and/or controlled substances testing may be given up to six (6) times within the first 12 months following return to duty and may continue up to two (2) years following his/her return to duty. Follow-up testing for alcohol will be performed when the non-DOT Driver is performing safety-sensitive functions or immediately prior to performing or immediately after performing safety-sensitive functions.

All other persons found in violation of this policy may be subject to unannounced, follow-up testing at any time for a period not to exceed two (2) years. The frequency and number of follow-up tests conducted will be at the sole discretion of the Company.

REFUSAL TO UNDERGO TESTING

Cooperation and compliance with all terms of this policy is a condition of employment or continued employment with the Company. Accordingly, if an employee refuses to undergo a drug or alcohol test, he/she will be deemed to have engaged in prohibited conduct and be subject to immediate termination. Any employee who fails to report for a drug or alcohol test within two (2) hours of being directed to report for such a test will be considered to have refused to take a test. Further, any employee who tampers with specimens or test results, otherwise interferes with the testing process or engages in conduct defined as "refusal to test" in the Definitions section of this policy will be subject to immediate termination of employment.

Job applicants who engage in similar conduct will not be hired.

TEST PROCEDURES

A. Drugs For Which the Company Will Test

The principal drugs for which the Company will test include marijuana, cocaine, opiates, phencyclidine (PCP), methamphetamine and amphetamine. We reserve the right to test for all illegal drugs.

B. Costs of Testing

The Company will pay the cost of all required drug and alcohol tests. If an individual chooses to have his/her split specimen tested, as provided below, the individual will be responsible for all costs of any split specimen testing. We will reimburse the cost of a split specimen analysis if the result fails to confirm the primary specimen findings.

For current employees, all time spent while undergoing a drug or alcohol test will be compensated as regular work time. Whenever appropriate, the Company will arrange for transportation to and from the specimen collection site. Job applicants will not be paid for time spent while undergoing a pre-employment drug test.

C. Testing Laboratories

All specimen analyses will occur at a laboratory selected by the Company or the third-party administrator and certified by the U.S. Department of Health and Human Services.

D. Specimen Collection Procedures

Individuals will be informed by their supervisor or HR Representative of the requirement that they undergo drug and/or alcohol testing. The supervisor or HR Representative will direct the individual to the designated specimen collection site. The employee will be required to show photo identification upon arrival at the test site.

All urine specimens will be collected in accordance with DOT Part 40 procedures. Individual dignity and privacy, both visually and aurally, will be afforded to the extent practicable. Appropriate safeguards will be maintained to prevent substitution, dilution, tampering or interference with the collection or testing of valid samples. Individuals will be required to empty their pockets. Additional measures designed to promote security and proper identification of samples will also be followed, including labeling samples and using chain of custody forms. Split samples will be collected for all employees.

An individual will be required to provide a specimen under direct observation by a same gender collector when: the individual engages in conduct that suggests he/she may have adulterated or substituted the specimen; previous tests have been cancelled due to invalid results; or the split specimen cannot be tested.

If an individual does not provide a sufficient amount of urine to permit a drug test (45 ml), he/she will be given the opportunity drink up to 40 ounces of fluid over a period of three (3) hours and provide a new specimen. If a sufficient specimen is still not provided, the employee will be referred to a physician for examination and evaluation.

Alcohol testing will be administered by a Breath Alcohol Technician (BAT) trained to utilize an Evidential Breath Testing device (EBT) that conforms to DOT requirements. A quality assurance plan developed by the manufacturer to ensure proper calibration shall be followed. The BAT shall use procedures outlined in Part 40 and shall report the test results to the individual and the Company-designated representative.

E. Medical Review Officer Procedure

All individuals whose test results are confirmed to be positive, substituted, adulterated or invalid will be so notified by the Medical Review Officer (MRO). Upon receiving notice of the test result, the individual will be given the opportunity to explain to the MRO any medical reasons that would account for the laboratory findings.

If the individual chooses to take advantage of this option, he/she must do so within 72 hours of receiving notice from the MRO of the confirmed positive test result. The MRO will consider the individual's explanation and, if the individual's explanation is acceptable to the MRO, the positive test result will be reported as a verified negative. If an adulterated, substituted or invalid result is determined to be caused by medication or a medical condition, the MRO will cancel the test. If the MRO determines that the individual's explanation is not satisfactory, the test result will be reported as a verified positive or a refusal to test. Individuals are required to contact the MRO as directed and may be required to undergo a physical examination as part of the MRO process. The MRO will disclose medical information if there is a safety risk or the individual may be medically unqualified under applicable laws and regulations (e.g. insulin dependent diabetic).

F. Right to Split Specimen Analysis

Urine specimens collected for drug testing are divided into two containers, each of which are labeled, sealed and initialed by the tested individual. This split sample permits the same urine specimen to be re-confirmed at a second DHHS laboratory, if necessary.

If the primary specimen is verified as positive, adulterated or substituted, the employee or applicant is entitled to request analysis of the split sample. The individual's request for testing of the split sample must be made within 72 hours of receiving notice of the test results. The employee or applicant must pay for the analysis of the split sample.

Split-sample testing must be conducted at a different laboratory but will be conducted according to government testing specifications at a DHHS-approved laboratory. The results of the split specimen are final and will supersede the primary specimen test results on all records.

The employee will be suspended until the final results of the split-sample analysis are received from the MRO. If the split specimen fails to re-confirm the original result, the employee will be reinstated with full pay. If the split specimen re-confirms the original result, the employee will be subject to immediate termination from employment. If the split specimen cannot be tested, the employee will be required to undergo another drug test collected under direct observation.

G. Confirmation Testing

To ensure drug test results are accurate, any initial drug screening test which indicates the presence of drugs or their metabolites above cut-off levels will be confirmed by re-testing the specimen using an alternative gas chromatography-mass spectrometry method (or its equivalent) to ensure reliability and accuracy of test results. The testing laboratory will report test results to the MRO.

Any initial alcohol test that indicates a BAC of 0.02 percent or higher will be confirmed by a second test not less than 15 minutes, nor more than 30 minutes, after the original test. The confirmation result is the final result and will be reported by the testing facility to the Company.

In the event of a positive dilute drug test result, no additional confirmation testing will be done. However, in the case of a negative dilute drug test result, the employee will be immediately directed to re-test. A confirmation negative dilute will be considered a negative drug test result and therefore will not require any further action.

CONFIDENTIALITY

All information gathered or disclosed during the testing process will be kept confidential to the extent possible. No references to an employee's rehabilitation, medical conditions or disabilities will be placed in an employee's personnel record. However, pursuant to the U.S. Drug-Free Workplace Act of 1988 or other applicable law, the Company will notify appropriate agencies of any employee's conviction for violating a criminal drug statute in the workplace within ten (10) days of receiving notification of such conviction. Drug and alcohol testing information on CDL employees will be disclosed to applicable agencies and/or individuals, including subsequent employers, as required by DOT regulations.

An employee should disclose relevant and necessary information about medical conditions or legal drug use only with medical professionals involved directly in the testing procedure. Such

information should not be disclosed to Company supervisors or other personnel, except as may be necessary concerning reasonable accommodation for a disability or potential emergency medical treatment.

Information gathered or disclosed during the testing process concerning an individual employee will be disclosed only on a need-to-know basis, such as to supervisors or other personnel involved in the decision to discipline the employee or in the implementation of that discipline. This confidential information will not be disclosed to any other party without the written consent of the employee, except pursuant to an administrative or legal procedure or process or to the extent permitted or required by law.

EDUCATION AND TRAINING

The Company will, from time to time, conduct drug awareness training sessions for its employees and supervisors, which will focus on details of this policy and its administration.

To comply with the U.S. Federal Motor Carrier Safety Administration (FMCSA) regulation 49 CFR 382.603, all supervisors of drivers of commercial motor vehicles are required to complete at least 60 minutes of training on alcohol misuse and at least 60 minutes of training on controlled substances use prior to assuming supervisory duties.

DRUG AND ALCOHOL FREE WORKPLACE POLICY

ACKNOWLEDGMENT OF UNDERSTANDING

I hereby acknowledge that I have been provided a copy of the Company Drug and Alcohol Free Workplace Policy. I acknowledge that I have read and understand the policy. I understand that disciplinary action, up to and including termination, will result if I violate this Policy.

I RELEASE AND AGREE TO INDEMNIFY AND HOLD HARMLESS THE COMPANY, ITS OFFICERS, EMPLOYEES, AGENTS, AND INDEPENDENT CONTRACTORS, FROM ANY LIABILITY TO ME BASED ON ANY SEARCH OR DRUG OR ALCOHOL SCREENING PROCESS UNDERTAKEN PURSUANT TO THIS POLICY, THE RESULTS OF THE SEARCH OR PROCESS, OR ACTIONS TAKEN BASED ON THOSE RESULTS. THIS RELEASE INCLUDES, BUT IS NOT LIMITED TO, LIABILITY BASED ON NEGLIGENCE.

I understand that this Acknowledgment and Release becomes effective on the date it is signed and will continue to be effective unless revoked in writing and delivered to a Human Resources Representative.

EMPLOYEE NAME (PRINT): _____

EMPLOYEE SIGNATURE: _____ **DATE:** _____

NOTE: **Please return** your completed Acknowledgement of Understanding Form to your Human Resources Representative for inclusion in your personnel file.

FCC Environmental, LLC

Summary of Environmental Violations

Issuer: Broward County Environmental Protection and Growth Management Department Pollution Prevention, Remediation and Air Quality Division

1. **Warning Notice WRN09-0548** (previously disclosed at 10/9/12 public hearing for initial franchise)
(issued to former name Hydrocarbon Recovery Services, Inc.)
Issue Date: 11/06/09
Violation Date: 10/05/09 (Pompano Beach, FL)
Completed Date: 9/13/10. No fine. Closed.
Nature of violation: Failure to construct and operate a surface water management system in accordance with approved plans, in violation of the company's Surface Water License; failure to submit complete certified record drawings and certification by an engineer that the surface water management system was constructed as licensed; operating aboveground storage tanks that exhibit corrosion, with a potential result of a discharge of hazardous materials (petroleum products); allowing the discharge of hazardous materials to the storm drains and surface soils of their property.
Corrective action: See list of corrective actions, which included repair/maintenance of all aboveground storage tanks to prevent further occurrences that could result in a discharge of hazardous materials.

2. **Warning Notice WRN10-0426** (previously disclosed at 10/9/12 public hearing for initial franchise)
Issue Date: 10/13/10
Violation Date: 09/30/10 (Pompano Beach, FL Facility)
Completed Date: 5/2/11. No fine. Closed.
Nature of violation: Failure to submit a Site Assessment Report Addendum by the established due date of 09/30/10.
Corrective action: Site Assessment Report Addendum submitted.

Issuer: Broward County Environmental Protection and Growth Management Department Water and Wastewater Operations Division

3. **NOV #13-0027**
Date of Issue: 4/20/13
Date of violation: 3/5/13
Nature of violation: Discharge of wastewater which exceeded local pollutant limits established by the County (for phosphorus).
Penalty: $14.00. Paid.

4. **NOV #13-0028**
Date of Issue: 4/20/13
Date of violation: 3/5/13
Nature of violation: Discharge of wastewater which exceeded local pollutant limits established by the County (for TTO – total chlorinated phenols)
Penalty: $27.40. Paid. (This NOV later rescinded by Water and Wastewater Operations Division.)

5. **NOV #13-0025**
Date of Issue: 4/2/13
Date of violation: 3/16/13
Nature of violation: Failure to provide self-monitoring report due on 3/15/13, which was not received by the due date. Report was submitted by FCC. No penalty.

Water and Wastewater Division (Cont.)

5a. NOV #13-0035
Date of Issue: 5/3/13
Date of violation: 4/4/13
Nature of Violation: Discharge of wastewater which exceeded local pollutant limits established by the County (for phosphorus).
Penalty: $122.00. Paid.

5b. NOV #13-0016
Date of Issue: 12/26/12
Date of violation: 11/20/12
Nature of violation: Discharge of wastewater which exceeded local pollutant limits established by the County (for phosphorus).
Penalty: $18.00. Paid.

6. NOV #13-0008
Date of Issue: 9/24/12
Date of violation: 8/14/12
Nature of violation: Failure to provide records upon inspection from monitoring activities (chain of custody for sample collection beginning on 8/14/12 is missing the date and time of collection)
Penalty: $100. Paid.

7. Warning Notice 12-018
Issue Date: 7/20/12
Date of violation: 6/7/12
Nature of violation: Sample collected at facility exceeded wastewater discharge parameters (effluents BOD, COD). FCC submitted its monthly water/wastewater meter readings. No fine.

8. NOV #12-0025
Date of Issue: 3/26/12
Date of violation: 2/15/12
Nature of violation: Discharge of wastewater which exceeded local pollutant limits established by the County (for phosphorus)
Penalty: $52.00. Paid.

9. NOV #12-0026
Date of Issue: 3/26/12
Date of violation: 2/15/12
Nature of violation: Failure to notify of phosphorus exceedance within 24 hours (in conjunction with NOV 12-0025). Notification submitted by FCC on 3/9/12.
Penalty: $100.00. Paid.

10. NOV #12-0027
Date of Issue: 3/26/12
Date of violation: 3/14/12
Nature of violation: Failure Discharge of wastewater which exceeded local pollutant limits established by the County (for phosphorus).
Penalty: $50.00. Paid.

11. NOV #11-0018 (previously disclosed at 10/9/12 public hearing for initial franchise)
Date of Issue: 1/13/11
Date of Violation: 12/28/10 (Pompano Beach, FL Facility)
Nature of Violation: The quarterly self-monitoring analytical report received does not contain analytical results Bis (1ethylhexyl) phthalate and Carbazole (effluents), as required by company's waste water discharge permit. Violation of County's Sewer Ordinance Chapter 34-143(c)(e).

Water and Wastewater Operations Division (Cont.)

$100 fine assessed for missing analytical results. Paid.
Corrective action: Submittal of written plan to correct deficiencies submitted to Manager, Compliance and Enforcement Section. Closed.

Issuer: Florida Department of Environmental Protection

12. Warning Letter OWL-HW-11-023
Issue Date: 10/18/11
Violation Date: 9/13/11
Nature of Violation(s): During a routine hazardous waste, used oil and solid waste compliance inspection conducted at the company's Orlando, FL facility, a number of violations were found including 1) Failure to label above ground tanks; 2) Training records deficiencies; 3) operations records and delivery records deficiencies 4) Failure to display permit; 5) Failure to conduct a proper waste determination on four drums; 6) Failure to ensure emergency coordinator is familiar with location of all records at facility; 7) Failure to make arrangements with local authorities to familiarize police and fire departments with layout of facility and properties of used oil handled at facility; 8) Failure to maintain insurance records at facility; and 9) Failure to maintain required aisle space.
Corrective action: See attached documents for complete actions taken.
A consent order was issued 4/16/12. A fine of $1,526.00 was paid. Closed.

13. Warning Letter WL09-0049HW29SWD (previously disclosed at 10/9/12 public hearing for initial franchise)
Issue Date: 11/04/09
Violation Date: 09/16/09 and 10/09/09 (Plant City, FL Facility)
Nature of Violation(s): During a routine hazardous waste inspection of the company's Plant City, FL facility by the Florida Department of Environmental Protection, a number of violations were found including 1) failure to record the results of halogen screenings during used oil pickups; 2) failure to maintain the facility to minimize the release of used oil or constituents to the soil; 3) failure to restock the spill cabinet with equipment specified by contingency plan per permit; 4) failure to label the strainer tank near the shaker unit with the words "used oil,"; 5) failure to clean up used oil from the rail spill containment system and from the transfer hoses; 6) failure to record all required information on used oil acceptance records; and 7) failure to label the three hoppers near the crusher unit with the words "used oil filters."
Corrective action: See attached documents for complete actions taken. Corrective actions included clean-up of affected sites; restocking of the spill cabinet; proper labeling where deficient, improved recordkeeping, etc.
A fine of $7,300 was paid. Closed.

14. Warning Letter #09-0056HW06SED (previously disclosed at 10/9/12 public hearing for initial franchise)
Date of Issue: 7/1/09
Violation date: 10/13/08 (under the name Hydrocarbon Recovery Services, Inc.)
Nature of Violation(s): During a routine hazardous waste inspection of the company's Pompano Beach, FL facility by the Florida Department of environmental Protection, a number of violations were found including 1) Drums in transfer facility stacked too close to each other; 2) faded waste sticker on drum; 3) used oil transporter registration not displayed in lobby; 4) solid waste containers open to the elements and collecting rainwater; and reporting deficiencies including failure to update emergency contacts.
Corrective action: See attached documents for complete actions taken. Corrective actions included proper re-labeling of drums and lamps, separating drums, improved recordkeeping, etc.
A settlement resulted in the original fine of $23,721 being reduced to $11,971. Fine paid. Closed.

Issuer: Pennsylvania Department of Environmental Protection (PDEP)

15. Notice of Violation dated 6/21/11 (No number)
Issue Date: 6/21/11
Violation Date: 6/16/11
Nature of violation: During an inspection of its facility in Zelienople (Pittsburgh), PA, company was found to be in violation of the Solid Waste management Act of 7/7/80 for infractions including: 1) Failure to comply with departmental permit conditions; 2) Failure to conduct adequate analyses of waste oil; 3) Failure to adequately screen waste oil prior to transport to transfer facility; 4) Residual waste stored without a permit form PDEP.
Written response submitted by FCC to PDEP on 7/20/11 with a corrective action plan.
Penalty of $6,500 assessed by PDEP on 2/9/12. Closed.

Issuer: City of Wilmington, DE Department of Public Works

16. Notice of Violation Letter
Issue Date: 7/1/11 (Wilmington, DE facility)
Violation Date: Not stated.
Nature of Violation: Failure to comply with company's wastewater discharge permit issued by the City of Wilmington by not properly operating and maintaining the air stripper pretreatment system and recurring failure to monitor it in accordance with the permit .
Corrective action: Company responded on 5/26/11 that the air stripper had not been in use during 2011 due to required repairs but the city ruled that the permit terms required monitoring and monthly sampling.
A fine of $5,000 was assessed.

Environmental Summary compiled by Port Business Administration
H:wpdocs:FCC Environmental Summary 08/20/13

#1
Warning Notice #WRN09-0548
Issued 10/06/09

#2
Warning Notice #WRN10-0426
Issued 10/13/10

ENVIROS

Enforcement Action Advanced Search

Type	Enforcement #	Address	Section Township Range	Facility Status		Violation Date Time	Issue Date	Completed Date
Warning Notice	WRN09-0548	1280 NE 48TH ST Pompano Beach, FL 33064	13-48-42	00051	Complied	Oct 05, 2009 11:00	Nov 6, 2009	Sep 13, 2010
Warning Notice	WRN10-0426	1280 NE 48TH ST Pompano Beach, FL 33064	13-48-42	00051	Complied	Sep 30, 2010 16:30	Oct 13, 2010	May 2, 2011

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#1
Warning Notice #WRN09-0548
Issued 10/06/09

ENVIROS

Warning Notice - WRN09-0548

Warning Notice #:	WRN09-0548	Status:	Complied
Warning Type:	NOV Warning	Violation Date:	Oct 5, 2009
Respondent Name:	FCC Environmental, LLC	Completed Date:	Sep 13, 2010
Facility:	FCC Environmental, LLC		
Issuing Officer:	Nick Kontax		
Issuing Officer Phone:	(954) 519-0315		
Division:	Pollution Prevention, Remediation and Air Quality		
Division Section:	Environmental Response		

Violations

Code Section Number	Section Excerpt Name	Excerpt Text	Violation Description	Corrective Action
27-27(a)(2)	General violations and prohibitions.	"(a) Violations: It shall be a violation of this chapter for any person: (2) To fail to obtain any license, environmental review approval, or any other approval required by this chapter or by rule or regulation, or to violate or fail to comply with any rule, regulation, order, license, certification, environmental review approval, or any other approval adopted or issued by EPGMD pursuant to its lawful authority."	Respondent has failed to construct and operate the surface water management system in accordance with the approved plans in violation of Surface Water License SWM1992-001-2 Broward County Specific Condition #13.	Respondent shall take all necessary measures to bring the site into compliance with the plans and specifications approved under Surface Water License SWM1992-001-2. Alternatively, Respondent may submit an alternative design, via a license modification, to bring the site into compliance with the Code.
27-27(a)(2)	General violations and prohibitions.	"(a) Violations: It shall be a violation of this chapter for any person: (2) To fail to obtain any license, environmental review approval, or any other approval required by this chapter or by rule or regulation, or to violate or fail to comply with any rule, regulation, order, license, certification, environmental review approval, or any other approval adopted or issued by EPGMD pursuant to its lawful authority."	Respondent has failed to submit complete certified record drawings and a certification by a Florida registered professional engineer certifying that the surface water management system was constructed as licensed in violation of Surface Water License SWM1992-001-2 Broward County Specific Condition #15.	Respondent shall submit signed and sealed as-built plans and a certification by a Florida registered professional engineer certifying that the surface water management system was constructed as licensed. Certified record drawings shall accompany the certification. Suggested wording for this is as follows: I HEREBY CERTIFY TO THE CONSTRUCTION COMPLETION OF ALL THE COMPONENTS OF THE SURFACE WATER MANAGEMENT FACILITIES FOR THE ABOVE REFERENCED PROJECT AND THAT THEY HAVE BEEN CONSTRUCTED IN SUBSTANTIAL CONFORMANCE WITH THE PLANS AND SPECIFICATIONS APPROVED BY THE BROWARD COUNTY WATER RESOURCES DIVISION, AND HEREBY AFFIX MY SEAL THIS _____ DAY OF _____ 20_____. _____ (SEAL)"
27-309(a)(1)c.1.	Repairs, operation, and maintenance of	"(a) General. (1) Repairs. c. Repairs shall be made: 1. In a manner that will prevent discharges from structural failure or	On 10/5/09 Department staff observed that the Respondent is operating and/or maintaining	Respondent shall repair and maintain all aboveground storage tanks in a manner so as to prevent any such

	storage tank systems.	corrosion for the remaining operational life of the storage tank system;... "	aboveground storage tanks that exhibit corrosion and pitting as well as blistering and flaking of exterior coatings that could potentially result in a discharge or release of Hazardous Materials (petroleum products).	further occurrences that could potentially result in a discharge or release of Hazardous Materials.
27-353(g)(2)	Effective 3/5/08 Haz Mat discharge	"(g) No person shall cause, permit, suffer, or allow the usage, storage, abandonment, or disposal of hazardous material: (2) In a manner which causes, or may cause, an unauthorized release, discharge, or disposal of hazardous material."	Respondent has allowed or suffered the discharge of hazardous materials to the storm drains and surface soils of their property. Specifically, sampling results show that petroleum range organics were discharged to Catch Basin (CB) numbers 1, 2, 6, 7, 8, and the ground next to CB number 8. For the specific locations of these Catch Basins, please refer to the site plan prepared by Munson Design & Consulting, Inc., dated March 18, 2004.	Respondent shall perform the following corrective actions and provide documentation attesting to the completion of the following requirements: 1) Clean all impacted storm drains and appurtenances (to include oil/water separator). (Refer to the attached "Instructions for the Cleanout of Storm Water Management Systems Impacted By Hazardous Materials.") 2) Remove and properly dispose of impacted soils identified near CB 8 and replace with clean soil to the elevation licensed under SWM1992-001-2. (Refer to the attached "Instructions for the Remediation of Contaminated Soils.") 3) Conduct a preliminary groundwater assessment. The assessment is to include the following scope of work: a) Installation and sampling of three (3) new monitoring wells, each to be located in close proximity to Catch Basin 1, Catch Basin 2, and by the oil/water Separator (near Catch Basin 7). b) Sampling of the existing monitor well near Catch Basin 8. c) Samples are to be laboratory analyzed via Method FL-PRO for Total Recoverable Petroleum Hydrocarbons (TRPH) and via EPA Test Method 602 (or equivalent) for Volatile Organics. d) Monitoring well installation and sampling must conform to the Department's Minimum Criteria for Monitoring Well Installation and Sampling (Revised February 2007), which is also provided with this Warning Notice. Please be advised that the Department will review all submitted documentation and may require further investigation and assessment to include but not limited to: additional cleanup measures; environmental sampling at the direction of and for the purpose of allowing the Department to assess the levels of any contaminant released into the environment; additional installation of monitoring wells; subsurface soil borings or other Department approved collection

				methods.
27-61	Change in owner of a licensed facility or project.	"The new owner of a licensed facility or project must apply for a transfer of the license by application within thirty (30) days after sale or legal transfer. Until the new owner notifies EPGMD of the transfer and the name of the transferee, the transferor will remain liable for performance in accord with the license and will be liable for the violations caused by the transferee's activities until the transferee obtains a transfer of license and is operating in conformance with this chapter. The transferee will also be responsible for any violations of this chapter that result from the transferee's activities. The transferee shall comply with the transferor's original license conditions when the transferee has failed to obtain its own license."	Respondent has failed to apply for a transfer of Surface Water Management License No. SWM1992-001-2 within thirty (30) days after sale or legal transfer.	Respondent shall submit a complete Surface Water Management License transfer application form and the appropriate transfer fee.

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#1
Warning Notice #WRN09-0548
Issued 10/06/09

Environmental Protection and Growth Management Department
POLLUTION PREVENTION, REMEDIATION AND AIR QUALITY DIVISION
One N. University Drive, Suite 102, Plantation, FL 33324
954-519-1260 FAX 954-519-1494

WARNING NOTICE

WARNING NOTICE NUMBER: WRN09-0548

Pursuant to Chapter 27 of the Broward County Code (BCC), the Environmental Protection and Growth Management Department (Department), formerly known as the Environmental Protection Department (EPD), has the authority and duty to control and regulate activities and facilities which adversely affect the air, water, soil and other natural resources of Broward County.

The undersigned certifies that he/she has just grounds to believe that on or about October 05, 2009, 1100 hours, at the location below, the following Respondent(s) violated the sections of the Broward County Code identified in each count:

Location: 1280 NE 48TH ST
Pompano Beach, FL 33064

COUNT 1: Respondent: Hydrocarbon Recovery Services, Inc.

Violated section 27-309(a)(1)c.1., BCC, which states:

"(a) General. (1) Repairs. c. Repairs shall be made: 1. In a manner that will prevent discharges from structural failure or corrosion for the remaining operational life of the storage tank system;... "

By: On 10/5/09 Department staff observed that the Respondent is operating and/or maintaining aboveground storage tanks that exhibit corrosion and pitting as well as blistering and flaking of exterior coatings that could potentially result in a discharge or release of Hazardous Materials (petroleum products).

Corrective Action:

Respondent shall repair and maintain all aboveground storage tanks in a manner so as to prevent any such further occurrences that could potentially result in a discharge or release of Hazardous Materials.

Correct within 30 day(s) of service of this notice.

COUNT 2: Respondent: Hydrocarbon Recovery Services, Inc.

Violated section 27-27(a)(2), BCC, which states:

"(a) Violations: It shall be a violation of this chapter for any person: (2) To fail to obtain any license, environmental review approval, or any other approval required by this chapter or by rule or regulation, or to violate or fail to comply with any rule, regulation, order, license, certification, environmental review approval, or any other approval adopted or issued by EPGMD pursuant to its lawful authority."

By: Respondent has failed to submit complete certified record drawings and a certification by a Florida registered professional engineer certifying that the surface water management system was constructed as licensed in violation of Surface Water License SWM1992-001-2 Broward County Specific Condition #15.

Corrective Action:

Respondent shall submit signed and sealed as-built plans and a certification by a Florida registered professional engineer certifying that the surface water management system was constructed as licensed. Certified record drawings shall accompany the certification. Suggested wording for this is as follows:
I HEREBY CERTIFY TO THE CONSTRUCTION COMPLETION OF ALL THE COMPONENTS OF THE SURFACE WATER MANAGEMENT FACILITIES FOR THE ABOVE REFERENCED PROJECT AND THAT THEY HAVE BEEN CONSTRUCTED IN SUBSTANTIAL CONFORMANCE WITH THE PLANS AND SPECIFICATIONS APPROVED BY THE BROWARD COUNTY WATER RESOURCES DIVISION, AND HEREBY AFFIX MY SEAL THIS _____ DAY OF _____ 20_____.
_____ (SEAL)"

Correct within 30 day(s) of service of this notice.

COUNT 3: Respondent: Hydrocarbon Recovery Services, Inc.

Violated section 27-27(a)(2), BCC, which states:

"(a) Violations: It shall be a violation of this chapter for any person: (2) To fail to obtain any license, environmental review approval, or any other approval required by this chapter or by rule or regulation, or to violate or fail to comply with any rule, regulation, order, license, certification, environmental review approval, or any other approval adopted or issued by EPGMD pursuant to its lawful authority."

By: Respondent has failed to construct and operate the surface water management system in accordance with the approved plans in violation of Surface Water License SWM1992-001-2 Broward County Specific Condition #13.

Corrective Action:

Respondent shall take all necessary measures to bring the site into compliance with the plans and specifications approved under Surface Water License SWM1992-001-2. Alternatively, Respondent may submit an alternative design, via a license modification, to bring the site into compliance with the Code.

Correct within 30 day(s) of service of this notice.

COUNT 4: Respondent: Hydrocarbon Recovery Services, Inc.

Violated section 27-61, BCC, which states:

"The new owner of a licensed facility or project must apply for a transfer of the license by application within thirty (30) days after sale or legal transfer. Until the new owner notifies EPGMD of the transfer and the name of the transferee, the transferor will remain liable for performance in accord with the license and will be liable for the violations caused by the transferee's activities until the transferee obtains a transfer of license and is operating in conformance with this chapter. The transferee will also be responsible for any violations of this chapter that result from the transferee's activities. The transferee shall comply with the transferor's original license conditions when the transferee has failed to obtain its own license."

By: Respondent has failed to apply for a transfer of Surface Water Management License No. SWM1992-001-2 within thirty (30) days after sale or legal transfer.

Corrective Action:

Respondent shall submit a complete Surface Water Management License transfer application form and the appropriate transfer fee.

Correct within 30 day(s) of service of this notice.

COUNT 5: Respondent: Hydrocarbon Recovery Services, Inc.

Violated section 27-353(g)(2), BCC, which states:

"(g) No person shall cause, permit, suffer, or allow the usage, storage, abandonment, or disposal of hazardous material: (2) In a manner which causes, or may cause, an unauthorized release, discharge, or disposal of hazardous material."

By: Respondent has allowed or suffered the discharge of hazardous materials to the storm drains and surface soils of their property. Specifically, sampling results show that petroleum range organics were discharged to Catch Basin (CB) numbers 1, 2, 6, 7, 8, and the ground next to CB number 8. For the specific locations of these Catch Basins, please refer to the site plan prepared by Munson Design & Consulting, Inc., dated March 18, 2004.

Corrective Action:

Respondent shall perform the following corrective actions and provide documentation attesting to the completion of the following requirements:

1) Clean all impacted storm drains and appurtenances (to include oil/water separator). (Refer to the attached "Instructions for the Cleanout of Storm Water Management Systems Impacted By Hazardous Materials.")

2) Remove and properly dispose of impacted soils identified near CB 8 and replace with clean soil to the elevation licensed under SWM1992-001-2. (Refer to the attached "Instructions for the Remediation of Contaminated Soils.")

3) Conduct a preliminary groundwater assessment. The assessment is to include the following scope of work:
a) Installation and sampling of three (3) new monitoring wells, each to be located in close proximity to Catch Basin 1, Catch Basin 2, and by the oil/water Separator (near Catch Basin 7).
b) Sampling of the existing monitor well near Catch Basin 8.
c) Samples are to be laboratory analyzed via Method FL-PRO for Total Recoverable Petroleum Hydrocarbons (TRPH) and via EPA Test Method 602 (or equivalent) for Volatile Organics.
d) Monitoring well installation and sampling must conform to the Department's Minimum Criteria for Monitoring Well Installation and Sampling (Revised February 2007), which is also provided with this Warning Notice.

Please be advised that the Department will review all submitted documentation and may require further investigation and assessment to include but not limited to: additional cleanup measures; environmental sampling at the direction of and for the purpose of allowing the Department to assess the levels of any contaminant released into the environment; additional installation of monitoring wells; subsurface soil borings or other Department approved collection methods.

Correct within 30 day(s) of service of this notice.

Accordingly, the Respondent(s) is hereby advised to correct and respond to the aforesaid allegation(s) within the time period identified in each count above, or by advising the Department of any circumstances which it believes make this allegation inapplicable.

Failure to comply with this Warning Notice may result in the issuance of a Notice of Violation and a Notice of Hearing to Assess a Civil Penalty. Pursuant to a Notice of Violation, a Civil Penalty in an amount up to $15,000.00 per violation per day or portion thereof during which the violation occurred may be levied by a Hearing Examiner.

Your response or any questions concerning this Warning Notice should be directed to Nick Kontax at phone: (954) 519-0315, FAX: (954) 519-1494 or email: nkontax@broward.org.

Date: 11/5/09

Jeffery Halsey, Director
Pollution Prevention, Remediation and Air Quality Division

Registered Agent/Mailed To:

Corporation Service Company
(for Hydrocarbon Recovery Services, Inc.)
1201 Hays Street
Tallahassee, FL 32301
RRR: 7007 0220 0001 1467 6508

Environmental Protection and Growth Management Department
POLLUTION PREVENTION, REMEDIATION AND AIR QUALITY DIVISION
One N. University Drive, Suite 203, Plantation, FL 33324
954-519-1260 Fax 954-519-1494

Instructions for the Cleanout of Storm Water Management Systems Impacted By Hazardous Materials

Dear Property Owner/Manager:

The following addendum has been prepared to facilitate the cleanout of the impacted stormwater management system(s) that the inspector indicated below has observed on your property. It is in the interest of the property owner/manager to clean out storm drains and catch basins of their stormwater management system(s) upon discovery of contamination to reduce the spread of contamination and subsequently lower overall cleanup costs. The following steps should be performed and documented:

1. Respondent shall contract with an approved DEPARTMENT hazardous materials contractor to pump out each impacted storm water catch basin of all liquids and solids and properly dispose of any hazardous materials recovered. *Note: it is the responsibility of the Respondent to assess the extent of hazardous material impact by consulting as-built drawings of the stormwater management system or by contracting with an engineering professional to make this determination to ensure a complete cleanout and recovery of all hazardous materials.*

2. All impacted storm water catch basins shall be pressure washed and all rinse waters shall be recovered and properly disposed of.

3. Respondent shall provide the DEPARTMENT with documentation attesting to the proper disposal of all waste generated from the removal and cleanout of the indicated catch basins.

4. Please note: DEPARTMENT may require further cleanout of the stormwater management system and/or additional assessment of the surrounding soils and any water bodies that might have been impacted, if after inspection of the impacted stormwater system and review of the cleanup documentation, it is determined contamination may still exist.

Should you have any questions or concerns contact the inspector checked below:

✓ Nicholas L. Kontax (954) 519-0315
nkontax@broward.org

Bret C Maxwell (954) 519-0308
bmaxwell@broward.org

Provide documents and manifests to Environmental Response Section at (954) 519-1494 (fax), via email to the appropriate inspector or via surface mail to the address listed in the header above.

Environmental Protection and Growth Management Department
POLLUTION PREVENTION, REMEDIATION AND AIR QUALITY DIVISION
One N. University Drive, Suite 203, Plantation, FL 33324
954-519-1260 Fax 954-519-1494

Instructions for the Remediation of Contaminated Soils

Dear Property Owner/Facility Manager:

The following addendum has been prepared to facilitate the removal of contaminated soils that the inspector indicated below has observed on your property. It is in the interest of the property owner/manager to remediate any contaminated soils upon discovery to reduce the spread of contamination and subsequently lower overall cleanup costs. The following steps should be performed and documented:

1. Contract with an environmental consultant in order to determine the degree and extent of the possible contamination. In the case of very minor spills the inspector will assist you with this.

2. Delineate the contaminated soil area.

3. Excavate the contaminated soil and place on plastic sheeting or other suitable liquid-tight container (55 gal drum, roll-off container, etc). Remove soil in layers, do not screen or sift impacted soils.

4. Have a soil sample collected and analyzed by a NELAC certified laboratory to confirm the removal of contaminated soils. *Note: Do not backfill the excavated area until these confirmatory sampling results have been presented to the Department indicating that contamination has been properly remediated.*

5. Contract with a Department licensed hazardous materials hauler to manifest, ship and transport the contaminated soils for proper disposal.

6. Provide the Department with documentation (sampling results, manifests, etc.) attesting to the completion of these steps within the time period specified.

Should you have any questions or concerns contact the inspector checked below:

✓ Nicholas L Kontax (954) 519-0315 nkontax@broward.org

Bret C Maxwell (954) 519-03 bmaxwell@broward.org

Provide documents and manifests to Environmental Response Section at (954) 519-1494 (fax), via email to the appropriate inspector or via surface mail to the address listed above.

BROWARD COUNTY
ENVIRONMENTAL PROTECTION DEPARTMENT (EPD)
MIMIMUM CRITERIA FOR MONITORING WELL INSTALLATION AND SAMPLING

Revised, February 2007

Failure to follow these criteria, or to obtain approval for variation to these criteria, is a citationable offense and bears an associated civil penalty, as provided in Section 27-38(h) (9), of the Broward County Code for Pollution Control.

GENERAL

1. Monitoring wells shall be installed in accordance with the following criteria. Any deviation from these installation or construction designs for a monitoring well must be pre-approved by the EPD. All requests must be submitted to the EPD a minimum of seven (7) business days prior to well installation.

2. EPD representatives shall be permitted access to the monitoring wells, at reasonable hours during and after construction, for the purpose of inspection and/or sampling.

3. A South Florida Water Management District (SFWMD) form 0124 (Well Completion Report) must be completely filled out for each monitoring well, and a copy submitted to the EPD.

4. 72-hour advanced written notification (e-mail and facsimiles are acceptable) of well drilling and/or groundwater or soil sampling is required.

5. All wells shall be installed by a State of Florida licensed water well contractor.

6. All necessary state and local permits must be obtained prior to beginning the work.

7. Equipment, tools, materials, etc. shall be decontaminated, prior to the beginning of the work and prior to each well installation, by such procedures as steam cleaning and rinsing with clean water or distilled water to prevent possible introduction of contaminants in the wells during construction. If the area is known, or believed, to be contaminated, a decontamination solution appropriate for the contaminate of concern shall be used. All decontamination shall take place over a nonporous surface. If a nonporous surface is not available, all decontamination liquids must be contained for proper disposal.

8. In most cases, hollow stem augers should be used for the installation of permanent or temporary shallow (less than 20 ft. deep) monitoring wells. However, in some cases, it may be necessary to use mud rotary or direct push technology (DPT) to install the wells; advance notice in writing must be given to EPD prior to the use of either technology. Deep monitoring wells (more than 20 ft. deep) should be installed with double casing.

9. If the water table is less than 2 feet below surface and/or if the presence of free product is suspected, it is recommended that a temporary piezometer be installed.

The piezometer should not have more than 5 feet of screen and the screened interval must intersect the water table; the whole length of the annular space can be backfilled with native sediments.

10. The monitoring wells shall be properly developed. After the grout has been allowed to cure, the development of the wells can be completed by surging, over-pumping, surge-blocking, or some other method approved by EPD. The monitoring wells should yield water that is free of sediment, organic debris, and drilling contaminants.

11. All development water and/or drill cuttings impacted by a contaminant (as defined in Section 27-352, Broward County Code) must be properly stored in clearly labeled, product tight drums kept in containment, to prevent further spread of contaminants.

12. Within 45 days of collection, all contaminated development water and/or drill cuttings must be disposed in an environmentally safe manner, and disposal manifests submitted to the EPD.

The completed monitoring wells (except temporary wells and piezometers) shall be surveyed at the top of casing (measuring point on north side of casing) and concrete pad with reference to either the National Geodetic Vertical Datum (N.G.V.D.) elevations or as described in the Florida Department of Environmental Protection (FDEP) Chapter 62-770.600(4)(k), Florida Administrative Code, (F.A.C.).

PERMANENT MONITORING WELL CONSTRUCTION SPECIFICATIONS

1. Prior to well installation, a survey to locate all underground utilities at the site must be completed.

2. Before the drilling of each well is initiated, hand augering or posthole must be initiated for the top four (4) feet below the land surface, in order to determine if utilities are present at the location of the drilling.

3. The outer diameter of the hollow stem auger shall be at least six (6) inches in diameter if a 4- i n c h casing is to be installed, and at least four (4) inches in diameter if a 2- i n c h casing is to be installed. A minimum 2-inch filter pack annulus is required for both cases.

4. The monitoring well(s) shall be two (2) inch or four (4) inch in diameter with threaded joints. The monitoring well casing shall be constructed of stainless steel, P.V.C. (schedule 40 minimum) or approved equal. The installation of 1 inch diameter, pre-packed monitoring wells (micro wells), using DPT, will be considered by the EPD on a case-by-case basis.

13. The top of the permanent monitoring wells shall be sealed with a water tight locking cap. The well shall be kept locked at all times to prevent tampering.

14. All permanent monitoring wells shall be adequately labeled to distinguish them as monitoring wells and shall be properly secured to prevent vandalism and/or the accidental introduction of contaminants.

15. Abandonment of permanent monitoring wells must conform with the "plugging" requirements described in FDEP Chapter 62-532.500(4), (F.A.C.), and in SFWMD Rule 40E-3.531(3) for well abandonment. Specifically, all wells must be pressure-grouted from bottom to top with neat cement grout and the work must be completed by a licensed water well contractor. A Well Abandonment Report must be prepared and submitted to EPD, and a copy filed with the SFWMD, within 30 days of well abandonment.

TEMPORARY MONITORING WELL CONSTRUCTION SPECIFICATIONS

16. Temporary monitoring wells (TMWs) are wells used for collecting groundwater samples for screening purposes.

17. Prior to installation of a temporary well, a survey to locate all underground utilities at the site must be completed. TMWs can be installed using a hollow stem auger or DPT. A clean washed sand pack shall occupy the annular space from the bottom of the bore hole to one (1) foot above the well screen.

18. A bentonite seal, cement grout and manhole cover are not necessary for TMWs; but a water tight locking cap is required.

19. Abandonment of temporary monitoring wells must conform with the plugging requirements described in FDEP Chapter 62-532.500(4), (F.A.C.), and in SFWMD Rule 40E-3.531(3) for well abandonment. Specifically, all wells must be pressure-grouted from bottom to top with neat cement grout and the work must be completed by a licensed water well contractor. TMWs must be abandoned within seven (7) days of receiving analytical data for the groundwater samples collected.

SAMPLING

1. All groundwater sampling must follow the procedures listed in the latest version of Department of Environmental Protection Standard Operating Procedures for Field Activities, DEP-SOP-001/01, FS 2200 for groundwater sampling. This document is available at http://www.floridadep.org/labs/qa/sops.htm.

2. All sampling will be performed by a laboratory or a geotechnical or engineering consulting firm certified by the State of Florida. The laboratory must also hold

National Environmental Laboratory Accreditation Program (NELAP) certification from the Florida Department of Health's Environmental Laboratory Certification Program (DoH ELCP). Out-of-state laboratories must be either certified by DoH, or be NELAP certified by another state with secondary accreditation by DoH.

3. Use groundwater purging and sampling equipment constructed of only non-reactive, non-leachable materials that are compatible with the environment and the selected analytes. In selecting groundwater purging and sampling equipment, give consideration to the depth of the well, the depth to groundwater, the volume of water to be evacuated, the sampling and purging technique, and the analytes of interest. DEP-SOP-001/01 does not recommend using bailers for purging unless no other equipment can be used or purging with a bailer has been specifically authorized by EPD. Use a bailer if there is free floating product (FFP) in the well or if FFP is suspected to be in the well. If in doubt about the appropriateness of using a bailer at a site or during a particular sampling event, contact the appropriate EPD project manager.

4. All analyses will be performed by a NELAP Certified laboratory.

5. All groundwater samples shall be collected from the permanent monitoring wells no sooner than 24 hours after well development using a peristaltic pump. Temporary wells and piezometers must be sampled only once, immediately after installation and purging, and then properly abandoned (see item four, Temporary Monitoring Wells Construction Specifications). Before beginning sampling, the well casing shall be purged 3 to 5 volumes of water using a peristaltic pump and pH, temperature, dissolved oxygen, turbidity and specific conductance measured to determine stabilization. The water column inside the well must be a minimum of 2 feet high in order for the sampling to proceed. Groundwater samples must be collected within 6 hours of well purging. The use of quiescent sampling techniques, as defined in Chapter 62-770.200(28), F.A.C., is allowed if turbidity will affect the analyses of total metals. If the presence of liquid phase petroleum hydrocarbons is suspected, then the air/water interface should be examined, using an interface probe or a bailer, for presence of FFP. If FFP is present and exceeds a thickness of 0.1 foot, then no further samples for dissolved contaminants should be attempted and the presence of product (thickness in inches) should be reported in lieu of an analysis. Groundwater samples collected below the water/FFP interface may, in some cases, be necessary for remedial system design. If FFP is present and the thickness is less than 0.1 foot, then the FFP should be removed by any of the recovery methods specified in Chapters: 62-770.300(1)(b), 62-782.500(2)(b) or 62-785.500(2)b) and the groundwater sampled as per Section 3, FS 2200, DEP-SOP-001/01. All FFP recovered must be properly stored, disposed and manifested.

6. All groundwater samples must be collected from the least contaminated well first

with the most contaminated well to be sampled last. All water samples must be unfiltered. Filtered samples analyses will not be reviewed.

7. If soil samples need to be collected, the samples shall be collected so that they are representative of the contaminated soils and in accordance with Chapter 62-770.600(4) (c), (d), and (e); the FDEP "Guidelines for Assessment and Source Removal of Petroleum Contaminated Soil," May 1998, and the "Soil Assessment and Sampling Methods for Florida Bureau of Petroleum Storage System Sites," (Standard Operating Procedures PCS-004), effective October 1, 2001, for petroleum contaminated soils; and with Chapter 62-782.600(5)(c) and (f) or Chapter 62-785.600(5)(c) and (f) for non-petroleum contaminated soils.

8. All sample analyses reported to EPD will be construed as valid and representative samples in that all QA procedures were followed and sample holding times were not exceeded.

9. "Hard-copies" of the actual laboratory test results must include:
   a. Copy of the completed Chain of Custody (COC) form submitted for each sampling event (see attached copy of COC and Instructions).

   b. Name of person (with affiliation) who collected the sample.

   c. Date of sample collection.

   d. Date of extraction.

   e. Date analysis was completed.

   f. Signature of the analyst or other responsible laboratory official.

   g. Test method used for the analysis (e.g. EPA Method 8210).

   h. Detection limits for all laboratory data. Detection limits must be no higher than federal, state or local water standards and/or guidance concentrations, whichever is most stringent.

   i. In the case of sludge, soil, etc., the test results should indicate whether the data are on a wet or dry weight basis. EPD prefers all such test data on a dry weight basis or to receive both dry and wet basis along with the percentage of water content.

   j. The units of measurement (e.g. ppb or ppm).

#2
Warning Notice #WRN10-0426
Issued 10/13/10

ENVIROS

Warning Notice - WRN10-0426

Warning Notice #:	WRN10-0426	Status:	Complied
Warning Type:	Citation Warning	Violation Date:	Sep 30, 2010
Respondent Name:	FCC Environmental, LLC	Completed Date:	May 2, 2011
Facility:	FCC Environmental, LLC		
Issuing Officer:	Matthew Theisen		
Issuing Officer Phone:	(954) 519-0323		
Division:	Pollution Prevention, Remediation and Air Quality		
Division Section:	Environmental Assessment & Remediation		

Violations

Code Section Number	Section Excerpt Name	Excerpt Text	Violation Description	Corrective Action
27-356(d)(4)b.	Effective 3/5/08 EAR Due Dates for Reports	"...A licensee shall submit to EPGMD a complete source removal report (SRR), site assessment report (SAR), remedial action plan (RAP), site remediation reports, and any other deliverables, by the dates specified in the license. At least twenty (20) calendar days prior to the due date for any report or required activity, the licensee must submit a written request for extension, including the circumstances which make the submission of the report by the due date a hardship..."	Failure to submit a Site Assessment Report Addendum by the established due date of September 30, 2010.	Submit a complete Site Assessment Report Addendum within 30 days of service of this Warning Notice.

Help On This Page

Screen ID: 23473510

#3
NOV #13-0027
Issued 4/20/13

BROWARD COUNTY
FLORIDA
Public Works Department – Water and Wastewater Services
WATER AND WASTEWATER OPERATIONS DIVISION – Utility Enforcement Section
2401 North Powerline Road • Pompano Beach, Florida 33069 • 954-831-3060 • FAX 954-831-3247

N.O.V. No. 13-0027

NOTICE OF VIOLATION

The undersigned certifies that he has just grounds to believe and does believe that on 03/05/2013 at 01:35 P.M.

Issued To: C T Corporation System
1200 South Pine Island Road
Plantation, CA 33324

Registered Agent For: FCC Environmental, LLC
FCC Environmental, LLC

At: 1280 N.E. 48th Street

CITY: Pompano Beach COUNTY: Broward STATE: Florida ZIP: 33064

S.U.O. SECTION VIOLATED: §Broward County Sewer Use Ordinance Chapter 34-139(d) "No person shall discharge wastewater . . . which exceed the local pollutant limits established by the county. "

Parameter	Limit	Result	Units
T. Phosphorus	5.0	5.7	mg/L

Within ten (10) days of receipt of the Notice of Violation (NOV), a written explanation of your company's intent to correct the deficiencies noted in this NOV shall be submitted to the Interim Enforcement Manager, Utility Enforcement Section, at the above address.

Other charges or escalated enforcement action, in accordance with B.C. Code Chapter 34, Article VI, may be assessed for a non-acceptable written explanation or non-response.

An invoice for the assessed penalty of **$14.00** will follow receipt of your response.

If you have any questions regarding this matter, please contact Serene Chang at (954) 831-3049.

S. Chang

Serene Chang, Interim Enforcement Manager
Utility Enforcement Section

cc: Tony Piotrowski
1280 N.E. 48th Street
Pompano Beach, FL 33064

Date of mailing by Certified Mail, 7012 1640 0000 5071 2154, 04/01/13.

PART 2 - EFFLUENT LIMITATIONS (Cont'd)

Effluent from the outfalls shall consist of waste from the Treatment processes only.

Parameter	Daily Maximum (mg/L)	Monthly Avg. (mg/l)
	Metal Parameters	
Flow	100,000 g.p.d.	--
Arsenic	0.10[a]	--
Cadmium	0.70[a]	--
Chromium (T)	0.947[b]	0.487[b]
Cobalt (T)	56.4[b]	18.8[b]
Copper (T)	0.405[b]	0.301[b]
Lead (T)	0.222[b]	0.172[b]
Mercury (T)	0.10[a]	--
Nickel	1.8[a]	--
Silver	0.35[a]	--
Tin (T)	0.249	0.146[b]
Zinc (T)	1.48[a]	4.46[b]
	Organic Parameters	
Bis (2ethylhexyl) phthalate	0.267[b]	0.158 b
Carbazole	0.392[b]	0.233 b
n-Decane	5.79[b]	3.31 b
Flouranthene	0.787[b]	0.393 b
n-Octadecane	1.22[b]	0.925 b
TTO[d]	1.0[a]	--
Total Chlorinated Phenols	1.0[a]	--

PART 2 - EFFLUENT LIMITATIONS (Cont'd)

Other Parameters

pH	5.0-10.0 (S.U.)	
Total Phosphate	5.0[a]	--
TSS[c]	400[a]	--
BOD[c]	400[a]	--
COD[c]	800[a]	--
TRPH	50[a]	--
Cyanide	0.25[a]	--

Notes:

a Local Limits

b Categorical Limits per 40 CFR, PART 437 Centralized Waste Treatment (CWT) Point Source Category, Subpart B Oils Treatment and Recovery §437.20, Pretreatment Standards for Existing Sources (PSES) §437.25.

c. These parameter may be surcharge. Refer to § Broward County Sewer Use Ordinance Chapter 34-154.

d. In lieu of requiring monitoring for TTO, the control authority may allow dischargers to make the following certification statement: "Based on my inquiry of the person or persons directly responsible for managing compliance with the permit limitation [or pretreatment standard] for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing of the last discharge monitoring report. I further certify that this facility is implementing the toxic organic management plan submitted to the permitting [or control] authority."

B. All discharges shall comply with all other applicable laws, regulations, standards, and requirements contained in the Code and any applicable State and Federal pretreatment laws, regulations, standards, and requirements including any such laws, regulations, standards, or requirements that may become effective during the term of this Permit.

PART 3 - REPORTING REQUIREMENTS

A. Self-Monitoring Reports

Self-Monitoring Report (SMR) results obtained shall be summarized and reported on a Broward County Water & Wastewater Services (BCWWS) Industrial User Monitoring Report Form four times a year.
The reports are due on the 15th day of each ***reporting month***.
Your ***reporting months*** are **March, June, September and December**. The first SMR is due on September **15, 2010.**

Pace Analytical Services, Inc.
3610 Park Central Blvd N
Pompano Beach, FL 33064
954-582-4300

ANALYTICAL RESULTS

Project: FCC Env-1280 NE 48th St/Qtr OF
Pace Project No.: 3585107

Sample: Outfall 001 Lab ID: 3585107001 Collected: 03/05/13 13:35 Received: 03/05/13 14:45 Matrix: Water

Parameters	Results	Units	PQL	MDL	DF	Prepared	Analyzed	CAS No.	Qual
335.4 Cyanide, Total	Analytical Method: EPA 335.4 Preparation Method: EPA 335.4								
Cyanide	0.0050U	mg/L	0.010	0.0050	1	03/08/13 12:30	03/08/13 16:16	57-12-5	
365.4 Phosphorus, Total	Analytical Method: EPA 365.4 Preparation Method: EPA 365.4								
Phosphorus, Total (as P)	5.7	mg/L	0.20	0.10	1	03/07/13 08:15	03/08/13 10:31	7723-14-0	
410.4 COD	Analytical Method: EPA 410.4								
Chemical Oxygen Demand	12100	mg/L	1000	625	50		03/08/13 09:53		

2401 N. POWERLIN
POMPANO BEACH, FL 33069

7012 1640 0000 5071 2154

UNITED STATES POSTAL SERVICE

1000

33324

U.S. POSTAGE
PAID
MARGATE, FL
33063
APR 01 '13
AMOUNT
$7.17
00076687-14

C.T. Corporation System
1200 South Pine Island Rd
Plantation, FL 33324

CT Corporation

Service of Process Transmittal

04/02/2013
CT Log Number 522441919

TO: Lynn Girard
FCC Environmental, LLC
523 N. Sam Houston E, Suite 400
Houston, TX 77060

RE: **Process Served in Florida**

FOR: FCC Environmental, LLC (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:	RE: 1280 N.E. 48th Street // To: FCC Environmental, LLC
DOCUMENT(S) SERVED:	Notice, Attachment(s)
COURT/AGENCY:	Public Works Department - Water and Wastewater Services, FL Case # 130027
NATURE OF ACTION:	Code Violation / Code Enforcement - Violation - Discharge Waterwaste which exceed the local pollutant limits established by the county
ON WHOM PROCESS WAS SERVED:	C T Corporation System, Plantation, FL
DATE AND HOUR OF SERVICE:	By Certified Mail on 04/02/2013 postmarked on 04/01/2013
JURISDICTION SERVED :	Florida
APPEARANCE OR ANSWER DUE:	Within 10 days
ATTORNEY(S) / SENDER(S):	Serene Chang, Interim Enforcement Manager Utility Enforcement Section Water and Wastewater Operations Division 2401 North Powerline Road Pompano Beach, FL 33069 954-831-3060
ACTION ITEMS:	CT has retained the current log, Retain Date: 04/03/2013, Expected Purge Date: 04/08/2013 Image SOP Email Notification, Lynn Girard lynn.girard@fccenvironmental.com
SIGNED:	C T Corporation System
PER:	Donna Moch
ADDRESS:	1200 South Pine Island Road Plantation, FL 33324
TELEPHONE:	954-473-5503

#4
NOV #13-0028
Issued 4/20/13

BROWARD COUNTY
FLORIDA
Public Works Department – Water and Wastewater Services
WATER AND WASTEWATER OPERATIONS DIVISION – Utility Enforcement Section
2401 North Powerline Road • Pompano Beach, Florida 33069 • 954-831-3060 • FAX 954-831-3247

N.O.V. No. 13-0028

NOTICE OF VIOLATION

The undersigned certifies that he has just grounds to believe and does believe that on 03/05/2013 at 01:35 P.M.

Issued To: C T Corporation System
1200 South Pine Island Road
Plantation, CA 33324

Registered Agent For: FCC Environmental, LLC
FCC Environmental, LLC

At: 1280 N.E. 48th Street

CITY: Pompano Beach COUNTY: Broward STATE: Florida ZIP: 33064

S.U.O. SECTION VIOLATED: §Broward County Sewer Use Ordinance Chapter 34-139(d) "No person shall discharge wastewater . . . which exceed the local pollutant limits established by the county. "

Parameter	Limit	Result	Units
TTO	1.0	1.274	mg/L

Within ten (10) days of receipt of the Notice of Violation (NOV), a written explanation of your company's intent to correct the deficiencies noted in this NOV shall be submitted to the Interim Enforcement Manager, Utility Enforcement Section, at the above address.

Other charges or escalated enforcement action, in accordance with B.C. Code Chapter 34, Article VI, may be assessed for a non-acceptable written explanation or non-response.

An invoice for the assessed penalty of **$27.40** will follow receipt of your response.

If you have any questions regarding this matter, please contact Serene Chang at (954) 831-3049.

Serene Chang

Serene Chang, Interim Enforcement Manager
Utility Enforcement Section

cc: Tony Piotrowski
1280 N.E. 48th Street
Pompano Beach, FL 33064

Date of mailing by Certified Mail, 7012 1640 0000 5071 2154, 04/01/13.

PART 2 - EFFLUENT LIMITATIONS (Cont'd)

Effluent from the outfalls shall consist of waste from the Treatment processes only.

Parameter	Daily Maximum (mg/L)	Monthly Avg. (mg/l)
	Metal Parameters	
Flow	100,000 g.p.d.	--
Arsenic	0.10 [a]	--
Cadmium	0.70 [a]	--
Chromium (T)	0.947 [b]	0.487 [b]
Cobalt (T)	56.4 [b]	18.8 [b]
Copper (T)	0.405 [b]	0.301 [b]
Lead (T)	0.222 [b]	0.172 [b]
Mercury (T)	0.10 [a]	--
Nickel	1.8 [a]	--
Silver	0.35 [a]	--
Tin (T)	0.249	0.146 [b]
Zinc (T)	1.48 [a]	4.46 [b]
	Organic Parameters	
Bis (2ethylhexyl) phthalate	0.267 [b]	0.158 b
Carbazole	0.392 [b]	0.233 b
n-Decane	5.79 [b]	3.31 b
Flouranthene	0.787 [b]	0.393 b
n-Octadecane	1.22 [b]	0.925 b
TTO [d]	1.0 [a]	--
Total Chlorinated Phenols	1.0 [a]	--

PART 2 - EFFLUENT LIMITATIONS (Cont'd)

Other Parameters

pH	5.0-10.0 (S.U.)	
Total Phosphate	5.0[a]	--
TSS[c]	400[a]	--
BOD[c]	400[a]	--
COD[c]	800[a]	--
TRPH	50[a]	--
Cyanide	0.25[a]	--

Notes:

a Local Limits

b Categorical Limits per 40 CFR, PART 437 Centralized Waste Treatment (CWT) Point Source Category, Subpart B Oils Treatment and Recovery §437.20, Pretreatment Standards for Existing Sources (PSES) §437.25.

c. These parameter may be surcharge. Refer to § Broward County Sewer Use Ordinance Chapter 34-154.

d. In lieu of requiring monitoring for TTO, the control authority may allow dischargers to make the following certification statement: "Based on my inquiry of the person or persons directly responsible for managing compliance with the permit limitation [or pretreatment standard] for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing of the last discharge monitoring report. I further certify that this facility is implementing the toxic organic management plan submitted to the permitting [or control] authority."

B. All discharges shall comply with all other applicable laws, regulations, standards, and requirements contained in the Code and any applicable State and Federal pretreatment laws, regulations, standards, and requirements including any such laws, regulations, standards, or requirements that may become effective during the term of this Permit.

PART 3 - REPORTING REQUIREMENTS

A. Self-Monitoring Reports

Self-Monitoring Report (**SMR**) results obtained shall be summarized and reported on a Broward County Water & Wastewater Services (BCWWS) Industrial User Monitoring Report Form four times a year.
The reports are due on the 15th day of each ***reporting month***.
Your ***reporting months*** are **March, June, September and December**. The first SMR is due on September **15, 2010.**

Pace Analytical Services, Inc.
3610 Park Central Blvd N
Pompano Beach, FL 33064
954-582-4300

ANALYTICAL RESULTS

Project: FCC Env-1280 NE 48th St/Qtr OF
Pace Project No.: 3585107

Sample: Outfall 001 Lab ID: 3585107001 Collected: 03/05/13 13:35 Received: 03/05/13 14:45 Matrix: Water

Parameters	Results	Units	PQL	MDL	DF	Prepared	Analyzed	CAS No.	Qual
Field Data	Analytical Method:								
Field pH	8.72	Std. Units	0.10	0.10	1		03/05/13 13:35		
Field Temperature	23.6	deg C	0.50	0.50	1		03/05/13 13:35		
608SF GCS Pesticides and PCBs	Analytical Method: EPA 608; Preparation Method: EPA 608 SF								
Aldrin	0.00020	mg/L	0.0000097	0.0000058	1	03/08/13 03:00	03/08/13 13:25	309-00-2	
alpha-BHC	0.000046	mg/L	0.0000097	0.0000039	1	03/08/13 03:00	03/08/13 13:25	319-84-6	
beta-BHC	0.0000058 U	mg/L	0.0000097	0.0000058	1	03/08/13 03:00	03/08/13 13:25	319-85-7	
delta-BHC	0.0000058 U	mg/L	0.0000097	0.0000058	1	03/08/13 03:00	03/08/13 13:25	319-86-8	
gamma-BHC (Lindane)	0.0000039 U	mg/L	0.0000097	0.0000039	1	03/08/13 03:00	03/08/13 13:25	58-89-9	
Chlordane (Technical)	0.000077U	mg/L	0.00048	0.000077	1	03/08/13 03:00	03/08/13 13:25	57-74-9	
4,4'-DDD	0.0000048 U	mg/L	0.0000097	0.0000048	1	03/08/13 03:00	03/08/13 13:25	72-54-8	
4,4'-DDE	0.0000077 U	mg/L	0.0000097	0.0000077	1	03/08/13 03:00	03/08/13 13:25	72-55-9	
4,4'-DDT	0.0000048 U	mg/L	0.0000097	0.0000048	1	03/08/13 03:00	03/08/13 13:25	50-29-3	
Dieldrin	0.0000048 U	mg/L	0.0000097	0.0000048	1	03/08/13 03:00	03/08/13 13:25	60-57-1	
Endosulfan I	0.00071	mg/L	0.0000097	0.0000048	1	03/08/13 03:00	03/08/13 13:25	959-98-8	
Endosulfan II	0.0000039 U	mg/L	0.0000097	0.0000039	1	03/08/13 03:00	03/08/13 13:25	33213-65-9	
Endosulfan sulfate	0.0000039 U	mg/L	0.0000097	0.0000039	1	03/08/13 03:00	03/08/13 13:25	1031-07-8	
Endrin	0.0000058 U	mg/L	0.0000097	0.0000058	1	03/08/13 03:00	03/08/13 13:25	72-20-8	
Endrin aldehyde	0.0000077 U	mg/L	0.0000097	0.0000077	1	03/08/13 03:00	03/08/13 13:25	7421-93-4	
Heptachlor	0.0000058 U	mg/L	0.0000097	0.0000058	1	03/08/13 03:00	03/08/13 13:25	76-44-8	
Heptachlor epoxide	0.0000058 U	mg/L	0.0000097	0.0000058	1	03/08/13 03:00	03/08/13 13:25	1024-57-3	
PCB-1016 (Aroclor 1016)	0.000077U	mg/L	0.00048	0.000077	1	03/08/13 03:00	03/08/13 13:58	12674-11-2	
PCB-1221 (Aroclor 1221)	0.000078U	mg/L	0.00048	0.000078	1	03/08/13 03:00	03/08/13 13:58	11104-28-2	
PCB-1232 (Aroclor 1232)	0.00011U	mg/L	0.00048	0.00011	1	03/08/13 03:00	03/08/13 13:58	11141-16-5	
PCB-1242 (Aroclor 1242)	0.00012U	mg/L	0.00048	0.00012	1	03/08/13 03:00	03/08/13 13:58	53469-21-9	
PCB-1248 (Aroclor 1248)	0.00027U	mg/L	0.00048	0.00027	1	03/08/13 03:00	03/08/13 13:58	12672-29-6	
PCB-1254 (Aroclor 1254)	0.00014U	mg/L	0.00048	0.00014	1	03/08/13 03:00	03/08/13 13:58	11097-69-1	
PCB-1260 (Aroclor 1260)	0.00011U	mg/L	0.00048	0.00011	1	03/08/13 03:00	03/08/13 13:58	11096-82-5	
Toxaphene	0.00036U	mg/L	0.00048	0.00036	1	03/08/13 03:00	03/08/13 13:25	8001-35-2	
Surrogates									
Tetrachloro-m-xylene (S)	111	%	53-110		1	03/08/13 03:00	03/08/13 13:58	877-09-8	J(S1), P2
Decachlorobiphenyl (S)	105	%	61-121		1	03/08/13 03:00	03/08/13 13:58	2051-24-3	

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ANALYTICAL RESULTS

Project: FCC Env-1280 NE 48th St/Qtr OF
Pace Project No.: 3585107

Sample: Outfall 001 Lab ID: 3585107001 Collected: 03/05/13 13:35 Received: 03/05/13 14:45 Matrix: Water

Parameters	Results	Units	PQL	MDL	DF	Prepared	Analyzed	CAS No.	Qual
200.7 MET ICP	Analytical Method: EPA 200.7 Preparation Method: EPA 200.7								
Arsenic	0.0087 I	mg/L	0.010	0.0050	1	03/12/13 04:21	03/12/13 09:47	7440-38-2	
Cadmium	0.00050U	mg/L	0.0010	0.00050	1	03/12/13 04:21	03/12/13 09:47	7440-43-9	
Chromium	0.0032 I	mg/L	0.0050	0.0025	1	03/12/13 04:21	03/12/13 09:47	7440-47-3	
Cobalt	0.022	mg/L	0.010	0.0050	1	03/12/13 04:21	03/12/13 09:47	7440-48-4	
Copper	0.0091	mg/L	0.0050	0.0025	1	03/12/13 04:21	03/12/13 09:47	7440-50-8	
Lead	0.0050U	mg/L	0.010	0.0050	1	03/12/13 04:21	03/12/13 09:47	7439-92-1	
Nickel	0.36	mg/L	0.0050	0.0025	1	03/12/13 04:21	03/12/13 09:47	7440-02-0	
Silver	0.0025U	mg/L	0.0050	0.0025	1	03/12/13 04:21	03/12/13 09:47	7440-22-4	
Tin	0.025U	mg/L	0.050	0.025	1	03/12/13 04:21	03/12/13 09:47	7440-31-5	
Zinc	1.2	mg/L	0.020	0.010	1	03/12/13 04:21	03/12/13 09:47	7440-66-6	
245.1 Mercury	Analytical Method: EPA 245.1 Preparation Method: EPA 245.1								
Mercury	0.00010U	mg/L	0.00020	0.00010	1	03/12/13 09:50	03/12/13 13:47	7439-97-6	J(M1), J(R1)
625 MSSV	Analytical Method: EPA 625 Preparation Method: EPA 625								
Acenaphthene	0.00081U	mg/L	0.0047	0.00081	1	03/06/13 16:00	03/07/13 19:12	83-32-9	
Acenaphthylene	0.00090U	mg/L	0.0047	0.00090	1	03/06/13 16:00	03/07/13 19:12	208-96-8	
Anthracene	0.00057U	mg/L	0.0047	0.00057	1	03/06/13 16:00	03/07/13 19:12	120-12-7	
Benzo(a)anthracene	0.00060U	mg/L	0.0019	0.00060	1	03/06/13 16:00	03/07/13 19:12	56-55-3	
Benzo(a)pyrene	0.00055U	mg/L	0.00095	0.00055	1	03/06/13 16:00	03/07/13 19:12	50-32-8	
Benzo(b)fluoranthene	0.00059U	mg/L	0.0019	0.00059	1	03/06/13 16:00	03/07/13 19:12	205-99-2	
Benzo(g,h,i)perylene	0.00064U	mg/L	0.0047	0.00064	1	03/06/13 16:00	03/07/13 19:12	191-24-2	
Benzo(k)fluoranthene	0.00048U	mg/L	0.0038	0.00048	1	03/06/13 16:00	03/07/13 19:12	207-08-9	
4-Bromophenylphenyl ether	0.00063U	mg/L	0.0047	0.00063	1	03/06/13 16:00	03/07/13 19:12	101-55-3	
Butylbenzylphthalate	0.00068U	mg/L	0.0047	0.00068	1	03/06/13 16:00	03/07/13 19:12	85-68-7	
Carbazole	0.00044U	mg/L	0.0047	0.00044	1	03/06/13 16:00	03/07/13 19:12	86-74-8	
4-Chloro-3-methylphenol	0.47	mg/L	0.38	0.012	20	03/06/13 16:00	03/11/13 04:10	59-50-7	
bis(2-Chloroethoxy)methane	0.0028U	mg/L	0.0047	0.0028	1	03/06/13 16:00	03/07/13 19:12	111-91-1	
bis(2-Chloroethyl) ether	0.00071U	mg/L	0.0038	0.00071	1	03/06/13 16:00	03/07/13 19:12	111-44-4	
bis(2-Chloroisopropyl) ether	0.00069U	mg/L	0.0047	0.00069	1	03/06/13 16:00	03/07/13 19:12	108-60-1	
2-Chloronaphthalene	0.00076U	mg/L	0.0019	0.00076	1	03/06/13 16:00	03/07/13 19:12	91-58-7	
2-Chlorophenol	0.00064U	mg/L	0.0047	0.00064	1	03/06/13 16:00	03/07/13 19:12	95-57-8	
4-Chlorophenylphenyl ether	0.00060U	mg/L	0.0047	0.00060	1	03/06/13 16:00	03/07/13 19:12	7005-72-3	
Chrysene	0.00035U	mg/L	0.0047	0.00035	1	03/06/13 16:00	03/07/13 19:12	218-01-9	
n-Decane	0.00068U	mg/L	0.0047	0.00068	1	03/06/13 16:00	03/07/13 19:12	124-18-5	
Dibenz(a,h)anthracene	0.00061U	mg/L	0.0019	0.00061	1	03/06/13 16:00	03/07/13 19:12	53-70-3	
3,3'-Dichlorobenzidine	0.00065U	mg/L	0.0095	0.00065	1	03/06/13 16:00	03/07/13 19:12	91-94-1	
2,4-Dichlorophenol	0.00053U	mg/L	0.0019	0.00053	1	03/06/13 16:00	03/07/13 19:12	120-83-2	
Diethylphthalate	0.00048U	mg/L	0.0047	0.00048	1	03/06/13 16:00	03/07/13 19:12	84-66-2	
2,4-Dimethylphenol	0.0015U	mg/L	0.0047	0.0015	1	03/06/13 16:00	03/07/13 19:12	105-67-9	
Dimethylphthalate	0.00061U	mg/L	0.0047	0.00061	1	03/06/13 16:00	03/07/13 19:12	131-11-3	
Di-n-butylphthalate	0.00039U	mg/L	0.0047	0.00039	1	03/06/13 16:00	03/07/13 19:12	84-74-2	
4,6-Dinitro-2-methylphenol	0.0012U	mg/L	0.019	0.0012	1	03/06/13 16:00	03/07/13 19:12	534-52-1	
2,4-Dinitrophenol	0.0015U	mg/L	0.013	0.0015	1	03/06/13 16:00	03/07/13 19:12	51-28-5	
2,4-Dinitrotoluene	0.00050U	mg/L	0.0019	0.00050	1	03/06/13 16:00	03/07/13 19:12	121-14-2	

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954-582-4300

ANALYTICAL RESULTS

Project: FCC Env-1280 NE 48th St/Qtr OF
Pace Project No.: 3585107

Sample: Outfall 001 Lab ID: 3585107001 Collected: 03/05/13 13:35 Received: 03/05/13 14:45 Matrix: Water

Parameters	Results	Units	PQL	MDL	DF	Prepared	Analyzed	CAS No.	Qual
625 MSSV	Analytical Method: EPA 625 Preparation Method: EPA 625								
2,6-Dinitrotoluene	0.00061U	mg/L	0.0038	0.00061	1	03/06/13 16:00	03/07/13 19:12	606-20-2	
Di-n-octylphthalate	0.00085U	mg/L	0.0047	0.00085	1	03/06/13 16:00	03/07/13 19:12	117-84-0	
bis(2-Ethylhexyl)phthalate	0.0015 I	mg/L	0.0047	0.00076	1	03/06/13 16:00	03/07/13 19:12	117-81-7	
Fluoranthene	0.00051U	mg/L	0.0047	0.00051	1	03/06/13 16:00	03/07/13 19:12	206-44-0	
Fluorene	0.00068 I	mg/L	0.0047	0.00053	1	03/06/13 16:00	03/07/13 19:12	86-73-7	
Hexachloro-1,3-butadiene	0.0010U	mg/L	0.0019	0.0010	1	03/06/13 16:00	03/07/13 19:12	87-68-3	
Hexachlorobenzene	0.00076U	mg/L	0.00095	0.00076	1	03/06/13 16:00	03/07/13 19:12	118-74-1	
Hexachlorocyclopentadiene	0.0012U	mg/L	0.0047	0.0012	1	03/06/13 16:00	03/07/13 19:12	77-47-4	
Hexachloroethane	0.00067U	mg/L	0.0047	0.00067	1	03/06/13 16:00	03/07/13 19:12	67-72-1	
Indeno(1,2,3-cd)pyrene	0.00069U	mg/L	0.0019	0.00069	1	03/06/13 16:00	03/07/13 19:12	193-39-5	
Isophorone	0.00069U	mg/L	0.0047	0.00069	1	03/06/13 16:00	03/07/13 19:12	78-59-1	
Molinate	0.00095U	mg/L	0.0047	0.00095	1	03/06/13 16:00	03/07/13 19:12	2212-67-1	N2
Naphthalene	0.035	mg/L	0.0047	0.00074	1	03/06/13 16:00	03/07/13 19:12	91-20-3	
Nitrobenzene	0.0010U	mg/L	0.0038	0.0010	1	03/06/13 16:00	03/07/13 19:12	98-95-3	
2-Nitrophenol	0.00077U	mg/L	0.0047	0.00077	1	03/06/13 16:00	03/07/13 19:12	88-75-5	
4-Nitrophenol	0.0010U	mg/L	0.019	0.0010	1	03/06/13 16:00	03/07/13 19:12	100-02-7	
N-Nitrosodimethylamine	0.0099	mg/L	0.0019	0.00092	1	03/06/13 16:00	03/07/13 19:12	62-75-9	
N-Nitroso-di-n-propylamine	0.00089U	mg/L	0.0038	0.00089	1	03/06/13 16:00	03/07/13 19:12	621-64-7	
N-Nitrosodiphenylamine	0.00047U	mg/L	0.0047	0.00047	1	03/06/13 16:00	03/07/13 19:12	86-30-6	
n-Octadecane	0.00051U	mg/L	0.0047	0.00051	1	03/06/13 16:00	03/07/13 19:12	593-45-3	
Pentachlorophenol	0.00062U	mg/L	0.019	0.00062	1	03/06/13 16:00	03/07/13 19:12	87-86-5	
Phenanthrene	0.0015 I	mg/L	0.0047	0.00049	1	03/06/13 16:00	03/07/13 19:12	85-01-8	
Phenol	0.39	mg/L	0.095	0.010	20	03/06/13 16:00	03/11/13 04:10	108-95-2	
Pyrene	0.00064U	mg/L	0.0047	0.00064	1	03/06/13 16:00	03/07/13 19:12	129-00-0	
Thiobencarb	0.00067U	mg/L	0.0047	0.00067	1	03/06/13 16:00	03/07/13 19:12	28249-77-6	N2
1,2,4-Trichlorobenzene	0.00079U	mg/L	0.0047	0.00079	1	03/06/13 16:00	03/07/13 19:12	120-82-1	
2,4,6-Trichlorophenol	0.00065U	mg/L	0.0019	0.00065	1	03/06/13 16:00	03/07/13 19:12	88-06-2	
Surrogates									
Nitrobenzene-d5 (S)	77	%	37.3-107.7		1	03/06/13 16:00	03/07/13 19:12	4165-60-0	
2-Fluorobiphenyl (S)	40	%	35.3-102.4		1	03/06/13 16:00	03/07/13 19:12	321-60-8	
Terphenyl-d14 (S)	30	%	50.1-115.1		1	03/06/13 16:00	03/07/13 19:12	1718-51-0	J(S5)
Phenol-d6 (S)	73	%	10-47.1		1	03/06/13 16:00	03/07/13 19:12	13127-88-3	J(S5)
2-Fluorophenol (S)	7	%	16.3-59.8		1	03/06/13 16:00	03/07/13 19:12	367-12-4	J(S5)
2,4,6-Tribromophenol (S)	82	%	54.2-114.4		1	03/06/13 16:00	03/07/13 19:12	118-79-6	
624 Volatile Organics	Analytical Method: EPA 624								
Acrolein	0.010U	mg/L	0.020	0.010	1		03/11/13 08:12	107-02-8	
Acrylonitrile	0.0050U	mg/L	0.010	0.0050	1		03/11/13 08:12	107-13-1	
Benzene	0.037	mg/L	0.0010	0.00050	1		03/11/13 08:12	71-43-2	
Bromodichloromethane	0.00030U	mg/L	0.00060	0.00030	1		03/11/13 08:12	75-27-4	
Bromoform	0.00050U	mg/L	0.0010	0.00050	1		03/11/13 08:12	75-25-2	
Bromomethane	0.00050U	mg/L	0.0010	0.00050	1		03/11/13 08:12	74-83-9	

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ANALYTICAL RESULTS

Project: FCC Env-1280 NE 48th St/Qtr OF
Pace Project No.: 3585107

Sample: Outfall 001 | Lab ID: 3585107001 | Collected: 03/05/13 13:35 | Received: 03/05/13 14:45 | Matrix: Water

Parameters	Results	Units	PQL	MDL	DF	Prepared	Analyzed	CAS No.	Qual
624 Volatile Organics	Analytical Method: EPA 624								
Carbon tetrachloride	0.00050U	mg/L	0.0010	0.00050	1		03/11/13 08:12	56-23-5	
Chlorobenzene	0.00040U	mg/L	0.0010	0.00040	1		03/11/13 08:12	108-90-7	
Chloroethane	0.00061U	mg/L	0.0010	0.00061	1		03/11/13 08:12	75-00-3	
2-Chloroethylvinyl ether	0.0050U	mg/L	0.010	0.0050	1		03/11/13 08:12	110-75-8	
Chloroform	0.00050U	mg/L	0.0010	0.00050	1		03/11/13 08:12	67-66-3	
Chloromethane	0.00050U	mg/L	0.0010	0.00050	1		03/11/13 08:12	74-87-3	
Dibromochloromethane	0.00025U	mg/L	0.00050	0.00025	1		03/11/13 08:12	124-48-1	
1,2-Dichlorobenzene	0.00050U	mg/L	0.0010	0.00050	1		03/11/13 08:12	95-50-1	
1,3-Dichlorobenzene	0.00050U	mg/L	0.0010	0.00050	1		03/11/13 08:12	541-73-1	
1,4-Dichlorobenzene	0.00050U	mg/L	0.0010	0.00050	1		03/11/13 08:12	106-46-7	
1,1-Dichloroethane	0.00050U	mg/L	0.0010	0.00050	1		03/11/13 08:12	75-34-3	
1,2-Dichloroethane	0.00050U	mg/L	0.0010	0.00050	1		03/11/13 08:12	107-06-2	
1,2-Dichloroethene (Total)	0.00050U	mg/L	0.0010	0.00050	1		03/11/13 08:12	540-59-0	
1,1-Dichloroethene	0.00071U	mg/L	0.0010	0.00071	1		03/11/13 08:12	75-35-4	
cis-1,2-Dichloroethene	0.00050U	mg/L	0.0010	0.00050	1		03/11/13 08:12	156-59-2	
trans-1,2-Dichloroethene	0.00050U	mg/L	0.0010	0.00050	1		03/11/13 08:12	156-60-5	
1,2-Dichloropropane	0.00050U	mg/L	0.0010	0.00050	1		03/11/13 08:12	78-87-5	
cis-1,3-Dichloropropene	0.00025U	mg/L	0.00050	0.00025	1		03/11/13 08:12	10061-01-5	
trans-1,3-Dichloropropene	0.00025U	mg/L	0.00050	0.00025	1		03/11/13 08:12	10061-02-6	
Ethylbenzene	0.042	mg/L	0.0010	0.00050	1		03/11/13 08:12	100-41-4	
Methylene Chloride	0.0025U	mg/L	0.0050	0.0025	1		03/11/13 08:12	75-09-2	
1,1,2,2-Tetrachloroethane	0.00017U	mg/L	0.00050	0.00017	1		03/11/13 08:12	79-34-5	
Tetrachloroethene	0.00050U	mg/L	0.0010	0.00050	1		03/11/13 08:12	127-18-4	
Toluene	0.30	mg/L	0.010	0.0050	10		03/12/13 11:14	108-88-3	
1,1,1-Trichloroethane	0.00050U	mg/L	0.0010	0.00050	1		03/11/13 08:12	71-55-6	
1,1,2-Trichloroethane	0.00050U	mg/L	0.0010	0.00050	1		03/11/13 08:12	79-00-5	
Trichloroethene	0.00050U	mg/L	0.0010	0.00050	1		03/11/13 08:12	79-01-6	
Trichlorofluoromethane	0.00066U	mg/L	0.0010	0.00066	1		03/11/13 08:12	75-69-4	
Vinyl chloride	0.00053U	mg/L	0.0010	0.00053	1		03/11/13 08:12	75-01-4	
Xylene (Total)	0.27	mg/L	0.0030	0.0010	1		03/11/13 08:12	1330-20-7	
m&p-Xylene	0.17	mg/L	0.0010	0.00050	1		03/11/13 08:12	179601-23-1	
o-Xylene	0.093	mg/L	0.0010	0.00050	1		03/11/13 08:12	95-47-6	
Surrogates									
Dibromofluoromethane (S)	99	%	88-113		1		03/11/13 08:12	1868-53-7	
4-Bromofluorobenzene (S)	95	%	71-111		1		03/11/13 08:12	460-00-4	
Toluene-d8 (S)	95	%	77-116		1		03/11/13 08:12	2037-26-5	
1,2-Dichloroethane-d4 (S)	101	%	79-123		1		03/11/13 08:12	17060-07-0	
1664 SGT-HEM, TPH	Analytical Method: EPA 1664A								
Total Petroleum Hydrocarbons	4.2 I	mg/L	5.3	1.5	1		03/12/13 22:43		
2540D Total Suspended Solids	Analytical Method: SM 2540D								
Total Suspended Solids	20.8	mg/L	10.0	10.0	1		03/08/13 10:53		
5210B BOD, 5 day	Analytical Method: SM 5210B								
BOD, 5 day	20.6	mg/L	2.0	2.0	1	03/06/13 07:05	03/11/13 18:36		J(B1)

2401 N. POWERLIN
POMPANO BEACH, FL 33069

7012 1640 0000 5071 2154

1000

33324

U.S. POSTAGE
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33063
APR 01 '13
AMOUNT
$7.17
00076687-14

C.T. Corporation System
1200 South Pine Island Rd
Plantation, FL 33324

CT Corporation

Service of Process Transmittal

04/02/2013
CT Log Number 522442078

TO: Lynn Girard
FCC Environmental, LLC
523 N. Sam Houston E, Suite 400
Houston, TX 77060

RE: **Process Served in Florida**

FOR: FCC Environmental, LLC (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:	1280 N.E. 48th Street vs. FCC Environmental, LLC
DOCUMENT(S) SERVED:	Notice, Attachment(s)
COURT/AGENCY:	Broward County Publis Works Department, FL Case # 130008
NATURE OF ACTION:	Code Violation / Code Enforcement - Violation - Discharge Wastewater which exceed the local polluntant limits established by the county
ON WHOM PROCESS WAS SERVED:	C T Corporation System, Plantation, FL
DATE AND HOUR OF SERVICE:	By Certified Mail on 04/02/2013 postmarked on 04/01/2013
JURISDICTION SERVED :	Florida
APPEARANCE OR ANSWER DUE:	Within 10 days of receipt
ATTORNEY(S) / SENDER(S):	Serene Chang, Interin Enforcement Manager Broward County Florida Public Works Department Water and Wastewater Services 240 North Powerline Rd. Pompano Beach, FL 33069 954-831-3049
ACTION ITEMS:	CT has retained the current log, Retain Date: 04/03/2013, Expected Purge Date: 04/08/2013 Image SOP Email Notification, Lynn Girard lynn.girard@fccenvironmental.com
SIGNED: **PER:** **ADDRESS:** **TELEPHONE:**	C T Corporation System Donna Moch 1200 South Pine Island Road Plantation, FL 33324 954-473-5503

#5
NOV #13-0025
Issued 4/2/13

BROWARD COUNTY FLORIDA

Public Works Department
WATER AND WASTEWATER OPERATIONS DIVISION- Utility Enforcement Section
2401 Powerline Road • Pompano Beach, Florida 33069 • 954-831-3060 • FAX 954-831-3247

N.O.V. No. 13-0025

NOTICE OF VIOLATION

The undersigned certifies that he has just grounds to believe and does believe that on 03/16/2013 at 08:00 A.M.

Issued To: C T Corporation System
1200 South Pine Island Road
Plantation, FL 33324

Registered Agent For: FCC Environmental, LLC
FCC Environmental, LLC

At: 1280 N.E. 48th Street

CITY: Pompano Beach COUNTY: Broward STATE: Florida ZIP: 33064

S.U.O. SECTION VIOLATED: § Broward County Sewer Use Ordinance Chapter 34-143 (c) "Any Industrial User...shall submit...a periodic compliance report..."
NATURE OF VIOLATION: The Self-Monitoring Report due on March 15, 2013 was not received by the due date

Within ten (10) days of receipt of the Notice of Violation (NOV), a written explanation of your company's intent to correct the deficiencies noted in this NOV shall be submitted to the Manager, Compliance and Enforcement Section, at the above address.

Other charges or escalated enforcement action, in accordance with B.C. Code Chapter 34, Article VI, may be assessed for a non-acceptable written explanation or non-response.

If you have any questions regarding this matter, please contact Serene Chang at (954) 831-3049.

Serene Chang

Serene Chang, Interim Enforcement Manager
Utility Enforcement Section

cc: Tony Piotrowski
1280 N.E. 48th Street
Pompano Beach, FL 33064

Date of mailing by Certified Mail, 7012 1640 0000 5071 2154, 04/01/13.

Water and Wastewater Services
Utility Compliance & Monitoring Section
Industrial User Self-Monitoring Report

INDUSTRIAL USER NAME: FCC Environmental, LLC.
ADDRESS: 1280 N.E. 48th Street
CITY: Pompano Beach STATE FL ZIP 33064

Permit # 1071-10b -Effective: 7/7/2010- Expires: 12/31/2013

Freq	Parameter	Unit	Daily Maximum	Monthly Average Limit Categorical	SAMPLE 3/5/2013 SELF ☑ RESAMPLE ☐	SAMPLE / / SELF ☐ RESAMPLE ☐	SAMPLE / / SELF ☐ RESAMPLE ☐	SAMPLE / / SELF ☐ RESAMPLE ☐
Q	Flow, Total	gpd	100,000		>100000			
Q	Arsenic	mg/l	0.10		.0087			
Q	BOD_5	mg/l	400		20.6			
Q	Cadmium	mg/l	0.70		0.00050 U			
Q	Chromium	mg/l	0.947	0.487	.0032			
Q	Cobalt	mg/l	56.4	18.8	0.022			
Q	COD	mg/l	800		12100			
Q	Copper	mg/l	0.405	0.301	0.0041			
Q	Cyanide	mg/l	0.25		0.0050U			
Q	Lead	mg/l	0.222	0.172	0.0050 U			
Q	Mercury	mg/l	0.10		0.00010U			
Q	Nickel	mg/l	1.8		.36			
Q	Tin	mg/l	0.249	0.146	0.025U			
Q	Total Phosphate	mg/l	5.0		5.7			
Q	pH	S.U.	5.0-10.0		8.72			
Q	Silver	mg/l	0.35		0.0025U			
Q	TRPH	mg/l	50.0		4.2			

PART 2 - EFFLUENT LIMITATIONS (Cont'd)

Other Parameters

pH	5.0-10.0 (S.U.)	
Total Phosphate	5.0[a]	--
TSS[c]	400[a]	--
BOD[c]	400[a]	--
COD[c]	800[a]	--
TRPH	50[a]	--
Cyanide	0.25[a]	--

Notes:

a Local Limits

b Categorical Limits per 40 CFR, PART 437 Centralized Waste Treatment (CWT) Point Source Category, Subpart B Oils Treatment and Recovery §437.20, Pretreatment Standards for Existing Sources (PSES) §437.25.

c. These parameter may be surcharge. Refer to § Broward County Sewer Use Ordinance Chapter 34-154.

d. In lieu of requiring monitoring for TTO, the control authority may allow dischargers to make the following certification statement: "Based on my inquiry of the person or persons directly responsible for managing compliance with the permit limitation [or pretreatment standard] for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing of the last discharge monitoring report. I further certify that this facility is implementing the toxic organic management plan submitted to the permitting [or control] authority."

B. All discharges shall comply with all other applicable laws, regulations, standards, and requirements contained in the Code and any applicable State and Federal pretreatment laws, regulations, standards, and requirements including any such laws, regulations, standards, or requirements that may become effective during the term of this Permit.

PART 3 - REPORTING REQUIREMENTS

A. Self-Monitoring Reports

Self-Monitoring Report **(SMR)** results obtained shall be summarized and reported on a Broward County Water & Wastewater Services (BCWWS) Industrial User Monitoring Report Form four times a year.
The reports are due on the 15th day of each ***reporting month.***
Your ***reporting months*** are **March, June, September and December.** The first SMR is due on September **15, 2010.**

2401 N. POWERLIN
POMPANO BEACH, FL 33069

7012 1640 0000 5071 2154

UNITED STATES POSTAL SERVICE

1000

33324

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C.T. Corporation System
1200 South Pine Island Rd
Plantation, FL 33324

CT Corporation

Service of Process Transmittal

04/02/2013
CT Log Number 522442294

TO: Lynn Girard
FCC Environmental, LLC
523 N. Sam Houston E, Suite 400
Houston, TX 77060

RE: **Process Served in Florida**

FOR: FCC Environmental, LLC (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:	RE: 1280 N.E. 48th Street // To: FCC Environmental, LLC
DOCUMENT(S) SERVED:	Notice, Attachment(s)
COURT/AGENCY:	Broward County Publis Works Department, FL Case # 130025
NATURE OF ACTION:	Code Violation / Code Enforcement - Violation - By failure to provide Self-monitoring report due on March 15, 2013 which was not received by the due date
ON WHOM PROCESS WAS SERVED:	C T Corporation System, Plantation, FL
DATE AND HOUR OF SERVICE:	By Certified Mail on 04/02/2013 postmarked on 04/01/2013
JURISDICTION SERVED :	Florida
APPEARANCE OR ANSWER DUE:	Within 10 days of receipt
ATTORNEY(S) / SENDER(S):	Serene Chang, Interin Enforcement Manager Broward County Florida Public Works Department Water and Wastewater Services 240 North Powerline Rd. Pompano Beach, FL 33069 954-831-3049
ACTION ITEMS:	CT has retained the current log, Retain Date: 04/03/2013, Expected Purge Date: 04/08/2013 Image SOP Email Notification, Lynn Girard lynn.girard@fccenvironmental.com
SIGNED:	C T Corporation System
PER:	Donna Moch
ADDRESS:	1200 South Pine Island Road Plantation, FL 33324
TELEPHONE:	954-473-5503

FCC Response to NOV's 13-0025, 13-0026, 13-0027 and 13-0028

FCC environmental

1280 N.E. 48th St.
Pompano Beach FL
Phone 954.785.2320
Fax 954.783.6913

Broward County
Public Works Department
Attention: Serene Chang
2401 Powerline Road
Pompano Beach FL 33069
Schang@broward.org

To whom it may concern:

This letter is in reference to the recent notice of violations that FCC Environmental recently received on April 3, 2013. This is a response letter to N.O.V. No. 13-0025, N.O.V. No. 13-0026, N.O.V. No. 13-0027 and N.O.V. No.13-0028.

N.O.V. No. 13-0025: The self monitoring report was due on March 15, 2013 was not received on due date. FCC Environmental executed a restructuring of management within the State of Florida. During this time there was an oversight of the reporting criteria. This situation has been resolved and FCC Environmental is aware of the reporting criteria.

N.O.V. No 13-0026: Failure to sample in the month required by permit. FCC Environmental executed a restructuring of management within the State of Florida. During this time there was an oversight of the reporting criteria. This situation has been resolved and FCC Environmental is aware of the reporting criteria.

N.O.V. No 13-0027: No person shall discharge wastewater which exceeds the local pollutant limits established by the county. Total phosphorus limit was exceeded. FCC Environmental has reviewed its waste streams and found that some of the wastewaters were being cross contaminated with other materials that the collection trucks carry prior to pretreatment. Segregation policies have been reviewed with drivers and plant personnel.

N.O.V. No 13-0028: No person shall discharge wastewater which exceeds the local pollutant limits established by the county. T.T.O. limit was exceeded. FCC Environmental reviewed the plant and found that equipment supplying air to the plant experienced some problems this caused the water in the pretreatment process to not be mixed properly with the pretreatment chemicals. The faulty equipment has been replaced.

If you have any questions regarding this manner, please contact Tony Piotrowski at (407) 709-3600.

Tony Piotrowski Facility Manager
FCC Environmental

#5a.
NOV #13-0035
Issued 5/3/13

BROWARD COUNTY
FLORIDA
Public Works Department – Water and Wastewater Services
WATER AND WASTEWATER OPERATIONS DIVISION – Utility Enforcement Section
2401 North Powerline Road • Pompano Beach, Florida 33069 • 954-831-3060 • FAX 954-831-3247

N.O.V. No. 13-0035

NOTICE OF VIOLATION

The undersigned certifies that he has just grounds to believe and does believe that on 04/04/2013 at 09:35 A.M.

Issued To: C T Corporation System
1200 South Pine Island Road
Plantation, FL 33324

Registered Agent For: FCC Environmental, LLC
FCC Environmental, LLC

At: 1280 N.E. 48th Street

CITY: Pompano Beach COUNTY: Broward STATE: Florida ZIP: 33064

S.U.O. SECTION VIOLATED: §Broward County Sewer Use Ordinance Chapter 34-139(d) "No person shall discharge wastewater . . . which exceed the local pollutant limits established by the county. "

Parameter	Limit	Result	Units
T. Phosphorus	5.0	11.1	mg/L

Within ten (10) days of receipt of the Notice of Violation (NOV), a written explanation of your company's intent to correct the deficiencies noted in this NOV shall be submitted to the Interim Enforcement Manager, Utility Enforcement Section, at the above address.

Other charges or escalated enforcement action, in accordance with B.C. Code Chapter 34, Article VI, may be assessed for a non-acceptable written explanation or non-response.

An invoice for the assessed penalty of **$122.00** will follow receipt of your response.

If you have any questions regarding this matter, please contact Serene Chang at (954) 831-3049.

Serene Chang, Enforcement Section Manager
Utility Enforcement Section

cc: Tony Piotrowski
1280 N.E. 48th Street
Pompano Beach, FL 33064

Date of mailing by Certified Mail, 7012 1640 0000 5071 2246, 05/03/13.

Pace Analytical Services, Inc.
3810 Park Central Blvd N
Pompano Beach, FL 33064
954-582-4300

ANALYTICAL RESULTS

Project: FCC Env-1280 NE 48th St/Qtr OF
Pace Project No.: 3588643

Sample: Outfall 001 Grab Lab ID: 3588643001 Collected: 04/04/13 09:35 Received: 04/04/13 14:30 Matrix: Water

Parameters	Results	Units	PQL	MDL	DF	Prepared	Analyzed	CAS No.	Qual
624 Volatile Organics	Analytical Method: EPA 624								
1,2-Dichloropropane	0.00050U	mg/L	0.0010	0.00050	1		04/06/13 18:40	78-87-5	
cis-1,3-Dichloropropene	0.00025U	mg/L	0.00050	0.00025	1		04/06/13 18:40	10061-01-5	
trans-1,3-Dichloropropene	0.00025U	mg/L	0.00050	0.00025	1		04/06/13 18:40	10061-02-6	
Ethylbenzene	0.0073	mg/L	0.0010	0.00050	1		04/06/13 18:40	100-41-4	
Methylene Chloride	0.0025U	mg/L	0.0050	0.0025	1		04/06/13 18:40	75-09-2	
1,1,2,2-Tetrachloroethane	0.00017U	mg/L	0.00050	0.00017	1		04/06/13 18:40	79-34-5	
Tetrachloroethene	0.00050U	mg/L	0.0010	0.00050	1		04/06/13 18:40	127-18-4	
Toluene	0.090	mg/L	0.0010	0.00050	1		04/06/13 18:40	108-88-3	
1,1,1-Trichloroethane	0.00050U	mg/L	0.0010	0.00050	1		04/06/13 18:40	71-55-6	
1,1,2-Trichloroethane	0.00050U	mg/L	0.0010	0.00050	1		04/06/13 18:40	79-00-5	
Trichloroethene	0.00050U	mg/L	0.0010	0.00050	1		04/06/13 18:40	79-01-6	
Trichlorofluoromethane	0.00066U	mg/L	0.0010	0.00066	1		04/06/13 18:40	75-69-4	
Vinyl chloride	0.00053U	mg/L	0.0010	0.00053	1		04/06/13 18:40	75-01-4	
Xylene (Total)	0.054	mg/L	0.0030	0.0010	1		04/06/13 18:40	1330-20-7	
m&p-Xylene	0.032	mg/L	0.0010	0.00050	1		04/06/13 18:40	179601-23-1	
o-Xylene	0.022	mg/L	0.0010	0.00050	1		04/06/13 18:40	95-47-6	
Surrogates									
Dibromofluoromethane (S)	97	%	88-113		1		04/06/13 18:40	1868-53-7	
4-Bromofluorobenzene (S)	97	%	71-111		1		04/06/13 18:40	460-00-4	
Toluene-d8 (S)	105	%	77-116		1		04/06/13 18:40	2037-26-5	
1,2-Dichloroethane-d4 (S)	102	%	79-123		1		04/06/13 18:40	17060-07-0	
365.4 Phosphorus, Total	Analytical Method: EPA 365.4 Preparation Method: EPA 365.4								
Phosphorus, Total (as P)	11.1	mg/L	0.20	0.10	2	04/08/13 07:50	04/10/13 12:19	7723-14-0	

Pace Analytical®
www.pacelabs.com

WO# 3588643

Page 1 of 1

Company Name: FCC Environmental PO#
Address: 1280 NE 48th St.
City: Pompano State: FL Zip:
Attn: Tony Pitrowski Fax#
email: Phone (407) 709-3600
Project Name: EFF Proj# Resamp
Sampler Signature: Circle One: Event Daily Weekly Monthly Quarterly Semi-Annual Annual N/A

								624	608	625	TPH		PH	Temp		EXAMPLE Diss. Lead 6010
1	OUTFALL 001 grab	4413	935	WW		6		3					8.42	27.7		
2	TripBlank	4313	1700	AFW		1										
3																
4																
5																
6																
7																
8																
9																
10																

AV Amber Vial, CV Clear Vial, P Plastic, AL Amber Liter, CL Clear Liter, AP Amber Plastic, AG Amber Glass, SJ Soil Jar, ES Encore Sampler, PFV Preservative Vial, PLC Plastic container, PLJ Plastic Jar, Z Ziploc bag, TB Tedlar bag, WP Wipe pad, G Ziploc bag, TC Tenaxcore, Other, PPV Preservative Vial. Size(s): 2oz, 4oz, 8oz, 16oz, 32oz or 1L other ___ 40ml 60ml 250ml 125 ml. Example: 4oz P = 4oz Plastic, 8oz Jar 8oz Soil Jar

SD Solid Waste, GW Ground Water, WT Effluent, APW Analyze Free H2O, WW Waste Water, DW Drinking Water, SW Surface Water, ML Misc. Liquid, OL Oil, SL Sludge, SO Soil Sediment, AQ Aqueous, NA Nonaqueous, PE Petroleum, O Other (Please specify)

A. None, B. HNO3, C. H2SO4, D. NaOH, E. HCL, F. MeOH, G. Na2S2O3, H. NaHSO4, I. Ice, J. MCAA, K. Zn Acetate, O. Other

REMARKS
PT = 1 Hr
TT = 1 Hr

Y N	Today 1D 2D 3D 4D	Y___ N___	1 2 3 4 CLP AFCEE QAPP Other	ADaPT GEDD ERPIMS TSV CSV Other		OK Incomplete	FL GA SC NC NJ PA LA TX IL	1 No 2___ 3___ 4___ 5___

Relinquished by	Date	Time	Received by	Date	Time
1 [signature]	Pace	4413	1430	0225	OL	4/4	1430
2					
3					
4					

Lab Use Only — YES NO N/A
Non-Conformance Found?
Samples INTACT upon arrival?
Received on Wet Ice?
Proper Preservatives Indicated?
Received within holding time?
Custody seals intact?
Volatiles rec'd w/o headspace?
Proper Containers Used?

Pompano Lab 954-582-4300 Revision: PALA-C-007-Rev.00

C.O.C. Serial # 60000

Penalty Matrix

NOV No. 13-0035

Industrial User: **FCC Environmental, LLC**

Industrial User Address: **1280 N.E. 48th Street**
Pompano Beach, FL 33064

Penalty Calculation Figure 2

Pollutant	Limit	Result	Penalty
T. Phos	5.0	11.1	$122
Recurrence Fee			
Limit Violation Total			$122

NOV Checklist = NOV # 13-0035

Industrial User: FCC Environmental, LLC

- ☑ Assign an NOV # from the NOV tracker in Excel. Use next available number and fill in all information.
- ☑ Save NOV IN G/C&M/Shared/enforcement.docx/NOV/2012 etc. under the name of the IU and the same NOV number as above.
- ☑ Include all cc: at the end of the document (if necessary)
- ☑ Review NOV/REA Documentation for violation date, time, (*versus info on back up documentation*).
- ☑ Review Penalty Matrix for correctness, (*limit value, result, amount of penalty*).
- ☑ Review Mailing Address/Registered Agent/Contact Name/Date and time of violation.
- ☑ Update all relevant fields in the NOV Tracker in Excel
- ☑ Update LABlynx violation screen with violation information.
- ☑ REA for NOV is verified by D. Ramos: Signature DR Date 4/25/13
- ☑ REA for NOV is reviewed by C Zurko: Signature [illegible] Date 4/30/13
- ☑ REA for NOV is issued by Enforcement Section Manager: Signature [illegible] Date 5/1/13
- ☑ NOV is signed by Enforcement Section Manager: Signature [illegible] Date 5/1/13
- ☑ Copies to file and all contacts, except REA. (No copy of REA to I.U.)
- ☑ NOV mailed by certified mail, return receipt requested. (denote I.U. name on certified receipts)
- ☑ Attach post office receipt with mail date to file copy of NOV.
- ☑ File NOV in Enforcement files in Managers office.

FCC Environmental, LLC
523 N. Sam Houston Pkwy E.
Suite 400
Houston, TX 77060-4053

Compass Bank
24 Greenway Plaza
Houston, TX 77046
35-1054/1130

238327
6/20/2013

$ ***263.40

PAY *** Two Hundred Sixty Three and 40/100 US dollar

Void after 120 Days From Date of issue

TO THE ORDER OF
BROWARD COUNTY
BOARD OF COMMISSIONERS
2401 N POWERLINE RD
POMPANO BEACH, FL 33069

AUTHORIZED SIGNATURE(S)

⑈238327⑈ ⑆113010547⑆ 2510535882⑈

CHECK DATE:6/20/2013 VENDOR NAME:BROWARD COUNTY VENDOR NO.:V0093709 CHECK NO.:238327

INVOICE NO.	DATE	REFERENCE	GROSS AMOUNT	DISC	PAYMENT AMOUNT
CR040913	4/9/2013	NOV 13-0026 13-0027 13-0028	141.40	0.00	141.40
CR041813A	4/18/2013	NOV NO13-0035	122.00	0.00	122.00
		Total			263.40

RECEIVED - BWCD
'13 JUN 25 PM12:06
ENFORCEMENT SECTION

PLEASE DETACH AND RETAIN THIS STATEMENT AS YOUR RECORD OF PAYMENT

#5b.
NOV #13-0016
Issued 12/26/12

BROWARD COUNTY FLORIDA
Public Works Department – Water and Wastewater Services
WATER AND WASTEWATER OPERATIONS DIVISION – Utility Enforcement Section
2401 North Powerline Road • Pompano Beach, Florida 33069 • 954-831-3060 • FAX 954-831-3247

N.O.V. No. 13-0016

NOTICE OF VIOLATION

The undersigned certifies that he has just grounds to believe and does believe that on 11/20/2012 at 10:40 A.M.

Issued To: C T Corporation System
1200 South Pine Island Road
Plantation, FL 33324

Registered Agent For: FCC Environmental, LLC
FCC Environmental, LLC

At: 1280 N.E. 48th Street

CITY: Pompano Beach COUNTY: Broward STATE: Florida ZIP: 33064

S.U.O. SECTION VIOLATED: § Broward County Sewer Use Ordinance Chapter 34-139(d) "No person shall discharge wastewater . . . which exceed the local pollutant limits established by the county. "

Parameter	Limit	Result	Units
T. Phosphorus	5.0	5.9	mg/L

Within ten (10) days of receipt of the Notice of Violation (NOV), a written explanation of your company's intent to correct the deficiencies noted in this NOV shall be submitted to the Interim Enforcement Manager, Utility Enforcement Section, at the above address.

Other charges or escalated enforcement action, in accordance with B.C. Code Chapter 34, Article VI, may be assessed for a non-acceptable written explanation or non-response.

An invoice for the assessed penalty of **$18.00** will follow receipt of your response.

If you have any questions regarding this matter, please contact Serene Chang at (954) 831-3049.

Serene Chang

Serene Chang, Interim Enforcement Manager
Utility Enforcement Section

cc: Bernie Korzekwinski
1280 N.E. 48th Street
Pompano Beach, FL 33064

Date of mailing by Certified Mail, 7011 1570 0000 7494 7702, 12/26/2012.

Penalty Matrix

NOV No. 13-0016

Industrial User: **FCC Environmental, LLC**

Industrial User Address: **1280 N.E. 48th Street**
Pompano Beach, FL 33064

Penalty Calculation Figure 2

Pollutant	Limit	Result	Penalty
Phosphorus	5.0	5.9	$18
Recurrence Fee			
Limit Violation Total			$18

Pace Analytical
www.pacelabs.com

Pace Analytical Services, Inc.
3610 Park Central Blvd N
Pompano Beach, FL 33064
954-582-4300

ANALYTICAL RESULTS

Project: FCC Env-1280 NE 48th St/Qtr OF
Pace Project No.: 3574916

Sample: Outfall 001 Grab **Lab ID: 3574916001** Collected: 11/20/12 10:40 Received: 11/20/12 14:45 Matrix: Water

Parameters	Results	Units	PQL	MDL	DF	Prepared	Analyzed	CAS No.	Qual
335.4 Cyanide, Total	Analytical Method: EPA 335.4 Preparation Method: EPA 335.4								
Cyanide	**0.0050U**	mg/L	0.010	0.0050	1	11/21/12 10:30	11/21/12 13:44	57-12-5	J(M1)
365.4 Phosphorus, Total	Analytical Method: EPA 365.4 Preparation Method: EPA 365.4								
Phosphorus, Total (as P)	**5.9**	mg/L	0.10	0.050	1	11/21/12 08:30	11/21/12 17:22	7723-14-0	
410.4 COD	Analytical Method: EPA 410.4								
Chemical Oxygen Demand	**22300**	mg/L	1000	625	50		11/29/12 11:32		

Pace Analytical
www.pacelabs.com

WO#: 3574916
3574916

[illegible] OF CUSTODY RECORD

Quote:________ Page 1 of 1

Company Name: FCC Environmental
Address: 1280 NE 48th St.
City: Pompano Beach State: Fl Zip: 33064
Attn: Bernie Borzekwinski Fax# 954 783 6513
email: Phone: (954) 785-2320
Project Name: EFF. OUTFall Test Proj #: 1280 NE 48th St Pompano, Fl 3306
Sampler Signature
Circle One Event: Daily Weekly Monthly [✓ Quarterly] Semi-Annual Annual N/A

LAB ANALYSIS

							E	C	B	C	I	I	D	I	I	
							624	TRPH	As, Cd, Cr, Cu, Co, Pb, Ni, Ag, Zn, Hg, Tin	COD, TPO4	TSS	BOD	CN	608	625	EXAMPLE Diss. Lead 6010
1	OUTFall 001 GRAB	1/20/12	1040	WW		13	3	1	1	1	1	1	1	2	2	1
2							☐	☐	☐	☐	☐	☐	☐	☐	☐	
3							☐	☐	☐	☐	☐	☐	☐	☐	☐	
4							☐	☐	☐	☐	☐	☐	☐	☐	☐	
5							☐	☐	☐	☐	☐	☐	☐	☐	☐	
6							☐	☐	☐	☐	☐	☐	☐	☐	☐	
7							☐	☐	☐	☐	☐	☐	☐	☐	☐	
8							☐	☐	☐	☐	☐	☐	☐	☐	☐	
9							☐	☐	☐	☐	☐	☐	☐	☐	☐	
10							☐	☐	☐	☐	☐	☐	☐	☐	☐	

Container Type Codes

AV	Amber Vial	ES	Encore Sampler
CV	Clear Vial	PPV	Prepreserved vial
P	Plastic	PLC	Plastic container
AL	Amber Liter	PLJ	Plastic Jar
CL	Clear Liter	Z	Ziploc bag
AP	Amber Plastic	TB	Tedlar bag
AG	Amber Glass	WP	Whirl pak
SJ	Soil Jar	G	Gallon Jug
Other___		TC	Terra-core
PPV	Prepreserved vial		

Size(s): 2oz, 4oz, 8oz, 16oz, 32oz or 1L, other____ 40ml 500ml 250ml 125 ml
Example: 4ozP = 4oz Plastic, 8ozSJ = 8oz Soil Jar

Matrix Codes

SD	Solid Waste	OL	Oil
GW	Ground Water	SL	Sludge
EFF	Effluent	SO	Soil Sediment
APW	Analyte Free H2O	AQ	Aqueous
WW	Waste Water	NA	Nonaqueous
DW	Drinking Water	PE	Petroleum
SW	Surface Water	O	Other____ (Please specify)
ML	Misc. Liquid		

Preservative Type Codes

A. None	E. HCL	I. Ice
B. HNO3	F. MeOH	J. MCAA
C. H2SO4	G. Na2S2O3	K. Zn Acetate
D. NaOH	H. NaHSO4	O. Other

REMARKS

PH	Temp
8.31	21.9

FT = 1.5Hrs
TT = 1Hr
W

Y N	Today 10 20 30 40 50 ___	Y____ N____	1 2 3 4 CLP AFCEE QAPP Other____	ADaPT SEDD ERPIMS TSV CSV Other____		OK Incomplete	FL GA SC NC NJ PA LA TX IL ____	1___ 2___ 3___ 4___ 5___

Item	Relinquished by	Affiliation	Date	Time	Received by	Affiliation	Date	Time
1		Pace	1/20/12	1445			1/20	14:41
2								
3								
4								

Non-Conformance Found? ___ ___ ___
Samples INTACT upon arrival? ___ ___ ___
Received on Wet Ice? ___ ___ ___
Proper Preservatives Indicated? ___ ___ ___
Received within holding time? ___ ___ ___
Custody seals intact? ___ ___ ___
Volatiles rec'd without headspace? ___ ___ ___
Proper Containers Used? ___ ___ ___

Pompano Lab 954-582-4300 Revision: F-ALL-C-007-Rev.00 C.O.C. Serial # 46143

Chang, Serene

From: Korzekwinski, Bernard <Bernard.Korzekwinski@fccenvironmental.com>
Sent: Monday, January 07, 2013 8:52 AM
To: Chang, Serene
Subject: response to letter

Serene,

I am responding to Case # 130016. To ensure meeting the Phos parameter, we will meter in a CaCL2 at perhaps a 50 ppm, that should maintain it. Processing should be the same on ph. Please see if you can send the invoice so we can code and pay it.

NOV Checklist = NOV # 13-0016

Industrial User: FCC Environmental, LLC

- ☑ Assign an NOV # from the NOV tracker in Excel. Use next available number and fill in all information.
- ☑ Save NOV IN G/C&M/Shared/enforcement.docx/NOV/2012 etc. under the name of the IU and the same NOV number as above.
- ☑ Include all cc: at the end of the document (if necessary)
- ☑ Review NOV/REA Documentation for violation date, time, (*versus info on back up documentation*).
- ☑ Review Penalty Matrix for correctness, (*limit value, result, amount of penalty*).
- ☑ Review Mailing Address/Registered Agent/Contact Name/Date and time of violation.
- ☑ Update all relevant fields in the NOV Tracker in Excel
- ☑ Update LABlynx violation screen with violation information.
- ☑ REA for NOV is verified by D. Ramos: Signature DR Date 12/18/12
- ☐ REA for NOV is reviewed by C Zurko: Signature _____ Date _____
- ☑ REA for NOV is issued by Enforcement Section Manager: Signature [illegible] Date 12/20/12
- ☑ NOV is signed by Enforcement Section Manager: Signature [illegible] Date 12/20/12
- ☑ Copies to file and all contacts, except REA. (No copy of REA to I.U.)
- ☑ NOV mailed by certified mail, return receipt requested. (denote I.U. name on certified receipts)
- ☑ Attach post office receipt with mail date to file copy of NOV.
- ☐ File NOV in Enforcement files in Managers office.

#6
NOV #13-0008
Issued 9/24/12

BROWARD COUNTY
FLORIDA
Public Works Department – Water and Wastewater Services
WATER AND WASTEWATER OPERATIONS DIVISION – Utility Enforcement Section
2401 North Powerline Road • Pompano Beach, Florida 33069 • 954-831-3060 • FAX 954-831-3247

N.O.V. No. 13-0008

NOTICE OF VIOLATION

The undersigned certifies that he has just grounds to believe and does believe that on 08/14/2012.

Issued To: C T Corporation System
1200 South Pine Island Road
Plantation, FL 33324

Registered Agent For: FCC Environmental, LLC
FCC Environmental, LLC

At: 1280 N.E. 48th Street

CITY: Pompano Beach COUNTY: Broward STATE: Florida ZIP: 33064

S.U.O. SECTION VIOLATED: § Broward County Sewer Use Ordinance Chapter 34-144(a) "Any User... shall... make available... all records and necessary information resulting from monitoring activities..."

NATURE OF VIOLATION: The Chain of Custody for the sample collection beginning on 08/14/2012 is missing the date and time of collection for the trip blank.

Within ten (10) days of receipt of the Notice of Violation (NOV), a written explanation of your company's intent to correct the deficiencies noted in this NOV shall be submitted to the Interim Enforcement Manager, Utility Enforcement Section, at the above address.

Other charges or escalated enforcement action, in accordance with B.C. Code Chapter 34, Article VI, may be assessed for a non-acceptable written explanation or non-response.

An invoice for the assessed penalty of **$100.00** will follow receipt of your response.

If you have any questions regarding this matter, please contact Serene Chang at (954) 831-3049.

S. Chang

Serene Chang, Interim Enforcement Manager
Utility Enforcement Section

cc: Bernie Korzekwinski
1280 N.E. 48th Street
Pompano Beach, FL 33064

Date of mailing by Certified Mail, 7011 1570 0000 7494 7610, 9/21/2012.

Pace

WO# : 3565058

3565058

CHAIN OF CUSTODY RECORD

LAB W.O # 3565058 Quote: _____ Page 1 of 1

Company Name: FCC PO#

Address: 1280 NE 48th St.

City: Pompano Beach State: Fl Zip: 33064

Attn: Bernie Borzelkowski Fax#

email: Phone:

Project Name: EFF Proj #

Sampler Signature: Circle One Event: Daily Weekly Monthly Quarterly Semi-Annual Annual N/A

LAB ANALYSIS

Sample #	Sample ID	Collect Date	Collect Time	Matrix Code	Filtered	Preserved	Total # Containers	Sample Type	Preserv. Type	As, Cd, Cr, Cu, Pb, Ni, Ag, Tl, Zn, Hg	TRPH	COD	TPH	TSS	Cr	BOD	COD	Zn	TPH	EXAMPLE Diss. Lead 6010
										B	C	C	I	D	I	I	I		E	
1	EFFLUENT	8/14/12	900	WW			13			1	1	1	1	1	1	4	2		3	
2	Trip Blank			AFW			1												1	
3																				
4																				
5																				
6																				
7																				
8																				
9																				
10																				

Page 1 of 1

Container Type Codes

AV	Amber Vial	ES	Encore Sampler
CV	Clear Vial	PPV	Prepreserved vial
P	Plastic	PL C	Plastic container
AL	Amber Liter	PL J	Plastic Jar
CL	Clear Liter	Z	Ziploc bag
AP	Amber Plastic	TB	Tedlar bag
AG	Amber Glass	WP	Whirl pak
SJ	Soil Jar	G	Gallon jug
Other		TC	Tare-cors

PPV: Prepreserved Vial

Size(s): 2oz, 4oz, 8oz, 16oz, 32oz or 1L, other _____ 40ml 500ml 250ml 125 ml

Example: 4ozP = 4oz Plastic, 8ozSJ= 8oz Soil Jar

Matrix Codes

SD	Solid Waste	OL	Oil
GW	Ground Water	SL	Sludge
EFF	Effluent	SO	Soil Sediment
AFW	Analyte Free H20	AQ	Aqueous
WW	Waste Water	NA	Nonaqueous
DW	Drinking Water	PE	Petroleum
SW	Surface Water	O	Other _____ (Please specify)
ML	Misc. Liquid		

Preservative Type Codes

A. None	E. HCL	I. Ice
B. HNO3	F. MeOH	J. MCAA
C. H2SO4	G. Na2S2O3	K. Zn Acetate
D. NaOH	H. NaHSO4	O. Other

REMARKS

FT= 1.5 hrs

TT= 1 Hr

ETC 8/14/12

PH = 5.59

Temp 31.8

1280 NE 48th St

Pompano Beach Fl

Short Hold: Y N Today 10 20 30 40 50 ___ Y___ N___

Client QA/QC Report Level: 1 2 3 4 CLP AFCEE OAPP Other ___

EDD (Fees May Apply): ADaPT SEDD EQPIMS TSV CSV Other ___

Received Cond.: OK Incomplete

Received Sealed Cooler: FL GA SC NC NJ PA LA TX IL ___

Coolers #s: Temp C: 1 4/4 2 ___ 3 ___ 4 ___ 5 ___

Item	Relinquished by	Affiliation	Date	Time	Received by	Affiliation	Date	Time
1	[signature]	Pace	8/14/12	1355	[signature]	Pace	8/14/12	1355
2								
3								
4								

Non-Conformance Found? ___ ___ ___

Samples INTACT upon arrival? ___ ___ ___

Received on Wet Ice? ___ ___ ___

Proper Preservatives Indicated? ___ ___ ___

Received within holding time? ___ ___ ___

Custody seals intact? ___ ___ ___

Volatiles rec'd without headspace? ___ ___ ___

Proper Containers Used? ___ ___ ___

BROWARD COUNTY
FLORIDA

Public Works Department - Water and Wastewater Services
WATER AND WASTEWATER OPERATIONS DIVISION
2401 North Powerline Road, Pompano Beach, FL 33069

CERTIFIED MAIL™

7011 1570 0000 7494 7610

UNITED STATES POSTAL SERVICE

1000 33324

U.S. POSTAGE
PAID
POMPANO BEACH,FL
33069
SEP 21, '12
AMOUNT
$5.75
00037577-05

C.T. Corporation System
1200 South Pine Island Rd
Plantation, FL 33324

33324\4459 C010

CT Corporation

Service of Process Transmittal

09/24/2012
CT Log Number 521280053

TO: Lynn Girard
FCC Environmental, LLC
523 N. Sam Houston E, Suite 400
Houston, TX 77060

RE: **Process Served in Florida**

FOR: FCC Environmental, LLC (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:	RE: 1280 N.E. 48th Street // To: FCC Environmental, LLC
DOCUMENT(S) SERVED:	Notice, Attachment,
COURT/AGENCY:	Broward County Publis Works Department, FL Case # 130008
NATURE OF ACTION:	Code Violation / Code Enforcement - Failure to provide records, upon inspection, neccessary information from monitoring activities - Seeking $100.0
ON WHOM PROCESS WAS SERVED:	C T Corporation System, Plantation, FL
DATE AND HOUR OF SERVICE:	By Certified Mail on 09/24/2012 postmarked on 09/21/2012
JURISDICTION SERVED :	Florida
APPEARANCE OR ANSWER DUE:	Within 10 days of receipt
ATTORNEY(S) / SENDER(S):	Serene Chang, Interin Enforcement Manager Broward County Florida Public Works Department Water and Wastewater Services 240 North Powerline Rd. Pompano Beach, FL 33069 954-831-3049
ACTION ITEMS:	CT has retained the current log, Retain Date: 09/24/2012, Expected Purge Date: 09/29/2012 Image SOP Email Notification, Lynn Girard lynn.girard@fccenvironmental.com
SIGNED: **PER:** **ADDRESS:** **TELEPHONE:**	C T Corporation System Donna Moch 1200 South Pine Island Road Plantation, FL 33324 954-473-5503

#7
Warning Notice 12-018
Issued 7/20/12

BROWARD COUNTY FLORIDA
Public Works Department – Water and Wastewater Services
WATER AND WASTEWATER OPERATIONS DIVISION – Utility Enforcement Section
2401 North Powerline Road • Pompano Beach, Florida 33069 • 954-831-3060 • FAX 954-831-3247

July 19, 2012

Bernie Korzekwinski
Branch Manager
FCC Environmental, LLC
1280 N.E. 48th Street
Pompano Beach, FL 33064

Re: **WARNING NOTICE NO. 12-018**
Failure to Meet Requirements for Wastewater Discharge

Dear: Mr. Korzekwinski

According to the sample collected at your facility by the Water and Wastewater Services-Wastewater Operations Division on 06/07/2012, your facility exceeded the following Broward County Code wastewater discharge parameters:

Parameter	Limit	Result	Units
BOD	400	3,430	mg/L
COD	800	9,880	mg/L

FCC Environmental, LLC is in the High Strength Surcharge Program for the parameters shown above. If your water and sewer are not supplied by Broward County Water and Wastewater Services, please forward a copy of your monthly water bill that includes the sewage usage or industrial wastewater discharge monthly meter readings to Denise Ramos, Water and Wastewater Operations Division, at 2401 N. Powerline Road, Pompano Beach, Florida 33069, (954) 831-3035. The bills should start from the month of the violation and should continue to be forwarded until you receive notification that they are no longer required. Failure to respond will result in Notice of Violation (NOV) with penalty and other escalating enforcement actions.

If you have any questions about this notice, please contact Serene Chang at (954) 831-3049.

Sincerely,

S. Chang

Serene Chang
Interim Enforcement Manager
Utility Enforcement Section

WATER & WASTEWATER SERVICES

ANALYTICAL LABORATORY

RECEIVED - WWSD

'12 JUL 3 PM4:04

ENFORCEMENT SECTIO

Analytical Report

Environmental Certification #E56441

ID:	20120604-0031	**Group:**	C&M
Point ID:	FCC Environmental, LLC IPP	**Matrix:**	Non-Potable Water
Sample Location:	6" PB Flume located Front	**Received Date / Time:**	6/7/2012 10:32:00 AM
Type/Program:	INDUSTRIAL USER	**Report Number:**	20120604-0031

Parameter	Collection Date / Time	Sample Type	Data	Units	MDL	PQL	DQC	Method	Date / Time	Analyst
Field pH	6/7/12 / 9:10	Grab	6.67	S.U.			D	EPA 150.1	6/7/12 / 9:10	RM
Field Temperature	6/7/12 / 9:10	Grab	30.5	Celsius			D	EPA 170.1	6/7/12 / 9:10	RM
COD	6/7/12 / 9:10	Grab	9880	mg/l	33.7	135		EPA 410.4	6/22/12	WK
TSS	6/7/12 / 9:10	Grab	3.00	mg/l	2.5	10	I	SM 2540D	6/8/12	SN
BOD	6/7/12 / 9:10	Grab	3430	mg/l	2	8		SM 5210B	6/7/12 / 11:10	DG

BROWARD COUNTY
FLORIDA

Public Works Department - Water and Wastewater Services
WATER AND WASTEWATER OPERATIONS DIVISION
2401 North Powerline Road, Pompano Beach, FL 33069

US POSTAGE
$ 00.45
Mailed From 33069
07/19/2012
031A 0002309616

C.T. Corporation System
1200 South Pine Island Rd
Plantation, FL 33324

33324#4459 C010

CT Corporation

Service of Process Transmittal

07/20/2012
CT Log Number 520902860

TO: Lynn Girard
FCC Environmental, LLC
320 Scroggins Rd
Springtown, TX 76082-5432

RE: **Process Served in Florida**

FOR: FCC Environmental, LLC (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:	To: FCC Environmental, LLC
DOCUMENT(S) SERVED:	Notice, Report
COURT/AGENCY:	Public Water Department, FL Case # 12018
NATURE OF ACTION:	Code Violation / Code Enforcement - Violation - facility exceeded Broward County Code wastewater discharge parameters
ON WHOM PROCESS WAS SERVED:	C T Corporation System, Plantation, FL
DATE AND HOUR OF SERVICE:	By Regular Mail on 07/20/2012 postmarked on 07/19/2012
JURISDICTION SERVED :	Florida
APPEARANCE OR ANSWER DUE:	None Specified
ATTORNEY(S) / SENDER(S):	Public Water Department 2401 North Powerline Road Pompano Beach, FL 33069 954-831-3060
ACTION ITEMS:	CT has retained the current log, Retain Date: 07/21/2012, Expected Purge Date: 07/26/2012 Image SOP Email Notification, Lynn Girard lynn.girard@fccenvironmental.com
SIGNED:	C T Corporation System
PER:	Donna Moch
ADDRESS:	1200 South Pine Island Road Plantation, FL 33324
TELEPHONE:	954-473-5503

#8
NOV #12-0025
Issued 3/26/12

BROWARD COUNTY FLORIDA
Public Works Department – Water and Wastewater Services
WATER AND WASTEWATER OPERATIONS DIVISION – Utility Enforcement Section
2401 North Powerline Road • Pompano Beach, Florida 33069 • 954-831-3060 • FAX 954-831-3247

N.O.V. No. 12-0025

NOTICE OF VIOLATION

The undersigned certifies that he has just grounds to believe and does believe that on 02/15/2012.

Issued To: C T Corporation System
1200 South Pine Island Road
Plantation, FL 33324

Registered Agent For: FCC Environmental, LLC
FCC Environmental, LLC

At: 1280 N.E. 48th Street

CITY: Pompano Beach COUNTY: Broward STATE: Florida ZIP: 33064

S.U.O. SECTION VIOLATED: § Broward County Sewer Use Ordinance Chapter 34-139(d) "No person shall discharge wastewater . . . which exceed the local pollutant limits established by the county."

Parameter	Limit	Result	Units
T. Phosphorus	5.0	7.6	mg/L

Within ten (10) days of receipt of the Notice of Violation (NOV), a written explanation of your company's intent to correct the deficiencies noted in this NOV shall be submitted to the Interim Enforcement Manager, Utility Enforcement Section, at the above address.

Other charges or escalated enforcement action, in accordance with B.C. Code Chapter 34, Article VI, may be assessed for a non-acceptable written explanation or non-response.

An invoice for the assessed penalty of **$52.00** will follow receipt of your response.

If you have any questions regarding this matter, please contact Serene Chang at (954) 831-3049.

Serene Chang

Serene Chang, Interim Enforcement Manager
Utility Enforcement Section

cc: Bernie Korzekwinski
1280 N.E. 48th Street
Pompano Beach, FL 33064

Date of mailing by Certified Mail, 7010 1870 0002 0654 56~~54~~99, 03/22/2012.
DR 3/24/12

Penalty Matrix

NOV No. 12-0025

Industrial User: **FCC Environmental Hydrocarbon Recovery**

Industrial User Address: **1280 N.E. 48th Street**
Pompano Beach, FL 33064

Penalty Calculation Figure 2

Pollutant	Limit	Result	Penalty
T. Phosphorus	5.0	7.6	$52
Recurrence Fee			
Limit Violation Total			$52

Pace Analytical Services, Inc.
3610 Park Central Blvd N
Pompano Beach, FL 33064
954-582-4300

ANALYTICAL RESULTS

Project: Outfall-1280 NE 48 Street
Pace Project No.: 3550037

Sample: Effluent-Grab Lab ID: 3550037001 Collected: 02/15/12 10:50 Received: 02/15/12 15:25 Matrix: Water

Parameters	Results	Units	PQL	MDL	DF	Prepared	Analyzed	CAS No.	Qual
335.4 Cyanide, Total	Analytical Method: EPA 335.4 Preparation Method: EPA 335.4								
Cyanide	0.0050U	mg/L	0.010	0.0050	1	02/16/12 09:35	02/17/12 06:42	57-12-5	L3
365.4 Phosphorus, Total	Analytical Method: EPA 365.4 Preparation Method: EPA 365.4								
Phosphorus, Total (as P)	7.6	mg/L	0.10	0.050	1	02/16/12 09:00	02/17/12 09:02	7723-14-0	
410.4 COD	Analytical Method: EPA 410.4								
Chemical Oxygen Demand	18000	mg/L	1000	625	50		02/16/12 16:27		

BROWARD COUNTY
FLORIDA

Public Works Department - Water and Wastewater Services
WATER AND WASTEWATER OPERATIONS DIVISION
2401 North Powerline Road, Pompano Beach, FL 33069

CERTIFIED MAIL

7030 1870 0002 0654 5699

1070

33324

$6.95

C.T. Corporation System
1200 South Pine Island Rd
Plantation, FL 33324

CT Corporation

Service of Process Transmittal

03/26/2012
CT Log Number 520208202

TO: Lynn Girard
FCC Environmental, LLC
523 N. Sam Houston Pkwy E., Ste 400
Houston, TX 77060-4028

RE: **Process Served in Florida**

FOR: FCC Environmental, LLC (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:	RE: 1280 N.E. 48th Street // To: FCC Environmental, LLC
DOCUMENT(S) SERVED:	Notice, Attachment
COURT/AGENCY:	Broward County Publis Works Department, FL Case # 120025
NATURE OF ACTION:	Code Violation / Code Enforcement - No person shall discharge wastewater which exceed the local pollutant limits established by the county
ON WHOM PROCESS WAS SERVED:	C T Corporation System, Plantation, FL
DATE AND HOUR OF SERVICE:	By Certified Mail on 03/26/2012 postmarked on 03/23/2012
JURISDICTION SERVED :	Florida
APPEARANCE OR ANSWER DUE:	Within 10 days
ATTORNEY(S) / SENDER(S):	Serene Chang, Interin Enforcement Manager Broward County Florida Public Works Department Water and Wastewater Services 240 North Powerline Rd. Pompano Beach, FL 33069 954-831-3049
ACTION ITEMS:	CT has retained the current log, Retain Date: 03/26/2012, Expected Purge Date: 03/31/2012 Image SOP Email Notification, Lynn Girard lynn.girard@fccenvironmental.com
SIGNED:	C T Corporation System
PER:	Donna Moch
ADDRESS:	1200 South Pine Island Road Plantation, FL 33324
TELEPHONE:	954-473-5503

#9
NOV #12-0026
Issued 3/26/12

BROWARD COUNTY
FLORIDA
Public Works Department – Water and Wastewater Services
WATER AND WASTEWATER OPERATIONS DIVISION – Utility Enforcement Section
2401 North Powerline Road • Pompano Beach, Florida 33069 • 954-831-3060 • FAX 954-831-3247

N.O.V. No. 12-0026

NOTICE OF VIOLATION

The undersigned certifies that he has just grounds to believe and does believe that on 03/08/2012.

Issued To: C T Corporation System
1200 South Pine Island Road
Plantation, FL 33324

Registered Agent For: FCC Environmental, LLC
FCC Environmental , LLC

At: 1280 N.E. 48th Street

CITY: Pompano Beach COUNTY: Broward STATE: Florida ZIP: 33064

S.U.O. SECTION VIOLATED: § Broward County Sewer Use Ordinance Chapter 34-143(i) "If sampling...by an industrial user indicates a parameter violation... the industrial user must notify...within twenty-four (24) hours...The industrial user shall also repeat the sampling...and submit the results...within thirty (30) days..."

NATURE OF VIOLATION: Failure to notify of T. Phosphorus parameter violation within 24 hours of becoming aware of the violation.

Within ten (10) days of receipt of the Notice of Violation (NOV), a written explanation of your company's intent to correct the deficiencies noted in this NOV shall be submitted to the Interim Enforcement Manager, Utility Enforcement Section, at the above address.

Other charges or escalated enforcement action, in accordance with B.C. Code Chapter 34, Article VI, may be assessed for a non-acceptable written explanation or non-response.

An invoice for the assessed penalty of **$100.00** will follow receipt of your response.

If you have any questions regarding this matter, please contact Serene Chang at (954) 831-3049.

Serene Chang

Serene Chang, Interim Enforcement Manager
Utility Enforcement Section

cc: Bernie Korzekwinski
1280 N.E. 48th Street
Pompano Beach, FL 33064

Date of mailing by Certified Mail, 7010 1870 0002 0654 5699, 03/22/2012.

BCWWS FAX FORM- 24 HOUR NOTIFICATION OF PARAMETER VIOLATION

To:	Serene Chang	**Fax:**	954-831-3247
From:	FCC ENVIRONMENTAL	**Contact:**	BERNIE KORZEKWINSKI
Phone:	954 785 2320	**Date:**	3/2/2012
Re:	Parameter Violation	**Pages:**	

COMMENTS/ DESCRIPTION:

TOTAL Phosphate collected on 2/15/2012 was 7.6 mg/L - This result exceeds the permit limit of 5.0mg/L

We will resample phosphate.

3/2/12

Signature & Date

Water and Wastewater Services
Utility Compliance & Monitoring Section
Industrial User Self-Monitoring Report

RECEIVED - WWOD
'12 MAR 8 PM1:31
ENFORCEMENT SECTIO

INDUSTRIAL USER NAME: FCC Environmental, LLC.
ADDRESS: 1280 N.E. 48th Street
CITY: Pompano Beach STATE FL ZIP 33064

Permit # 1071-10b -Effective: 7/7/2010- Expires: 12/31/2013

Freq	Parameter	Unit	Daily Maximum	Monthly Average-Limit Categorical	SAMPLE / / SELF ☐ RESAMPLE ☐	SAMPLE / / SELF ☐ RESAMPLE☐	SAMPLE / / SELF ☐ RESAMPLE ☐	SAMPLE / / SELF ☐ RESAMPLE ☐
Q	Flow, Total	gpd	100,000		<100,000			
Q	Arsenic	mg/l	0.10		0.0050			
Q	BOD_5	mg/l	400		17600			
Q	Cadmium	mg/l	0.70		0.00050			
Q	Chromium	mg/l	0.947	0.487	0.0025			
Q	Cobalt	mg/l	56.4	18.8	0.0050			
Q	COD	mg/l	800		18000			
Q	Copper	mg/l	0.405	0.301	0.0025			
Q	Cyanide	mg/l	0.25		0.0050			
Q	Lead	mg/l	0.222	0.172	0.0050			
Q	Mercury	mg/l	0.10		0.0010			
Q	Nickel	mg/l	1.8		0.042			
Q	Tin	mg/l	0.249	0.146	0.025			
Q	Total Phosphate	mg/l	5.0		7.6			
Q	pH	S.U.	5.0-10.0		7.26			
Q	Silver	mg/l	0.35		0.0025			
Q	TRPH	mg/l	50.0		21.1			

Freq	Parameter	Unit	Daily Maximum	Monthly Average-Limit Categorical	SAMPLE / / SELF ☐ RESAMPLE ☐	SAMPLE / / SELF ☐ RESAMPLE ☐	SAMPLE / / SELF ☐ RESAMPLE ☐	SAMPLE / / SELF ☐ RESAMPLE ☐
Q	TSS	mg/l	400		5.0			
Q	TTO	mg/l	1.0		<1			
Q	Total Chlorinated Phenols	mg/l	1.0		<1			
Q	Zinc	mg/l	1.48	4.46	1.3			
Q	Bis (2ethylhexyl) phthalate	mg/l	0.267	0.158	0.0084			
Q	Carbazole	mg/l	0.392	0.233	0.0049			
Q	n-Decane	mg/l	5.79	3.31	0.0075			
Q	n-Octadecane	mg/l	1.22	0.925	0.0056			
Q	Flouranthene	mg/l	0.787	0.393	0.0056			

Sampling Months: January or February, April or May, July or August, October or and November

Reporting Months: March, June, September and December

a Categorical Limits per 40 CFR, Part 437 The Centralized Waste Treatment Point Source Category, Subpart B Oil Treatment and Recovery.
b. Local Limits
c. TTO shall mean total toxic organics, which is the summation of all quantifiable values greater than 0.01 milligrams per liter TTO as defined in 40 CFR 136.3 Regulated Parameters, Appendix A, Table 1C (by methods 608,624,625, 1613B, 1624B, 1625B)

In lieu of requiring monitoring for TTO, the control authority may allow dischargers to make the following certification statement: "Based on my inquiry of the person or persons directly responsible for managing compliance with the permit limitation [or pretreatment standard] for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing of the last discharge monitoring report. I further certify that this facility is implementing the toxic organic management plan submitted to the permitting [or control] authority."

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Authorized Representative 3/7/12 Date

RECEIVED - WWOD
'12 MAR 8 PM 1:31
ENFORCEMENT SECTI

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL™

BROWARD COUNTY FLORIDA

Public Works Department - Water and Wastewater Services
WATER AND WASTEWATER OPERATIONS DIVISION
2401 North Powerline Road, Pompano Beach, FL 33069

7010 1870 0002 0654 5699

UNITED STATES POSTAL SERVICE

1000

33324

U.S. POSTAGE
PAID
POMPANO BEACH, FL
33069
MAR 23, '12
AMOUNT
$5.95
00037551-06

C.T. Corporation System
1200 South Pine Island Rd
Plantation, FL 33324

CT Corporation

Service of Process Transmittal

03/26/2012
CT Log Number 520208173

TO: Lynn Girard
FCC Environmental, LLC
523 N. Sam Houston Pkwy E., Ste 400
Houston, TX 77060-4028

RE: **Process Served In Florida**

FOR: FCC Environmental, LLC (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:	RE: 1280 N.E. 48th Street // To: FCC Environmental, LLC
DOCUMENT(S) SERVED:	Notice, Notification, Report
COURT/AGENCY:	Broward County Publis Works Department, FL Case # 120026
NATURE OF ACTION:	Code Violation / Code Enforcement - Failure to notify of T. Phosphorus parameter violation within 24 hours of becoming aware of the violation
ON WHOM PROCESS WAS SERVED:	C T Corporation System, Plantation, FL
DATE AND HOUR OF SERVICE:	By Certified Mail on 03/26/2012 postmarked on 03/23/2012
JURISDICTION SERVED :	Florida
APPEARANCE OR ANSWER DUE:	Within 10 days
ATTORNEY(S) / SENDER(S):	Serene Chang, Interin Enforcement Manager Broward County Florida Public Works Department Water and Wastewater Services 240 North Powerline Rd. Pompano Beach, FL 33069 954-831-3049
ACTION ITEMS:	CT has retained the current log, Retain Date: 03/26/2012, Expected Purge Date: 03/31/2012 Image SOP Email Notification, Lynn Girard lynn.girard@fccenvironmental.com
SIGNED: **PER:** **ADDRESS:** **TELEPHONE:**	C T Corporation System Donna Moch 1200 South Pine Island Road Plantation, FL 33324 954-473-5503

#10
NOV #12-0027
Issued 3/26/12

BROWARD COUNTY
FLORIDA
Public Works Department – Water and Wastewater Services
WATER AND WASTEWATER OPERATIONS DIVISION – Utility Enforcement Section
2401 North Powerline Road • Pompano Beach, Florida 33069 • 954-831-3060 • FAX 954-831-3247

N.O.V. No. 12-0027

NOTICE OF VIOLATION

The undersigned certifies that he has just grounds to believe and does believe that on 3/14/12 at 10:55 A.M.

Issued To: C T Corporation System
1200 South Pine Island Road
Plantation, FL 33324

Registered Agent For: FCC Environmental, LLC
FCC Environmental, LLC

At: 1280 N.E. 48th Street

CITY: Pompano Beach COUNTY: Broward STATE: Florida ZIP: 33064

S.U.O. SECTION VIOLATED: §Broward County Sewer Use Ordinance Chapter 34-139(d) "No person shall discharge wastewater . . . which exceed the local pollutant limits established by the county. "

Parameter	Limit	Result	Units
T. Phosphorus	5.0	7.5	mg/L

Within ten (10) days of receipt of the Notice of Violation (NOV), a written explanation of your company's intent to correct the deficiencies noted in this NOV shall be submitted to the Interim Enforcement Manager, Utility Enforcement Section, at the above address.

Other charges or escalated enforcement action, in accordance with B.C. Code Chapter 34, Article VI, may be assessed for a non-acceptable written explanation or non-response.

An invoice for the assessed penalty of **$50.00** will follow receipt of your response.

If you have any questions regarding this matter, please contact Serene Chang at (954) 831-3049.

Serene Chang

Serene Chang, Interim Enforcement Manager
Utility Enforcement Section

cc: Bernie Korzekwinski
1280 N.E. 48th Street
Pompano Beach, FL 33064

Date of mailing by Certified Mail, 7010 1870 0002 0654 5606, 3/23/12.

Penalty Matrix

NOV No. 12-0027

Industrial User: **FCC Environmental Hydrocarbon Recovery**

Industrial User Address: **1280 N.E. 48th Street**
Pompano Beach, FL 33064

Penalty Calculation Figure 2

Pollutant	Limit	Result	Penalty
T. Phosphorus	5.0	7.5	$50
Recurrence Fee			
Limit Violation Total			$50

Pace Analytical Services, Inc.
3610 Park Central Blvd N
Pompano Beach, FL 33064
954-582-4300

ANALYTICAL RESULTS

Project: EFFLUENT-1240 NE 48 St
Pace Project No.: 3552323

Sample: EFFLUENT **Lab ID: 3552323001** Collected: 03/14/12 10:55 Received: 03/14/12 14:35 Matrix: Water

Parameters	Results	Units	PQL	MDL	DF	Prepared	Analyzed	CAS No.	Qual
Field Data	Analytical Method:								
Field pH	**6.81**	Std. Units	0.10	0.10	1		03/14/12 10:55		
Field Temperature	**25.1**	deg C	0.50	0.50	1		03/14/12 10:55		
365.4 Phosphorus, Total	Analytical Method: EPA 365.4 Preparation Method: EPA 365.4								
Phosphorus, Total (as P)	**7.5**	mg/L	0.10	0.050	1	03/15/12 10:00	03/15/12 16:34	7723-14-0	

Pace Analytical®
www.pacelabs.com

CHAIN OF CUSTODY RECORD

LAB W.O # 3552323 Quote: _____ Page 1 of 1

Company Name: FCC Environmental PO#
Address: 1280 NE 48st.
City: Pompano State: Fla Zip:
Attn: Bernard K. Fax#
email: Phone:
Project Name: Effluent Re-sample Proj #
Sampler Signature: Guy Phillips Circle One Event: Daily Weekly Monthly Quarterly Semi-Annual Annual N/A

LAB ANALYSIS

Item	Sample ID	Collect Date	Collect Time	Matrix Code	Filtered	Preserv.	Cont. Number	Parameters										
Samples																		
TR																		
SH																		
Res. Codes								C										
1	Effluent	3-14-12	1055	WW			1	T. Phos	pH-6.81 temp-25.1									EXAMPLE Diss. Lead 6010
2																		
3																		
4																		
5																		
6																		
7																		
8																		
9																		
10																		

Page 1 of 1

REMARKS
Ft = 1hr
Tt = 1hr

Short Hold: Y N Today 1D 2D 3D 4D 5D ___ Y___ N___
Circle QA/QC Report Level: 1 2 3 4 CLP AFCEE DAPP Other___
EDD: Fees Mail ADD'L FE ADePT SEDD ERPIMS TSV CSV Other___
COC Condition: OK Incomplete
Required Sites: FL GA SC NC NJ PA LA TX IL
Coolers Temp: 1___ 2___ 3___ 4___ 5___

Item	Relinquished by	Affiliation	Date	Time	Received by	Affiliation	Date	Time
1	Guy Phillips	PACE	3-14-12	1435	[illegible]	PACE	3-14-12	1435
2								
3								
4								

Laboratory Use Only: Non-Conformance Found? Samples INTACT upon arrival? Received on Wet Ice? Proper Preservatives Indicated? Received within holding time? Custody seals intact? Volatiles rec'd without headspace? Proper Containers Used?

Container Type Codes

AV	Amber Vial	E9	Encore Sampler
CV	Clear Vial	PPV	Preservated Vial
P	Plastic	PL C	Plastic container
AL	Amber Liter	PL J	Plastic Jar
CL	Clear Liter	Z	Ziploc bag
AP	Amber Plastic	TB	Tedlar bag
AG	Amber Glass	WP	Whirl pak
SJ	Soil Jar	G	Gallon Jug
Other		TC	Terra-core

PPV Preservated Vial
Size(s): 2oz, 4oz, 8oz, 16oz, 32oz or 1L, other___ 40ml 500ml 250ml 125 ml
Example: 4ozP = 4oz Plastic, 8ozSJ = 8oz Soil Jar

Matrix Codes

SD	Solid Waste	OL	Oil
GW	Ground Water	SL	Sludge
EFF	Effluent	SO	Soil Sediment
APW	Analyte Free H20	AQ	Aqueous
WW	Waste Water	NA	Nonaqueous
DW	Drinking Water	PE	Petroleum
SW	Surface Water	O	Other___ (Please specify)
ML	Misc. Liquid		

Preservative Type Codes

A. None	E. HCL	I. Ice
B. HNO3	F. MeOH	J. MCAA
C. H2SO4	G. Na2S2O3	K. Zn Acetate
D. NaOH	H. NaHSO4	O. Other

Pompano Lab 954-582-4300 Revision: F-ALL-C-007- Rev.00

C.O.C. Serial # 37285

BROWARD COUNTY
FLORIDA

Public Works Department - Water and Wastewater Services
WATER AND WASTEWATER OPERATIONS DIVISION
2401 North Powerline Road, Pompano Beach, FL 33069

CERTIFIED MAIL

7010 1870 0002 0654 5606

UNITED STATES POSTAL SERVICE

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33069
MAR 23, '12
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00037551-08

1000
33324

C.T. Corporation System
1200 South Pine Island Rd
Plantation, FL 33324

33324$4459 C010

CT Corporation

Service of Process Transmittal

03/26/2012
CT Log Number 520210912

TO: Lynn Girard
FCC Environmental, LLC
523 N. Sam Houston Pkwy E., Ste 400
Houston, TX 77060-4028

RE: **Process Served in Florida**

FOR: FCC Environmental, LLC (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:	RE: 1280 N.E. 48th Street Pompano Beach, FL 33064 // To: FCC Environmental, LLC
DOCUMENT(S) SERVED:	Notice, Attachment(s)
COURT/AGENCY:	Broward Countyof County Commissioners, FL Case # None Specified
NATURE OF ACTION:	Code Violation / Code Enforcement - No person shall discharge wastewater
ON WHOM PROCESS WAS SERVED:	C T Corporation System, Plantation, FL
DATE AND HOUR OF SERVICE:	By Certified Mail on 03/26/2012 postmarked on 03/23/2012
JURISDICTION SERVED :	Florida
APPEARANCE OR ANSWER DUE:	Within 10 days of receipt of the notice
ATTORNEY(S) / SENDER(S):	Broward Countyof County Commissioners 2401 North Powerline Road Pompano Beach, FL 33069 954-831-3060
ACTION ITEMS:	CT has retained the current log, Retain Date: 03/26/2012, Expected Purge Date: 03/31/2012 Image SOP Email Notification, Lynn Girard lynn.girard@fccenvironmental.com
SIGNED: **PER:** **ADDRESS:** **TELEPHONE:**	C T Corporation System Donna Moch 1200 South Pine Island Road Plantation, FL 33324 954-473-5503

#11
NOV #11-0018
Issued 1/13/11

BROWARD COUNTY
FLORIDA
Public Works Department – Water and Wastewater Services
WATER AND WASTEWATER OPERATIONS DIVISION
2401North Powerline Road • Pompano Beach Florida 33069 • PHONE: 954-831-3060 • FAX: 954 831-3247

N.O.V. No. 11-0018

NOTICE OF VIOLATION

The undersigned certifies that he has just grounds to believe and does believe that on: 12/28/2010 at 12:28

Issued To: C T Corporation System
1200 South Pine Island Road
Plantation, Fl, 33324

Registered Agent For: FCC Environmental-Hydrocarbon Recovery

At: 1280 N.E. 48th Street

CITY: Pompano Beach COUNTY: Broward STATE: Florida ZIP: 33064

S.U.O SECTION VIOLATED: Broward County Sewer Use Ordinance Chapter 34-143(c) (e) " *Self Monitoring and analysis of user discharge reports.*

NATURE OF VIOLATION: *The SMR documents received on 12/28/2010 do not contain analytical results for:* Bis (2ethylhexyl) phthalate-- Case Number 117-81-7, and Carbazole—Case Number 86-74-8 (as their Wastewater Discharge Permit # 1071-10 defines analytical Method 625 to contain analysis for the above parameters.

Within ten (10) days of receipt of the Notice of Violation (NOV), a written explanation of your company's intent to correct the deficiencies noted in this NOV shall be submitted to the Manager, Compliance and Enforcement Section, at the above address.

Other charges or escalated enforcement action, in accordance with B.C. Code Chapter 34, Article VI, may be assessed for a non-acceptable written explanation or non response.

An invoice for the assessed penalty of **$100.00** will follow receipt of your response. If you have any questions regarding this matter, please contact Serene Chang at (954) 831-3049.

Serene Chang

Serene Chang, Interim Enforcement Manager
Utility Enforcement Section

cc: Bernie Korzekwinski
1280 N.E. 48th Street
Plantation, Fl. 33064

Date of mailing by Certified Mail, 7010 1870 0002 0654 5712, Date 1/14/2011

Effluent from the outfalls shall consist of waste from the Treatment processes only.

Parameter	Daily Maximum (mg/L)	Monthly Avg. (mg/l)
	Metal Parameters	
Flow	100,000 g.p.d.	--
Arsenic	0.10 [a]	--
Cadmium	0.70 [a]	--
Chromium (T)	0.947 [b]	0.487 [b]
Cobalt (T)	56.4 [b]	18.8 [b]
Copper (T)	0.405 [b]	0.301 [b]
Lead (T)	0.222 [b]	0.172 [b]
Mercury (T)	0.10 [a]	--
Nickel	1.8 [a]	--
Silver	0.35 [a]	--
Tin (T)	0.249	0.146 [b]
Zinc (T)	1.48 [a]	4.46 [b]
	Organic Parameters	
* Bis (2ethylhexyl) phthalate	0.267 [b]	0.158 b
* Carbazole	0.392 [b]	0.233 b
n-Decane	5.79 [b]	3.31 b
Flouranthene	0.787 [b]	0.393 b
n-Octadecane	1.22 [b]	0.925 b
TTO	1.0 [a]	--
Total Chlorinated Phenols	1.0 [a]	--
	Other Parameters	
pH	5.0-10.0 (S.U.)	
Total Phosphate	5.0 [a]	--

Water and Wastewater Services
Utility Compliance & Monitoring Section
Industrial User Self-Monitoring Report

INDUSTRIAL USER NAME: Hydrocarbon Recovery Services Inc.
ADDRESS: 1280 N.E. 48th Street
CITY: Pompano Beach STATE FL ZIP 33064

Permit Nº 1071-07 - Effective: 01/01/2008 - Expires:12/31/2008

Freq	Parameter	Unit	Daily Maximum	Monthly Average-Limit Categorical	SAMPLE 12/23/08 SELF ☐ RESAMPLE ☐	SAMPLE / / SELF ☐ RESAMPLE ☐	SAMPLE / / SELF ☐ RESAMPLE ☐	SAMPLE / / SELF ☐ RESAMPLE ☐
Q	Flow, Total	gpd	100000		<100,000			
Q	Arsenic	mg/l	0.10		0.037			
Q	BOD_5	mg/l	400		5930			
Q	Cadmium	mg/l	0.70		<0.0011			
Q	Chromium	mg/l	0.947	0.487	0.0039			
Q	Cobalt	mg/l	56.4	18.8	0.0041			
Q	COD	mg/l	800		15500			
Q	Copper	mg/l	0.405	0.301	<0.0034			
Q	Cyanide	mg/l	0.25		0.0084			
Q	Lead	mg/l	0.222	0.172	<0.0047			
Q	Mercury	mg/l	0.10		0.00006			
Q	Nickel	mg/l	1.8		0.10			
Q	Tin	mg/l	0.249	0.146	0.0052			
Q	Total Phosphate	mg/l	5.0		0.7109			
Q	pH	S.U.	5.0-10.0		7.71			
Q	Silver	mg/l	0.35		<0.0054			
Q	TRPH	mg/l	50.0		4.93			

Freq	Parameter	Unit	Daily Maximum	Monthly Average-Limit Categorical	SAMPLE / / SELF ☐ RESAMPLE ☐	SAMPLE / / SELF ☐ RESAMPLE ☐	SAMPLE / / SELF ☐ RESAMPLE ☐	SAMPLE / / SELF ☐ RESAMPLE ☐
Q	TSS	mg/l	400		60.0			
Q	TTO	mg/l	1.0		<1			
Q	Total Chlorinated Phenols	mg/l	1.0		<1			
Q	Zinc	mg/l	1.48	4.46	0.19			
Q	Bis (2ethylhexyl) phthalate	mg/l	0.267	0.158	<0.010			
Q	Carbazole	mg/l	0.392	0.233	<0.014			
Q	n-Decane	mg/l	5.79	3.31	<0.004			
Q	n-Octadecane	mg/l	1.22	0.925	<0.0003			
Q	Flouranthene	mg/l	0.787	0.393	<0.002			

RECEIVED WASSAMPLE MGMT. DIV. 10 DEC 28 PM 12:06 COMPLIANCE AND MONITORING SECTION

Sampling Months: January or February, April or May, July or August, October or and November

Reporting Months: March, June, September and December

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Authorized Representative

12/28/10

Date

Analytical Report 400814

for

FCC Environmental. Inc. (Pompano Beach)

Project Manager: Berine Korzekwinski

QUARTERLY (EFFLUENT)

28-DEC-10

XENCO Laboratories
Florida Testing Services, LLC

Genapure
Analytical Services, Inc.

ACCREDITED IN ACCORDANCE WITH nelac

3231 NW 7th Avenue, Boca Raton, FL 33431
Ph:(561) 447-7373 Fax:(561) 447-6136

Xenco-Houston (EPA Lab code: TX00122):
Texas (T104704215-10-6-TX), Arizona (AZ0738), Arkansas (08-039-0), Connecticut (PH-0102), Florida (E871002)
Illinois (002082), Indiana (C-TX-02), Iowa (392), Kansas (E-10380), Kentucky (45), Louisiana (03054)
New Hampshire (297408), New Jersey (TX007), New York (11763), Oklahoma (9218), Pennsylvania (68-03610)
Rhode Island (LAO00312), USDA (S-44102)

Xenco-Atlanta (EPA Lab Code: GA00046):
Florida (E87429), North Carolina (483), South Carolina (98015), Utah (AALII), West Virginia (362), Kentucky (85)
Louisiana (04176), USDA (P330-07-00105)

Xenco-Miami (EPA Lab code: FL01152): Florida (E86678), Maryland (330)
Xenco-Tampa Mobile (EPA Lab code: FL01212): Florida (E84900)
Xenco-Odessa (EPA Lab code: TX00158): Texas (T104704400-TX)
Xenco-Dallas (EPA Lab code: TX01468): Texas (T104704295-TX)
Xenco-Corpus Christi (EPA Lab code: TX02613): Texas (T104704370)
Xenco-Boca Raton (EPA Lab Code: FL01273):
Florida(E86240),South Carolina(96031001), Louisiana(04154), Georgia(917)
North Carolina(444), Texas(T104704468-TX), Illinois(002295), Florida(E86349)

XENCO Laboratories
Florida Testing Services, LLC

Certificate of Analytical Results 400814

FCC Environmental. Inc. (Pompano Beach), Pompano Beach, FL

QUARTERLY (EFFLUENT)

Sample Id: **Effluent** Matrix: **Water** % Moisture:
Lab Sample Id: **400814-001** Date Collected: **Dec-15-10 10:27**
Date Received: **Dec-15-10 16:55**

Analytical Method: SVOCs by EPA 625 Prep Method: E625P
Analyst: JEZ Date Prep: Dec-18-10 17:00 Tech: MKH
Seq Number: 837180

Parameter	Cas Number	Result	PQL	MDL	Units	Analysis Date	Flag	Dil
Acenaphthene	83-32-9	U	0.047	0.003	mg/L	12/22/10 12:28	U	10
Acenaphthylene	208-96-8	U	0.047	0.003	mg/L	12/22/10 12:28	U	10
Anthracene	120-12-7	U	0.047	0.003	mg/L	12/22/10 12:28	U	10
Benzo(k)fluoranthene	207-08-9	U	0.047	0.004	mg/L	12/22/10 12:28	U	10
Benzo(g,h,i)perylene	191-24-2	U	0.047	0.003	mg/L	12/22/10 12:28	U	10
Benzyl Alcohol	100-51-6	2.11	0.093	0.005	mg/L	12/22/10 12:10		20
bis(2-chloroethyl) ether	111-44-4	U	0.047	0.005	mg/L	12/22/10 12:28	U	10
4-chloro-3-methylphenol	59-50-7	U	0.047	0.003	mg/L	12/22/10 12:28	U	10
2-Chlorophenol	95-57-8	U	0.047	0.003	mg/L	12/22/10 12:28	U	10
Chrysene	218-01-9	U	0.047	0.003	mg/L	12/22/10 12:28	U	10
n-Decane	124-18-5	U	0.047	0.004	mg/L	12/22/10 12:28	U	10
di-n-Butyl Phthalate	84-74-2	U	0.047	0.002	mg/L	12/22/10 12:28	U	10
1,3-Dichlorobenzene	541-73-1	U	0.047	0.004	mg/L	12/22/10 12:28	U	10
2,4-Dichlorophenol	120-83-2	U	0.047	0.005	mg/L	12/22/10 12:28	U	10
4,6-dinitro-2-methyl phenol	534-52-1	U	0.116	0.004	mg/L	12/22/10 12:28	U	10
Fluoranthene	206-44-0	U	0.047	0.002	mg/L	12/22/10 12:28	U	10
Fluorene	86-73-7	U	0.047	0.003	mg/L	12/22/10 12:28	U	10
Hexachlorobenzene	118-74-1	U	0.012	0.004	mg/L	12/22/10 12:28	U	10
Hexachlorocyclopentadiene	77-47-4	U	0.047	0.009	mg/L	12/22/10 12:28	U	10
Hexachloroethane	67-72-1	U	0.023	0.004	mg/L	12/22/10 12:28	U	10
Isophorone	78-59-1	U	0.047	0.004	mg/L	12/22/10 12:28	U	10
2-Methylnaphthalene	91-57-6	0.012	0.012	0.001	mg/L	12/22/10 12:28		10
2-methylphenol	95-48-7	0.138	0.047	0.003	mg/L	12/22/10 12:28		10
3&4-Methylphenol	3/4-CRESOL	0.191	0.047	0.003	mg/L	12/22/10 12:28		10
Naphthalene	91-20-3	0.031	0.047	0.004	mg/L	12/22/10 12:28	I	10
Nitrobenzene	98-95-3	U	0.047	0.004	mg/L	12/22/10 12:28	U	10
4-Nitrophenol	100-02-7	U	0.116	0.009	mg/L	12/22/10 12:28	U	10
n-Octadecane	593-45-3	U	0.004	0.0003	mg/L	12/22/10 12:28	U	10
Phenanthrene	85-01-8	U	0.047	0.003	mg/L	12/22/10 12:28	U	10
Pyrene	129-00-0	U	0.047	0.005	mg/L	12/22/10 12:28	U	10
2,4,6-Trichlorophenol	88-06-2	U	0.012	0.003	mg/L	12/22/10 12:28	U	10
N-Nitrosodi-n-Propylamine	621-64-7	U	0.047	0.001	mg/L	12/22/10 12:28	U	10
N-Nitrosodiphenylamine	86-30-6	U	0.047	0.001	mg/L	12/22/10 12:28	U	10

Project: Florida Standard List of Methods

BROWARD COUNTY
FLORIDA

Public Works Department - Water and Waste
WATER AND WASTEWATER OPERATIONS DIV
2401 North Powerline Road, Pompano Beach, FL 33069

CERTIFIED MAIL™

7010 1870 0002 0654 5712

UNITED STATES POSTAL SERVICE

U.S. POSTAGE
PAID
POMPANO BEACH,FL
33069
JAN 12, 11
AMOUNT
$5.71
00061797-12

1000 33071

RETURN RECEIPT
REQUESTED

CT Corporation Sys.
Re: FCC Environmental
1200 South Pine Island Rd
Plantation, Fl. 33071

33024$4453 C010

CT Corporation

Service of Process Transmittal

01/13/2011
CT Log Number 517878496

TO: Kay Tanner
FCC Environmental, LLC
523 N. Sam Houston Pkwy E., Ste 400
Houston, TX 77060-4028

RE: **Process Served in Florida**

FOR: FCC Environmental, LLC (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:	RE: 1280 N.E. 48th Street // To: FCC Environmental-Hydrocarbon Recover *Name discrepancy noted.*
DOCUMENT(S) SERVED:	Notice of Violation, Attachment(s)
COURT/AGENCY:	None Specified Case # 11-0018
NATURE OF ACTION:	Code Violation / Code Enforcement - The SMR documents received on 12-28-10 do not contain analytical results Bis (2ethylhexyl) phthalate and Carbazole
ON WHOM PROCESS WAS SERVED:	C T Corporation System, Plantation, FL
DATE AND HOUR OF SERVICE:	By Certified Mail on 01/13/2011 postmarked on 01/12/2011
APPEARANCE OR ANSWER DUE:	Within 10 days
ATTORNEY(S) / SENDER(S):	Serene Chang, Interin Enforcement Manager Broward County Florida Public Works Dept. Water and Wastewater Services Water and Wastewater Operations Div. 240 North Powerline Rd. Pompano Beach, FL 33069 954-831-3080
REMARKS:	Even though Notice of Violaton shows as indicated above in Title of Action, attached document shows FFC Environmental, LLC.
ACTION ITEMS:	CT has retained the current log, Retain Date: 01/13/2011, Expected Purge Date: 01/18/2011 Image SOP Email Notification, Kay Tanner kay.tanner@fccenvironmental.com
SIGNED:	C T Corporation System
PER:	Donna Moch
ADDRESS:	1200 South Pine Island Road Plantation, FL 33324
TELEPHONE:	954-473-5503

#12
Warning Letter OWL-HW-11-023
Issued 10/18/11

Florida Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard, Jr
Secretary

October 18, 2011

CERTIFIED MAIL
91 7199 9991 7030 9057 8274

WARNING LETTER
OWL-HW-11-023

Mr. Ramon Pujol, Managing Member
FCC Environmental, LLC
523 N. Sam Houston Pkwy. E., Suite 400
Houston, Texas 77060

Orange County-HW
FCC Environmental, LLC
EPA ID FLR000069088

Dear Mr. Pujol:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. A hazardous waste, used oil, and solid waste compliance inspection was conducted at your facility located at 233 Central Florida Pkwy., Orlando, on September 13, 2011. The inspection was conducted under the authority of Section 403.091, Florida Statutes, and Chapter 403, Part IV, Florida Statutes in order to determine the compliance status of your facility with Title 40 Code of Federal Regulations (CFR) Parts 260 – 268, adopted in Florida Administrative Code [Fla. Admin. Code] Chapter 62 – 730, 40 CFR 279, adopted in Fla. Admin. Code Chapter 62 – 710, and Fla. Admin. Code Chapter 62 - 701.

During the inspection, possible violations of Florida Statutes and Rules were noted. These violations are set forth in "New Potential Violations and Areas of Concern" section of the attached inspection reports.

Sections 403.161 and 403.727 Florida Statutes provides that that it is a violation to fail to comply with rules adopted by the Department. The activities observed during the Department's field inspection and any activity at your facility that may be contributing to violations of the above described statutes and rules should be ceased immediately.

The Department has calculated penalties for the violations addressed above. The penalty work sheet is enclosed. The penalty amount was calculated in accordance with Section 403.121, Florida Statutes, the U.S. EPA RCRA Civil Penalty Policy, dated September 2004, and

the Department's Guidelines for Characterizing RCRA Violations. A copy of the documents is available upon request.

Please contact Michael Eckoff, by telephone at (407) 897-4308 or by e-mail at michael.eckoff@dep.state.fl.us within 10 days of receipt of this Warning Letter to schedule a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

This Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The Department looks forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,

Vivian F. Garfein
Director, Central District

VFG/me

Attachments: RCRA Inspection Report
Solid Waste Inspection Report
Penalty Computation Worksheet

cc: Debby Valin, Pollution Prevention Coordinator, FDEP - Central District, debby.valin@dep.state.fl.us
Gloria-Jean DePradine, FDEP - Solid Waste Compliance/Enforcement, gloriajean.depradine@dep.state.fl.us
Glen Perrigan, FDEP, Hazardous Waste Regulation, glen.perrigan@dep.state.fl.us
Vanessa Cruz, Orange County Environmental Protection Division, vanessa.cruz@ocfl.net

Florida Department of

Environmental Protection

Hazardous Waste Inspection Report

FACILITY INFORMATION:

Facility Name: FCC Environmental LLC

On-Site Inspection Start Date: 09/13/2011 **On-Site Inspection End Date:** 09/13/2011

ME ID#: 42602 **EPA ID#:** FLR000069088

Facility Street Address: 233 Central Florida Pkwy, Orlando, Florida 32824-7602

Contact Mailing Address: 223 Central Florida Pkwy, Orlando, Florida 32824-7602

County Name: Orange **Contact Phone:** (813) 478-7706

NOTIFIED AS:

CESQG (<100 kg/month)
Used Oil

INSPECTION TYPE:

Routine Inspection for Used Oil Transporter facility

Routine Inspection for Used Oil Transfer Facility

Routine Inspection for Used Oil Processor facility

Routine Inspection for Used Oil Marketer facility

Routine Inspection for CESQG (<100 kg/month) facility

INSPECTION PARTICIPANTS:

Principal Inspector: Michael Eckoff, Inspector

Other Participants: John White, Environmental Specialist; Rick Smith, Field Service Supervisor; Bernie Snyder, Branch Manager

LATITUDE / LONGITUDE: Lat 28° 24' 29.938" / Long 81° 22' 45.6596"

SIC CODE: 4789 - Trans. & utilities - transportation services, nec

TYPE OF OWNERSHIP: Private

Introduction:

On September 13, 2011, Michael Eckoff and John White, Florida Department of Environmental Protection (FDEP), accompanied by Rick Smith and Bernie Snyder, FCC Environmental LLC (FCC), inspected FCC for compliance with state and federal hazardous waste and used oil regulations. The facility's registration as a used oil handler facility expires July 1, 2012. The facility's liability insurance expired May 1, 2011 [62-710.600(2)(e), Florida Administrative Code (F.A.C.)].

The facility was issued Used Oil and Material Processing Facility Permit No. 175532-HO-003; 267486-SO-002 on May 16, 2011, which expires on January 24, 2016.

INSPECTION HISTORY

The facility was inspected by the Department's Hazardous Waste Program in November 2009 and was not in compliance. The following violations were noted: failure to conduct a waste determination; failure to follow permit conditions; and placement of solid waste on the land in an unapproved manner. The case was resolved through execution of a consent order, including assessment of $2,250.00 in civil penalties and Department costs.

The facility was inspected by the Department's Hazardous Waste Program in June 2009 and was not in compliance. The following violations were noted: failure to maintain personnel training records; failure to include applicable generator EPA ID numbers on acceptance records; and failure to maintain its oil/water separator. A non-compliance letter was issued and the facility responded

with corrective actions. The case was closed without further enforcement.

Process Description:

The facility is authorized to process used oil, used oil filters, petroleum contact waters, oily wastes, waste antifreeze, and petroleum contaminated material, including petroleum contaminated soil, investigation derived wastes such as drill cuttings and mud, petroleum tank bottom sludge, petroleum contaminated sorbent materials, vehicular maintenance pit sediments or sludge, oil/water separator solids, grease interceptor solids, and non-hazardous oil/water separator or other non hazardous sump sludge. Petroleum contaminated solid wastes, oily wastes, and used oil filters are received at this facility.

Tank Farm
Used oil and oily wastewater is off-loaded from tankers to a series of tanks stored within secondary containment. The tank storage area consists of two 1,000-gallon and six 20,000 gallon aboveground storage tanks (ASTS). Two of the 20,000-gallon tanks are divided into two 10,000-gallon capacity compartments. The facility also maintains a 20,000-gallon frac tank. All ASTS are constructed of steel and are located within secondary containment. Tanks 1 through 8 are registered for used oil, but may contain used oil, oily water, used antifreeze, or petroleum contact water as the need arises. Drains located along the front of the tank farm are directed to an oil/water separator that discharges to an on-site retention pond.

Tank 1 was out of service at the time of this inspection. According to Mr. Smith, the tank had failed some time ago and was currently being pressure tested to determine if it was fit-for-use. The Department was not notified that the tank had been taken out of service. Part I - General and Standard Conditions, Condition 43 of the permit requires the Department be notified immediately if a release requires the Permittee to take any of the tanks out of service. Mr. Snyder was asked to send the Department notification when the tank is returned to service.

The secondary containment area for the storage tanks had approximately two-inches of rain water. No sheen was visible on the water. Part I - General and Standard Conditions, Condition 40 and Part III - Tank and Container Conditions, Condition 8 of the permit requires removal of spilled or leaked waste and accumulated precipitation from the secondary containment area within 24 hours of detection. The facility indicated it was removing water from the area on a regular basis.

A separate containment area, located along the front wall of the tank farm, is used for transfer pumps. Small oil/water spills were visible in the containment area.

The bottom ¼ portion of 55-gallon poly drums were being used to catch oil releases from transfer hoses connected to tankers. Four accumulation containers, each holding approximately ten gallons of used oil, were not labeled with the words "Used Oil" [40 CFR 279.54(f)(1) and 62-710.800(2), F.A.C./Part I - General and Standard Conditions, Condition 34 and Part III - Tank and Container Conditions, Condition 4/403.161(1)(b), Florida Statutes (F.S.)].

Vacuum truck solids, and solids removed during processing operations by vacuum trucks, are put in a roll-off container. Mr. Smith asked if solids contained in drums could also be bulked into the roll-off container. Part V - Non-Hazardous, Non-Used Oil Waste Conditions, Condition 1 of the permit indicates that it is expected solid waste will be received in drums, containers, or by vacuum trucks and bulked. So, it is acceptable for the facility to bulk drum contents into the roll-off container.

Stored next to an open top tank where solids are separated were three 55-gallon drums containing rags.

The facility has a drum storage area adjacent to the tank farm equipped with concrete secondary containment. The drum storage area is capable of storing 200 drums and two 30-yard roll off containers. In the covered drum storage area, on the rear wall, were markings used to separate containers.

In the "Row 1 Solvent" area were three unlabeled 30-gallon containers and three unlabeled 16-

gallon containers of what Mr. Smith stated was parts cleaner solvent [40 CFR 262.11]. Mr. Smith was not sure if the material was new, and headed out to customers, or used, and destined for reuse in FCC's continued use program. The facility should be able to quickly determine if drums stored on the property contain product or used material. Any material the facility designates as product should be treated as such and properly labeled and managed. Also in Row 1 were four over pack drums, four 55-gallon drums, and one 30-gallon container that had several labels, including an old hazardous waste label [40 CFR 262.11]. Mr. Smith was asked to remove the old hazardous waste label from the container, please see Part I - General and Standard Conditions, Condition 26 of the permit.

In the "Row 2 Pads" area was a cubic yard bag of activated carbon, two empty 250-gallon totes, and four 55-gallon drums of used oil filters.

In the "Row 3 Solids" area were three empty over pack drums, six 55-gallon drums of spent antifreeze, and one 30-gallon container of sorbent waste.

Near the front of the covered portion of the drums storage area were three empty 55-gallon drums and one empty 30-gallon container with a "Hazardous Waste Gasoline" label. Mr. Smith was asked to remove the label from this container.

In the uncovered portion of the drum storage area were approximately ninety-five 55-gallon drums, seven 30-gallon drums, two 16-gallon containers, and one over pack drum. Adequate aisle space was not maintained within the drums and containers [40 CFR 279.52(a)(5)]. The drums contained spent antifreeze, fuel, and parts washer solvent.

Stored in front of the drum storage area, on the concrete pad, were six large plastic containers that looked like trash cans and fifty-one drums containing used oil filters, used absorbents, and two 55-gallon drums labeled "Used Oil." According to Part - I General and Standard Conditions, Condition 27 of the permit used oil is only allowed to be stored in aboveground tanks within secondary containment, and/or within double-walled tanks as shown in Attachment - A of the permit. No processing of oil filters occurs at this location. Used oil filters are transferred to FCC Environmental locations in Plant City, Florida or Ft. Pierce, Florida for processing and subsequent recycling. Oily wastes may contain recoverable used oil, which is vacuumed off and handled within the facility's used oil stream. The generated solids are bulked on site to the roll-off, profiled and transported.

Along the west side of the concrete pad, where the pad ends and the grass/dirt begins, was an area of stained soil measuring approximately nine feet by six feet [62-710.800(2), F.A.C./Part III - Tank and Container Conditions, Condition 2/403.161(1)(b), F.S.]. The soil appears to have been impacted by oily water. Mr. Smith was asked to address the release to the ground.

The roll-off containing bulked solids was closed. There were two unlabeled drums stored in front of the roll-off [40 CFR 262.11].

On the corner of the concrete pad where the used oil filters were stored was a storm drain. The drain is connected to an oil/water separator and discharges to a retention area on the south side of the property. Inspection of the retention area found a small area of standing water. No sheen was noted on the water.

The frac tank was stored along the front of the tank storage area. Mr. Smith was not sure if the tank had contents, or was empty. The tank was not labeled.

The facility also receives petroleum contact water (PCW). The PCW is transferred to the FCC Environmental - Plant City, Florida facility where it is pretreated prior to discharge to the Plant City Publicly Owned Treatment Works (POTW). It appears the facility is mixing PCW with oily water, which is not acceptable.

Records Review
A copy of the permit was not available [62-710.800(2), F.A.C./Part I - General and Standard

Conditions, Condition 12/403.161(1)(b), F.S.].

A copy of the validated registration form was not displayed in a prominent place at the facility [62-710.500(4), F.A.C. and 62-710.800(2), F.A.C./Part I - General and Standard Conditions, Condition 19/403.161(1)(b), F.S.].

The facility is in the process of updating the SPCC plan to reflect Mr. Snyder as the emergency coordinator. The plan must be submitted to the Department and local agencies as required in Part I - General and Standard Conditions, Condition 42(c) of the permit.

Proof of notification to local authorities was not available [40 CFR 279.52(a)(6) and 62-710.800(2), F.A.C./Part I - General and Standard Conditions, Condition 41(e)/403.161(1)(b), F.S.].

Mr. Snyder was not familiar with the location of all the records within the facility [40 CFR 279.52(b)(5) and 62-710.800(2), F.A.C./Part I - General and Standard Conditions, Condition 42(d)/403.161(1)(b), F.S.].

In case of emergency, facility has vacuum trucks to address releases. Employees have cell phones with 2-way radio capability. An employee is always on-call and on weekends and after-hours the telephone is forwarded to an employee for emergency calls.

If the driver is picking up a used oil load and encounters oil that does not pass the halogen screening a sample is taken of the oil for purposes of complying with the rebuttable provision. The sample is sent to the Plant City facility for analysis to determine what type of halogen is causing the issue.

The facility does not claim the used oil is on-specification (on-spec), so there is no testing of out-going loads.

Records of used oil shipments for further processing were not available [40 CFR 279.56(b) and 62-710.800(2), F.A.C./Part II - Used Oil Processing Conditions, Condition 1(b)/403.161(1)(b), F.S.].

The written operating record was not available for review [40 CFR 279.57(a) and 62-710.800(2), F.A.C./Part II - Used Oil Processing Conditions, Condition 2/403.161(1)(b), F.S.].

Mr. Snyder stated solids are tested to ensure they are not hazardous waste and are shipped off-site for disposal or further management but no records were available for review [40 CFR 262.11 and 62-710.800(2), F.A.C./Part V - Non-Hazardous, Non-Used Oil Waste Conditions, Condition 1(e)/403.161(1)(b), F.S.].

The PCW annual report was not received by the Department [62-740.300(5), F.A.C. and 62-710.800(2), F.A.C./Part IV - Petroleum Contact Water Processing Conditions, Condition 8/403.161(1)(b), F.S.].

Daily inspections, documented weekly, of the tank system as required in Part I - General and Standard Conditions, Condition 39 and Part III - Tank and Container Conditions, Condition 7 of the permit were located at the tank farm.

Documentation of personnel training was not available [62-710.600(2)(c), F.A.C.].

New Potential Violations and Areas of Concern:

Checklist Independent Potential Violations and Areas of Concern

Type: Violation

Rule: 279.54(f)(1)

Explanation: Containers and aboveground tanks used to store or process used oil at processing and re-refining facilities must be labeled or marked clearly with the words "Used Oil." Specifically, FCC failed to label four containers of used oil with the words "Used Oil."

Corrective Action: FCC shall label all containers storing used oil with the words "Used Oil." Please provide documentation of the four containers properly labeled to the Department within 30 days from the date of your receipt of this Warning Letter.

Type: Violation

Rule: 62-710.600(2)(c)

Explanation: Maintain a record of training in the company's operating record and the individual personnel files indicating the type of training received along with the dated signature of those receiving and providing the training. These records shall be retained for a minimum of three years and available for review by Department personnel during inspections. Specifically, FCC failed to maintain training documentation for its employees.

Corrective Action: FCC shall maintain training documentation for its employees. Please provide documentation of training for employees to the Department within 30 days from the date of your receipt of this Warning Letter.

Type: Violation

Rule: 62-710.800(2), 403.161(1)(b)

Explanation: To fail to obtain any permit required by this chapter or by rule or regulation, or to violate or fail to comply with any rule, regulation, order, permit, or certification adopted or issued by the department pursuant to its lawful authority. Specifically, FCC failed to label containers of used oil, address the release to the ground next to the drum storage area, keep a copy of the complete permit on-site, display the validated registration form in a prominent place at the facility, attempt to make arrangements with local authorities, ensure the emergency coordinator is thoroughly familiar with the location of all records within the facility, keep a record of each used oil shipment that is shipped to a used oil processor, keep a copy of the written operating record at the facility, keep analytical results for solids disposed as non-hazardous waste, and submit a report of PCW activities to the Department by March 1 of each year as required by the permit.

Corrective Action: FCC shall comply with its permit. Please provide documentation that these requirements are being fulfilled to the Department within 30 days from the date of your receipt of this Warning Letter.

Type: Violation

Rule: 62-710.500(4)

Explanation: Each registered person shall display the validated registration form and identification number in a prominent place at each facility location. Specifically, FCC failed to display the validated registration form and identification number in a prominent place at each facility location.

Corrective Action: FCC shall display the validated registration form and identification number in a prominent place at each facility location. Please provide documentation of the

validated registration form and identification number displayed in a prominent place at the facility to the Department within 30 days from the date of your receipt of this Warning Letter.

Type: Violation

Rule: 262.11

Explanation: A person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste. Specifically, FCC failed to conduct a proper waste determination on four over pack drums, six 55-gallon drums, four 30-gallon containers, three 16-gallon containers, and solids disposed as non-hazardous waste.

Corrective Action: FCC shall conduct a proper waste determination on four over pack drums, six 55-gallon drums, four 30-gallon containers, three 16-gallon containers, and solids disposed as non -hazardous waste. Please provide the results of the waste determination to the Department within 30 days from the date of your receipt of this Warning Letter. If any of these wastes are known to be hazardous waste, please indicate this and when available, provide a copy of the manifest documenting removal of these wastes from the property.

Type: Violation

Rule: 279.52(b)(5)

Explanation: Emergency coordinator. 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 characteristic of used oil handled, the location of all records within the facility, and facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan. Guidance: The emergency coordinator's responsibilities are more fully spelled out in paragraph (b)(6) of this section. Applicable responsibilities for the emergency coordinator vary, depending on factors such as type and variety of used oil handled by the facility, and type and complexity of the facility. Specifically, FCC failed to ensure the emergency coordinator is thoroughly familiar with the location of all records within the facility.

Corrective Action: FCC shall ensure the emergency coordinator is thoroughly familiar with the location of all records within the facility. Please provide documentation that this requirement is being fulfilled to the Department within 30 days from the date of your receipt of this Warning Letter.

Type: Violation

Rule: 279.57(a)(2)(ii), 279.57(a)(2)(i), 279.57(a)(2), 279.57(a)(1)

Explanation: The owner or operator must keep a written operating record at the facility. Specifically, FCC failed to keep a written operating record at the facility.

Corrective Action: FCC shall keep a written operating record at the facility. Please provide documentation that this requirement is being fulfilled to the Department within 30 days from the date of your receipt of this Warning Letter.

Type: Violation

Rule: 279.52(a)(6)

Explanation: Arrangements with local authorities. (i) The owner or operator must attempt to make the following arrangements, as appropriate for the type of used oil handled at the facility and the potential need for the services of these organizations: (A) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of used oil 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; (B) 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; (C) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and (D) Arrangements to familiarize local hospitals with the properties of used oil handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility. Specifically, FCC failed to attempt to make arrangements with the above organizations.

Corrective Action: FCC shall attempt to make arrangements with the above organizations. Please provide documentation of attempts to make arrangements with the above organizations to the Department within 30 days from the date of your receipt of this Warning Letter.

Type: Violation

Rule: 62-710.600(2)(e)

Explanation: Have, verify, and maintain vehicle insurance with a combined single limit of no less than $1,000,000. Such insurance, or additional policy, must in no way exclude pollution coverage for sudden and accidental alleged or threatened discharge, dispersal, seepage, migration, release or escape of used oil, and must include any cost or expense relating to pollution damage for which the transporter is legally liable. Such insurance must be maintained at all times and be exclusive of legal defense costs. Specifically, FCC failed to maintain its liability insurance.

Corrective Action: FCC shall maintain its liability insurance. Please provide documentation of current liability insurance to the Department within 30 days from the date of your receipt of this Warning Letter.

Type: Violation

Rule: 279.52(a)(5)

Explanation: Required aisle space. The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes. Specifically, FCC failed to maintain adequate aisle space within the drums and containers.

Corrective Action: FCC shall maintain adequate aisle space within the drums and containers. Please provide documentation that this requirement is being fulfilled to the

Department within 30 days from the date of your receipt of this Warning Letter.

Type: Violation

Rule: 279.56(b)

Explanation: Delivery. Used oil processor/re-refiners must keep a record of each shipment of used oil that is shipped to a used oil burner, processor/ re-refiner, or disposal facility. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Specifically, FCC failed to keep a record of each shipment of used oil that is shipped to a used oil processor.

Corrective Action: FCC shall keep a record of each shipment of used oil that is shipped to a used oil processor. Please provide documentation of shipments of used oil that is shipped to a used oil processor to the Department within 30 days from the date of your receipt of this Warning Letter.

Type: Violation

Rule: 62-740.300(5)

Explanation: A recovery facility shall maintain records documenting quantities of product recovered from PCW and submit a report to the Department by March 1 of each year. The report shall include the total quantity of the PCW received and an estimate of the total quantity of product recovered from the PCW during the previous calendar year. Specifically, FCC failed to submit a report of PCW activities to the Department by March 1 of each year.

Corrective Action: FCC shall submit a report of PCW activities to the Department by March 1 of each year. Please provide documentation that the PCW report for 2010 was submitted as required within 30 days from the date of your receipt of this Warning Letter.

Summary of Potential Violations and Areas of Concern:

Potential Violations

Rule Number	Area	Date Cited	Explanation
Checklist Independent Violations			
279.54(f)(1)		09/13/2011	Containers and aboveground tanks used to store or process used oil at processing and re -refining facilities must be labeled or marked clearly with the words "Used Oil." Specifically, FCC failed to label four containers of used oil with the words "Used Oil."
62-710.600(2)(c)		09/13/2011	Maintain a record of training in the company's operating record and the individual personnel files indicating the type of training received along with the dated signature of those receiving and providing the training. These records shall be retained for a minimum of three years and available for review by Department personnel during inspections. Specifically, FCC failed to maintain training documentation for its

Rule Number	Area	Date Cited	Explanation
			employees.
62-710.800(2), 403.161(1)(b)		09/13/2011	To fail to obtain any permit required by this chapter or by rule or regulation, or to violate or fail to comply with any rule, regulation, order, permit, or certification adopted or issued by the department pursuant to its lawful authority. Specifically, FCC failed to label containers of used oil, address the release to the ground next to the drum storage area, keep a copy of the complete permit on-site, display the validated registration form in a prominent place at the facility, attempt to make arrangements with local authorities, ensure the emergency coordinator is thoroughly familiar with the location of all records within the facility, keep a record of each used oil shipment that is shipped to a used oil processor, keep a copy of the written operating record at the facility, keep analytical results for solids disposed as non-hazardous waste, and submit a report of PCW activities to the Department by March 1 of each year as required by the permit.
62-710.500(4)		09/13/2011	Each registered person shall display the validated registration form and identification number in a prominent place at each facility location. Specifically, FCC failed to display the validated registration form and identification number in a prominent place at each facility location.
262.11		09/13/2011	A person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste. Specifically, FCC failed to conduct a proper waste determination on four over pack drums, six 55 -gallon drums, four 30-gallon containers, three 16-gallon containers, and solids disposed as non-hazardous waste.
279.52(b)(5)		09/13/2011	Emergency coordinator. 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 characteristic of used oil handled, the location of all records within the

Rule Number	Area	Date Cited	Explanation
			facility, and facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan. Guidance: The emergency coordinator's responsibilities are more fully spelled out in paragraph (b)(6) of this section. Applicable responsibilities for the emergency coordinator vary, depending on factors such as type and variety of used oil handled by the facility; and type and complexity of the facility. Specifically, FCC failed to ensure the emergency coordinator is thoroughly familiar with the location of all records within the facility.
279.57(a)(2)(ii), 279.57(a)(2)(i), 279.57(a)(2),		09/13/2011	The owner or operator must keep a written operating record at the facility. Specifically, FCC failed to keep a written operating record at the facility.
279.52(a)(6)		09/13/2011	Arrangements with local authorities. (i) The owner or operator must attempt to make the following arrangements, as appropriate for the type of used oil handled at the facility and the potential need for the services of these organizations: (A) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of used oil 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; (B) 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; (C) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and (D) Arrangements to familiarize local hospitals with the properties of used oil handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility. Specifically, FCC failed to attempt to make arrangements with the above organizations.
62-710.600(2)(e)		09/13/2011	Have, verify, and maintain vehicle insurance with a combined single limit of no less than $1,000,000. Such insurance, or additional policy, must in no way

Rule Number	Area	Date Cited	Explanation
			exclude pollution coverage for sudden and accidental alleged or threatened discharge, dispersal, seepage, migration, release or escape of used oil, and must include any cost or expense relating to pollution damage for which the transporter is legally liable. Such insurance must be maintained at all times and be exclusive of legal defense costs. Specifically, FCC failed to maintain its liability insurance.
279.52(a)(5)		09/13/2011	Required aisle space. The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes. Specifically, FCC failed to maintain adequate aisle space within the drums and containers.
279.56(b)		09/13/2011	Delivery. Used oil processor/re-refiners must keep a record of each shipment of used oil that is shipped to a used oil burner, processor/ re-refiner, or disposal facility. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Specifically, FCC failed to keep a record of each shipment of used oil that is shipped to a used oil processor.
62-740.300(5)		09/13/2011	A recovery facility shall maintain records documenting quantities of product recovered from PCW and submit a report to the Department by March 1 of each year. The report shall include the total quantity of the PCW received and an estimate of the total quantity of product recovered from the PCW during the previous calendar year. Specifically, FCC failed to submit a report of PCW activities to the Department by March 1 of each year.

Areas of Concern

No Areas of Concern

Conclusion:

FCC Environmental LLC was inspected as a used oil transporter, used oil transfer facility, used oil marketer, used oil filter transporter, used oil filter transfer facility, and permitted used oil processor and was not in compliance at that time.

Please provide documentation of the daily inspections, documented weekly, of the tank system to

the Department within 30 days from the date of your receipt of this Warning Letter. In addition, please provide documentation of PCW stored for no longer than 35 days if not recovering product on-site to the Department within 30 days from the date of your receipt of this Warning Letter.

Signed:

A hazardous waste compliance inspection was conducted on this date, to determine your facility's compliance with applicable portions of Chapters 403 & 376, F.S., and Chapters 62-710, 62-730, 62-737, & 62 -740 Florida Administrative Code (F.A.C.). Portions of the United States Environmental Protection Agency's Title 40 Code of Federal Regulations (C.F.R.) 260 - 279 have been adopted by reference in the state rules under Chapters 62-730 and 62-710, F.A.C. The above noted potential items of non-compliance were identified by the inspector(s).

This is not a formal enforcement action and may not be a complete listing of all items of non-compliance discovered during the inspection.

Michael Eckoff	Inspector
PRINCIPAL INSPECTOR NAME	**PRINCIPAL INSPECTOR TITLE**
NO SIGNATURE	
PRINCIPAL INSPECTOR SIGNATURE	
John White	Environmental Specialist
INSPECTOR NAME	**INSPECTOR TITLE**
NO SIGNATURE	FDEP - Central District
INSPECTOR SIGNATURE	**ORGANIZATION**
Rick Smith	Field Service Supervisor
REPRESENTATIVE NAME	**REPRESENTATIVE TITLE**
NO SIGNATURE	FCC Environmental LLC
REPRESENTATIVE SIGNATURE	**ORGANIZATION**
Bernie Snyder	Branch Manager
REPRESENTATIVE NAME	**REPRESENTATIVE TITLE**
NO SIGNATURE	FCC Environmental LLC
REPRESENTATIVE SIGNATURE	**ORGANIZATION**

NOTE: By signing this document, the Site Representative only acknowledges receipt of this Inspection Report and is not admitting to the accuracy of any of the items identified by the Department as "Potential Violations" or areas of concern.

Florida Department of

Environmental Protection

Inspection Checklist

FACILITY INFORMATION:

Facility Name: FCC ENVIRONMENTAL

On-Site Inspection Start Date: 09/13/2011

On-Site Inspection End Date: 09/13/2011

WACS No.: 93579

Facility Street Address: 223 CENTRAL FLORIDA PARKWAY

City: ORLANDO

County Name: ORANGE

Zip: 32824

INSPECTION PARTICIPANTS:

(Include ALL Landfill and Department Personnel with Corresponding Titles)

Principal Inspector: Michael Eckoff, Inspector

Other Participants: Bernie Snyder, Branch Manager; John White, Environmental Specialist; Rick Smith, Field Service Supervisor

INSPECTION TYPE:

Routine Operation Inspection for Waste Processing - Other (user defined) facility

ATTACHMENTS TO THE INSPECTION CHECK LIST:

This Cover Page to the Inspection Checklist may include any or all of the following attachments as appropriate.

SECTION 4.0 - WASTE PROCESSING FACILITIES

Inspection Date: 09/13/2011

SECTION 4.0 - WASTE PROCESSING FACILITIES

Requirements:

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

Item No.	SOLID WASTE PROHIBITIONS (unless "grandfathered" in, see 62-701.300(18)) Completed	Ok	Not Ok	Unk	N/A
4.1.1	Unauthorized storage, processing, or disposal of solid waste except as authorized at a permitted solid waste management facility or other exempt facility? 62-701.300(1)(a)	✓			
4.1.2	Unauthorized disposal or storage prohibited, except yard trash, within 500 feet of a potable water well? 62-701.300(2)(b)	✓			
4.2	Unauthorized storage or disposal of yard trash prohibited within the minimum setbacks of (Check any that are Not OK) 62-701.300(12) ☐ 100 feet from potable water wells (except on-site)? ☐ 50 feet from water bodies?	✓			
4.3	Unauthorized disposal or storage prohibited in any natural or artificial body of water including ground water and wetlands? (Does not apply to standing water after a storm event.) 62-701.300(2)(d)	✓			
4.4	Unauthorized disposal or storage prohibited, except yard trash, within 200 feet of any natural or artificial body of water, including wetlands without permanent leachate controls, except impoundments or conveyances which are part of an on-site, permitted stormwater management system or on-site water bodies with no off-site discharge? 62-701.300(2)(e)	✓			
4.5	Unauthorized open burning of solid waste prohibited, except in accordance with Department requirements? 62-701.300(3)	✓			
4.6	Are the following unauthorized wastes or special wastes properly managed? (Check any that are Not OK) ☐ Hazardous waste 62-701.300(4) ☐ Biomedical waste 62-701.300(6) ☐ Used oil and oily wastes, except as exempted 62-701.300(11) ☐ PCB wastes 62-701.300(5) ☐ Liquids 62-701.300(10)	✓			

Item No.	WASTE PROCESSING FACILITY OPERATION AND MAINTENANCE Completed	Ok	Not Ok	Unk	N/A
4.7	Do the tipping, processing, sorting, storage and compaction areas that are in an enclosed building or covered area have adequate ventilation? 62-701.710(3)(a)				✓
4.8	For areas not enclosed, is litter controlled and are litter control devices maintained? 62-701.710(3)(a)				✓
4.9	Is leachate collection and removal system maintained and operated as required? 62-701.710(3)(b)				✓
4.10	Are all drains and leachate conveyances kept clean so that leachate flow is not impeded? 62-701.710(4)(b)				✓
4.11	Are the following records or plans current and available on-site? (Check any that are Not OK) ☐ Operation and Maintenance Manual 62-701.710(4)(a)1 ☐ Contingency Plan 62-701.710(4)(a)3 ☐ Operation records 62-701.710(9)(a)				✓
4.12	Is the Operation and Maintenance Manual substantially followed? 62-701.710(4)(a)1				✓
4.13	Are putrescible wastes stored no longer than 48 hours or as otherwise allowed in the Operation and Maintenance Plan? 62-701.710(4)(b)				✓
4.14	Are areas where putrescible waste is stored or processed cleaned at least weekly to prevent odor and vector problems? 62-701.710(4)(b)				✓
4.15	Are the operating hours posted at the facility? 62-701.710(4)(c)1				✓

Inspection Date: 09/13/2011

Item No.	WASTE PROCESSING FACILITY OPERATION AND MAINTENANCE Completed	Ok	Not Ok	Unk	N/A
4.16	Is a trained operator on duty whenever the facility is operating? 62-701.710(4)(c)1				✓
4.17	Is at least one trained spotter on duty at all times that waste is received at the facility to inspect the incoming waste? 62-701.710(4)(c)2				✓
4.18	Are unauthorized wastes removed from the waste stream and placed into appropriate containers for disposal at a permitted facility? 62-701.710(4)(c)2				✓
4.19	Is the facility operated to control objectionable odors? 62-701.710(4)(d)				✓
4.20	Is adequate fire protection equipment available and operational? 62-701.710(4)(e)				✓
4.21	Is access to the facility controlled by fencing or other effective barriers to prevent disposal of unauthorized solid waste? 62-701.710(4)(f)				✓
4.22	If the facility is a Transfer Station and is claiming the financial assurance exemption, does it manage the waste on a first-in, first-out basis and store waste for no greater than 7 days? 62-701.710(10)(a)				✓
4.23	Is stormwater effectively controlled? 62-701.710(8)				✓
4.24	Are all additional specific conditions (not otherwise addressed above) in the permit, Department order, or certification, if any, being followed? 62-701.320(1), 403.161, F.S.		✓		

Item No.	WASTE PROCESSING FACILITY CLOSURE Completed	Ok	Not Ok	Unk	N/A
4.25	Has the solid waste or residue been properly disposed of within 30 days after receiving the final solid waste shipment? 62-701.710(6)(c)				✓
4.26	Has closure been completed within 180 days after receiving the final solid waste shipment? 62-701.710(6)(d)				✓

Inspection Date: 09/13/2011

Current Violations:

Rule:	403.161, 62-701.320(1)
Question Number:	4.24
Explanation:	(1) It shall be a violation of this chapter, and it shall be prohibited for any person: (b) To fail to obtain any permit required by this chapter or by rule or regulation, or to violate or fail to comply with any rule, regulation, order, permit, or certification adopted or issued by the department pursuant to its lawful authority. Specifically, FCC failed to maintain a signed Profile Document from each generator of oil contaminated solid waste demonstrating the waste is non-hazardous as required in Part V - Non-Hazardous, Non-Used Oil Waste Conditions, Number 1.c., of the permit. In addition, FCC failed to maintain records of the total amount of oil contaminated solid waste delivered, processed and disposed of annually as required in Part V - Non-Hazardous, Non-Used Oil Waste Conditions, Number 1.f., of the permit.
Corrective Action:	FCC shall maintain a signed Profile Document from each generator of oil contaminated solid waste demonstrating the waste is non-hazardous as required in Part V - Non-Hazardous, Non-Used Oil Waste Conditions, Number 1.c., of the permit. In addition, FCC shall maintain records of the total amount of oil contaminated solid waste delivered, processed and disposed of annually as required in Part V - Non-Hazardous, Non-Used Oil Waste Conditions, Number 1.f., of the permit. Please provide documentation that these requirements are being fulfilled to the Department within 30 days of the date of your receipt of this Warning Letter.

COMMENTS:

09/13/2011

Permit No. 267486-SO-002 expires 1/24/2016

Inspection Date: 09/13/2011

Signed:

Michael Eckoff	Inspector
PRINCIPAL INSPECTOR NAME	**PRINCIPAL INSPECTOR TITLE**
NO SIGNATURE	
PRINCIPAL INSPECTOR SIGNATURE	

John White	Environmental Specialist
INSPECTOR NAME	**INSPECTOR TITLE**
NO SIGNATURE	FDEP - Central District
INSPECTOR SIGNATURE	**ORGANIZATION**

Bernie Snyder	Branch Manager
REPRESENTATIVE NAME	**REPRESENTATIVE TITLE**
NO SIGNATURE	FCC Environmental LLC
REPRESENTATIVE SIGNATURE	**ORGANIZATION**

Rick Smith	Field Service Supervisor
REPRESENTATIVE NAME	**REPRESENTATIVE TITLE**
NO SIGNATURE	FCC Environmental LLC
REPRESENTATIVE SIGNATURE	**ORGANIZATION**

NOTE: By signing this document, the Site Representative only acknowledges receipt of this Inspection Report and is not admitting to the accuracy of any of the items identified by the Department as "Not Ok" or areas of concern.

PENALTY COMPUTATION WORKSHEET

Facility's Name: FCC Environmental, LLC EPA ID #: FLR000069088

Facility Address: 233 Central Florida Pkwy., Orlando, FL 32824-7602

Staff Responsible for Penalty Computations: Michael Eckoff Date: October 17, 2011

	Violation Type	Manual Guide	Potential for Harm	Extent of Deviation	Matrix Range	Multi Day	Other Adjustments	Total
a.	262.11 Waste determination	HW-16	Moderate	Major	$15,580-$11,330			$13,455
b.	279.52(a)(5) Required aisle space	UO-121	Minor	Minor	$500			$500
c.	279.52(a)(6) Notify local authorities	UO-108	Minor	Major	$1,199-$500			$849
d.	279.52(b)(5) Location of records	UO-111	Minor	Minor	$500			$500
e.	279.54(f)(1) Used oil label	UO-146	Minor	Major	$1,199-$500			$849
f.	279.56(b) Used oil shipment records	UO-39	Moderate	Major	$4,599-$3,200			$3,899
g.	279.57(a)(2) Written operating record	UO-86	Minor	Major	$1,199-$500			$849
h.	62-710.500(4), F.A.C. Display valid registration	UO-26	Minor	Minor	$500			$500
i.	62-710.600(2)(c), F.A.C. Personnel training	UO-63	Minor	Minor	$500			$500
j.	62-710.600(2)(e), F.A.C. Liability insurance	UO-67	Moderate	Major	$4,599-$3,200			$3,899
k.	62-740.300(5), F.A.C. PCW annual report	UO-86	Minor	Minor	$500			$500

Multi-day and Economic Benefit adjustments were not calculated at this time.

TOTAL PENALTY AMOUNT FOR ALL VIOLATIONS: $26,300.00

Prepared by:

Michael Eckoff
Environmental Specialist

Date: October 17, 2011

Vivian F. Garfein
Director, Central District

Date: October 17 2011

WORKSHEET

RANKING SYSTEM FOR POTENTIAL FOR HARM FOR HAZARDOUS WASTE VIOLATIONS

FACILITY NAME: FCC Environmental, LLC - FLR000069088 Date: October 17, 2011

	Violation	Description	Nature of Waste	Amount of Waste	Release	People	Total Points
a.	262.11	Waste determination	4	5	1	4	14

SCORING SYSTEM

NATURE OF WASTE	AMOUNT OF WASTE	RECEPTORS	
		Releases	Affected Population
8 - High hazard wastes	8 - > 5,000 kg (25 drums)	6 - Release	4 - > 1,000
	5 - 1, 000 to 5,000 kg	4 - High potential for release	3 - 100 - 1,000
4 - typical hazardous waste	2 - < 1,000 kg (5 drums)		2 - 10 - 100
		1 - No release	1 - <10

MAJOR POTENTIAL FOR HARM: 19-24

MODERATE POTENTIAL FOR HARM: 13-18

MINOR POTENTIAL FOR HARM: 8-12

RANKING SYSTEM FOR POTENTIAL FOR HARM FOR USED OIL VIOLATIONS

	Violation	Description	Nature of Waste	Amount of Waste	Release	People	Total Points
b.	279.52(a)(5)	Required aisle space	4	5	1	1	11
e.	279.54(f)(1)	Used oil label	4	2	1	1	8
f.	279.56(b)	Used oil shipment records	4	8	1	4	17
j.	62-710.600(2)(e), F.A.C.	Liability insurance	4	8	1	4	17

USED OIL SCORING SYSTEM

NATURE OF WASTE	WASTE VOLUME	LOCATION OF RECEPTORS	
		Discharges	Potential exposure Ground/Surface Water/Air
4 – Used oil	8 - >10 drums	6 – Actual discharge	4 – Potential to >1,000 people
	5 – 3 to 10 drums	4 – Potential for discharge	3 – Potential to 100 - 1,000 people
2 – Used oil filter(s)	2 - <3 (55-gallon) drums		2 – Potential to 10 – 100 people
		1 - No discharge	1 – Potential to <10 people

MAJOR POTENTIAL FOR HARM: 19-24

MODERATE POTENTIAL FOR HARM: 13-18

MINOR POTENTIAL FOR HARM: 6-12

ONLY VIOLATIONS IN WHICH A "POTENTIAL FOR HARM" SCORE IS REQUIRED ARE LISTED

Florida Department of
Environmental Protection
Central District
3319 Maguire Boulevard, Suite 232
Orlando FL 32803-3767

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard, Jr
Secretary

December 06, 2011

ELECTRONIC MAIL
scott.crandall@fccenvironmental.com

OCD-HW-11-319

Mr. Scott Crandall, P.E., Director EH & S
FCC Environmental, LLC
105 S. Alexander Street
Plant City, Florida 33563

Orange County-HW
FCC Environmental, LLC - FLR000069088
Revised Penalty Letter

Dear Mr. Crandall:

A hazardous waste and used oil compliance inspection was conducted at your facility located at 233 Central Florida Pkwy., Orlando, on September 13, 2011. The inspection was conducted under the authority of Section 403.091, Florida Statutes, and Chapter 403, Part IV, Florida Statutes and was designed to determine the compliance status of your facility with 40 CFR 260-268, and 279 adopted in Florida Administrative Code Chapter 62-730 and 62-710. As a result of the inspection, Warning Letter OWL-HW-11-023 was issued on October 18, 2011. An informal meeting was held on November 17, 2011 to discuss the violations described in the Warning Letter.

All the information presented since the September 13, 2011 inspection, as well as, information provided during the November 17, 2011 meeting, has been reviewed. The Department has the following comments.

a) Waste Determination: The Department maintains that FCC Environmental, LLC violated this regulation but agrees to change the matrix to minor-major and drop the penalty to the low end of the matrix.
b) Required Aisle Space: The Department maintains that FCC Environmental, LLC violated this regulation. The penalty remains unchanged.
c) Notify Local Authorities: The Department maintains that FCC Environmental, LLC violated this regulation but agrees to drop the penalty to the low end of the matrix.

d) Location of Records: The Department maintains that FCC Environmental, LLC violated this regulation. The penalty remains unchanged.
e) Used Oil Label: The Department maintains that FCC Environmental, LLC violated this regulation but agrees to drop the penalty to the low end of the matrix.
f) Used Oil Shipment Records: The Department agrees to delete this violation.
g) Written Operating Record: The Department agrees to delete this violation.
h) Display Valid Registration: The Department maintains that FCC Environmental, LLC violated this regulation. The penalty remains unchanged.
i) Personnel Training: The Department agrees to delete this violation.
j) Liability Insurance: The Department agrees to delete this violation.
k) PCW Annual Report: The Department maintains that FCC Environmental, LLC violated this regulation. The penalty remains unchanged.

This reduces the penalty from $26,300.00 to $5,130.00. Enclosed is a copy of the revised penalty calculations for your review.

The Department will allow the facility to participate in either a Pollution Prevention (P2) Project or an In-Kind Project to off-set as much as 80% of the penalty, or $4,104.00. If a P2 Project is approved by the Department and properly implemented, a $1.00 pollution prevention credit for each $1.00 spent on allowable costs will be applied against the portion of the civil penalty that can be offset. If an In-Kind Project is approved by the Department and properly implemented, a $1.00 pollution prevention credit for each $1.50 spent on allowable costs will be applied against the portion of the civil penalty that can be offset. In either case, the remaining $1,026.00 must be paid along with $500.00 for Department costs, for a total of $1,526.00.

Within 20 days of receipt of this letter, please respond in writing if you are interested in off-setting the penalty with a P2 Project or an In-Kind Project, or would rather pay the penalty in full. If you intended on off-setting the penalty, please submit any ideas at that time.

All submittals and questions should be addressed to Michael Eckoff at the letterhead address above or electronically to michael.eckoff@dep.state.fl.us. Mr. Eckoff can also be reached at 407-897-4308.

Sincerely,

Vivian F. Garfein
Director, Central District

VFG/me

Enclosure:
Revised Penalty Computation Worksheet

cc: Debby Valin, Pollution Prevention Coordinator, FDEP – CD, debby.valin@dep.state.fl.us

REVISED PENALTY COMPUTATION WORKSHEET

Facility's Name: FCC Environmental, LLC EPA ID #: FLR000069088

Facility Address: 233 Central Florida Pkwy., Orlando, FL 32824-7602

Staff Responsible for Penalty Computations: Michael Eckoff Date: November 29, 2011

	Violation Type	Manual Guide	Potential for Harm	Extent of Deviation	Matrix Range	Multi Day	Other Adjustments	Total
a.	262.11 Waste determination	HW-16	Minor	Major	$4,250-$2,130			$2,130
b.	279.52(a)(5) Required aisle space	UO-121	Minor	Minor	$500			$500
c.	279.52(a)(6) Notify local authorities	UO-108	Minor	Major	$1,199-$500			$500
d.	279.52(b)(5) Location of records	UO-111	Minor	Minor	$500			$500
e.	279.54(f)(1) Used oil label	UO-146	Minor	Major	$1,199-$500			$500
~~f.~~	~~279.56(b) Used oil shipment records~~	~~UO-39~~	~~Moderate~~	~~Major~~	~~$4,599-$3,200~~			~~$3,899~~
~~g.~~	~~279.57(a)(2) Written operating record~~	~~UO-86~~	~~Minor~~	~~Major~~	~~$1,199-$500~~			~~$849~~
h.	62-710.500(4), F.A.C. Display valid registration	UO-26	Minor	Minor	$500			$500
~~i.~~	~~62-710.600(2)(c), F.A.C. Personnel training~~	~~UO-63~~	~~Minor~~	~~Minor~~	~~$500~~			~~$500~~
~~j.~~	~~62-710.600(2)(e), F.A.C. Liability insurance~~	~~UO-67~~	~~Moderate~~	~~Major~~	~~$4,599-$3,200~~			~~$3,899~~
k.	62-740.300(5), F.A.C. PCW annual report	UO-86	Minor	Minor	$500			$500

Multi-day and Economic Benefit adjustments were not calculated at this time.

TOTAL PENALTY AMOUNT FOR ALL VIOLATIONS: $5,130.00

Prepared by:

Michael Eckoff
Environmental Specialist

Date: November 29, 2011

Vivian F. Garfein
Director, Central District

Date: December 6, 2011

WORKSHEET

RANKING SYSTEM FOR POTENTIAL FOR HARM FOR HAZARDOUS WASTE VIOLATIONS

FACILITY NAME: FCC Environmental, LLC – FLR000069088 Date: October 17, 2011

	Violation	Description	Nature of Waste	Amount of Waste	Release	People	Total Points
a.	262.11	Waste determination	4	5	1	4	14

SCORING SYSTEM

NATURE OF WASTE	AMOUNT OF WASTE	RECEPTORS	
		Releases	Affected Population
8 - High hazard wastes	8 - > 5,000 kg (25 drums)	6 - Release	4 - > 1,000
	5 - 1, 000 to 5,000 kg	4 - High potential for release	3 - 100 - 1,000
4 - typical hazardous waste	2 - < 1,000 kg (5 drums)		2 - 10 - 100
		1 - No release	1 - <10

MAJOR POTENTIAL FOR HARM: 19-24

MODERATE POTENTIAL FOR HARM: 13-18

MINOR POTENTIAL FOR HARM: 8-12

RANKING SYSTEM FOR POTENTIAL FOR HARM FOR USED OIL VIOLATIONS

	Violation	Description	Nature of Waste	Amount of Waste	Release	People	Total Points
b.	279.52(a)(5)	Required aisle space	4	5	1	1	11
e.	279.54(f)(1)	Used oil label	4	2	1	1	8
f.	279.56(b)	Used oil shipment records	4	8	1	4	17
j.	62-710.600(2)(e), F.A.C.	Liability insurance	4	8	1	4	17

USED OIL SCORING SYSTEM

NATURE OF WASTE	WASTE VOLUME	LOCATION OF RECEPTORS	
		Discharges	Potential exposure Ground/Surface Water/Air
4 – Used oil	8 - >10 drums	6 – Actual discharge	4 – Potential to >1,000 people
	5 – 3 to 10 drums	4 – Potential for discharge	3 – Potential to 100 - 1,000 people
2 – Used oil filter(s)	2 - <3 (55-gallon) drums		2 – Potential to 10 – 100 people
		1 - No discharge	1 – Potential to <10 people

MAJOR POTENTIAL FOR HARM: 19-24

MODERATE POTENTIAL FOR HARM: 13-18

MINOR POTENTIAL FOR HARM: 6-12

ONLY VIOLATIONS IN WHICH A "POTENTIAL FOR HARM" SCORE IS REQUIRED ARE LISTED

Florida Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

April 2, 2012

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DEP Central Dist

CERTIFIED MAIL
91719999917030915199 62

OCD-HW-12-103

Ramon Pujol, Treasurer
FCC Environmental, LLC
523 N. Sam Houston Pkwy. E., Suite 400
Houston, Texas 77060

SUBJECT: Department of Environmental Protection v. FCC Environmental, LLC, OGC File No.: 12-0958: Facility ID#: FLR000069088
Short Form Consent Order to Settle Case

THIS DOCUMENT CONTAINS A TRUE WATERMARK - HOLD TO LIGHT TO VIEW / ESTE DOCUMENTO CONTIENE UNA MARCA DE AGUA VERDADERA - TIENEN A LA LUZ PARA VER

BBVA Compass

CASHIER'S CHECK

500444477

CHEQUE DE CAJA

61-118/620

Date/Fecha: 04/10/2012 729

PAY TO THE ORDER OF
Paguese por este cheque a la orden de

DEPARTMENT OF ENVIRONMENTAL PROTECTION

****** $1,526.00 ******

*** ONE THOUSAND FIVE HUNDRED TWENTY SIX DOLLARS AND 00 CENTS ***

Remitter/Remitente: FCC ENVIRONMENTAL, LLC
Description/Descripción: OGC #12-0958
ECOSYSTEM MANAGEMENT & RESTORATION TRUST FUND

Drawee:
Compass Bank
Birmingham, AL 35235

AUTHORIZED SIGNATURE / FIRMA AUTORIZADA

Vea Detrás de Cheque.
Características de la Seguridad Incluidas.

investigating this matter, which amounts to a total of $5,630.00. The civil penalty in this matter includes 1 violation(s) of $2,000.00 or more.

However, in lieu of paying the full civil penalty, the Department has determined that $4,104.00 of the civil penalty may be offset through implementation of the Pollution

Florida Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr
Secretary

April 17, 2012

CERTIFIED MAIL
91 7199 9991 7030 9151 9689

OCD-HW-12-120

Mr. Ramon Pujol, Treasurer
FCC Environmental, LLC
523 N. Sam Houston Pkwy. E., Suite 400
Houston, Texas 77060

Orange County - HW
FCC Environmental, LLC - FLR000069088
OGC File No.: 12-0958

Dear Mr. Pujol;

Enclosed is a copy of the executed Short Form Consent Order for resolution of Warning Letter OWL-HW-11-023 and the above referenced OGC case. Please refer to page 2 of the executed Short Form Consent Order under "Respondent's Performance" number (1) for the requirements of the pollution prevention project.

If you have any questions, please contact me at 407- 897-4308 or electronically at michael.eckoff@dep.state.fl.us.

Sincerely,

Michael Eckoff, Environmental Specialist
Central District Solid and Hazardous Waste
Compliance Enforcement

cc: Lea Crandall, DEP OGC, lea.crandall@dep.state.fl.us
Kris Tulloch, FDEP - Central District, kris.tulloch@dep.state.fl.us
Tony Tucker, FDEP - Central District, craig.tucker@dep.state.fl.us
Debby Valin, FDEP - Pollution Prevention Coordinator, debby.valin@dep.state.fl.us

Florida Department of
Environmental Protection
Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

April 2, 2012

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APR 13 2012
DEP Central Dist.

CERTIFIED MAIL
91719999917030915199 62

Ramon Pujol, Treasurer
FCC Environmental, LLC
523 N. Sam Houston Pkwy. E., Suite 400
Houston, Texas 77060

OCD-HW-12-103

SUBJECT: Department of Environmental Protection v. FCC Environmental, LLC, OGC File No.: 12-0958: Facility ID#: FLR000069088
Short Form Consent Order to Settle Case

Mr. Pujol:

The State of Florida Department of Environmental Protection ("Department") finds that FCC Environmental, LLC ("Respondent") violated Department rules regarding hazardous waste determinations [40 CFR 262.11], required aisle space [40 CFR 279.52(a)(5)], notifying local authorities [40 CFR 279.52(a)(6)], emergency coordinator's knowledge of location of records [40 CFR 279.52(b)(5)], used oil labeling [40 CFR 279.54(f)(1)], displaying valid registration [62-710.500(4), Florida Administrative Code (F.A.C.)], and annual reports [62-740.300(5), F.A.C.]. Before sending this letter, the Department requested that the Respondent undertake certain actions to resolve the violations. These actions have since been completed. However, due to the nature of the violations, the Respondent remains subject to civil penalties. The Respondent is also responsible for costs incurred by the Department during the investigation of this matter.

The Department's Offer

Based on the violations described above, the Department is seeking $5,130.00 in civil penalties and $500.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of $5,630.00. The civil penalty in this matter includes 1 violation(s) of $2,000.00 or more.

However, in lieu of paying the full civil penalty, the Department has determined that $4,104.00 of the civil penalty may be offset through implementation of the Pollution

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Prevention Project (P2 Project) described in the attached Exhibit. This amount is referred to as the "offset amount."

Respondent's Acceptance

If you wish to accept this offer and fully resolve the enforcement matter pending against the Respondent, please sign this letter and return it to the Department at 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803 within 20 days of receipt. The Department will then countersign it and file it with a designated clerk of the Department. Once the document is filed with the designated clerk, it will constitute a final order of the Department pursuant to Section 120.52(7), F.S. and will be effective unless a request for an administrative hearing is filed by a third party in accordance with Chapter 120, F.S. and the attached Notice of Rights.

By accepting this offer you, Ramon Pujol, Treasurer, FCC Environmental, LLC:

(1) Certify that you are authorized and empowered to negotiate, enter into, and accept the terms of this offer in the name and on behalf of Respondent;

(2) Acknowledge and waive Respondent's right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this offer, once final; and

(3) Acknowledge and waive Respondent's right to an appeal pursuant to Section 120.68, F.S.

The Department acknowledges that the Respondent's acceptance of this offer does not constitute an admission of liability for the violation(s) referenced above.

Respondent's Performance

After signing and returning this document to the Department,

(1) Upon signing this letter, you must implement the P2 Project in accordance with the requirements identified in the attached Exhibit. You must begin the P2 Project within 30 days, and fully complete the P2 Project within 90 days of your signing this letter. Your failure to timely start or complete the P2 Project, or timely provide the Department with the Final Report, will cause the P2 Project option to be forfeited and the balance of the civil penalty shall be due within 10 days of notice from the Department.

(2) Respondent must pay $1,526.00 in full by April 30, 2012.

(3) The payment must: (a) be in the form of a cashier's check or money order; (b) be payable to the "Department of Environmental Protection"; (c) include the OGC Number 12-0958 and the notation "Ecosystem Management and Restoration Trust Fund"; and (d) be sent to 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803.

The Department may enforce the terms of this document, once final, and seek to collect monies owed pursuant to Sections 120.69 and 403.121, F.S.

Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither the Respondent nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, F.S. Once this letter is clerked and becomes a final order of the Department, as explained above, the attached Notice of Rights will apply to parties, other than the Respondent, whose interests will be substantially affected.

Please be aware that if the Respondent declines to respond to the Department's offer, the Department will assume that the Respondent is not interested in resolving the matter and will proceed accordingly.

If you have any questions, please contact Michael Eckoff at 407-897-4308 or at michael.eckoff@dep.state.fl.us.

Sincerely,

Jeff Prather
Director, Central District

RECEIVED
APR 13 2012
DEP Central Dist.

FOR THE RESPONDENT:

I, RAMON PUJOL [Type or Print Name], HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

By: _____ Date: APRIL 9, 2012
[Signature]

Title: SENIOR VP ADMIN & TREASURY
[Type or Print]

FOR DEPARTMENT USE ONLY
DONE AND ORDERED this 16th day of April, 2012, in Orange County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

for Jeff Prather
Director, Central District

Filed, on this date, pursuant to section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

Clerk _____ Date 4/16/12

Attachments: Notice of Rights

Final clerked copy furnished to:
Lea Crandall, Agency Clerk (lea.crandall@dep.state.fl.us)

RECEIVED
APR 13 2012
DEP Central Dist.

NOTICE OF RIGHTS

Persons who are not parties to this Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Order means that the Department's final action may be different from the position it has taken in the Order.

The petition for administrative hearing must contain all of the following information:

a) The OGC Number assigned to this Order;

b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;

c) An explanation of how the petitioner's substantial interests will be affected by the Order;

d) A statement of when and how the petitioner received notice of the Order;

e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;

f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Order;

g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Order; and

h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Order.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at the address indicated above. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under Sections 120.569 and 120.57, Florida Statutes. Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.

Exhibit

P2 Project Summary
FCC Environmental
233 Central Florida Parkway
Orlando, FL 32824
407-854-1620
Rick Smith, Field Service Supervisor

A. **Project Description:** While material is transferred "tank to tank" a filter pod provides protection for the pump from any large solid masses that could cause damage. This pod requires it's filter to be removed and washed periodically throughout the day.

At present, the filter has to be carried over to a wash tank at the end of the containment area to be cleaned. Because of the nature of the filter and the distance required, there exist a potential for oil to be dripped during the course of the transfer.

FCC intends to build wash basins at the filter pods eliminating the potential for drips and spills. This basin will be built by FCC staff and have a capacity of approximately 30 gallons. Drawings attached are typical but do not include the rain lid that will be hinged off the top.

B. **Environmental and Economic Benefits:** This project will reduce the amount of cleaning required saving money on man/hours, degreaser, and water that must be transported to a disposal facility for proper treatment. Roughly, eight man/hours per week are used washing the containment area. This is usually in excess of the employee's 40-hour work week. So the first benefit is reduced overtime. The second benefit is the reduced liability for slips and falls, with less oil getting into the containment area.

Less money will be spent on degreaser. Five gallons of degreaser are used each week to remove spilt oil from the concrete. It is assumed that this project will provide a 75 percent reduction in the amount of degreaser needed to maintain the containment area.

Water required for washing of the containment area will be reduced, as the containment will be able to go longer between washings. Two hundred gallons of water are required to wash the area, which is now being washed twice a week. This should be reduced to once every two weeks.

With improved cleanliness in the containment area, less water from rain events will need to be captured, collected and transported for processing.

Annual Benefits Comparison			
Item	Quantity Used (gal/hrs)	Purchasing/Salary Cost ($)	Percent (%

	Before	After	Reduction	Before	After	Reduction	Reductior
Water	20800	5200	15600	$13.19	$3.30	$9.99	76%
Chemicals (1)	260	104	156	$3120.00	$1248.00	1872.00	60%
Labor	48	40	8	$1047.84	$806.00	241.84	23%
Total Annual Cost Savings = $2,123.83							
Annual Waste Generation Comparison							
Item	Quantity Generated (gal)			Disposal Cost ($)			Percent (%
	Before	After	Reduction	Before	After	Reduction	Reductior
Oily Wastewater	54,577G	22088G	32489G	$6003.47	$2429.68	$3573.79	60%
Total Annual Cost Savings = $3,573.79							
Total Annual Avoided Cost Savings = $5,697.62							

Notes: (1) Chemical used for cleaning: Mirachem 500 Cleaner / Degreaser

C. **Project Cost:** Total Estimate for project - $10,832.91
Employee labor for eighty hours - $2418.00
Raw ¼" steel for construction - $1800.00
Trailblazer 302 - $5,467.00
Spoolmate 200 - $783.00
Plasma Cutter - $364.91

With a total cost for the project of $10,832.91 creating a savings of $474.80, we will have a **payoff of twenty-three months.**

D. **Project Reporting:**

1. Within 30 days of completing the P2 Project, the Respondent shall submit to the Department a P2 Project Final Report that includes the following:

a. A confirmation that the information presented in Sections A-C of the Summary is unchanged, or an updated version with the sections changed appropriately. A statement that the Project(s) was/were implemented successfully. An explanation of any problems encountered and corrections applied. *A statement indicating the date the Project was started and also the date completed.*

b. Attached expense reports, receipts, purchasing instruments and other documents itemizing costs expended on preparing and implementing the Project.

2 The Department shall review the Final Report and determine:
a. Whether the project was properly implemented; and
b. Which expenses apply toward pollution prevention credits.

3. A $1.00 pollution prevention credit for each $1.00 spent on applicable costs will be applied against the portion of the civil penalty that can be offset.

a. The following costs *are applicable as P2 credits* toward the civil penalty offset amount:

i. Preparation of the P2 Project;
ii. Design of the P2 Project;
iii. Installation of equipment for the P2 Project;
iv. Construction of the P2 Project;
v. Testing of the P2 Project;
vi. Training of staff concerning the implementation of the P2 Project; and
vii. Capital equipment needed for the P2 Project.

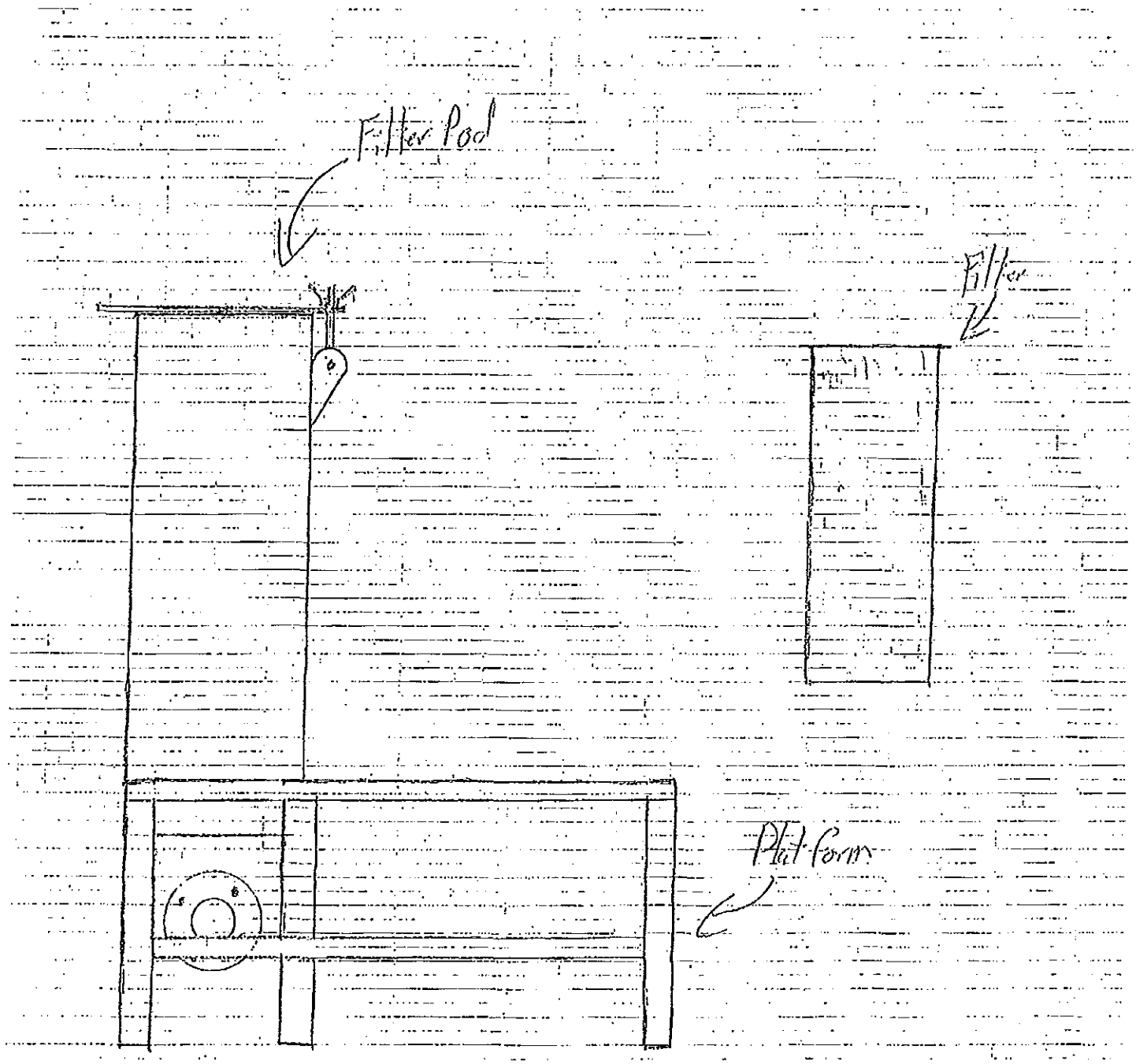
b. The following costs *shall not apply as P2 credits* toward the civil penalty offset amount:

i. Costs incurred in conducting a waste audit;
ii. Maintenance and operation costs involved in implementing the P2 Project;
iii. Monitoring and reporting costs;
iv. Salaries of employees who perform their job duties;
v. Costs expended to bring the facility into compliance with current law, rules and regulations;
vi. Costs associated with a P2 Project that is not implemented;
vii. Costs associated with a P2 Project that has not been approved by the Department; and
viii. Legal costs.

c. If any balance remains after the entire P2 credit is applied to the allowable portion of the civil penalty, Respondent shall pay the difference within 30 days of written notification by the Department to the Respondent that the balance is due.

4. The Department may terminate the P2 Project at any time during the development or implementation of it, if the Respondent fails to comply with the requirements in this document, act in good faith in preparing and implementing the project, or develop and implement the P2 Project in a timely manner. The Respondent may terminate the P2 Project at any time during its development or implementation.

5. If the P2 Project is terminated for any reason, Respondent shall pay the full balance of the allowable portion of the civil penalty within 10 days of written demand by the Department.



Current Setup

H = 1 INCH

Queen Lake
Pool Area
H=1.2m

Proposed Setup
H-4 Tag

#13
Warning Letter WL09-0049HW29SWD
Issued 11/4/09

Florida Department of Environmental Protection

Southwest District Office
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

November 4, 2009

CERTIFIED MAIL 7008 3230 0002 7195 8520
RETURN RECEIPT REQUESTED

Mr. Jack Thornburgh, Branch Manager
Hydrocarbon Recovery Services
d/b/a FCC Environmental
105 South Alexander Street
Plant City, FL 33563

RE: **Warning Letter #WL09-0049HW29SWD**
FCC Environmental
EPA ID# FLD 065 680 613
Hillsborough County

Dear Mr. Thornburgh:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. A hazardous waste program field inspection conducted on September 16 and October 9, 2009, indicates that violations of Florida Statutes and Rules may exist at the above referenced facility. Department of Environmental Protection (Department) personnel made observations described in the attached inspection report. The report lists a summary of alleged violations of Department Rules.

Sections 403.161 and 403.727, Florida Statutes (F.S.) provide that it is a violation to fail to comply with rules adopted by the Department. The activities observed during the Department's field inspection and any other activities at your facility that may be contributing to violations of Florida Statutes or Department Rules should cease.

You are requested to contact Kelly Honey at (813) 632-7600, extension 369, within fifteen (15) days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), F.S. If after further investigation the Department's preliminary findings are verified, this matter may be resolved through the entry of a Consent Order which will include a compliance schedule, an appropriate penalty, and reimbursement of the Department's costs and expenses. In accordance with the United States Environmental Protection Agency's (EPA) RCRA and the Department's Civil Penalty Policies, the penalties which would be assessed in this case are $7,000.00. Costs and expenses in this case will be a minimum of $300.00.

If this investigation confirms that your facility is significantly out of compliance, and the case is not resolved through timely entry of a Consent Order, under the Department's agreement with the EPA, a formal referral for judicial action must be made to the Department's Office of General Counsel. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely yours,

Deborah A. Getzoff
District Director
Southwest District

DAG/kmh

enclosure

cc: Alan A. Annicella, US EPA Region IV (via electronic mail)
Mike Redig, Department, HWR Section (via electronic mail)
Susan Pelz, Department, Solid Waste Section
Kelley Boatwright, Hillsborough County SQG Program (via electronic mail)
Compliance File

REVISED PENALTY COMPUTATION WORKSHEET

VIOLATOR'S NAME: FCC ENVIRONMENTAL

IDENTIFY VIOLATOR'S FACILITY: 105 S. ALEXANDER ST., PLANT CITY, FL (FLD 065 680 613)

NAME OF DEPARTMENT STAFF RESPONSIBLE FOR THE PENALTY COMPUTATIONS: KELLY HONEY

CASE #: **WL09-0049HW29SWD** DATE: OCTOBER 29, 2009

VIOLATION TYPE	MANUAL GUIDE	POTENTIAL FOR HARM	EXTENT OF DEVIATION	MATRIX RANGE	TOTAL
1. FAILURE TO RECORD THE RESULTS OF HALOGEN SCREENINGS DURING USED OIL PICKUPS **40 CFR 279.44(d)**	UO-161	ELRA	ELRA	$500	$500
2. FAILURE TO MAINTAIN THE FACILITY TO MINIMIZE THE RELEASE OF USED OIL OR CONSTITUENTS TO THE SOIL **40 CFR 279.52(a)(1)/Permit Condition I.25**	UO-119	ELRA	ELRA	$4,000	$4,000
3. FAILURE TO RESTOCK THE SPILL CABINET WITH EQUIPMENT SPECIFIED BY CONTINGENCY PLAN PER PERMIT **40 CFR 279.52(b)(2)(v)/Permit Condition I.44**	UO-112	ELRA	ELRA	$1,000	$1,000
4. FAILURE TO LABEL THE STRAINER TANK NEAR THE SHAKER UNIT WITH THE WORDS "USED OIL" **40 CFR 279.54(f)(1)**	UO-147	ELRA	ELRA	$500	$500
5. FAILURE TO CLEAN UP USED OIL FROM THE RAIL SPILL CONTAINMENT SYSTEM AND FROM THE TRANSFER HOSES **40 CFR 279.54(g)(3)**	UO-143	ELRA	ELRA	$1,000	$1,000
6. FAILURE TO RECORD ALL REQUIRED INFORMATION ON USED OIL ACCEPTANCE RECORDS **40 CFR 279.56(a)(1)**	UO-041	ELRA	ELRA	$500	COMBNINED WITH ITEM 1
7. FAILURE TO LABEL THE THREE HOPPERS NEAR THE CRUSHER UNIT WITH THE WORDS "USED OIL FILTERS" **62-710.850(5)(a), FAC**	UO-133	ELRA	ELRA	$500	COMBINED WITH ITEM 4
SUB-TOTAL					$7,000
DEPARTMENT COSTS					$300

TOTAL PENALTIES INCLUDING DEPARTMENT COSTS: $7,300

DEBORAH A. GETZOFF
DISTRICT DIRECTOR
SOUTHWEST DISTRICT

11/4/09
DATE

Florida Department of

Environmental Protection

Hazardous Waste Inspection Report

FACILITY INFORMATION:

Facility Name: FCC Environmental

On-Site Inspection Start Date: 09/16/2009 **On-Site Inspection End Date:** 10/09/2009

ME ID#: 28737 **EPA ID#:** FLD065680613

Facility Street Address: 105 S Alexander St, Plant City, Florida 33563-4833

Contact Mailing Address: 105 S Alexander St, Plant City, Florida 33563-4833

County Name: Hillsborough **Contact Phone:** (813) 754-1504

NOTIFIED AS:

CESQG (<100 kg/month)
Transfer Facility
TSD Facility Unit Type(s)
Used Oil

INSPECTION TYPE:

Routine Inspection for Used Oil Marketer facility

Routine Inspection for Used Oil Transfer Facility

Routine Inspection for Used Oil Transporter facility

Routine Inspection for CESQG (<100 kg/month) facility

INSPECTION PARTICIPANTS:

Principal Inspector: Kelly M. Honey, Environmental Specialist III

Other Participants: Elizabeth Knauss, Environmental Manager; Rick Mobley, Transportation Manager; Carol Barrick, Laboratory Manager; Jack Thornburgh, Branch Manager

LATITUDE / LONGITUDE: Lat 28° 0' 42.0089" / Long 82° 8' 24.5084"

SIC CODE: 5093 - Wholesale trade - scrap and waste materials

TYPE OF OWNERSHIP: Private

Introduction:

FCC Environmental (FCCE) was inspected to determine its compliance with state and federal regulations governing used oil and hazardous waste. A second site visit was conducted on October 9, 2009. FCCE is a used oil processor and marketer of on-spec used oil operating under permit #0030676-HO-005, which expires on August 20, 2013. FCCE produces a fuel oil that is equivalent to No. 5 Fuel Oil and a flotation oil for the phosphate industry. The FCCE eight-acre site contains an oil re-refinery facility, laboratory, industrial wastewater pretreatment facility, storage tanks, maintenance garage and administration buildings. Little has changed at the facility since the previous inspection of January 18, 2008, except as noted. At the time of this inspection, Mr. Jack Thornburgh, the Branch Manager, was on vacation, however, he was present during the second site visit.

Process Description:

The FCCE tank farms consist of thirty aboveground storage tanks (ASTs), all of which have secondary containment consisting of coated concrete walls and floors designed to contain oil spills. Overall, the containment areas were clean and in good condition. The majority of used oil, used oil filters and oily wastes are brought in to the facility by FCCE trucks, common carriers, independent oil transporters and tanker rail cars. Water that is distilled during the processing of used oil is pretreated in the company's wastewater treatment plant prior to being discharged to the Plant City POTW. The containment in water treatment area was also clean and in good condition.

There was used oil on the floor in the area around the used oil filter crusher although this could be reasonably expected since the unit was undergoing repairs at the time of the inspection. The hazardous waste satellite container near the crusher was being properly managed. There were three hoppers of used oil filters awaiting crushing that were unlabeled, however. The strainer tank near the shaker unit was also unlabeled. There were two containers of oily solid waste next to the shaker unit. Please note that all solid waste is to be processed, consolidated and solidified in accordance with the solid waste permit.

Crushed used oil filters are sometimes shipped off site by rail. Used oil delivered by rail only stays at the facility for a few days depending on the time it is staged at the spur. At the time of the initial visit, there was a rail car on site that was observed to be leaking from the bottom at several locations onto the asphalt between the rails. According to staff the rail car was empty and had arrived at the facility to be loaded with crushed used oil filters. Examination of the interior of the rail car showed numerous used oil filters, as well as what appeared to be several inches of used oil. During the subsequent site visit on October 9, 2009, the rail car was still on site and was still leaking from the bottom. Several pans had been placed under the car, however, not all the leaks were being captured. According to staff, the rail car was to be removed from the site by October 16, 2009.

The rail car transfer area is equipped with sumps that are supposed to contain and direct spills and stormwater to the facility's oil / water separator. At the time of the initial inspection, it was observed that the sumps in this area appeared full, and there was evidence that the system had overflowed. Used oil contamination was observed on the ground from the rail car transfer area. Also, it was noted that at the rear of the property were several hoses used to transfer used oil on the ground. The hoses had leaked a small amount of used oil onto the soil. It was confirmed during the following site visit that these issues had been addressed.

During the inspection, it was noted that the spill cabinet needed to be restocked, and at least one eyewash station may not have been maintained in accordance with the permit. There were also a couple of containers near the maintenance area that the Department had concerns about. One was a drum labeled "used oil" with a missing bung. The drum was full of what appeared to be water, but as it was identified as "used oil" it should have been closed. The other container was an uncovered hopper containing an inch or so of used oil and a block of crushed filters. Ensure that containers such as this are actually empty before relocating them to this area.

Records were reviewed. FCCE maintains its records as required, with the following exceptions. The used oil acceptance records did not always have all the required information, and there were some records of used oil pick ups where the driver did not document the halogen level.

New Potential Violations and Areas of Concern:

Checklist Independent Potential Violations and Areas of Concern

Type:	Violation
Rule:	279.54(g)(3)
Explanation:	During the initial inspection, it was noted that used oil had overflowed the rail car sump system causing contamination outside the rail car transfer area. Additionally, there was some used oil on the ground at the rear of the facility from several transfer hoses that had been allowed to drain onto the ground. (corrected)
Corrective Action:	During the subsequent site visit, it was observed that the affected areas had been cleaned up.

Type:	Violation

Rule: 279.56(a)

Explanation: The facility is not recording all required tracking information on its acceptance records. Specifically, there were many cases where the EPA ID number of the generator was not recorded, several cases where the address of the generator was not recorded, and several cases where the type of used oil accepted was not recorded. In the latter two instances, the affected records were ones which were handwritten by the drivers rather than preprinted by FCCE.

Corrective Action: During the inspection, Mr. Thornburgh stated that the required information would be reviewed with the drivers and that the facility would look into ways to ensure the EPA ID number for generator that had them were also on the preprinted forms. If this has not already been done, FCCE must immediately address this recordkeeping issue.

Type: Violation

Rule: 279.44(d)

Explanation: It was noted the determination of whether a load of used oil picked up was greater than or less then 1,000-ppm was not always recorded. The problem was most often noted on records pertaining to acceptance of oily water and records associated with a specific driver. (corrected)

Corrective Action: During the inspection, the facility provided documentation of the driver's training from the previous week and his most recent acceptance records showing that the information was now being recorded. Additionally, the driver was interviewed and confirmed that the screening had been done, though it was undocumented. The facility was also reminded that oily water meets the definition of used oil and must therefore also be screened.

Type: Area Of Concern

Rule: 62-710.401(6)

Explanation: During the initial inspection there was a 55-gallon drum labeled "used oil" with an open bung near the maintenance area. The drum was full of what appeared to be rain water, rather than used oil.

Empty hoppers are also stored near this area, however, there was one hopper that was observed to contain at least one inch of used oil in the bottom, along with a block of crushed used oil filters. Not only was the container uncovered and without containment, but in accordance with Permit Condition I.27, the Permittee is only allowed to store used oil in the ASTs within the secondary containment , as shown in Attachment A of the permit.

Corrective Action: Ensure that any container or tank labeled "used oil" is kept closed or otherwise protected from the weather. Additionally, ensure that any hopper moved to this area is indeed empty and that used oil is stored in accordance with the permit conditions.

Type: Area Of Concern

Rule: 403.727(1)(c)

Explanation: During the initial inspection, a hopper and a 55-gallon drum were observed next to the shaker unit. Both the hopper and the drum were full of solid waste

with free floating used oil. The inspector did not ask if the containers arrived at the with the observed materials within or if the materials were consolidated into the containers after arrival.

Please note that in accordance with the facility's solid waste permit #137964-006-SO/31, solid waste is not to be processed, solidified or consolidated except in the Consolidation/Bulking Station, and should not be performed next to the shaker unit.

Corrective Action: Ensure that oily solid waste processing, solidification and consolidation are performed in accordance the facility's solid waste permit.

Type: Violation

Rule: 279.52(a)(1)

Explanation: In accordance with Permit Condition I.25, the Permittee shall maintain and operate the facility to minimize the possibility of a unplanned release of used oil, sludge, residues or constituents to soil.

The rail car transfer area is equipped with sumps that are supposed to contain and direct spills and stormwater to the facility's oil water separator. At the time of the initial inspection, it was observed that the sumps in this area appeared full, and there was evidence that the system had either been overwhelmed or was clogged, causing used oil and stormwater to exit the system. At least two, distinct areas of stained, oily gravel were observed extending from the sump containment system outside the rail car transfer area. (corrected)

Corrective Action: During the subsequent site visit, staff stated that the sumps had all been cleaned out and appeared to be flowing properly. It was also noted that the rail sumps were no longer full.

Type: Violation

Rule: 62-710.850(5)(a)

Explanation: Near the filter crushing area, there were three unlabeled hoppers storing used oil filters. (corrected)

Corrective Action: The hoppers of used oil filters were correctly labeled after the inspection, as confirmed during the subsequent site visit.

Type: Area Of Concern

Rule: 279.54(b)(2)

Explanation: In accordance with Permit Condition I.37, if a container holding used oil, PCW, used oil residues or used oil filters begins to leak, the Permittee shall transfer the waste to another container.

At the time of the initial visit, there was a rail car on site that was observed to be leaking from the bottom at several locations onto the asphalt between the rails. According to staff the rail car was empty and had arrived at the facility to be loaded with crushed used oil filters, which were to be transferred off site via rail. After its arrival, a rainfall event had occurred, and it was noted that the car leaked. There was no cover provided for the car. Examination of the interior of the rail car showed numerous used oil filters, as well as what appeared to be several inches of used oil.

During the subsequent site visit on October 9, 2009, the rail car was still on site and was still leaking from the bottom. Several pans had been placed under the car, however, not all the leaks were being captured.

Corrective Action: According to staff, the rail car was to be removed from the site by October 16, 2009. Upon receipt of this report, submit to the Department a statement indicating the disposition of the leaking rail car.

Type: Area Of Concern

Rule: 279.52(a)(3)

Explanation: In accordance with the schedule specified in Attachment 6 of the Permit Application, the eyewash stations are supposed to be flushed and inspected monthly, however, based on the condition of the eyewash station near the rail transfer area and the appearance of the water coming from it, it appears that this is not being done.

Corrective Action: Immediately ensure that all emergency equipment, including eyewash and shower stations, are maintained in accordance with the specified schedules.

Type: Violation

Rule: 279.52(b)(2)(v)

Explanation: In accordance with Permit Condition I.44, the Permittee shall inspect the facility emergency equipment in accordance with the schedules approved in Attachment 6 of the Permit Application.

The SPCC plan in Attachment 6 states that the spill cabinet is to be inspected weekly and restocked as necessary. During the site visit on October 9, 2009, it was observed that several items specified in Attachment 6 were not in the cabinet. Specifically, the cabinet lacked one bag of sorbent pads, brooms, two squeegees and one pair of gloves.

Corrective Action: At the time of the inspection, staff stated that the cabinet would be restocked as soon as possible. If this has not yet been, immediately restock the cabinet in accordance with Attachment 6 of the Permit Application.

Type: Violation

Rule: 279.54(f)(1)

Explanation: The strainer tank near the shaker unit was not clearly labeled with the words "used oil."

Corrective Action: During the initial inspection, staff indicated that the tank would be labeled, however, it was not confirmed during the subsequent site visit that this was done. If not already done, immediately label the used oil strainer tank near the shaker unit.

Summary of Potential Violations and Areas of Concern:

Potential Violations

Rule Number	Area	Date Cited	Explanation

Checklist Independent Violations

Rule Number	Area	Date Cited	Explanation
279.54(g)(3)		09/16/2009	During the initial inspection, it was noted that used oil had overflowed the rail car sump system causing contamination outside the rail car transfer area. Additionally, there was some used oil on the ground at the rear of the facility from several transfer hoses that had been allowed to drain onto the ground. (corrected)
279.56(a)		10/09/2009	The facility is not recording all required tracking information on its acceptance records. Specifically, there were many cases where the EPA ID number of the generator was not recorded, several cases where the address of the generator was not recorded, and several cases where the type of used oil accepted was not recorded. In the latter two instances, the affected records were ones which were handwritten by the drivers rather than preprinted by FCCE.
279.44(d)		10/09/2009	It was noted the determination of whether a load of used oil picked up was greater than or less then 1,000-ppm was not always recorded. The problem was most often noted on records pertaining to acceptance of oily water and records associated with a specific driver. (corrected)
279.52(a)(1)		09/16/2009	In accordance with Permit Condition I.25, the Permittee shall maintain and operate the facility to minimize the possibility of a unplanned release of used oil, sludge, residues or constituents to soil. The rail car transfer area is equipped with sumps that are supposed to contain and direct spills and stormwater to the facility's oil water separator. At the time of the initial inspection, it was observed that the sumps in this area appeared full, and there was evidence that the system had either been overwhelmed or was clogged, causing used oil and stormwater to exit the system. At least two, distinct areas of stained, oily gravel were observed extending from the sump containment system outside the rail car transfer area. (corrected)
62-710.850(5)(a)		09/16/2009	Near the filter crushing area, there were three unlabeled hoppers storing used oil filters. (corrected)
279.52(b)(2)(v)		10/09/2009	In accordance with Permit Condition I.44, the Permittee shall inspect the facility emergency equipment in accordance with the schedules approved in Attachment 6

Rule Number	Area	Date Cited	Explanation
			of the Permit Application. The SPCC plan in Attachment 6 states that the spill cabinet is to be inspected weekly and restocked as necessary. During the site visit on October 9, 2009, it was observed that several items specified in Attachment 6 were not in the cabinet. Specifically, the cabinet lacked one bag of sorbent pads, brooms, two squeegees and one pair of gloves.
279.54(f)(1)		09/16/2009	The strainer tank near the shaker unit was not clearly labeled with the words "used oil."

Areas of Concern

Rule Number	Area	Date Cited	Explanation
Checklist Independent Areas of Concern			
62-710.401(6)		09/16/2009	During the initial inspection there was a 55-gallon drum labeled "used oil" with an open bung near the maintenance area. The drum was full of what appeared to be rain water, rather than used oil. Empty hoppers are also stored near this area, however, there was one hopper that was observed to contain at least one inch of used oil in the bottom, along with a block of crushed used oil filters. Not only was the container uncovered and without containment, but in accordance with Permit Condition I.27, the Permittee is only allowed to store used oil in the ASTs within the secondary containment , as shown in Attachment A of the permit.
403.727(1)(c)		09/16/2009	During the initial inspection, a hopper and a 55-gallon drum were observed next to the shaker unit. Both the hopper and the drum were full of solid waste with free floating used oil. The inspector did not ask if the containers arrived at the with the observed materials within or if the materials were consolidated into the containers after arrival. Please note that in accordance with the facility's solid waste permit #137964-006-SO/31, solid waste is not to be processed, solidified or consolidated except in the Consolidation/Bulking Station, and should not be performed next to the shaker unit.
279.54(b)(2)		09/16/2009	In accordance with Permit Condition I.37, if a container holding used oil, PCW, used oil residues or used oil filters begins to leak, the Permittee shall transfer the

Rule Number	Area	Date Cited	Explanation
			waste to another container. At the time of the initial visit, there was a rail car on site that was observed to be leaking from the bottom at several locations onto the asphalt between the rails. According to staff the rail car was empty and had arrived at the facility to be loaded with crushed used oil filters, which were to be transferred off site via rail. After its arrival, a rainfall event had occurred, and it was noted that the car leaked. There was no cover provided for the car. Examination of the interior of the rail car showed numerous used oil filters, as well as what appeared to be several inches of used oil. During the subsequent site visit on October 9, 2009, the rail car was still on site and was still leaking from the bottom. Several pans had been placed under the car, however, not all the leaks were being captured.
279.52(a)(3)		09/16/2009	In accordance with the schedule specified in Attachment 6 of the Permit Application, the eyewash stations are supposed to be flushed and inspected monthly, however, based on the condition of the eyewash station near the rail transfer area and the appearance of the water coming from it, it appears that this is not being done.

Conclusion:

Based on the observation made during this inspection, FCCE was not in compliance with rules governing used oil processors and transporters.

Signed:

A hazardous waste compliance inspection was conducted on this date, to determine your facility's compliance with applicable portions of Chapters 403 & 376, F.S., and Chapters 62-710, 62-730, 62-737, & 62 -740 Florida Administrative Code (F.A.C.). Portions of the United States Environmental Protection Agency's Title 40 Code of Federal Regulations (C.F.R.) 260 - 279 have been adopted by reference in the state rules under Chapters 62-730 and 62-710, F.A.C. The above noted potential items of non-compliance were identified by the inspector(s).

This is not a formal enforcement action and may not be a complete listing of all items of non-compliance discovered during the inspection.

Kelly M. Honey	Environmental Specialist III
PRINCIPAL INSPECTOR NAME	**PRINCIPAL INSPECTOR TITLE**
Kelly M Honey	
PRINCIPAL INSPECTOR SIGNATURE	FDEP — **ORGANIZATION** — 11/2/2009 — **DATE**
Elizabeth Knauss	Environmental Manager
INSPECTOR NAME	**INSPECTOR TITLE**
NO SIGNATURE	FDEP
INSPECTOR SIGNATURE	**ORGANIZATION**
Rick Mobley	Transportation Manager
REPRESENTATIVE NAME	**REPRESENTATIVE TITLE**
NO SIGNATURE	FCC Environmental
REPRESENTATIVE SIGNATURE	**ORGANIZATION**
Carol Barrick	Laboratory Manager
REPRESENTATIVE NAME	**REPRESENTATIVE TITLE**
NO SIGNATURE	FCC Environmental
REPRESENTATIVE SIGNATURE	**ORGANIZATION**
Jack Thornburgh	Branch Manager
REPRESENTATIVE NAME	**REPRESENTATIVE TITLE**
NO SIGNATURE	FCC Environmental
REPRESENTATIVE SIGNATURE	**ORGANIZATION**

NOTE: By signing this document, the Site Representative only acknowledges receipt of this Inspection Report and is not admitting to the accuracy of any of the items identified by the Department as "Potential Violations" or areas of concern.

#14
Warning Letter #09-0056HW06SED
Issued 7/1/09

Florida Department of Environmental Protection

Southeast District Office
400 North Congress Avenue, Suite 200
West Palm Beach, Florida 33401-2913

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

JUL 1 - 2009

CERTIFIED MAIL# 70081140 0004 4744 0730
RETURN RECEIPT REQUESTED

Aurelio Blasco, President
Hydrocarbon Recovery Services, Inc. dba FCC Environmental
14950 Heathrow Forest Pkwy.
Houston, TX 77032

Subject: Warning Letter # 09-0056HW06SED
Hazardous Waste Compliance Evaluation Inspection at FCC Environmental, 1280 NE 48th St., Pompano Beach, FL 33064, EPA ID # FLD984262410

Dear Mr. Blasco:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. A hazardous waste compliance evaluation inspection conducted on October 13, 2008, at your permitted used oil processing facility, indicates that a violation of Florida Statutes and Rules may exist at the above described facility. Department of Environmental Protection ("Department") personnel observed possible violations regarding hazardous waste management. The observations of the Department are in the attached inspection report.

Section 403, Florida Statutes, provides that facilities must comply with Title 40 Code of Federal Regulations (CFR), Parts 260 to 268 and 279 as adopted in Chapter 62-730, Florida Administrative Code (F.A.C.) and Chapter 62-710, F.A.C. The activities observed during the Department's field inspection and any other activities at your facility that may be contributing to violations of the above-described statutes or rules should be ceased. The operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of penalties up to $50,000.00 per violation per day pursuant to Section 403.727, Florida Statutes.

You are requested to contact Ms. Kathy Winston at the address above or 561/681-6756 within fifteen (15) days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter. However, we must be given the names and positions of any persons you intend to bring to the meeting and we must have the information at least five days before the meeting.

If after further investigation, the Department determines that the violations occurred, this matter may be resolved through entry of a Consent Order which will include a compliance schedule and an appropriate penalty. In accordance with the Department's July 17, 2007 "Settlement Guidelines for Civil Administrative Penalties" and the RCRA Civil Penalty Policy of May 2008, the penalty proposed in the case is $23,721.00 plus $500.00 for costs and expenses.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,

7-1-09

Jack Long
District Director
Southeast District

Date

JL/JWL/KK/kw KW

Attachments: Hazardous Waste Inspection Report
Penalty Justification Worksheets

cc: West Palm Beach DEP File/Archboard
Aliki Moncrief, Office of General Counsel
Michael Redig via Oculus
Dee Dupuy, Broward County EPD
Bernie Korzekwinski, Hydrocarbon Recovery Services, Inc.

Florida Department of

Environmental Protection

Hazardous Waste Inspection Report

FACILITY INFORMATION:

Facility Name: FCC Environmental

On-Site Inspection Start Date: 10/13/2008 **On-Site Inspection End Date:** 10/13/2008

ME ID#: 28736 **EPA ID#:** FLD984262410

Facility Street Address: 1280 NE 48th St, Pompano Beach, Florida 33064-4909

Contact Mailing Address: 5690 W Midway Rd Ste B, Fort Pierce, Florida 34981-4833

County Name: Broward **Contact Phone:** (954) 785-2320

NOTIFIED AS:

CESQG (<100 kg/month)
Transporter
Transfer Facility
Used Oil

INSPECTION TYPE:

Routine Inspection for CESQG (<100 kg/month) facility

Routine Inspection for Used Oil Generator facility

Routine Inspection for Hazardous Waste Transporter facility

Routine Inspection for Hazardous Waste Transfer Facility

Routine Inspection for Used Oil Transporter facility

Routine Inspection for Used Oil Transfer Facility

Routine Inspection for Used Oil Processor facility

Routine Inspection for Universal Waste Transporter facility

INSPECTION PARTICIPANTS:

Principal Inspector: Kathy R.Winston, Inspector

Other Participants: Jowana Knight, Environmental Specialist; Anthony Fuoco, Transportation Supervisor; Tyrone Halfhill, Yard Supervisor; Dee Dupier

LATITUDE / LONGITUDE: Lat 26° 17' 22.5635" / Long 80° 6' 23.2854"

SIC CODE: 5093 - Wholesale trade - scrap and waste materials

TYPE OF OWNERSHIP: Private

Introduction:

Hydrocarbon Recovery Services, Inc. is a full-service recycling, recovery and remediation company dba FCC Environmental that has been operating at this location since 1993. The facility sits on approximately 4 acres and the company employs 22 people; 15 of whom work in operations. The facility is connected to city water and sewer. FCC is currently registered as a hazardous waste transporter and transfer facility. FCC is a used oil transporter, transfer facility, processor and marketer. FCC is also a used oil filter transporter, transfer facility and processor, however, no filter processing is occurring on-site at this time. FCC is also in the parts washer business; both sales and service.

Process Description:

The facility maintains a tank farm area with a capacity of 432,000 gallons, a wastewater pre-treatment plant, a used oil processing area, a hazardous waste 10-day transfer area and a truck repair garage. The garage is rarely used as most repairs are contracted out.

A trailer containing spill response equipment is stationed near the garage and is designed for on-site use if needed. The entire facility is surrounded by a 10-foot high concrete wall and, according to FCC's records, has an impervious base consisting of three feet of reinforced concrete over 60-mil geothermic lining. Telephones and fire extinguishers are stationed throughout the facility for easy access.

The inspectors found several issues in the hazardous waste transfer facility area including lack of aisle space and improperly contained Universal Waste lamps that were not labeled. Stored in the rear corner of the hazardous waste transfer facility area, inspectors found a green drum whose faded hazardous waste sticker was not legible. Facility representatives were unsure of the container's content.

The solid waste collection area is contained by a "speed bump" type of containment. In this area and near the western end of the pole barn were several empty drums, two of which had no bungs and were being allowed to collect rainwater. In this same area was an over sized orange poly drum that had been cut in half. It was open and appeared to contain oily water with trash and personnel protective equipment floating on top. Along with these other drums was a product grease drum left open to the elements. The solid waste consolidation rolloffs were not labeled or covered and next to the sludge rolloff were six drums waiting consolidation with no covers and rainwater collecting on top.

Record Review - General facility inspection logs were not available for review and there were no records indicating that FCC's drivers had received appropriate DOT training. The Contingency Plan had the wrong person as the facility's emergency coordinator and lacked a list of the specifications, capabilities and locations of emergency response equipment. One manifest was found to have no waste codes and the facility's Used Oil transporter registration was not posted in a conspicuous place.

New Potential Violations and Areas of Concern:

Transporters Checklist

Type:	Area Of Concern
Rule:	263.20
Question Number:	1.40
Question:	Do the manifests contain at least:
Explanation:	One manifest (002999690) had no waste codes.
Corrective Action:	Hydrocarbon Recovery Services should not receive waste without a properly filled out manifest.

Type:	Violation
Rule:	264.15(b)(2)
Question Number:	1.270
Question:	Does the facility have completed inspection logs?
Explanation:	Facility could not provide copies of a facility inspection log.
Corrective Action:	Please begin following the facility inspection plan in your permit and submit copy with three weeks of the log filled out.

Type:	Violation

Rule:	265.16(a)(3)
Question Number:	1.360
Question:	Does training include emergency response procedures, inspection procedures, and operation of hazardous waste handling equipment?
Explanation:	There was no evidence that drivers had the appropriate DOT training in the last three years.
Corrective Action:	Provide proof that all drivers are up to date on DOT training.

Type:	Violation
Rule:	265.35
Question Number:	1.520
Question:	Is there sufficient aisle space to allow unobstructed movement of personnel and equipment? (e.g., adequate aisle space in between barrels to check for leakage, corrosion and proper labeling, etc.)
Explanation:	Drums in transfer facility area stacked on top of one another and too close together to inspect properly.
Corrective Action:	Please separate drums in transfer facility area so container inspections can be performed properly.

Checklist Independent Potential Violations and Areas of Concern

Type:	Violation
Rule:	273.14(e)
Explanation:	Universal Waste lamps were not properly labeled.
Corrective Action:	Properly label Universal Waste lamps and send photo.

Type:	Violation
Rule:	262.11
Explanation:	There was a green drum in the transfer facility area that had a faded hazardous waste sticker on it, however, facility representatives were unable to identify the contents.
Corrective Action:	Please preform a waste determination on this drum and provide Department information as to its' content.

Type:	Area Of Concern
Rule:	62-710.500(4)
Explanation:	Current used oil transporter registration was not displayed in lobby.
Corrective Action:	Please replace with current document when received from Tallahassee.

Type:	Violation

Rule: 279.52(a)(1)

Explanation: Oily solid waste containers were open to the elements and collecting rainwater which could cause a release to the environment.

Corrective Action: Please properly cover and label all solid waste rolloffs and containers and provide pictures.

Type: Violation

Rule: 265.54(d)

Explanation: The emergency coordinator in the facility's contingency plan no longer works at this facility.

Corrective Action: Please update the emergency coordinator information in the facility's contingency plan and provide the updated pages to the Department and the appropriate local authorities.

Type: Violation

Rule: 265.52(e)

Explanation: The facility's contingency plan did not include a list of the specifications, capabilities or locations of emergency response equipment.

Corrective Action: Please provide information pertaining to the specifications, capablities, and locations of emergency equipment on site.

Summary of Potential Violations and Areas of Concern:

Potential Violations

Rule Number	Area	Date Cited	Explanation
Transporters Checklist			
264.15(b)(2)		10/13/2008	Facility could not provide copies of a facility inspection log.
265.16(a)(3)		10/13/2008	There was no evidence that drivers had the appropriate DOT training in the last three years.
265.35		10/13/2008	Drums in transfer facility area stacked on top of one another and too close together to inspect properly.
Checklist Independent Violations			
273.14(e)		10/13/2008	Universal Waste lamps were not properly labeled.
262.11		10/13/2008	There was a green drum in the transfer facility area that had a faded hazardous waste sticker on it, however, facility representatives were unable to identify the contents.
279.52(a)(1)		10/13/2008	Oily solid waste containers were open to the elements and collecting rainwater which could cause a release to the environment.
265.54(d)		10/13/2008	The emergency coordinator in the facility's contingency plan no longer

Rule Number	Area	Date Cited	Explanation
			works at this facility.
265.52(e)		10/13/2008	The facility's contingency plan did not include a list of the specifications, capabilities or locations of emergency response equipment.

Areas of Concern

Rule Number	Area	Date Cited	Explanation
Transporters Checklist			
263.20		10/13/2008	One manifest (002999690) had no waste codes.
Checklist Independent Areas of Concern			
62-710.500(4)		10/13/2008	Current used oil transporter registration was not displayed in lobby.

Conclusion:

Based on the inspection, FCC appears to generate less than 100 kg of hazardous waste per month which would classify them as a Conditionally Exempted Small Quantity Generator (CESQG), however, as a permitted facility FCC has obligations beyond their generation status. An exit interview was conducted at the conclusion of the inspection which addressed the potential violations listed above.

The facility was found to be out of compliance at the time of the inspection. The facility was given 30 days to return to compliance.

Inspection Date: 10/13/2008

Signed:

A hazardous waste compliance inspection was conducted on this date, to determine your facility's compliance with applicable portions of Chapters 403 & 376, F.S., and Chapters 62-710, 62-730, 62-737, & 62 -740 Florida Administrative Code (F.A.C.). Portions of the United States Environmental Protection Agency's Title 40 Code of Federal Regulations (C.F.R.) 260 - 279 have been adopted by reference in the state rules under Chapters 62-730 and 62-710, F.A.C. The above noted potential items of non-compliance were identified by the inspector(s).

This is not a formal enforcement action and may not be a complete listing of all items of non-compliance discovered during the inspection.

Kathy R Winston	Inspector	
PRINCIPAL INSPECTOR NAME	**PRINCIPAL INSPECTOR TITLE**	
	FDEP	6/10/2009
PRINCIPAL INSPECTOR SIGNATURE	**ORGANIZATION**	**DATE**
Jowana Knight	Environmental Specialist	
INSPECTOR NAME	**INSPECTOR TITLE**	
NO SIGNATURE	FDEP	
INSPECTOR SIGNATURE	**ORGANIZATION**	
Dee Dupier		
INSPECTOR NAME		
NO SIGNATURE	Broward Co. EPD	
INSPECTOR SIGNATURE	**ORGANIZATION**	
Anthony Fuoco	Transportation Supervisor	
REPRESENTATIVE NAME	**REPRESENTATIVE TITLE**	
NO SIGNATURE	Hydrocarbon	
REPRESENTATIVE SIGNATURE	**ORGANIZATION**	
Tyrone Halfhill	Yard Supervisor	
REPRESENTATIVE NAME	**REPRESENTATIVE TITLE**	
NO SIGNATURE	Hydrocarbon	
REPRESENTATIVE SIGNATURE	**ORGANIZATION**	

Inspection Date: 10/13/2008

NOTE: By signing this document, the Site Representative only acknowledges receipt of this Inspection Report and is not admitting to the accuracy of any of the items identified by the Department as "Potential Violations" or areas of concern.

PENALTY COMPUTATION WORKSHEET

Facility Name: Hydrocarbon Recovery Services, Inc dba FCC Environmental
Facility Address: 1280 NE 48th St., Pompano Beach, FL 33064

Department Staff Responsible for the Penalty Computations:

Kathy Winston Karen Kantor Robyn Begley

Date: 6/30/09

PART I - Class A Penalty Determinations

	Alleged Violation Type	Potential for Harm	Extent of Dev.	Matrix Amount	Multi-day	Adjustments	Economic Benefit Calculation	Total
1	40 CFR Part 264.15(b)(2) General Facility Inspection Logs	Minor	Minor	$644				$644
2	40 CFR Part 265.16(a)(3) Training	Moderate	Moderate	$10,315	N/A		N/A	$10,315
3	40 CFR Part 265.35 Aisle Space	Minor	Minor	$644				$644
4	40 CFR 273.14(e) Universal Waste Labeling	Minor	Minor	$644				$644
5	40 CFR Part 262.11 Waste determination	Minor	Major	$3,868			N/A	$3,868
6	40 CFR Part 279.52(a)(1) Preparedness & Prevention	Minor	Major	$3,868		$774		$4,642
7	40 CFR Part 265.54(d) Emergency Coordinator	Minor	Moderate	$1,933		$387		$2,320
8	40 CFR Part 265.52(e) Contingency Plan Content	Minor	Minor	$644				$644
							Total:	$23,721

All penalty calculations are based on the Florida Department of Environmental Protection Hazardous Waste Regulation Section's "Guidelines for Characterizing RCRA Violations" and "Guidelines for Characterizing Used Oil Violations", both revised as of May 2008. Certain violations require Potential for Harm Ranking System characterization and have been utilized where applicable; refer to the attached Ranking System for Potential for Harm worksheet. The attached civil penalty worksheets are formulated and tendered only in the context of settlement negotiations in order to attempt to reach a cooperative settlement.

7-1-09

Jack Long Date
District Director
Florida Department of Environmental Protection Southeast District

PENALTY COMPUTATION WORKSHEET

Facility Name: Hydrocarbon Recovery Services, Inc dba FCC Environmental
Facility Address: 1280 NE 48th St., Pompano Beach, FL 33064

Part II - Multi-day Penalties and Adjustments

Adjustments: **Dollar Amount:**

Good Faith/lack of good Faith prior to Discovery: _____
Justification:

Good Faith/lack of good Faith after Discovery: _____
Justification:

History of Non-Compliance: $1,161
Justification: A 20 % upper adjustment was assessed on violations 6 & 7 because these same violations were found at the last inspection.

Economic Benefit of Non-Compliance: _____
Justification: Economic Benefit is mandatory for violation number 5, however, analyses of the unknowns indicated it to be used oil and and oily solids.

Ability to pay: _____
Justification:

Multi-Day Penalties: **Dollar Amount:**

Number of days adjustment factor(s) to be applied: _____
Justification:
Number of days matrix amount is to be multiplied: _____
Justification:

Part III-Other Adjustments Made After MeetingWith Responsible Party

Adjustments: **Dollar Amount:**

Relative Merits of the Case: _____

Resource Consideration: _____

Other Justification: _____

Do not sign at this time

Jack Long
District Director
Florida Department of Envir t District

RANKING SYSTEM FOR POTENTIAL FOR HARM WORKSHEET
FOR HAZARDOUS WASTE VIOLATIONS

FACILITY NAME: Hydrocarbon Recovery Services, Inc dba FCC Environmental

	Alleged Violation Type	Nature of Waste	Amount of Waste	RECEPTORS		Total Score
				Discharges	Affected Population	
3	40 CFR Part 265.35 - Aisle Space	4	5	1	2	12
5	40 CFR Part 262.11 - Waste Determination	4	2	1	2	10

Assigned by: Kathy Winston
Karen Kantor
for Robyn Begley

Date: 6/30/09

HAZARDOUS WASTE SCORING SYSTEM

Nature of Waste	Amount of Waste	Receptors	
		Discharges	Affected Population
CATEGORY A = 8 (High hazard wastes)	> 25 drums = 8	Discharge = 4	> 1000 People = 4
	6 - 25 drums = 5	Potential Discharge = 4	100 - 1000 People = 3
CATEGORY B = 4 (Typical hazardous wastes)	< 6 drums = 2	No Discharge = 1	10 - 100 People = 2
			< 10 People = 1

If the Total Score is	Then the Potential for Harm is
19-24	MAJOR
13-18	MODERATE
8-12	MINOR

Winston, Kathy

From: Winter, Kelli [Kelli.Winter@fccenvironmental.com]
Sent: Friday, July 17, 2009 9:21 AM
To: Winston, Kathy
Cc: Korzekwinski, Bernard
Subject: Response to Warning Letter #09-0056HW05SED
Attachments: Response to Warning Letter #09-0056HW06SED Jul 1 09.pdf

Ms. Winston,

Attached please find a short response to Warning Letter #09-0056HW06SED. I did not discuss each area of concern since we will discuss those on Monday. Thank you for your time.

See you Monday (7/20), 1:30pm at your office.

Have a great day!

Kelli R. Winter , CHMM
Environmental Health & Safety Manager, Southeast
Hydrocarbon Recovery Services Inc. d.b.a. FCC Environmental
105 S. Alexander Street
Plant City, FL 33563
813-754-1504 ext. 3129 office
813-478-0282 cell
813-764-8914 fax

"Forgiveness is the single most important key to achieving happiness."

FCC environmental
Hydrocarbon Recovery Services Inc
105 S. Alexander Street
Plant City, FL 33563

Kathy Winston
Florida Department of Environmental Protection
Southeast District
400 North Congress Avenue, Suite 200
West Palm Beach, FL 33401-2913

July 17, 2009

Re: Warning Letter #09-0056HW06SED

Ms. Winston,

We are in receipt of the above-referenced Warning Letter, dated July 1, 2009. The letter concerns possible violations observed at our facility located at 1280 NE 48th Street, Pompano Beach during a Hazardous Waste Inspection conducted on October 13, 2008. The Branch Manager, Bernie Korzekwinski, became aware of the possible violations shortly after the inspection. He provided documentation and photographs, as requested, to address each concern. We feel we have acted in good faith to correct the possible violations and should not be assessed the full penalty of $23,721.00 plus $500 for costs and expenses, as proposed in the Warning Letter.

Thank you for your time and consideration in this matter. If you have further questions or concerns, please contact me as indicated below.

Sincerely,

Kelli Winter

Kelli R. Winter, CHMM
Environmental Health & Safety Manager, SE
105 S. Alexander Street
Plant City, FL 33563
813-754-1504 ext. 3129
813-764-8914 fax
kelli.winter@fccenvironmental.com

DEPARTMENT OF ENVIRONMENTAL PROTECTION
FLORIDA

MEETING DOCUMENTATION

Attendees: (see attached sheet)	Location: Waste Conference SED - Room	Date/Time: 7/20/09 1:00 pm

Meeting Requested by: Bernie Korzekwinski of FCC Environmental, Inc

Meeting Objectives: Discuss Warning letter and associated penalties

Notes: Notes: Introductions were made and a discussion ensued on DEP's MOA w/ EPA and the Civil Penalty Policies followed. At this point, FDEP inspectors went through the eight quoted violations and gave FCC its' take on what violations were considered to be negotiable. It was indicated that FDEP was willing to drop violations #1+2 as the documents did exist, however, they were not available at the time of the inspection. Violation #4 was also considered to be negotiable as it is really the generator's responsibility to label their bins for storage and transport. Violation #8 was also considered for 100% reduction as the documentation was provided after the inspection. FDEP inspectors also made it clear they would not negotiate on violations 6+7 as these are important aspects of the operations of a permitted facility and each of these violations had been cited on the state's last visit to the facility. This left the tentative penalty at $11,474 + $500.00 C+E

Agreements/conclusions: FCC understood the FDEP's position on each violation, however, did not think the Preparedness and Prevention citation was appropriate as the area of concern (solid waste consolidation area) was being addressed at the time of the inspection. In other words, they believe consolidation was taking place. The inspector indicated that no one was in the area at the time of the inspection.

Follow-up Actions/Dates: FCC will get back to the District by either phone or email by August 3RD of 2009 indicating whether a settlement offer will be made or that they prefer to settle the case through a civil proceeding.

Prepared by: _____
mtdocnot

MEETING ATTENDANCE

DATE: 7/20/09 **PROGRAM:** Hazardous Waste

MEETING SUBJECT: Working Letter

MEETING ROOM: **NO. OF PARTICIPANTS:** 4 **TELEPHONE:** ~~561~~ **VOICE POINT:**

NAME	REPRESENTING	TELEPHONE #	FAX #	E-MAIL ADDRESS
Kathy Winston	FDEP	(561) 681-6756	(561) 681-6770	Kathy.winston@dep.state.fl.us
KAREN KANTOR	FDEP	561 681-6670	561 681 6770	Karen.E.Kantor@dep.state.fl.us
Bernie Konkiewicz	~~FDEP~~ FCC	954 931-9338	954 786-6713	Bernard.konkiewicz@fccenvironmental.com
Kelli Winter	FCC	813-764-1504	813-764-8914	kelli.winter@fccenvironmental.com

Mtattend 2/02

Florida Department of
Environmental Protection

Southeast District Office
400 North Congress Avenue, Suite 200
West Palm Beach, Florida 33401-2913

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

SEP 24 2009

CERTIFIED MAIL # 7008 1140 0004 7440 7778
RETURN RECEIPT REQUESTED

John Coyne, Environmental Health & Safety Director
Hydrocarbon Recovery Services, Inc.
d/b/a FCC Environmental
523 North Sam Houston Pkwy., Ste 400
Houston, TX 77060

SUBJECT: Proposed Settlement in the case of the Department of Environmental Protection vs. FCC Environmental, 1280 NE 48th St., Pompano Beach, FL 33064
OGC File No.: 09-3504

Dear Mr. Coyne:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated July 1, 2009, a copy of which is attached. The corrective actions required to bring your facility into compliance have been performed. The Department finds that you are in violation of the rules and statutes cited in the attached Warning Letter. In order to resolve the matters identified in the attached Warning Letter, you are assessed civil penalties in the amount of $11,474.00, along with $500.00 to reimburse the Department costs, for a total of $11,974.00. The civil penalty in this case includes three violations of $2,000.00 or more.

The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. This payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, 400 N. Congress Ave., Ste 200, West Palm Beach, FL, 33401, within 30 days of your signing this letter.

Your signing this letter constitutes your acceptance of the Department's offer to resolve this matter on these terms. If you elect to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department which shall be enforceable pursuant to Sections 120.69 and 403.121, Florida Statutes.

If you do not sign and return this letter to the Department at the District address within 20 days of the mailing date, the Department will assume that you are not interested in settling this

matter on the above described terms, and will proceed accordingly. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely,

for Jack Long 09/24/09
Date
District Director
Southeast District

FOR THE RESPONDENTS:

I, _____ on behalf of _____, **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: _____
Date: _____

FOR DEPARTMENT USE ONLY

DONE AND ENTERED this _____ day of _____, 2009.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

_____
Jack Long Date
District Director
Southeast District

FILING AND ACKNOWLEDGMENT
FILED, on this date, pursuant to §120.52, Florida Statutes,
With the designated Department Clerk, receipt of which is hereby acknowledged.

_____ _____
Clerk Date

Copies furnished to:
Lea Crandall, Agency Clerk
Mail Station 35

NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:
(a) The Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; (c) An explanation of how the petitioner's substantial interests will be affected by the Consent Order; (d) A statement of when and how the petitioner received notice of the Consent Order; (e) A statement of all material facts disputed by petitioner, if any; (f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order; (g) A statement of which rules or statutes the petitioner contends require reversal or modification of the Consent Order; and (h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.

Florida Department of
Environmental Protection
Southeast District Office
400 N. Congress Avenue, Suite 200
West Palm Beach, FL 33401
(561) 681-6600

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

OCT - 9 2009

Jack Long, Director
Southeast District Office

CERTIFIED MAIL #7008 1140 0004 4744 0846
RETURN RECEIPT REQUESTED

John Coyne, Environmental Health & Safety Director
Hydrocarbon Recovery Services, Inc.
d.b.a FCC Environmental
523 North Sam Houston Pkwy., Ste 400
Houston, TX 77060

HW- Broward County
FCC Environmental

RE: Settlement of Department of Environmental Protection vs FCC Environmental, 1280 NE 48th St., Pompano Beach, FL 33064 OGC File No.: 09-3504

Dear Mr. Coyne:

Enclosed for your implementation is a copy of the fully executed and filed Consent Order in the above styled case. Please familiarize yourself with the compliance dates and terms of the Consent Order so the complete and timely performance of those obligations is accomplished.

Thank you for your cooperation in this matter. If you have any questions concerning this matter please contact Kathy Winston at 561/681-6756.

Sincerely,

10-9-09

Jack Long
District Director
Southeast District

Date

JL/JL/KK:kw

cc: Electronic Archboard/OCULUS

Alan Annicella, EPA Region IV
Al Gomez, Broward County EPD, AGOMEZ@broward.org
Michael Redig, DEP Tallahassee (MS #4560)
Lea Crandall, OGC, DEP Tallahassee (MS #35)

Florida Department of Environmental Protection

Southeast District Office
400 North Congress Avenue, Suite 200
West Palm Beach, Florida 33401-2913

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

SEP 24 2009

CERTIFIED MAIL #7008 1140 0004 4744 0778
RETURN RECEIPT REQUESTED

RECEIVED
OCT 07 2009
DEPT of ENV PROTECTION
WEST PALM BEACH

John Coyne, Environmental Health & Safety Director
Hydrocarbon Recovery Services, Inc.
d/b/a FCC Environmental
523 North Sam Houston Pkwy., Ste 400
Houston, TX 77060

SUBJECT: Proposed Settlement in the case of the Department of Environmental Protection vs. FCC Environmental, 1280 NE 48th St., Pompano Beach, FL 33064
OGC File No.: 09-3504

Dear Mr. Coyne:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated July 1, 2009, a copy of which is attached. The corrective actions required to bring your facility into compliance have been performed. The Department finds that you are in violation of the rules and statutes cited in the attached Warning Letter. In order to resolve the matters identified in the attached Warning Letter, you are assessed civil penalties in the amount of $11,474.00, along with $500.00 to reimburse the Department costs, for a total of $11,974.00. The civil penalty in this case includes three violations of $2,000.00 or more.

The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. This payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, 400 N. Congress Ave., Ste 200, West Palm Beach, FL, 33401, within 30 days of your signing this letter.

Your signing this letter constitutes your acceptance of the Department's offer to resolve this matter on these terms. If you elect to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department which shall be enforceable pursuant to Sections 120.69 and 403.121, Florida Statutes.

If you do not sign and return this letter to the Department at the District address within 20 days of the mailing date, the Department will assume that you are not interested in settling this

matter on the above described terms, and will proceed accordingly. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely,

for Jack Long 09/24/09
Date
District Director
Southeast District

FOR THE RESPONDENTS:

I, Bernt Kurukarisli on behalf of Hillsborough County Services, **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: Bernt Kurukarisli
Date: 10/6/09

FOR DEPARTMENT USE ONLY

DONE AND ENTERED this 9th day of October, 2009,

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Jack Long Date
District Director
Southeast District

FILING AND ACKNOWLEDGMENT
FILED, on this date, pursuant to §120.52, Florida Statutes,
With the designated Department Clerk, receipt of which is hereby acknowledged.

Clerk 10-09-09
Date

Copies furnished to:
Lea Crandall, Agency Clerk
Mail Station 35

NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:
(a) The Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; (c) An explanation of how the petitioner's substantial interests will be affected by the Consent Order; (d) A statement of when and how the petitioner received notice of the Consent Order; (e) A statement of all material facts disputed by petitioner, if any; (f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order; (g) A statement of which rules or statutes the petitioner contends require reversal or modification of the Consent Order; and (h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.

#15
PA Dept. Environmental Protection
Issued 6/21/11

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NORTHWEST REGIONAL OFFICE

June 21, 2011

NOTICE OF VIOLATION

CERTIFIED MAIL NO. 7011 0470 0002 4050 2951

Mr. Lance Charen
Branch Manager
FCC environmental, LLC
505 South Market Street
Wilmington, DE 19801

Re: FCC environmental, LLC
General Permit No. WMGR029D001C
Jackson Township, Butler County

Dear Mr. Charen:

As a result of a June 16, 2011, inspection at the above-referenced facility, the Department of Environmental Protection (DEP) has determined that FCC environmental, LLC (FCC) is in violation of The Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, 35 P.S. §6018.101 et seq. (SWMA, Act 97), and the Residual Waste Management Rules and Regulations found at 25Pa. Code Chapters 287 to 299.

The violations are as follows:

1. FCC failed to comply with the conditions of the Department issued General Permit No. WMGR029D001C in violation of Section 287.652.

2. FCC failed to conduct an adequate prequalification analysis of waste oil as required by general permit condition number C-2.

3. FCC failed to adequately screen waste oil prior to loading it on a transportation vehicle and prior to acceptance at the transfer facility as required by general permit condition number C-2 b.(3).

4. FCC processed/stored residual waste without a permit from the Department which is unlawful conduct pursuant to Act 97, the Solid Waste Management Act Section 6018.610(2).

You are notified of both the existence of the violations as well as the need to provide prompt correction. Failure to correct the violations may result in legal proceedings under the Solid Waste Management Act. Under the Act, each day of the violation is considered a distinct and separate offense and will be handled accordingly.

It is requested that FCC provide a written response to the Department by July 22, 201. FCC should address the violations, how they will be corrected and a schedule for their correction.

This Notice of Violation is neither an order nor any other final action of the Department of Environmental Protection. It neither imposes nor waives any enforcement action available to the Department under any of its statutes. If the Department determines that an enforcement action is appropriate, you will be notified of the action.

If you have any questions concerning this letter, please contact me at 814.332.6834.

Sincerely,

Robert R. Bechtel
Residual Waste Coordinator
Waste Management

cc: NRO
R. Bechtel

RRB:lsl

FCC environmental

July 20, 2011

Mr. Robert Bechtel
Pennsylvania Department of Environmental Protection
Waste Management Program
Northwest Regional Office
230 Chestnut Street
Meadville, PA 16335

Re: FCC Environmental, LLC
General Permit No. WMGR029D001C
Jackson Township, Butler County
Notice of Violation

Mr. Bechtel,

FCC Environmental, LLC (FCC) has received the Notice of Violation (NOV) on June 21st, 2011 resulting from an PADEP NW Regional Office inspection conducted on June 16, 2011 at our Zelienople (Pittsburgh), PA facility. As required in your letter, FCC is submitting documentation as requested.

1) PADEP concern: FCC failed to comply with the conditions of the Department issued General Permit # WMGR029D001C in violation of Section 287.652.

FCC response: FCC implemented screening for flash for every customer that is a small quantity generator or large quantity generator, every 6th pickup or every 6 months whichever is later. The screenings will be available for review at the facility.

2) PADEP concern: FCC failed to conduct an adequate prequalification analysis of waste oil as required by general permit condition number C-2.

FCC response: FCC is in the process of conducting prequalification analysis of waste oil for all of our Small Quantity Generator (SQG) clients. We have approximately 50 Wal-Marts facilities with SQG status. Since these facilities generate automotive lubricates, in accordance with our permit we will determine Flash and Halogens for each facilities. PCB will not be evaluated. FCC has contracted with Pace Analytical and expect a 3-4 week completion time. The prequalification analysis will be available for review at the facility.

3) PADEP concern: FCC failed to adequately screen waste oil prior to loading it on a transport vehicle and prior to acceptance at the transfer facility as required by general permit condition number C-2b.(3).

FCC response: FCC is using Dexsil chlor-d-tects for each stop to screen waste oil prior to loading it on a transport vehicle.

4) PADEP concern: FCC processed/stored residual waste without a permit from the Department which is unlawful conduct pursuant to Act 97, the Solid Waste Management Act Section 6018.610(2).

FCC response: A permit modification to our General Beneficial Reuse permit, to include the storage of used oil filters prior to beneficial recycling has been submitted to Mr. Scott Walters Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste.

If there are any questions, please contact me the number listed below or Lance Charen at 302-421-9306 x 206.

Regards,

Vinnie N. Glorioso, CHMM
EH&S Manager
FCC Environmental, LLC
1105 North Point Blvd, Suite 310, Baltimore, MD 21224
Office: 410-284-1717 x 236

environmental

INTERNATIONAL PETROLEUM CORPORATION
505 S. Market Street
Wilmington, DE 19801

TELEPHONE 302-421-9306
FACSIMILE 302-421-9099

July 14, 2011

#16
City of Wilmington, DE Dept. Public Works
Issued 7/1/11

The City of Wilmington
Department of Public Works
800 North French Street
Wilmington, DE 19801

Attn: Mary Neutz Environmental Programs Specialist

RE: Response to letter of Notice of Violation dated July 1, 2011.

Dear Ms. Neutz;

In response to your above referenced letter, IPC offers the following to address the items:

Item 1-Completed as acknowledge in your letter.

Item 2- Tin and Ammonia Exceedance. We have been well below the Monthly average for Tin in May, June, and July of 2011. We have been developing new SOP's for testing all inbound loads for Ammonia and limits for rejection, as well as SOP's for testing our water throughout processing. We also have been retooling our Lab and Plant with new equipment and/or instrumentation to more quickly and more accurately identify above-limit Ammonia enabling a more timely resolution. We acknowledge the ammonia monthly sampling requirement.

Item 3-Certification of Flow Meter and Calibration. The Flow Meter was certified and calibrated on June 20, 2011 by Industrial Instrumentation Incorporated. A copy of the certification is included with this letter.

Item 4- Carbon Usage Log. A copy of the SOP is enclosed. Also attached is a page from our 2011 "Transition Log" as kept by our Operators. The page is from 4/20/2011 the most recent and only time our carbon filters have been changed out thus far in 2011. We use a Dual Can Multi-media Carbon Filter System and the type of Carbon we use is 8x30 Coconut Shell Carbon.

Item 5- Air Stripper Usage. As of June 24, 2011 the Air Stripper is operational and will be used as needed and as required except when the Plant is shutdown and/or when the outside temperature is expected to drop below 32 degrees Fahrenheit. The log maintained for Air Stripper usage will be included with each SMR.

Item 6- Changes to Facility Site Layout. IPC has removed the temporary frac tanks whose use was questioned. They are no longer part of any system at the site.

Item 7- Sampling Methods for Batch Dischargers. IPC will wait for the City to schedule a meeting during the 3rd quarter to discuss sampling options to be implemented in the 4th quarter sampling period.

A request has been made for a check in the amount of $5,000.00 representing payment in full for the above referenced NOV and letter dated July 1, 2011. Due to an IT system platform change the company has been temporarily unable to issue checks. I expect that the issues will be resolved and the check issued in 2 -3 days. Should you have any additional questions regarding this notification, please contact me at 302-421-9306 extension 206.

Regards,

Lance Charen
Branch Manager

CC: Chris Guttridge

City of Wilmington
James M. Baker, Mayor

Louis L. Redding City/County Building
800 N. French Street
Wilmington, Delaware 19801-3537

www.WilmingtonDE.gov

July 1, 2011

Chris Guttridge
IPC - FCC Environmental
505 South Market Street
Wilmington, Delaware 19801

RE: Notice of Violation: Failure to Properly Operate and Maintain Air Stripper Pretreatment System and Reoccurring Failure to Self Monitor
Wastewater Discharge Permit # W-91-01

Dear Mr. Guttridge:

Legal Authority

The following findings are made and this Notice of Violation issued by the City of Wilmington (the "City) pursuant to the Wilmington City Code, Chapter 11, Article V, Section 200-214.

Findings of Fact

Per you letter dated May 26, 2011 you notified the City that the air stripper has not been in use during the 2011 calendar year due to required repairs. The air stripper system was installed by IPC per the requirements of the December 8, 2004 formal compliance schedule. As stated in Special Condition #5 of the wastewater discharge permit, "The permittee shall maintain a log documenting when the air stripper is in use and submit a copy of this log with each self monitoring report. In addition the monthly sampling will alternate every other month between samples taken when the air stripper is in use and when it is not in use."

Notice

Based on the above findings of fact, and pursuant to the above-cited legal authority, International Petroleum Corporation of Delaware is hereby notified that it is in non-compliance of the facility's Wastewater Discharge Permit # W-91-01 for the failure to properly operate and maintain the air stripper pretreatment system and for failure to self monitor in accordance with Special Condition #5 of the permit.

Description of Violation	Enforcement Points (EP)	EP Start	EP Expire
Reoccurring failure to self monitor	2.0	7/1/2011	1/1/2012
Failure to Properly Operate and Maintain Air Stripper	1.0	7/1/2011	1/1/2012
Monthly average Tin (2/10/11)	0.5	6/14/2011	12/14/2011
Local Limit Ammonia	0.5	6/14/2011	12/14/2011

Total Enforcement Response Points	**4.0**		

FINE AMOUNT

Based on the foregoing, the nature of the violation(s) and given my authority pursuant to the Wilmington City Code, Chapter 4, Section 4-131, P-303.7, IPC is hereby assessed an administrative fine of five thousand dollars ($5,000.00). Please remit payment within 10 days of receipt of this notice and fine to:

The City of Wilmington Department of Public Works
c/o Public Works Commissioner
800 North French Street
Wilmington, Delaware 19801

Please make check or money order payable to "City of Wilmington".

PLEASE TAKE NOTICE

Failure to comply with this order shall also constitute a further violation of the Code of the City of Wilmington and may subject IPC to civil or criminal penalties or such other appropriate enforcement actions as may be appropriate. To dispute this fine, you must file a request for reconsideration of the fine within 10 days of being notified of the fine. Please submit your request to the Commissioner of the Public Works Department at the address noted above. Please include in your request, reasons you feel the fine should be reconsidered.

Signed: _____ Date: 7/1/11
Kash Srinivasan, Commissioner
City of Wilmington, Department of Public Works

cc: Lance Charen, IPC - FCC Environmental
Mary Neutz, City of Wilmington-DPW, Environmental Programs Specialist
Sean Duffy. City of Wilmington-DPW, Water Division Director
Kelly Williams, City Solicitor's Office, Assistant City Solicitor

FCC Environmental, LLC

Summary of U.S. Coast Guard Enforcement Action

1. Enforcement Activity 4541934 (Warning Notice)
Issue Date: 2/5/13
Violation Date: 2/5/13 (Baton Rouge, LA)

Nature of violation: Discharge of approximately two gallons of hydraulic oil from an FCC Environmental truck that was conducting a lube oil transfer to the Ingram Barge IB938 from the truck, with the oil landing on the dock ramp and entering the Mississippi River, creating a sheen on the water surface. Spill caused by a faulty hydraulic system. Immediate clean-up initiated by FCC and completed by cleanup contractor. A warning was issued in lieu of a civil penalty. Closed.

UNITED STATES OF AMERICA DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

Charged Party	Enforcement Activity #	Originating Unit
FCC Environmental	4541934	MSU BatonRge
Enforcement Summary	Violation Location MISSISSIPPI RIVER	
	Violation Date 05 Feb 2013	

Summary of Current Violation(s)

Law/Reg	Description	Recommended Penalty
33 USC § 1321(b)(3)	Discharge of oil or a hazardous substance into the navigable waters of the United States, adjoining shoreline, or contiguous zone.	$0

Narrative Overview of the Activity

On 05FEB13, the mobile facility FCC Environmental (NWF035) was conducting a lube oil transfer to the Ingram Barge IB938 at the Ingram Capital Fleet (BRFLT002) at MM 228 on the LMR (CG-02). The hydraulic system for the truck is cooled by a fan, which experience a failure; this failure caused the hydraulic oil within the system to overheat, expand, and discharge from the system through a vented cap (CG-02). The discharged hydraulic oil landed on the dock ramp of Ingram Capital Fleet and entered the Mississippi River, a navigable waterway of the U.S., causing sheen to occur on the water surface (CG-02). The PIC of the FCC Environmental truck, Mr. [redacted], stated he was doing a round of the truck when he noticed the hydraulic oil discharged on the dock ramp, at which point he immediately ended the transfer, started emergency cleanup operations, and called Breaux's Truck Repair to fix the hydraulic system (CG-04). Employees of Ingram Capital Fleet assisted with the emergency cleanup operations of the discharged hydraulic oil by putting out absorbent boom and applying absorbent pads to the dock (CG-05). OMI was called to conduct official cleanup operations, they arrived on-scene and placed out additional absorbent boom to stop the oil from leaving the channel next to the Ingram Capital Fleet dock and used absorbent pads to clean up the oil in the channel, they estimated 2 gallons was discharged (CG-03).

Charged Party's Particulars

Name		Capacity in which Charged	ID
FCC Environmental		owner	N/A
Street 14890 Intracoastal Drive			
City New Orleans	State LA	Zip 70129	Country US
Phone		Fax	

Involved Subjects

Facility Name FCC Environmental	ID NWF035	Role Acknowledged Spill/Discharge Source
Facility Name Ingram Capital Fleet Inc.	ID BRFLT002	Role Site of Incident
Waterway Name MISSISSIPPI RIVER	Local Name MM 228.0 - 237.0	Description LOWER MISSISSIPPI RIVER, BATON ROUGE TO NEW

Other Involved Parties (besides Charged Party)

Name
[redacted]

Role Witness	ID N/A
Name [redacted]	
Role Witness	ID N/A
Name [redacted]	
Role Witness	ID N/A
Name [redacted]	
Role Witness	ID N/A
Name **FCC Environmental**	
Role Subject of Investigation	ID N/A

Past Violation(s) History
No prior violations

1st Charge	
Law or Regulation Cite	33 USC § 1321(b)(3)
Description	Discharge of oil or a hazardous substance into the navigable waters of the United States, adjoining shoreline, or contiguous zone.
Statutory Authority	33 USC 1321
Max Penalty	$15000
Recommended Penalty:	$0
Date of the Violation	05 Feb 2013
Location	MISSISSIPPI RIVER

Details of the Violation

Jurisdictional Elements

PARTY: Owner, Operator, Person in Charge
PLACE: Navigable waters of the US, adjoining shoreline, waters of the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974.

1. FCC Environmental is charged as the owner of FCC Environmental.
   Exhibit Label: CG-01
   Evidence Desc: MISLE Notification #568303 for report of incident received by NRC Notification.

   Exhibit Label: CG-02
   Evidence Desc: FCC Environmental 2G Hydraulic Oil Discharge Photo Log

   Exhibit Label: CG-03
   Evidence Desc: FCC Environmental 2G Hydraulic Oil Discharge - PI Statement - [redacted]

   Exhibit Label: CG-04
   Evidence Desc: FCC Environmental 2G Hydraulic Oil Discharge - Witness Statement - FCC Environmental [redacted]

   Exhibit Label: CG-05
   Evidence Desc: FCC Environmental 2G Hydraulic Oil Discharge - Witness Statement - Ingram Capital Fleet Tankermen

2. MISSISSIPPI RIVER is a navigable water, adjoining shoreline, or waters of the contiguous zone of the United States; or in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974.
   Exhibit Label: CG-01
   Evidence Desc: MISLE Notification #568303 for report of incident received by NRC Notification.

   Exhibit Label: CG-02
   Evidence Desc: FCC Environmental 2G Hydraulic Oil Discharge Photo Log

   Exhibit Label: CG-03
   Evidence Desc: FCC Environmental 2G Hydraulic Oil Discharge - PI Statement - [redacted]

   Exhibit Label: CG-04
   Evidence Desc: FCC Environmental 2G Hydraulic Oil Discharge - Witness Statement - FCC Environmental [redacted]

   Exhibit Label: CG-05

U.S. Department of Homeland Security
United States Coast Guard

Commanding Officer
United States Coast Guard
Marine Safety Unit
Baton Rouge

6041 Crestmount Drive
Baton Rouge, LA 70809
Phone: (225) 298-5400
Fax: (225) 298-5408

16460/4541934

FCC ENVIRONMENTAL (NWF035)
ATTN: [redacted]
14890 INTRACOASTAL DRIVE
NEW ORLEANS, LA 70129

MAR 05 2013

WARNING IN LIEU OF CIVIL PENALTY

Dear Sir:

Coast Guard personnel from my office contacted your facility on February 5, 2013 and discovered the following violation.

Violation Cite: 33 USC 1321 (b) (3)
To wit: The cooling system for the hydraulic system on the tank truck belonging to FCC Environmental (NWF035) failed, which caused hydraulic oil within the system to overheat, expand, and discharge out of the system through a vented cap. The discharge of hydraulic oil entered the Mississippi River, a navigable waterway of the United States, at mile marker 228 causing a sheen.

It was determined that justice will be best served by issuing you a warning rather than pursuing a monetary civil penalty for your conduct as set forth above. You are advised that this warning will become a matter of Coast Guard record and will be considered for any future enforcement actions against you. If you feel this warning is not warranted, you may decline it by signing and dating under the statement below and returning this letter to the address above within 30 days of the date of the letter. However, your refusal will result in civil penalty proceedings being initiated against you in accordance with 33 CFR 1.07. You may contact me at the number above with any questions.

Sincerely,

[redacted], LT

Lieutenant
U.S. Coast Guard
By direction

****

I hereby decline the above-mentioned warning.

_____ _____
Responsible Party Representative Date

FCC Environmental, LLC

(All of the following OSHA violations were disclosed at the public hearing of 10/9/12 for this company's initial franchise. No subsequent OSHA actions have been found.)

Summary of OSHA Violations (3 inspections)

Inspection #314260936
(in former name Hydrocarbon Recovery Services, Inc.)
Inspection Date: 3/31/10 (Pompano Beach, FL)
Date of Issue: 4/28/10
Date Closed: 11/24/10

Citation 1, Item 1 – Serious (later reclassified to Other than Serious).
On or about 3/31/10, in storage agea, 7 LP gas cyulinders were stored near the exit door normally used for safe exit of employees.
Corrective action: Removal of cylinder near exit 3/31/10. As a result of informal settlement agreement, Serious penalty was changed to Other than Serious. No fine.

Citation 1, Item 2 – Serious.
On or about 3/31/10, in water plant and laboratory, employees were not provided with an operable eye wash station when exposed to corrosives such as nitric acid.
Corrective action: Purchase and installation of eyewash/shower in water treatment area 5/18/10. As a result of informal settlement agreement, proposed fine of $2,275 was reduced to $1,600.

Citation 1, Item 3 – Serious (later reclassified to Other than Serious).
On or about 3/31/10, an attachment was added to a forklift without approval from the manufacturer.
Corrective action: Installation of guard 5/14/10. As a result of informal settlement agreement ,
Serious penalty was changed to Other than Serious. No fine.

Citation 1, Item 4 – Serious.
On or about 3/31/10, at the water plant, employees were exposed to hazard of an unguarded chain and sprocket.
Corrective action: The guard covering the sprocket and chains was replaced 5/14/10. As a result of informal settlement, proposed fine of $1,300 was reduced to $900.

Inspection #313831414
(in former name Hydrocarbon Recovery Services, Inc.)
Inspection Date: 9/17/09 (Alexandria, VA)
Date of Issue: 12/7/09
Date Closed: 1/20/10

Citation 1, Item 1 – Serious (later reclassified to Other than Serious).
Two sets of stairs were not equipped with standard stair railings.
Corrective action: Handrails were installed 12/18/09 on both sides of stairs. Additional 30 hours of general OSHA training for management, and stairs inspection added to list of scheduled inspections. As a result of informal settlement, proposed fine of $1,875 was reduced to $1,125.

Citation 2, Item 1 – Other than Serious.
The opening on the top of the grinder tank was not labeled as a "Danger Confined Space—Enter by Permit Only" (permit required confined space).
Corrective action: Opening of grinder tank was labeled 9/18/09. Informal settlement reached. No fine.

Inspection #313753303
(in former name Hydrocarbon Recovery Services, Inc.)
Inspection Date: 8/20/09-8/25/09 (Concord, NC)
Date of Issue: 10/21/09
Date Closed: 1/10/10

Citation 1, Item 1 – Serious.
Facility, pre-treatment water for the floor opening under the filter press was not protected by a standard guard rail or other protective means, which could allow an employee to fall 11 feet 3 inches to the surface below.
Corrective action: Guard rail was installed on both sides of filter press prior to 11/17/09. As a result of informal settlement, proposed fine of $2,450 was reduced to $1,600.

Citation 1, Item 2a – Serious (later reclassified to Nonserious).
Warehouse locker room/restroom was not kept clean, with soiled clothing and debris.
Corrective action: Company responded that the locker room/restroom was designed to be a women's locker room if females were working in plant area. As no females were working in that area, the room was unused except as storage. Storage items were removed, and the room was added to the cleaning schedule 9/7/09. A fine of $525 was paid.

Citation 1, Item 2b – Serious (later reclassified to Nonserious).
Warehouse locker room/restroom did not have paper towels or other means to dry hands after washing.
Corrective action:

Citation 2, Item 1 – Nonserious.
Two boxes containing unused Haz-Mat socks, dikes and pillows which were stacked on top of four-foot shelving, was not secured against sliding and collapse.
Corrective action: Immediately abated during inspection and secured. No fine.

Citation 2, Item 2 – Nonserious.
Facility electrical room, 50-gallon plastic garbage can, oil and liquid samples , and fall arrest systems were stored in front of a 480-volt electrical breaker panel.
Corrective action: Immediately abated during inspection – Items removed from area. No fine.

Citation 2, Item 3 – Nonserious.
Facility system control unit for the "bluebox" container was missing a knockout cover.
Corrective action; Unused openings on boxes closed 8/24/09. Knockout cover added 8/24/09. No fine.

Citation 2, Item 4 – Nonserious.
Two 55-gallon drums in loading bay filled with an unknown material were not labeled.
Corrective action: The two drums containing petroleum contact water (PCW) were labeled accordingly on 8/20/09. No fine.

OSHA INSPECTION #314260936

OSHA Inspection #314260936

Inspection: 314260936 - Hydrocarbon Recovery Services Inc.

Inspection Information - Office: Ft. Lauderdale

Nr: 314260936 Report ID:0418800 Open Date: 03/31/2010

Hydrocarbon Recovery Services Inc.
1280 Ne 48th St
Pompano Beach, FL 33064 Union Status: NonUnion
SIC: 5093/Scrap and Waste Materials
NAICS: 423930/Recyclable Material Merchant Wholesalers

Inspection Type: Planned
Scope: Complete Advanced Notice: N
Ownership: Private
Safety/Health: Health Close Conference: 03/31/2010
Emphasis: L:Scrapmtl,S:Powered Ind Vehicle Close Case: 11/24/2010

	Violation Summary					
	Serious	Willful	Repeat	Other	Unclass	Total
Initial Violations	4					4
Current Violations	4					4
Initial Penalty	5850					5850
Current Penalty	5850					5850
FTA Amount						

Violation Items

#	ID	Type	Standard	Issuance	Abate	Curr$	Init$	Fta$	Contest	LastEvent
1.	01001	Serious	19100110 F02 II	04/28/2010	05/10/2010	$1300	$1300	$0		-
2.	01002	Serious	19100151 C	04/28/2010	05/17/2010	$2275	$2275	$0		-
3.	01003	Serious	19100178 A04	04/28/2010	06/15/2010	$975	$975	$0		-
4.	01004	Serious	19100219 F03	04/28/2010	05/17/2010	$1300	$1300	$0		-

Standard Cited:19100110 F02 II *Storage and handling of liquefied petroleum gases.*

Violation Items			
Nr: 314260936	Citation: 01001	Issuance: 04/28/2010	ReportingID: 0418800
Viol Type: Serious		NrInstances: 1	Contest Date:
Abatement Date: 05/10/2010 X		Nr Exposed: 1	Final Order:
Initial Penalty: 1300.00		REC:	Emphasis:
Current Penalty: 1300.00		Gravity: 02	Haz Category:

Standard Cited:19100151 C *Medical services and first aid.*

Violation Items			
Nr: 314260936	Citation: 01002	Issuance: 04/28/2010	ReportingID: 0418800
Viol Type: Serious		NrInstances: 1	Contest Date:
Abatement Date: 05/17/2010 X		Nr Exposed: 1	Final Order:
Initial Penalty: 2275.00		REC:	Emphasis:
Current Penalty: 2275.00		Gravity: 05	Haz Category:

Standard Cited:19100178 A04 *Powered industrial trucks.*

Violation Items			
Nr: 314260936	Citation: 01003	Issuance: 04/28/2010	ReportingID: 0418800
Viol Type: Serious		NrInstances: 1	Contest Date:
Abatement Date: 06/15/2010 X		Nr Exposed: 1	Final Order:
Initial Penalty: 975.00		REC:	Emphasis:
Current Penalty: 975.00		Gravity: 01	Haz Category:

Standard Cited:19100219 F03 *Mechanical power-transmission apparatus.*

Violation Items			
Nr: 314260936	Citation: 01004	Issuance: 04/28/2010	ReportingID: 0418800
Viol Type: Serious		NrInstances: 1	Contest Date:
Abatement Date: 05/17/2010 X		Nr Exposed: 1	Final Order:
Initial Penalty: 1300.00		REC:	Emphasis:
Current Penalty: 1300.00		Gravity: 02	Haz Category:

fcc environmental
105 S. Alexander Street
Plant City, FL 33563

May 18, 2010

Noel Buitrago
Compliance Safety and Health Officer
Occupational Safety & Health Administration
1000 South Pine Island Road, Suite 100
Fort Lauderdale, FL 33324

Re: Inspection Number: 314260936

Mr. Buitrago,

Hydrocarbon Recovery Services Inc. is in receipt of the Informal Settlement Agreement concerning Inspection Number 314260936. This inspection was conducted at our facility located at 1280 NE 48th Street, Pompano Beach, FL 33064. As discussed at the meeting, the following actions have been, or will be, taken to address each Item number.

Item 1 On the date of the inspection, the LP gas cylinder near the exit door was removed. Pictures are included with this correspondence.

Item 2 A safety shower has been purchased. The plumbing lines will be installed within the next 21 days at which time the safety shower will be installed. Pictures of the shower are included with this correspondence. Once the shower is installed, a picture will be sent to your attention.

Item 3 Pictures of the manufacturer's identification plate and the specifications plate showing the capacity of the forklift are included with this correspondence. Documentation showing the capacities of the two forklift attachments have also been included.

Item 4 The guard covering the sprocket and chains (water treatment area) has been replaced. A picture is included with this correspondence.

HRSI is pleased this situation was resolved in an amicable manner. If further action is required on our part, please let us know.

Sincerely,

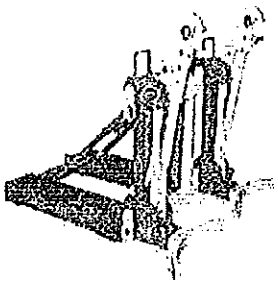
Kelli R. Winter, CHMM
Environmental Health & Safety Manager
813-754-1504 ext. 3129
kelli.winter@fccenvironmental.com

Lifter, Drum, Cap2000Lb, L47In

Material Handling > Dock Equipment > Drum Lifters and Dispensers

Drum Lifter, Load Capacity 2000 Pounds, Style Double Drum, Overall Length 34 Inches, Overall Height 38 Inches, Overall Width 58 Inches, Forklift

Grainger Item #	1TZ77
Price (ea.)	$1,268.00
Brand	VESTIL
Mfr. Model #	FMDL-2
Ship Qty.	1
Sell Qty. (Will-Call)	1
Ship Weight (lbs.)	320.0
Usually Ships**	From mfr. w/in 4 bus. days
Catalog Page No.	1873
Country of Origin (Country of Origin is subject to change.)	USA



Enlarge Image

Qty.

Add Grainger TripleGuard® repair & replacement coverage for $169.00 each.

Add to Order | Add to Favorites List

Price shown may not reflect your price. Sign in or register.

Tech Specs | Additional Information | Compliance & Restrictions | MSDS | Required Accessories | Optional Accessories | Alternate Products | Repair Parts

Item	Drum Lifter
Type	Double Drum
Overall Length (In.)	47
Overall Height (In.)	28
Overall Width (In.)	43
Load Capacity (Lb.)	2000
Finish	Safety Yellow
Includes	Safety Chain to Secure Unit to Carriage of Fork Truck

View Catalog Page View Printable Page

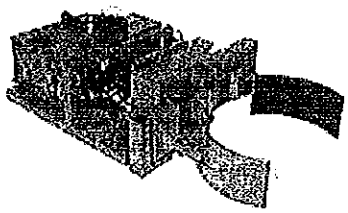
The "Usually Ships" reflects when an item is generally expected to ship from Grainger based on its stocking location. Real-time availability information will be shown during the checkout process and on the e-mail order confirmation (for U.S. and Puerto Rico - US customers only). Please allow additional delivery time for international orders.

Return To Top

Ultra-Grip II - Drum Dumper
Valley Craft 888-378-6525

Product Details Features/Options Photos

Overview



Ultra-Grip II - Model VC-6135 - Self-Powered Multi-Function Dual-Axis Drum Handler

Ultra-Grip II - Self-Powered Multi-Function Dual-Axis Drum Handler with (3) different syle jaws.

Model VC-6135 Ultra-Grip II is Valley Craft's top-of-the-line general purpose hydraulic drum handler. Only Ultra-Grip II allows the operator the choice of controlled dumping to the left, right, and forward. Rubber-lined general purpose jaws are designed to handle steel drums, and other rigid cylinders from 18" to 28" in diameter.

Ultra-Grip Video

Highlights

- 3-way directional controlled dumping
- Moving
- Stacking
- Palletizing
- 180° inverting
- 360° rotating in horizontal or vertical plane
- 125° forward tilting

Photo 1. Ultra-Grip II - Model VC-6135 - Self-Powered Multi-Function Dual-Axis Drum Handler

Photo 2. Model VC-6135 - Rotation - Left, Right and Forward

Photo 3. Model VC-6136 - Drum Hugger Jaws for 55-gal. steel, plastic and fiber drums 23-24 in. in diameter.

Photo 4. Model VC-6137 - Giant Jaws for steel and fiber drums 18-28 in. in diameter.

Photo 5. Battery Pack

MODELS & PRICING

= Option

Model #	Drum Type	Dimensions	Fork Tube Size	Dist. Req. Btw. Forks	Jaw Size	Cylinder Size	Capacity	Weight	1	Quantity
VC-6135	Steel	64"L x 35.5"W	2" x 6" x 38"	20.5"	9" x 20"	18" - 28"	2000 lbs.	772 lbs.	$7,250.00	
VC-6136	Plastic, Steel & Fiber	68"L x 35.5"W	2" x 6" x 38"	20.5"	9" x 30"	55 gal only	2000 lbs.	773 lbs.	$7,500.00	
VC-6137	Fiber	64"L x 35.5"W	2" x 6" x 38"	20.5"	18" x 18"	18" - 28"	2000 lbs.	773 lbs.	$7,500.00	

$ ADD TO CART

Back to Top

Zorin Material Handling Company
2434 W. Wadsworth Rd., Bldg. B4
Waukegan, IL 60087
Phone: 1-888-378-6525 or 773-342-3818
Fax: 1-866-378-0233 or 773-342-3881
Email:Info@zorinmaterial.com

Remit to Address
Zorin Material Handling Co.
Department 7902
Carol Stream, IL 60122-7902

ABATEMENT CERTIFICATION

Darlene Fossum, Area Director
U.S. Department of Labor - OSHA
1000 South Pine Island Road
Suite 100
Fort Lauderdale, FL 33324
Phone: (954)424-0242

Hydrocarbon Recovery Services Inc.
1280 NE 48th St
Pompano Beach, FL 33064

The hazard referenced in Inspection Number 314260936 ~~314260936~~ for the violation identified as Citation 1 and Item 1 was corrected on 3/31/10 by the following method: removal of cylinder near exit.

The hazard referenced in Inspection Number 314260936 for the violation identified as Citation 1 and Item 2 was corrected ~~on~~ within 21 days by the following method: purchase & installation of eyewash/shower in water treatment area

The hazard referenced in Inspection Number 314260936 for the violation identified as Citation 1 and Item 3 was corrected on 5/18/10 by the following method: oh.

The hazard referenced in Inspection Number 314260936 for the violation identified as Citation 1 and Item 4 was corrected on 5/14/10 by the following method: installation of guard.

The hazard referenced in Inspection Number _____ for the violation identified as Citation _____ and Item _____ was corrected on _____ by the following method: _____.

NOTE: 29 USC 666.(g): Whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more that $10,000, or by imprisonment for not more than six months or both.

POSTING: A copy of the completed Corrective Action Worksheet should be posted for employee review.

Kelli Winter
Signature

Kelli Winter
Typed or Printed Name

U.S. DEPARTMENT OF LABOR OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

In the Matter of: Hydrocarbon Recovery Services Inc.
OSHA No.(s): 314260936

INFORMAL SETTLEMENT AGREEMENT

The undersigned Employer and the undersigned Occupational Safety and Health Administration (OSHA), in settlement of the above citation(s) and penalties which were issued on 04/28/10, hereby agree as follows:

1. The Employer agrees to correct the violations as cited in the above citations or as amended below.

2. The Employer agrees to pay the proposed penalties, if any, as issued with the above citation(s), or, if amended by this agreement, as amended below.

3. The Employer and OSHA agree that the following citations and penalties, if any, are not being amended: None.

4. OSHA agrees that the following citations and penalties are being amended as shown below:

Citation 1, Item 1	Change to other-than-serious Penalty $0	
Citation 1, Item 2	Penalty reduced to $1,600	
Citation 1, Item 3	Change to other-than-serious Penalty $0	
Citation 1, Item 4	Penalty reduced to	$900
TOTAL PENALTY		$2500

5. The Employer, by signing this informal settlement agreement, hereby waives its rights to contest the above citation(s) and penalties, as amended in paragraph 4 of this agreement.

6. The employer agrees to immediately post a copy of this Settlement Agreement in a prominent place at or near the location of the violation(s) referred to in paragraph 4 above. This Settlement Agreement must remain posted until the violations cited have been corrected, or for 3 working days (excluding weekends and Federal Holidays), whichever is longer.

7. The employer agrees to continue to comply with the applicable provisions of the Occupational Safety and Health Act of 1970, and the applicable safety and health standards promulgated pursuant to the Act.

8. The employer agrees to conduct regular inspection of the workplace and to correct safety deficiencies found.

9. Each Party hereby agrees to bear its own attorney fees, costs and other expenses incurred by such party in connection with any stage of these proceedings, including, but not limited to, attorney's fees which may be available under the Equal Access to Justice Act, as amended.

10. The employer agrees to pay the amended penalty, if any, by the due date (15 days after receipt of original citation), otherwise the penalty will revert to the full amount.

11. The Employer agrees to develop/review its safety and health program and modify it as appropriate on an ongoing basis in order to improve safety and health.

12. The employer agrees to contact the University of South Florida (USF) Consultation Program (telephone number: 866-273-1105), whose services are free to small employers for assistance implementing an effective safety and health program.

For The Occupational Safety And Health Administration Darlene Fossum (signature and date)	Kelly Winter 5/18/10 For The Employer (signature and date)

NOTICE TO EMPLOYEES

The law gives you or your representative the opportunity to object to any abatement date set for a violation if you believe the date to be unreasonable. Any contest to the abatement dates of the citations amended in paragraph 3 of this Settlement Agreement must be mailed to the U.S. Department of Labor Area Office at 1000 South Pine Island Road, Suite 100, Fort Lauderdale, FL 33324, within 15 working days (excluding weekends and Federal Holidays) of the receipt by the Employer of this Settlement Agreement. You or your representative also have the right to object to any of the abatement dates set for violations, which were not amended, provided that the objection is mailed to the office shown above within the 15-working-day period established by the original citation.

U.S. Department of Labor
Occupational Safety and Health Administration
1000 South Pine Island Road
Suite 100
Fort Lauderdale, FL 33324
Phone: (954)424-0242 FAX: (954) 424-3073

Citation and Notification of Penalty

To:
Hydrocarbon Recovery Services Inc.
and its successors
1280 NE 48th St
Pompano Beach, FL 33064

Inspection Site:
1280 NE 48th St
Pompano Beach, FL 33064

Inspection Number: 314260936
Inspection Date(s): 03/31/2010- 03/31/2010
Issuance Date: 04/28/2010

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The enclosed booklet (OSHA 3000) which outlines your rights and responsibilities should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or , if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

Right to Contest - You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Notification of Corrective Action - For **each** violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of the OSHA office issuing the citation and identified above. The certification **must** be sent by you within **10 calendar days** of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citations states that the abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

All abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on front page); 3) the citation and the citation items number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to OSHA, also be posted at the location where the violation appeared and the corrective action took place.

Notice to Employees - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data - You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation, but not sooner than 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at WWW.OSHA.GOV. If you have any dispute with the accurace of the information displayed, please contact this office.

IMPORTANT NOTICE

(READ THIS CAREFULLY)

The proposed penalties assessed for this inspection's citation(s) reflect reductions that have been granted for the size, good faith, and history of the employer.

ORIGINAL PENALTY	$9,000
PROPOSED PENALTY	$5,850

INFORMAL SETTLEMENT OFFER

An additional 25% reduction in penalties (rounded to the nearest dollar) will be granted if all citation items are abated, an abatement report is submitted and the **INFORMAL SETTLEMENT AGREEMENT** is signed and returned by the employer to **OSHA** within 15 Federal working days (excluding weekends and Federal holidays) of the receipt of the citation. Failure to accept this settlement or requesting an Informal Conference withdraws this offer. Penalties must be submitted no longer than 14 days after the Informal Settlement Agreement is executed. A detailed abatement plan **must** be submitted with the **INFORMAL SETTLEMENT AGREEMENT** for those items which have not been abated and will require a longer abatement period.

REDUCED PENALTY AMOUNT FOR INFORMAL SETTLEMENT:	$4,388

Corrective Action, taken by you for each alleged violation should be submitted to this office on or about the abatement date(s) indicated on the Citation and Notification of Penalty and included with the submitted **INFORMAL SETTLEMENT AGREEMENT.** A work sheet has been provided to assist in submitting the required abatement information.

Meetings may be held to discuss questions concerning citation/violation issues (other than the penalties) or dates and methods of abatement prior to the final contest date of the citation. Please contact the U.S. DEPT. OF LABOR-OSHA at (954)424-0242 for an appointment.

U. S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

INFORMAL SETTLEMENT AGREEMENT

In the Matter of: Hydrocarbon Recovery Services Inc.
OSHA No.(s): 314260936

The undersigned representatives of the Employer and the Occupational Safety and Health Administration (OSHA), in settlement of the above citation(s) and penalties which were issued on 04/28/2010, hereby agree as follows:

1. The Employer agrees to correct the violations as cited in the attached citations and to submit a correction report (form attachted) as required on page 3.

2. The Employer agrees to pay the reduced penalties, amended by this agreement, in the amount of

   $4,388

3. The Employer, by signing this informal settlement agreement, hereby waives its rights to contest the above citation(s) and penalties, as amended in this agreement.

4. The employer agrees to immediately post a copy of this Informal Settlement Agreement in a prominent place at or near the location of the violation(s) referred to in the attached citation. This Informal Settlement Agreement must remain posted until the violations cited have been corrected, or for 3 working days (excluding weekends and Federal Holidays), whichever is longer.

5. The employer agrees to continue to comply with the applicable provisions of the Occupational Safety and Health Act of 1970, and the applicable safety and health standards promulgated pursuant to the Act.

6. The Employer agrees to develop/review its safety and health program and modify it as appropriate on an ongoing basis in order to improve safety and health.

7. The employer agrees to contact the University of South Florida (USF) Consultation Program (telephone number: 866-273-1105), whose services are free to small employers for assistance implementing an effective safety and health program.

8. Failure to pay the amended penalty, if any, by the due date(s) will revert such penalty to the original full amount.

For Occupational Safety
And Health Administration
Darlene Fossum
(signature and date)

For the Employer
(signature and date)

NOTE: TWO COPIES OF THE SIGNED AND COMPLETED AGREEMENT WILL BE RETURNED TO THE EMPLOYER AFTER THE CASE IS SETTLED.

ABATEMENT CERTIFICATION

Darlene Fossum, Area Director
U.S. Department of Labor - OSHA
1000 South Pine Island Road
Suite 100
Fort Lauderdale, FL 33324
Phone: (954)424-0242

Hydrocarbon Recovery Services Inc.
1280 NE 48th St
Pompano Beach, FL 33064

The hazard referenced in Inspection Number _____ for the violation identified as Citation _____ and Item _____ was corrected on _____ by the following method:_____.

The hazard referenced in Inspection Number _____ for the violation identified as Citation _____ and Item _____ was corrected on _____ by the following method:_____.

The hazard referenced in Inspection Number _____ for the violation identified as Citation _____ and Item _____ was corrected on _____ by the following method:_____.

The hazard referenced in Inspection Number _____ for the violation identified as Citation _____ and Item _____ was corrected on _____ by the following method:_____.

The hazard referenced in Inspection Number _____ for the violation identified as Citation _____ and Item _____ was corrected on _____ by the following method:_____.

NOTE: 29 USC 666.(g): Whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more that $10,000, or by imprisonment for not more than six months or both.

POSTING: A copy of the completed Corrective Action Worksheet should be posted for employee review.

_____
Signature

_____
Typed or Printed Name

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 314260936
Inspection Dates: 03/31/2010 - 03/31/2010
Issuance Date: 04/28/2010

Citation and Notification of Penalty

Company Name: Hydrocarbon Recovery Services Inc.
Inspection Site: 1280 NE 48th St, Pompano Beach, FL 33064

Citation 1 Item 1 Type of Violation: Serious

29 CFR 1910.110(f)(2)(ii): LP gas container(s) stored inside were located near or in area(s) normally used or intended for the safe exit of employees:

On or about 3/31/10, at Hydrocarbon Recovery Services Inc. storage area, seven LP gas cylinders were stored near the exit door.

PLEASE NOTE: CERTIFICATION AND DOCUMENTATION OF ABATEMENT IS REQUIRED FOR THIS VIOLATION.

Date By Which Violation Must be Abated:	05/10/2010
Proposed Penalty:	$ 1300.00

Citation 1 Item 2 Type of Violation: Serious

29 CFR 1910.151(c): Where employees were exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body were not provided within the work area for immediate emergency use:

On or about 3/31/10, at the Hydrocarbon Recovery Services Inc. water plant and laboratory, the employees were not provided with an eye wash when exposed to corrosives as nitric acid.

PLEASE NOTE: CERTIFICATION AND DOCUMENTATION OF ABATEMENT IS REQUIRED FOR THIS VIOLATION.

Date By Which Violation Must be Abated:	05/17/2010
Proposed Penalty:	$ 2275.00

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 314260936
Inspection Dates: 03/31/2010 - 03/31/2010
Issuance Date: 04/28/2010

Citation and Notification of Penalty

Company Name: Hydrocarbon Recovery Services Inc.
Inspection Site: 1280 NE 48th St, Pompano Beach, FL 33064

Citation 1 Item 3 Type of Violation: Serious

29 CFR 1910.178(a)(4): Modifications or additions which affect capacity and safe operation of powered industrial truck were performed by the employer without the manufacturer's prior written approval:

On or about 3/31/10, at the Hydrocarbon Recovery Services Inc., the forklift was added an attachment without approval from the manufacturer.

PLEASE NOTE: CERTIFICATION AND DOCUMENTATION OF ABATEMENT IS REQUIRED FOR THIS VIOLATION.

Date By Which Violation Must be Abated:	06/15/2010
Proposed Penalty:	$ 975.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 314260936
Inspection Dates: 03/31/2010-03/31/2010
Issuance Date: 04/28/2010

Citation and Notification of Penalty

Company Name: Hydrocarbon Recovery Services Inc.
Inspection Site: 1280 NE 48th St, Pompano Beach, FL 33064

Citation 1 Item 4 Type of Violation: Serious

29 CFR 1910.219(f)(3): Sprocket wheels and chains which were seven feet or less above floors or platforms were not enclosed:

On or about 3/31/10, at the Hydrocarbon Recovery Services Inc. water plant, the employees were exposed to an unguarded chain and sprocket.

PLEASE NOTE: CERTIFICATION AND DOCUMENTATION OF ABATEMENT IS REQUIRED FOR THIS VIOLATION.

Date By Which Violation Must be Abated:	05/17/2010
Proposed Penalty:	$ 1300.00

Darlene Fossum
Area Director

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration
1000 South Pine Island Road
Suite 100
Fort Lauderdale, FL 33324
Phone: (954)424-0242 FAX: (954)424-3073

INVOICE/
DEBT COLLECTION NOTICE

Company Name: Hydrocarbon Recovery Services Inc.
Inspection Site: 1280 NE 48th St, Pompano Beach, FL 33064
Issuance Date: 04/28/2010
Summary of Penalties for Inspection Number 314260936

Citation 1, Serious	= $	**5850.00**
TOTAL PROPOSED PENALTIES	= $	**5850.00**

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than full amount due and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest. Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is 4%. Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges. A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs. Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

Darlene Fossum
Area Director

Date 4/29/10

Corrective action, taken by you for each alleged violation should be submitted to this office on or about the abatement dates indicated on the Citation and Notification of Penalty.

If the hazards itemized on this citation(s) are not abated/corrected and a follow-up inspection is conducted, your establishment may receive a Failure to Abate Citation for the uncorrected hazards with subsequent additional monetary penalties of up to thirty (30) times the original penalty amount of the uncorrected hazards.

A work sheet has been provided to assist in providing the required abatement information. A completed copy of this work sheet should be posted at the worksite with the Citation(s).

NOTES FROM OSHA INSPECTION 03/31/10

FORK LIFT: attachment label must be permanently marked on lift.
Daily inspection sheet must be filled out.

LP GAS: can not have more than 6 tanks inside of building and can not be within 5' of exit door

WATER PLANT: need guard on chain drive for wheel
Electrical cords need to be secured
Eyewash/shower needs to be within 15' from area where acid and caustics are being used

WAREHOUSE: housekeeping, safety chain on second floor .

LAB: need a portable eyewash station to attach to faucet

OSHA inspection.

Log. everyday:
Forklift attachment Lable. need to be marked:
gastanks secure to wall max 6" 5' from door

Tyrone (water Plant) need guard on chain drive.
electrical cords all over the place: (CONSTRUCTION)

need eyewash close to Acid." 15'
eyewash. NOT working:
water off

HouseKeeping

Chain in middle. UPSteirs safty chain

need. {Eyewash in Lab: portable.} faucet:

Portable

Pictures of Repairs: *

noise + air contaminates:
866 273 1105

ABATEMENT CERTIFICATION

Darlene Fossum, Area Director
U.S. Department of Labor - OSHA
1000 South Pine Island Road
Suite 100
Fort Lauderdale, FL 33324
Phone: (954)424-0242

Hydrocarbon Recovery Services Inc.
1280 NE 48th St
Pompano Beach, FL 33064

The hazard referenced in Inspection Number 314260936 ~~314260~~ for the violation identified as Citation 1 and Item 1 was corrected on 3/31/10 by the following method: removal of cylinder near exit.

The hazard referenced in Inspection Number 314260936 for the violation identified as Citation 1 and Item 2 was corrected ~~on~~ within 21 days by the following method: purchase & installation of eyewash/shower in wastetreatment area

The hazard referenced in Inspection Number 314260936 for the violation identified as Citation 1 and Item 3 was corrected on 5/18/10 by the following method: oh.

The hazard referenced in Inspection Number 314260936 for the violation identified as Citation 1 and Item 4 was corrected on 5/14/10 by the following method: installation of guard.

The hazard referenced in Inspection Number _____ for the violation identified as Citation _____ and Item _____ was corrected on _____ by the following method: _____.

NOTE: 29 USC 666.(g): Whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more that $10,000, or by imprisonment for not more than six months or both.
POSTING: A copy of the completed Corrective Action Worksheet should be posted for employee review.

Kelli Winter
Signature

Kelli Winter
Typed or Printed Name

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Paul B. Schilinski, Regional Director
Commonwealth of Virginia
Department of Labor and Industry
10515 Battleview Parkway
Manassas, VA 20109

COMPLETE THIS SECTION ON DELIVERY

A. Signature
M Fletcher
☐ Agent
☐ Addressee

B. Received by (Printed Name) M Fletcher
C. Date of Delivery 1-20-10

D. Is delivery address different from Item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7008 2810 0000 8316 3450

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

U.S. DEPARTMENT OF LABOR OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

In the Matter of: Hydrocarbon Recovery Services Inc.
OSHA No.(s): 314260936

INFORMAL SETTLEMENT AGREEMENT

The undersigned Employer and the undersigned Occupational Safety and Health Administration (OSHA), in settlement of the above citation(s) and penalties which were issued on 04/28/10, hereby agree as follows:

1. The Employer agrees to correct the violations as cited in the above citations or as amended below.

2. The Employer agrees to pay the proposed penalties, if any, as issued with the above citation(s), or, if amended by this agreement, as amended below.

3. The Employer and OSHA agree that the following citations and penalties, if any, are not being amended: None.

4. OSHA agrees that the following citations and penalties are being amended as shown below:

Citation 1, Item 1	Change to other-than-serious Penalty $0	
Citation 1, Item 2	Penalty reduced to $1,600	
Citation 1, Item 3	Change to other-than-serious Penalty $0	
Citation 1, Item 4	Penalty reduced to	$900
TOTAL PENALTY		$2500

5. The Employer, by signing this informal settlement agreement, hereby waives its rights to contest the above citation(s) and penalties, as amended in paragraph 4 of this agreement.

6. The employer agrees to immediately post a copy of this Settlement Agreement in a prominent place at or near the location of the violation(s) referred to in paragraph 4 above. This Settlement Agreement must remain posted until the violations cited have been corrected, or for 3 working days (excluding weekends and Federal Holidays), whichever is longer.

7. The employer agrees to continue to comply with the applicable provisions of the Occupational Safety and Health Act of 1970, and the applicable safety and health standards promulgated pursuant to the Act.

8. The employer agrees to conduct regular inspection of the workplace and to correct safety deficiencies found.

9. Each Party hereby agrees to bear its own attorney fees, costs and other expenses incurred by such party in connection with any stage of these proceedings, including, but not limited to, attorney's fees which may be available under the Equal Access to Justice Act, as amended.

10. The employer agrees to pay the amended penalty, if any, by the due date (15 days after receipt of original citation), otherwise the penalty will revert to the full amount.

11. The Employer agrees to develop/review its safety and health program and modify it as appropriate on an ongoing basis in order to improve safety and health.

12. The employer agrees to contact the University of South Florida (USF) Consultation Program (telephone number: 866-273-1105), whose services are free to small employers for assistance implementing an effective safety and health program.

For The Occupational Safety And Health Administration Darlene Fossum (signature and date)	Kelly Winter 5/18/10 For The Employer (signature and date)

NOTICE TO EMPLOYEES

The law gives you or your representative the opportunity to object to any abatement date set for a violation if you believe the date to be unreasonable. Any contest to the abatement dates of the citations amended in paragraph 3 of this Settlement Agreement must be mailed to the U.S. Department of Labor Area Office at 1000 South Pine Island Road, Suite 100, Fort Lauderdale, FL 33324, within 15 working days (excluding weekends and Federal Holidays) of the receipt by the Employer of this Settlement Agreement. You or your representative also have the right to object to any of the abatement dates set for violations, which were not amended, provided that the objection is mailed to the office shown above within the 15-working-day period established by the original citation.

U.S. DEPARTMENT OF LABOR OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

In the Matter of: Hydrocarbon Recovery Services Inc.
OSHA No.(s): 314260936

INFORMAL SETTLEMENT AGREEMENT

The undersigned Employer and the undersigned Occupational Safety and Health Administration (OSHA), in settlement of the above citation(s) and penalties which were issued on 04/28/10, hereby agree as follows:

1. The Employer agrees to correct the violations as cited in the above citations or as amended below.

2. The Employer agrees to pay the proposed penalties, if any, as issued with the above citation(s), or, if amended by this agreement, as amended below.

3. The Employer and OSHA agree that the following citations and penalties, if any, are not being amended; None.

4. OSHA agrees that the following citations and penalties are being amended as shown below:

Citation 1, Item 1	Change to other-than-serious Penalty $0	
Citation 1, Item 2	Penalty reduced to $1,600	
Citation 1, Item 3	Change to other-than-serious Penalty $0	
Citation 1, Item 4	Penalty reduced to	$900
TOTAL PENALTY		$2500

5. The Employer, by signing this informal settlement agreement, hereby waives its rights to contest the above citation(s) and penalties, as amended in paragraph 4 of this agreement.

6. The employer agrees to immediately post a copy of this Settlement Agreement in a prominent place at or near the location of the violation(s) referred to in paragraph 4 above. This Settlement Agreement must remain posted until the violations cited have been corrected, or for 3 working days (excluding weekends and Federal Holidays), whichever is longer.

Inspection#: 314260936

7. The employer agrees to continue to comply with the applicable provisions of the Occupational Safety and Health Act of 1970, and the applicable safety and health standards promulgated pursuant to the Act.

8. The employer agrees to conduct regular inspection of the workplace and to correct safety deficiencies found.

9. Each Party hereby agrees to bear its own attorney fees, costs and other expenses incurred by such party in connection with any stage of these proceedings, including, but not limited to, attorney's fees which may be available under the Equal Access to Justice Act, as amended.

10. The employer agrees to pay the amended penalty, if any, by the due date (15 days after receipt of original citation), otherwise the penalty will revert to the full amount.

11. The Employer agrees to develop/review its safety and health program and modify it as appropriate on an ongoing basis in order to improve safety and health.

12. The employer agrees to contact the University of South Florida (USF) Consultation Program (telephone number: 866-273-1105), whose services are free to small employers for assistance implementing an effective safety and health program.

5/27/10

For The Occupational Safety And Health Administration
Darlene Fossum
(signature and date)

For The Employer
(signature and date)

NOTICE TO EMPLOYEES

The law gives you or your representative the opportunity to object to any abatement date set for a violation if you believe the date to be unreasonable. Any contest to the abatement dates of the citations amended in paragraph 3 of this Settlement Agreement must be mailed to the U.S. Department of Labor Area Office at 1000 South Pine Island Road, Suite 100, Fort Lauderdale, FL 33324, within 15 working days (excluding weekends and Federal Holidays) of the receipt by the Employer of this Settlement Agreement. You or your representative also have the right to object to any of the abatement dates set for violations, which were not amended, provided that the objection is mailed to the office shown above within the 15 working-day period established by the original citation.

OSHA INSPECTION #313831414

OSHA Inspection #313831414

Inspection: 313831414 - Hydrocarbon Recovery Services, Incorporated

Inspection Information - Office: Virginia Rchmnd Hlth		
Nr: 313831414	Report ID:0355125	Open Date: 09/17/2009
Hydrocarbon Recovery Services, Incorporated 5501 Courtney Avenue Alexandria, VA 22304 SIC: 4953/Refuse Systems NAICS: 562920/Materials Recovery Facilities Mailing: 5800 Farrington Avenue, Alexandria, VA 22304		Union Status: NonUnion
Inspection Type: Planned Scope: Complete Ownership: Private Safety/Health: Health Planning Guide: Health-Manufacturing		Advanced Notice: N Close Conference: 09/17/2009 Close Case: 01/20/2010

	Violation Summary					
	Serious	Willful	Repeat	Other	Unclass	Total
Initial Violations	1			1		2
Current Violations				2		2
Initial Penalty	1875					1875
Current Penalty				1125		1125
FTA Amount						

Violation Items

#	ID	Type	Standard	Issuance	Abate	Curr$	Init$	Fta$	Contest	LastEvent
1.	01001	Other	19100023 D01 III	12/07/2009	12/15/2009	$1125	$1875	$0		I - Informal Settlement
2.	02001	Other	19100146 C02	12/07/2009	12/11/2009	$0	$0	$0		-

Standard Cited:19100023 D01 III *Guarding floor and wall openings and holes.*

Violation Items			
Nr: 313831414	Citation: 01001	Issuance: 12/07/2009	ReportingID: 0355125
Viol Type: Other		NrInstances: 2	Contest Date:
Abatement Date: 12/15/2009 X		Nr Exposed: 7	Final Order:
Initial Penalty: 1875.00		REC:	Emphasis:
Current Penalty: 1125.00		Gravity: 04	Haz Category:

Penalty and Failure to Abate Event History

Type	Event	Date	Penalty	abatement	Type	FTA Insp
Penalty	Z: Issued	12/07/2009	1875.00	12/15/2009	Serious	
Penalty	I: Informal Settlement	12/22/2009	1125.00	12/15/2009	Other	

Standard Cited:19100146 C02 *Permit-required confined spaces*

Violation Items			
Nr: 313831414	Citation: 02001	Issuance: 12/07/2009	ReportingID: 0355125
Viol Type: Other		NrInstances: 1	Contest Date:
Abatement Date: 12/11/2009 X		Nr Exposed: 7	Final Order:
Initial Penalty:		REC:	Emphasis:
Current Penalty:		Gravity: 01	Haz Category:

Hydrocarbon Recovery Services, Inc. dba

Via Certified Mail 7008 2810 0000 8316 3450

January 18, 2010

Paul B. Schilinski, Regional Director
Commonwealth of Virginia
Department of Labor and Industry
10515 Battleview Parkway
Manassas, VA 20109

Re: Informal Settlement Agreement
Hydrocarbon Recovery Services, Inc.
5800 Farrington Avenue
Alexandria, VA 22304

Inspection No.: 313831414
Issuance Date: 12/7/2009

Mr. Schilinski,

In accordance with the agreed terms in the informal settlement agreement, please see our response, which is required within 45 days after the informal conference.

Item # 1: The employer agrees to pay the remaining penalty as per the amendment to the citation.

Response: Agreed, please find a copy of the check of $1,125 in attachment 1. This will be submitted via certified mail by the Alexandria branch.

Item # 2: The employer agrees to correct the violations as cited in the amendment to the citation.

Response: During the informal conference on 12/22/09, we presented pictures to show that the two citations from the inspection on 9/17/08 were abated.

Citation 1 Item 1 [1910.23(d)1(iii)]
Abatement: Handrails were installed on both sides of the stairs on 12/18/09. Please refer to attachment 2 for eight pictures.

Citation 2 Item 1 [1910.146(c)2)]
Abatement: The opening of the grinder tank was labeled as a permit required confined space the day after the inspection on 9/18/09. Please refer to attachment 3 for one picture.

Item # 3: The employer agrees to post a copy of this informal settlement agreement alongside the original citation(s) in a prominent place at or near the location of the violation(s) and to keep these items posted until each of the amended citation(s) has been completely corrected, or for three working days (excluding weekends and state holidays), whichever is longer.

Response: Tim Giles posted a copy of the informal settlement agreement alongside the original citation at the Alexandria plant on 12/22/09.

Item # 4: If not already provided, the employer agrees to provide to the department within 45 days of the effective date of this agreement documentation verifying abatement of each violation affirmed in the agreement. The documentation shall comply with 307.E.2 of the Virginia Occupational Safety and Health Administrative Regulations Manual which states that "Documents demonstrating abatement is complete and may include, but are not limited to, evidence of purchase or repair of equipment, photographic or video evidence of abatement or other written records.

Response: We have provided photographs to OSHA during the informal conference on 12/22/09 to document abatement of each violation. We are including the photographs in this response.

Item # 5: The Department agrees to reclassify citation 1 item 1 from Serious to Other than serious and reduce the penalty from $1,875 to $1,125. The employer will distribute corporate wide a notice of this VOSH inspection and the relevant findings. The employer will also have the plant manager attend an OSHA 30 hour course for general industry and the employer will review its monthly inspection checklist to insure that hazards associated with walking and working surfaces are adequately addressed on the checklist and through regularly scheduled inspection visit of the employer's sites.

Response: The corporate wide notice of this inspection was distributed via email on 12/14/2009. Please refer to attachment 4 for the email distribution. The plant manager Tim Giles has registered to attend an online OSHA 30 hour general industry course through: http://www.classroom-on-line.com/. The course provider is 360training.com, an OSHA accepted trainer. Information about this course is found in attachment 5. The estimated date of course completion is 1/29/2010. Upon completion of the course, Tim Giles will submit proof of successful completion to OSHA. The monthly inspection checklist was revised in number 44 to include inspection of stairs and handrails to assure they are OSHA compliant. The revised two page monthly inspection checklist is provided in attachment 6 and the email distribution of the monthly inspection checklist is provided in attachment 7. The branch manager will ensure that the plant manager completes the monthly inspections through regularly scheduled visits to the plant.

Summary of Attachments:
1) Copy of Check for $1,125
2) Eight photographs of the corrected stairs
3) One photograph of the grinder tank labeled confined space
4) Corporate email notification of inspection findings
5) OSHA 30 hour general industry course information
6) Monthly inspection checklist revised
7) Corporate email notification of monthly checklist

If there are any questions, please contact me at 410-284-1717 x 236 or the Alexandria branch at 703-461-2662.

Regards,

Vinnie Glorioso
EH&S Manager

Cc: Bernie Snyder, Branch Manager
Tim Giles, Plant Manager
John Coyne, EH&S Director
Wayne Behrsin, Regional VP

Attachment - 1.

DATE 01/07/10 VENDOR NAME COMMONWEALTH OF VIRGINIA VENDOR NO. T00192 NO. 674226

INVOICE NO	INVOICE DATE	REFERENCE	INVOICE AMOUNT	DISCOUNT	NET AMOUNT
13831414	01/05/10	FAW-OSHA INFORMAL SETTLEMENT	1125.00	0.00	1125.00

PLEASE DETACH AND RETAIN THIS STATEMENT AS YOUR RECORD OF PAYMENT

TOTAL 1,125.00

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

Deutsche Bank Trust Company (Delaware) Wilmington, DE 19805-1267

62-38/311

Hydrocarbon Recovery Services, Inc.
520 N. Sam Houston Parkway, Suite 400
Houston, TX 77060

CHECK DATE	CHECK NO	CHECK AMOUNT
01/07/10	674226	$*****1,125.00

Void After 120 Days From Date of Issue

PAY ONE THOUSAND ONE HUNDRED TWENTY-FIVE AND 00/100 DOLLARS

TO THE ORDER OF
COMMONWEALTH OF VIRGINIA
DEPT OF LABOR
13 S 13TH ST PWRS-TYLR BLDG
RICHMOND, VA 23219

AUTHORIZED SIGNATURE(S)

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK. HOLD AT AN ANGLE TO VIEW

⑈674226⑈ ⑆031100380⑆ 00539292⑈

Virginia Department of Labor and Industry
Occupational Safety and Health Compliance
10515 Battleview Parkway
Manassas, VA 20109
Phone: (703) 392-0900 FAX: (703) 392-0308

INVOICE/
DEBT COLLECTION NOTICE

Company Name: Hydrocarbon Recovery Services, Incorporated
Inspection Site: 5501 Courtney Avenue
Alexandria, VA 22304
Issuance Date: 12/07/2009

Summary of Penalties for Inspection Number 313831414

Citation 01, Serious	=	$1,875.00
Citation 02, Other Than Serious	=	$0.00
[redacted]	=	[redacted]

Pursuant to Virginia Code § 40.1-49.4.A.4(a), the Commissioner of the Department of Labor and Industry has the authority to assess interest on all past-due penalties as well as administrative costs incurred in the collection of the penalties for violations of the Virginia Occupational Safety and Health Laws, regulations, and standards. Interest charges as assessed at an annual rate in accordance with Virginia Code § 2.1-732.

Interest shall accrue from the date on which the citation, either as issued or as amended, becomes a final order of the Commissioner. A citation becomes a final order 15 working days after the date that the employer receives the citation unless the employer files a notice of contest with the VOSH Compliance Manager. Interest is waived if the employer pays the full amount within 30 calendar days of the final order date.

A debt is past-due 30 calendar days after the final order date unless the employer has made a satisfactory payment arrangement with the Commissioner. If the debt remains unpaid for more than 90 days, it will be deemed delinquent and referred to the Office of the Attorney General or another collection agency for collection. All administrative costs incurred in collecting the debt will be added to the amount of the debt.

To avoid potential interest and collection costs, please remit payment promptly for the total amount of the uncontested penalties shown on the citation to the Accounting Office, Virginia Department of Labor and Industry, Powers-Taylor Building, 13 South Thirteenth Street, Richmond, Virginia 23219. You may use the enclosed self-addressed envelope. Please make your check or money order payable to: "Commonwealth of Virginia". Please indicate the Inspection Number on the payment. Do not remit payment to the Regional Office.

Cynthia L. Rupert, Sr. Safety Engineer
for Mr. Paul B. Schilinski
Regional Director

12/7/09
Date

Virginia Department of Labor and Industry
Occupational Safety and Health Compliance
10515 Battleview Parkway
Manassas, VA 20109
Phone: (703) 392-0900 FAX: (703) 392-0308

Citation and Notification of Penalty

To:
Hydrocarbon Recovery Services, Incorporated
and its successors
5800 Farrington Avenue
Alexandria, VA 22304

Inspection Number: 313831414
Inspection Date(s): 09/17/2009 - 09/17/2009
Issuance Date: 12/07/2009

Inspection Site:
5501 Courtney Avenue
Alexandria, VA 22304

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

Described herein are alleged violations of Virginia's Occupational Safety and Health Laws, standards and/or regulations. Any penalty proposed is based on the corresponding violation. In accordance with Virginia Code §40.1-49(B), you must abate all alleged violations by the dates listed and pay the penalties proposed, unless, within 15 working days (excluding weekends and Federal and State holidays) from the date you receive this citation, you submit a notice of contest to the Virginia Department of Labor and Industry Regional Office at the address listed above. Issuance of this citation does not constitute a finding by the Commissioner that you have violated the law, standard or regulation described unless you fail to file a notice of contest or this citation is affirmed by a court of law..

Please read the enclosed booklet entitled Employers Rights in conjunction with this citation to learn your rights and responsibilities.

Posting - Virginia law requires you to immediately post a copy of this Citation in a prominent place at or near the location of the violation(s), or, if it is not practicable because of the nature of your operations to do so, in a place where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) have been abated, or for 3 working days (excluding weekends, State and Federal holidays), whichever is longer. **The penalty amounts may be marked out or covered up prior to posting. It should be noted that these amounts, however, are releasable by the Department in response to a Freedom of Information Act (FOIA) request.**

Informal Conference - You have the right to an informal conference with the VOSH Compliance Manager at which you may present evidence which you believe supports amending either the citation or penalties proposed. An informal conference, which is held during the 15 working day contest period, is optional. If you wish to attend an informal conference, you must contact the VOSH Compliance Manager at the Regional Office listed above.

If you request an informal conference, you must notify your employees of the time and place. Be sure to bring to the conference any documentation of existing conditions as well as abatement steps taken thus far. If conditions warrant, this matter may be resolved amicably without the need for litigation, by way of an Informal Settlement Agreement.

Requesting an informal conference does not extend the 15 working day contest period.

Right to Contest - You have the right to contest this Citation. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **This citation and the penalties proposed will become a final order of the Commissioner of Labor and Industry unless you notify the VOSH Compliance Manager in writing within 15 working days of receiving this citation that you contest the citation or any part thereof.**

Penalty Payment - Penalties are due within 15 working days of receipt of this notification unless you contest. Make your check or money order payable to "Commonwealth of Virginia". Please indicate the Inspection Number on the check or money order.

The Virginia Department of Labor and Industry does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Notification of Corrective Action - For violations which you do not contest, you should notify the VOSH Compliance Manager at the Regional Office promptly, by completing the enclosed Report on Correction of Violations form, that you have taken appropriate corrective action by the date(s) specified in this citation. The form must include abatement steps you have taken and the dates, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc.

Employer Discrimination Unlawful - The law prohibits discrimination against an employee who has filed a complaint or who has exercised any rights under the Labor Laws of Virginia. An employee who believes that he/she has been discriminated against may file a complaint no later than 60 days after the discrimination occurred with the Virginia Department of Labor and Industry, Occupational Safety and Health Discrimination Office at Powers-Taylor Building, 13 South Thirteenth Street, Richmond, Virginia 23219.

Notice to Employees - The law gives an employee or his/her representative the opportunity to contest any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the Regional Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the employers receipt of this Citation.

IMPORTANT NOTICE

(READ THIS CAREFULLY)

The proposed penalties assessed for this inspection's citation(s) reflect reductions that have been granted for the size, good faith, history, and Quick Fix of the employer.

ORIGINAL PENALTY	$2500.00
PROPOSED PENALTY	$1875.00

INFORMAL SETTLEMENT OFFER

An additional 40% reduction in penalties (rounded to the nearest dollar) will be granted if all citation items are abated and the **INFORMAL SETTLEMENT AGREEMENT** is signed and returned by the employer to **OSHA** within 15 Federal working days (excluding weekends and Federal holidays) of the receipt of the citation. Penalties must be submitted no longer than 14 days after the Informal Settlement Agreement is executed. A detailed abatement plan **must** be submitted with the **INFORMAL SETTLEMENT AGREEMENT** for those items which have not been abated and will require a longer abatement period.

REDUCED PENALTY AMOUNT FOR INFORMAL SETTLEMENT	$1125.00

Corrective Action, taken by you for each alleged violation should be submitted to this office on or about the abatement date(s) indicated on the Citation and Notification of Penalty and included with the submitted **INFORMAL SETTLEMENT AGREEMENT.** A work sheet has been provided to assist in submitting the required abatement information.

This is the only offer for penalty reductions that will be made.

Meetings may be held to discuss questions concerning citation/violation issues (other than the penalties) or dates and methods of abatement prior to the final contest date of the citation. Please contact the Virginia Department of Labor and Industry Area Office at (703) 392-0900 for an appointment.

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY
OCCUPATIONAL SAFETY AND HEALTH COMPLIANCE

INFORMAL SETTLEMENT AGREEMENT

In the Matter of: Hydrocarbon Recovery Services, Incorporated
OSHA No.(s): 313831414

The undersigned representatives of the Employer and the Virginia Department of Labor, Occupational Safety and Health Compliance (VOSH), in settlement of the above citation(s) and penalties which were issued on 12/07/2009, hereby agree as follows:

1. The Employer agrees to correct the violations as cited in the attached citations.

2. The Employer agrees to pay the reduced penalties, amended by this agreement, in the amount of

$1125.00

3. The Employer, by signing this informal settlement agreement, hereby waives its rights to contest the above citation(s) and penalties, as amended in this agreement.

4. The employer agrees to immediately post a copy of this Informal Settlement Agreement in a prominent place at or near the location of the violation(s) referred to in the attached citation. This Informal Settlement Agreement must remain posted until the violations cited have been corrected, or for 3 working days (excluding weekends and Federal Holidays), whichever is longer.

5. The employer agrees to continue to comply with the applicable provisions of the Occupational Safety and Health Act of 1970, and the applicable safety and health standards promulgated pursuant to the Act.

6. The Employer agrees to develop/review its safety and health program and modify it as appropriate on an ongoing basis.

7. This citation has been amended by agreement between the commissioner and the employer named above. As part of a written agreement, the employer has waived his right to file a notice of contest to this order. This agreement shall not be construed as an admission by the employer of civil liability for any violation alleged by the commissioner.

For Virginia Occupational Safety And Health Compliance
Mr. Paul B. Schilinski
(signature and date)

For The Employer
(signature and date)

Virginia Department of Labor and Industry
Occupational Safety and Health Compliance

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with VOSH to discuss the citation(s) issued on 12/07/2009. The conference will be held at the VOSH office located at Occupational Safety and Health Compliance, 10515 Battleview Parkway, Manassas, VA 20109 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

Virginia Department of Labor & Industry

Occupational Safety and Health Compliance

Inspection Number: 313831414
Inspection Dates: 09/17/2009-09/17/2009
Issuance Date: 12/07/2009

Citation and Notification of Penalty

Company Name: Hydrocarbon Recovery Services, Incorporated
Inspection Site: 5501 Courtney Avenue, Alexandria, VA 22304

Citation 1 Item 1 Type of Violation: **Serious**

1910.23(d)(1)(iii) At Hydrocarbon Recovery Services, Incorporated every flight of stairs having four or more risers was not equipped with standard stair railings or standard handrails:

On stairways less than 44 inches wide having both sides open, one stair railing on each side is required.

At Hydrocarbon Recovery Services, Incorporated, located in Alexandria, Virginia, two sets of stairs leading from the ground to the berm were not equipped with standard stair railings. One set of stairs is located on the south side of the containment area, and the other set is located on the north side.

Standard stair railings shall be of construction similar to a standard railing but the vertical height shall be not more than 34 inches nor less than 30 inches from upper surface of top rail to surface of tread in line with face of riser at forward edge of tread. The top rail shall be smooth-surfaced throughout the length of the railing. The intermediate rail shall be approximately halfway between the top rail and the floor, platform, runway, or ramp. The ends of the rails shall not overhang the terminal posts except where such overhang does not constitute a projection hazard.

Abatement Documentation Required

Date By Which Violation Must be Abated: **12/15/2009**
Proposed Penalty: **$1,875.00**

Virginia Department of Labor & Industry

Occupational Safety and Health Compliance

Inspection Number: 313831414
Inspection Dates: 09/17/2009-09/17/2009
Issuance Date: 12/07/2009

Citation and Notification of Penalty

Company Name: Hydrocarbon Recovery Services, Incorporated
Inspection Site: 5501 Courtney Avenue, Alexandria, VA 22304

Citation 2 Item 1 Type of Violation: **Other Than Serious**

1910.146(c)(2) At Hydrocarbon Recovery Services, Incorporated the employer did not inform exposed employees, by posting danger signs or by any other equally effective means, of the existence and location of and the danger posed by the permit spaces.

At Hydrocarbon Recovery Services, Incorporated, located in Alexandria, Virginia, the opening on the top of the Grinder Tank was not labeled as a permit-required confined space.

Date By Which Violation Must be Abated: **12/11/2009**
Proposed Penalty: **$.00**

Cynthia L Rupert Sr Safety Engineer
for Mr. Paul B. Schilinski
Regional Director

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Company Name: Hydrocarbon Recovery Services, Incorporated
Inspection Site: 5501 Courtney Avenue
Alexandria, VA 22304
Issuance Date: 12/07/2009

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return this page with the signed Informal Settlement Agreement to: **Virginia Department of Labor and Industry, Occupational Safety and Health Administration, Occupational Safety and Health Compliance, 10515 Battleview Parkway, Manassas, VA 20109.**

NAME OF COMPANY OFFICIAL **DATE**

TITLE

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY
OCCUPATIONAL SAFETY AND HEALTH

REPORT OF CORRECTIVE ACTIONS/ABATEMENT VERIFICATION

Inspection Number: 313831414

Hydrocarbon Recovery Services, Incorporated
5800 Farrington Avenue
Alexandria, VA 22304

Please provide the corrective action taken and date of completion by each numbered item as indicated on the form below, along with adequate supporting documentation; e.g., copies of written programs (such as safety, Lockout/ Tagout, Hazard Communication, Respiratory Protection, Confined Space, etc.), drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, sampling results (such as air contaminants, noise monitoring, asbestos, lead, etc.) For accuracy, please refer to the enclosed citations when completing this form. Care should be taken to address all items on the citation, including any other-than-serious items. *Failure to do so will delay documentation of your abatement efforts and may result in a follow-up inspection and an additional $1,000.00 penalty.* Also, please be aware that Virginia Labor Law Section 40.1-51.4:2 provides for a fine of not more than $10,000.00, or imprisonment for not more than six (6) months, or both, for making false statements. Please type or print legibly. Also, please be sure to sign and date this form.

ABATEMENT VERIFICATION STATEMENT:

Regarding the abatement actions on the following pages, the undersigned certifies that:

1) **All affected employees were promptly notified of all the hazards which were cited in this VOSH Citation.**
2) **For all items cited, a copy of the citation was posted at or near the location where each violation described in the citation occurred until each violation was abated or for a minimum of 3 working days (excluding weekends or State holidays), whichever was later / or**
3) **For all hand held or moveable equipment a warning tag or copy of the citation was attached to the equipment until the violation was abated, until the item was removed from service, or until such time as the item was no longer in the employer's control.**
4) **All items cited on this VOSH Citation were corrected and a copy of the Abatement Verification was made available for review to all affected employees by posting or other appropriate means on the date of the signing of this form.**

Employer Signature / Title **Date of Verification**

Typed or Printed Name and Title of Employee Representative

Mail this form to:

VA Dept of Labor & Industry
Attn: Paul Schilinski
10515 Battleview Parkway
Manassas VA 20109-2342

LIST OF CORRECTIVE ACTIONS/ABATEMENT VERIFICATION

The hazard referenced in Inspection # 313831414 for the violation identified as Citation 01 and item 001.

Correction Date:_____ **The Corrective Action Taken Was As Follows:**

The hazard referenced in Inspection # 313831414 for the violation identified as Citation 02 and item 001.

Correction Date:_____ **The Corrective Action Taken Was As Follows:**

NOTE: 29 USC 666(g): Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to the ACT shall, upon conviction, be punished by a fine or not more than $10,000, or by imprisonment for not more than six months, or by b

Employer	[illegible]	**Inspection No**	[illegible]
Address	[illegible]	**Issuance Date**	[illegible]
	Alexandria, VA [illegible]		

[illegible]

1. [illegible]

   [illegible]

2. [illegible]

3. [illegible]

4. [illegible]

5. [illegible]

6. [illegible]

[illegible]

Employer Representative — **Date**

For VOSH Compliance — **Date**

[illegible]

[illegible]

From: Glorioso, Vinnie
Sent: Monday, December 14, 2009 3:01 PM
To: Ford, Timothy; Schorr, Mike; Snyder, Bernard F; Heath, Ryland; Helgeson, Rob; Henkel, Bill
Cc: Coyne, John; Odom, Shane; Winter, Kelli; Girard, Lynn; Frye, Drew K; Glorioso, Vincent; Behrsin, Wayne
Subject: OSHA Safety Alert- Alexandria, VA inspection

Attachments: Confined Space Entry (HRSI 2009).doc; Monthly Inspection FCC in PDF.pdf

MA branch managers,

As described on this morning's MA conference call, we need to ensure that the following issues are corrected in all of our processing plants and terminals. The main reason is Alexandria received an OSHA NOV and we are at risk of receiving repeat NOVs. Shane and Kelli, please communicate this to your respective locations.

1) Every sight of stairs having four or more risers needs to be equipped with standard stair railings or standard handrails: on stairways less then 44 inches wide having both sides open, **one stair railing on each side** is required.

On the next monthly facility inspection, during the plant walk-around please ensure the stairs meet OSHA requirements.

2) Tank manway at the top of tank was not labeled "**Danger Confined Space Enter by Permit Only**".

Please check to see if you have completed a confined space survey of your locations with confined spaces. This is found on page 21 of the site specific confined space entry program. Even if you don't have employees entering confined spaces you are still required to complete the survey, if your location has confined spaces. All confined spaces must be labeled accordingly and please check on this during your next monthly facility inspection.

Confined Space Entry (HRSI 200... Monthly Inspection FCC in PDF....

Vinnie N. Glorioso, CHMM
EH&S Manager
Hydrocarbon Recovery Services, Inc. dba FCC environmental
1105 North Point Blvd., Suite 310
Baltimore, MD 21224
Office: 410-284-1717 ext. 236
Fax: 410-285-8264
Cell: 443-463-1598

OSHA INSPECTION #313753303

OSHA Inspection #313753303

Inspection: 313753303 - Hydrocarbon Recovery Services, Inc

Inspection Information - Office: Nc Charlotte

Nr: 313753303 Report ID:0453730 Open Date: 08/20/2009

Hydrocarbon Recovery Services, Inc
2115 Speedrail Court
Concord, NC 28025 Union Status: NonUnion
SIC: 2999/Products of Petroleum and Coal, Not Elsewhere Classified
NAICS: 324199/All Other Petroleum and Coal Products Manufacturing

Inspection Type: Planned
Scope: Complete Advanced Notice: N
Ownership: Private
Safety/Health: Health Close Conference: 08/25/2009
Planning Guide: Health-Manufacturing Close Case: 01/10/2010
Emphasis: S:Program Improvements

	Violation Summary					
	Serious	Willful	Repeat	Other	Unclass	Total
Initial Violations	2			4		6
Current Violations	1			5		6
Initial Penalty	2975					2975
Current Penalty	1600			525		2125
FTA Amount						

Violation Items

#	ID	Type	Standard	Issuance	Abate	Curr$	Init$	Fta$	Contest	LastEvent
1.	01001	Serious	19100023 A05	10/21/2009	11/17/2009	$1600	$2450	$0		I - Informal Settlement
2.	01002A	Other	19100141 A03 I	10/21/2009	10/29/2009	$525	$525	$0		I - Informal Settlement
3.	01002B	Other	19100141 D02 IV	10/21/2009	10/29/2009	$0	$0	$0		I - Informal Settlement
4.	02001	Other	19100176 B	10/21/2009	10/26/2009	$0	$0	$0		-
5.	02002	Other	19100303 G01 II	10/21/2009	10/26/2009	$0	$0	$0		-
6.	02003	Other	19100305 B01	10/21/2009	10/29/2009	$0	$0	$0		-
7.	02004	Other	19101200 F05 II	10/21/2009	10/29/2009	$0	$0	$0		-

Standard Cited:19100023 A05 *Guarding floor and wall openings and holes.*

Violation Items			
Nr: 313753303	Citation: 01001	Issuance: 10/21/2009	ReportingID: 0453730
Viol Type: Serious		NrInstances: 1	Contest Date:
Abatement Date: 11/17/2009 X		Nr Exposed: 1	Final Order:
Initial Penalty: 2450.00		REC:	Emphasis:
Current Penalty: 1600.00		Gravity:	Haz Category:

Penalty and Failure to Abate Event History

Type	Event	Date	Penalty	abatement	Type	FTA Insp
Penalty	Z: Issued	10/21/2009	2450.00	11/17/2009	Serious	
Penalty	I: Informal Settlement	11/24/2009	1600.00	11/17/2009	Serious	

Standard Cited:19100141 A03 I *Sanitation.*

Violation Items			
Nr: 313753303	Citation: 01002A	Issuance: 10/21/2009	ReportingID: 0453730
Viol Type: Other		NrInstances: 1	Contest Date:
Abatement Date: 10/29/2009 X		Nr Exposed: 3	Final Order:
Initial Penalty: 525.00		REC:	Emphasis:
Current Penalty: 525.00		Gravity:	Haz Category:

Penalty and Failure to Abate Event History

Type	Event	Date	Penalty	abatement	Type	FTA Insp
Penalty	Z: Issued	10/21/2009	525.00	10/29/2009	Serious	
Penalty	I: Informal Settlement	11/24/2009	525.00	10/29/2009	Other	

Standard Cited:19100141 D02 IV *Sanitation.*

Violation Items			
Nr: 313753303	Citation: 01002B	Issuance: 10/21/2009	ReportingID: 0453730
Viol Type: Other		NrInstances: 1	Contest Date:
Abatement Date: 10/29/2009 X		Nr Exposed: 3	Final Order:
Initial Penalty:		REC:	Emphasis:
Current Penalty:		Gravity:	Haz Category:

Penalty and Failure to Abate Event History

Type	Event	Date	Penalty	abatement	Type	FTA Insp
Penalty	Z: Issued	10/21/2009		10/29/2009	Serious	
Penalty	I: Informal Settlement	11/24/2009		10/29/2009	Other	

Standard Cited:19100176 B *Handling materials - general.*

Violation Items			
Nr: 313753303	Citation: 02001	Issuance: 10/21/2009	ReportingID: 0453730
Viol Type: Other		NrInstances: 1	Contest Date:
Abatement Date: 10/26/2009 I		Nr Exposed: 1	Final Order:
Initial Penalty:		REC:	Emphasis:
Current Penalty:		Gravity:	Haz Category:

Standard Cited:19100303 G01 II *General requirements.*

Violation Items			
Nr: 313753303	Citation: 02002	Issuance: 10/21/2009	ReportingID: 0453730
Viol Type: Other		NrInstances: 1	Contest Date:
Abatement Date: 10/26/2009 I		Nr Exposed: 1	Final Order:
Initial Penalty:		REC:	Emphasis:
Current Penalty:		Gravity:	Haz Category:

Standard Cited:19100305 B01 *Wiring methods, components, and equipment for general use.*

Violation Items			
Nr: 313753303	Citation: 02003	Issuance: 10/21/2009	ReportingID: 0453730
Viol Type: Other		NrInstances: 1	Contest Date:
Abatement Date: 10/29/2009 X		Nr Exposed: 1	Final Order:
Initial Penalty:		REC:	Emphasis:
Current Penalty:		Gravity:	Haz Category:

Standard Cited:19101200 F05 II *Hazard Communication.*

Violation Items			
Nr: 313753303	Citation: 02004	Issuance: 10/21/2009	ReportingID: 0453730
Viol Type: Other		NrInstances: 2	Contest Date:
Abatement Date: 10/29/2009 X		Nr Exposed: 2	Final Order:
Initial Penalty:		REC:	Emphasis:
Current Penalty:		Gravity:	Haz Category:

NC Department of Labor
Division of Occupational Safety and Health
901 Blairhill Rd. - Suite 200
Charlotte, NC 28217
Phone: (704)665-4341 FAX: (704)665-4342

Citation and Notification of Penalty

To:
Hydrocarbon Recovery Services, Inc
and its successors
2115 Speedrail Court
Concord, NC 28025

Inspection Site:
2115 Speedrail Court
Concord, NC 28025

Inspection Number:	313753303
Inspection Date(s):	08/20/2009 - 08/25/2009
CSHO ID:	K1530
Issuance Date	10/21/2009

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty describes violation(s) of the labor laws of Chapter 95 of the North Carolina General Statutes. The penalty(ies) listed herein is (are) based on these violations. You must correct the violation(s) referred to in this citation by the date(s) listed and pay the penalty proposed, unless within 15 working days (excluding weekends and holidays) from receipt of this Citation and Notification of Penalty, you mail a request for an informal conference or Notice of Contestment to the North Carolina Department of Labor district office at the address shown above.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and State holidays), whichever is longer. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

Informal Conference - You may request an informal conference. To request an informal conference, you must return the enclosed form marking the block requesting an informal conference or provide other written notice to the district supervisor within 15 working days of receipt of the citation. **[Do not mark more than one block on the enclosed form if you want an informal conference.]** The informal conference must be held no longer than 20 working days from the date you receive the Citation and Notification of Penalty, so your immediate response is necessary if you choose this option.

If you make a timely request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you preserve your right to contest. The time for contestment does not begin until after

the informal conference is held and you have been notified of the result(s). At that time you have an additional 15 working days during which you may file a notice of contest, should you so desire.

If you decide to request an informal conference, obtain the date, time and location of the informal conference by contacting the District Supervisor, then complete and post the enclosed Notice to Employees near the Citation and Notification of Penalty. Please bring to the conference all supporting documentation of existing conditions and any corrections made thus far. The results of the informal conference will be a revised citation, a notice of no change or an informal settlement agreement. An informal settlement agreement will resolve the matter without litigation or contestment.

Right to Contest - You have the right to contest this Citation and Notification of Penalty now or after an informal conference. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations.

15 working days after you receive this Citation and Notification of Penalty (if you do not request an informal conference) or 15 working days after you receive the results of the informal conference, the citation(s) and/or proposed penalty(ies) will become a final order of the North Carolina Occupational Safety and Health Review Commission and may not be reviewed by any court or agency, unless you file a notice of contestment.

Penalty Payment - Penalties are due within 15 working days of receipt of this notification unless a request for an informal conference or notice of contestment is forwarded. Make your check or money order payable to the North Carolina Department of Labor, OSHA Division and remit to the Budget Division at 1101 Mail Service Center, Raleigh, NC 27699-1101. Pay online at www.nclabor.com. We accept VISA, MasterCard, and E-Checks. You may also fax your payment to (919) 715-9094, or mail it to: N.C. Department of Labor, Budget and Management Division, 1101 Mail Service Center, Raleigh, NC 27699-1101. You may also make payment by credit card. A form is provided for your convenience. Please indicate the inspection number on the remittance.

The North Carolina Department of Labor does not agree to any restriction or conditions or endorsements you put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Notification of Corrective Action - For violations which you do not contest, you should return the OSHA Form 2D (Certification of Abatement) within ten (10) calendar days after the abatement date, to indicate that appropriate corrective action has been taken within the time frame set forth in this citation. You are not required to certify abatement if the inspector observed the abatement during the on-site portion of the inspection or observes within 24 hours after identifying the hazard and notes in the citation that abatement has occurred. The certification that abatement is complete must include, for each cited violation, the date and method of abatement and a statement that affected employees and their representatives have been informed of the abatement.

In addition, for repeat, willful and other serious violations as indicated, additional documents demonstrating that abatement is complete is required. This additional documentation may include, but is not limited to, evidence of the purchase or repair of equipment, photographic or video evidence of abatement or other written records.

If indicated in the citation, you may be required to submit an abatement plan for each cited violation, when time permitted for abatement is more than 90 calendar days. The plan must identify the violation and the steps to be taken to achieve abatement, including a schedule for completing abatement and how employees will be protected from exposure to the violative condition in the interim until abatement is complete. An employer who submits an

abatement plan may be required to also submit periodic progress reports for each cited violation. The citation will indicate whether progress plans are due and the date(s) when the progress reports are due.

The employer must include, in each submission required by this notification, company name and address, inspection number, citation and item numbers, a statement that the information submitted is accurate, and a signature of the employer or the employer's authorized representative. The date of the postmark is the date of submission for mailed documents.

Employee Notification of Corrective Action - The employer must inform affected employees and their representative(s) about abatement activities, covered by the citations, by posting a copy of each document submitted to the North Carolina Department of Labor, or a summary of the document near the place where the violation occurred, or where it will be readily observable. The employer must inform employees of their right to examine and copy all abatement documents submitted. Posted documents must remain posted for three working days after submission to the Department.

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 180 days after the discrimination occurred with the NC Department of Labor at the address shown above.

Notice to Employees - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be in writing and signed. It must be mailed to the North Carolina Department of Labor at the address shown above and postmarked within 20 days of the receipt by the employer of this Citation and Notification of Penalty.

Notice to Employer - Enclosed are citations and proposed penalties levied against your facility resulting from the Division of Occupational Safety and Health's compliance inspection of your facility. The penalty for each violation has been reduced depending on your facility's size, good faith and history.

CREDIT CARD PAYMENT

Complete and return to:
N.C. Department of Labor
Budget and Management Division
1101 Mail Service Center
Raleigh, NC 27699-1101
Telephone: (919) 733-7426

Name: _____

Address: _____

_____

Phone #: ( ) _____

Amount: $_____ (circle one): MasterCard Visa

Name (as it appears on credit card): _____

Credit Card Number: _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ Exp. Date: _____
Mo./Yr.

Cardholder Signature: _____ Date: _____

Payment for Invoice Nos.: _____

_____

Pay online at www.nclabor.com. We accept VISA, MasterCard, and E-Checks. You may also fax your payments to (919) 715-9094, or mail it to: N.C. Department of Labor, Budget and Management Division, 1101 Mail Service Center, Raleigh, NC 27699-1101.

Cut along dotted line

NC Department of Labor
Division of Occupational Safety and Health

THIS FORM IS FOR YOUR CONVENIENCE IN REQUESTING AN INFORMAL CONFERENCE OR FOR CONTESTING PART OR ALL OF THE ENCLOSED CITATION(S). THE FORM OR YOUR REQUEST FOR AN INFORMAL CONFERENCE OR NOTICE TO CONTEST MUST BE POSTMARKED WITHIN 15 WORKING DAYS OF RECEIPT OF THE CITATION(S).

Hydrocarbon Recovery Services, Inc
2115 Speedrail Court
Concord, NC 28025

Inspection Number 313753303

Please mark only one of the following boxes and return to the address indicated below. Forms returned with more than one box marked will be treated as a request for an informal conference.

[ ] **PENALTY PAYMENT ENCLOSED IN THE AMOUNT OF $_____**

Remit to: NC Department of Labor
ATTN: Budget - Collections
1101 Mail Service Center
Raleigh, NC 27699-1101

Pay online at www.nclabor.com. We accept VISA, MasterCard, and E-Checks. You may also fax your payment to (919) 715-9094, or mail it to: N.C. Department of Labor, Budget and Management Division, 1101 Mail Service Center, Raleigh, NC 27699-1101.

[ ] **REQUEST AN INFORMAL CONFERENCE (YOUR RIGHT TO CONTEST IS RESERVED PENDING THE RESULTS OF THE INFORMAL CONFERENCE)**

[ ] **NOTICE OF CONTEST OF CITATION(S) AND/OR PROPOSED PENALTY**

Contest of Violation(s) Date(s)/Abatement Dates(s) _____

_____

Contestment of Penalty Amount(s) _____

Return to: NC Department of Labor
Division of Occupational Safety and Health
Attention: District Supervisor (U0419)
901 Blairhill Rd. - Suite 200
Charlotte, NC 28217

Signature:_____ Name (Print):_____

Title:_____ Email Address:_____

Telephone No:(__)_____ Fax No.:(__)_____ Date:_____

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 10/21/2009. The conference will be held at the OSHA office located at Occupational Safety & Health, 901 Blairhill Rd. - Suite 200, Charlotte, NC, 28217 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

NC Department of Labor
Division of Occupational Safety and Health

Inspection Number: 313753303
Inspection Dates: 08/20/2009 - 08/25/2009
Issuance Date: 10/21/2009

Citation and Notification of Penalty

Company Name: Hydrocarbon Recovery Services, Inc
Inspection Site: 2115 Speedrail Court, Concord, NC 28025

Citation 1 Item 1 Type of Violation: Serious

29 CFR 1910.23(a)(5): Infrequently used pit or trap door floor opening(s) with the cover(s) removed were not constantly attended by someone or protected on all exposed sides by removable standard railings:

a) facility, pre-treatment water, for the floor opening under the filter press which was not protected by a standard guard rail or other protective means, which could allow an employee to fall eleven feet, three inches to the surface below.

Date By Which Violation Must be Abated:	11/17/2009
Proposed Penalty:	$ 2450.00

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for illness.

Citation 1 Item 2a Type of Violation: Serious

29 CFR 1910.141(a)(3)(i): Places of employment were not kept clean to the extent that the nature of the work allowed:

a) facility, the warehouse locker room/restroom was not kept clean, did not have toilet paper, and had soiled clothing, gloves, and debris throughout the room.

Date By Which Violation Must be Abated:	10/29/2009
Proposed Penalty:	$ 525.00

See pages 1 through 6 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

NC Department of Labor
Division of Occupational Safety and Health

Inspection Number: 313753303
Inspection Dates: 08/20/2009 - 08/25/2009
Issuance Date: 10/21/2009

Citation and Notification of Penalty

Company Name: Hydrocarbon Recovery Services, Inc
Inspection Site: 2115 Speedrail Court, Concord, NC 28025

Citation 1 Item 2b Type of Violation: Serious

29 CFR 1910.141(d)(2)(iv): Lavatories were not provided with individual hand towels or sections thereof, of cloth or paper, warm air blowers or clean individual sections of continuous cloth toweling:

a) facility, the warehouse locker room/restroom did not have paper towels or other means to dry hands after washing.

Date By Which Violation Must be Abated: 10/29/2009

See pages 1 through 6 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

NC Department of Labor
Division of Occupational Safety and Health

Inspection Number: 313753303
Inspection Dates: 08/20/2009 - 08/25/2009
Issuance Date: 10/21/2009

Citation and Notification of Penalty

Company Name: Hydrocarbon Recovery Services, Inc
Inspection Site: 2115 Speedrail Court, Concord, NC 28025

Citation 2 Item 1 Type of Violation: Nonserious

29 CFR 1910.176(b): Material stored in tiers was not stacked, blocked, interlocked or limited in height so that it was stable and secure against sliding and collapse:

a) field services storage trailer, two boxes containing unused HAZ-MAT socks, dikes, and pillows stacked on top of four foot shelving were not secured.

b) facility, empty green 55-gallon drum stacked on top of a broken wooden pallet was not secured.

Date By Which Violation Must be Abated:	Immediately Abated
Proposed Penalty:	$ 0.00

Citation 2 Item 2 Type of Violation: Nonserious

29 CFR 1910.303(g)(1)(ii): Working space about electric equipment rated 600 volts, nominal, or less was used for storage:

a) facility electrical room, 50-gallon plastic garbage can, oil and liquid samples, and fall arrest systems were stored in front of a 480 volt electrical breaker panel.

Date By Which Violation Must be Abated:	Immediately Abated
Proposed Penalty:	$ 0.00

Citation 2 Item 3 Type of Violation: Nonserious

29 CFR 1910.305(b)(1): Unused openings in boxes, cabinets, or fittings were not effectively closed:

a) facility, the system control unit for the "Blue Box" container was missing a knockout cover.

Date By Which Violation Must be Abated:	10/29/2009
Proposed Penalty:	$ 0.00

NC Department of Labor
Division of Occupational Safety and Health

Inspection Number: 313753303
Inspection Dates: 08/20/2009 - 08/25/2009
Issuance Date: 10/21/2009

Citation and Notification of Penalty

Company Name: Hydrocarbon Recovery Services, Inc
Inspection Site: 2115 Speedrail Court, Concord, NC 28025

Citation 2 Item 4 Type of Violation: Nonserious

29 CFR 1910.1200(f)(5)(ii): The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the appropriate hazard warnings:

a) facility, unloading bay - two 55-gallon drums filled with an unknown material were not labeled to indicated the contents.

Date By Which Violation Must be Abated:	10/29/2009
Proposed Penalty:	$ 0.00

Jeanette J Hausin
District Supervisor
for the Director

See pages 1 through 6 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

NC Department of Labor
Division of Occupational Safety and Health
901 Blairhill Rd. - Suite 200
Charlotte, NC 28217
Phone: (704)665-4341 FAX: (704)665-4342

INVOICE/
DEBT COLLECTION NOTICE

Company Name: Hydrocarbon Recovery Services, Inc
Inspection Site: 2115 Speedrail Court, Concord, NC 28025
Issuance Date: 10/21/2009

Summary of Penalties for Inspection Number 313753303

Citation 1, Serious	=	$	**2975.00**
Citation 2, Nonserious	=	$	**0.00**
TOTAL PROPOSED PENALTIES	=	$	**2975.00**

Please remit payment promptly to **Attn: Budget -Collections, NC Department of Labor at 1101 Mail Service Center, Raleigh, NC 27699-1101**, for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: **NC Department of Labor, OSHA Division. For payment by credit card, complete the form provided. Please indicate OSHA's Inspection Number (indicated above) on the remittance. Pay online at www.nclabor.com. We accept VISA, MasterCard, and E-Checks. You may also fax your payment to (919) 715-9094, or mail it to: N.C. Department of Labor, Budget and Management Division, 1101 Mail Service Center, Raleigh, NC 27699-1101.**

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Hydrocarbon Recovery Services, Inc. dba

Via Certified Mail (Insert mail receipt #)

October __, 2009

NC Department of Labor
Division of Occupational Safety and Health
Attention: District Supervisor (U0419)
901 Blairhill Rd., Suite 200
Charlotte, NC 28217

Re: Inspection Number: 313753303
Inspection Date(s): 08/20/2009 – 08/25/2009
CSHO ID: K1530
Issuance Date: 10/21/2009

To whom it may concern,

Hydrocarbon Recovery Services, Inc. dba FCC Environmental has received the Citation and Notification of Penalty on October 21st, 2009. This resulted from an OSHA compliance inspection during August 20-25, 2009 at our facility located at 2115 Speedrail Court, Concord, NC 28025. As required in your letter, I am responding within 15 days after receiving the Citation and Notice of Penalty.

Citation 1 Item 1 Type of Violation: Serious
29 CFR 1910.23(a)(5): Infrequently used pit or trap door floor opening(s) with the cover(s) removed were not constantly attended by someone or protected on all exposed sides by removable standard railings:
a) facility, pre-treatment water, for the floor opening under the filter press which was not protected by a standard guard rail or other protective means, which could allow an employee to fall eleven feet, three inches to the surface below.
Date By Which Violation Must be Abated: 11/17/2009
Proposed Penalty: $ 2,450.00

Response: We went outside the organization and solicited documentation from a leading manufacturer with respect to the standard practice of installing filter presses. According to Steve Bender of Pacific Press Co. our installation looked like a typical one and he was not exactly sure what would satisfy OSHA's requirement for fall protection. We kindly request assistance from OSHA's to recommend corrective action on this subject.

Citation 1 Item 2a Type of Violation: Serious

29 CFR 1910.141(a)(3)(i): Places of employment were not kept clean, did not have toilet paper, and had soiled clothing, gloves, and debris throughout the room.
Date By Which Violation Must be Abated: 10/29/2009
Proposed Penalty: $ 525.00

Response: The locker room this citation refers to was designed to be a women's locker room if we had females working in the plant areas. Since we do not have females working in that area we are not using it as such. Since it was unused, some male employees have been using the area as storage. It was explained to the inspector that our employees use the main restroom. The locker room was straightened up, its storage items removed and added to the company cleaning schedule as of 9/7.

Citation 1 Item 2b Type of Violation: Serious
29 CFR 1910.141(d)(2)(iv): Lavatories were not provided with individual hand towels or sections thereof, of cloth or paper, warm air blowers or clean individual sections of continuous cloth toweling;
a) facility, the warehouse locker room/restroom did not have paper towels or other means to dry hands after washing.
Date By Which Violation Must be Abated: 10/29/2009

Response: The lavatories this citation refers to was designed to be a women's locker room if we had females working in the plant areas. Since we do not have females working in that area we are not using it as such, so it was not equipped with hand towels. It was explained to the inspector that our employees used the main restroom.

Citation 2 Item 1 Type of Violation: Nonserious
29 CFR 1910.176(b): Material stored in tiers was not stacked, blocked or interlocked or limited in height so that it was stable and secure against sliding and collapse:
a) field service storage trailer, two boxes containing unused HAZ-MAT socks, dikes, and pillows stacked on top of four foot shelving were not secured.
b) facility, empty green 55-gallon drum stacked on top of a broken wooden pallet was not secured.
Date By Which Violation Must be Abated: Immediately Abated
Proposed Penalty: $0.00

Response: Immediately abated during inspection.

Citation 2 Item 2 Type of Violation: Nonserious
29 CFR 1910.303(g)(1)(ii): Working space about electric equipment rated 600 volts, nominal, or less was used for storage:
a) facility electrical room, 50-gallon plastic garbage can, oil and liquid samples, and fall arrest systems were stored in front of a 480 volt electrical breaker panel.
Date By Which Violation Must be Abated: Immediately Abated

Proposed Penalty: $0.00

Response: Immediately abated during inspection.

Citation 2 Item 3 Type of Violation: Nonserious
29 CFR 1910.305(b)(1): Unused openings in boxes, cabinets, or fittings were not effectively closed:
a) facility, the system control unit for the "Blue Box" container was missing a knockout cover.
Date By Which Violation Must be Abated: 10/29/2009
Proposed Penalty: $0.00

Response: The unused openings in boxes, cabinets or fittings were effectively closed on 8/24/2009. The facility system control unit for the "Blue box" container knockout cover was added on 8/24/2009.

Citation 2 Item 4 Type of Violation: Nonserious
29 CFR 1910.1200(f)(5)(ii): The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with appropriate hazard warnings:
a) facility, unloading bay – two 55-gallon drums filled with an unknown material were not labeled to indicate the contents.
Date By Which Violation Must be Abated: 10/29/2009
Proposed Penalty: $0.00

Response: The two 55-gallon drums contained Petroleum Contact Water (PCW) and were labeled accordingly on 8/20/2009.

If there are any questions, please contact me at 800-535-9694 x 24.

Regards,

Bill Henkel
Branch Manager

Cc: John Coyne (EH&S Director)
Vincent A. Glorioso (Regional VP)
Vinnie N. Glorioso (EH&S Manager)

NCDOL
N.C. Department of Labor

CHERIE BERRY
COMMISSIONER OF LABOR

TIM CHILDERS
WEST COMPLIANCE BUREAU CHIEF
OCCUPATIONAL SAFETY AND HEALTH DIVISION

November 17, 2009

Hydrocarbon Recovery Services, Inc.
Attn: Bill Henkel
2115 Speedrail Court
Concord, NC 28025

RE: OSH Inspection #313753303
Proposed Settlement Agreement

Dear Mr. Henkel:

It was a pleasure meeting with you, Ms. Pifer, and Mr. Coyne during the informal conference on November 6, 2009. Enclosed please find the informal settlement agreement (ISA) we discussed. Please review and sign, if the proposed settlement is acceptable. The settlement agreement should be returned to my attention at the address noted below as soon as possible. If you choose not to accept the ISA, this letter shall serve as your notice of no change and you shall have fifteen (15) working days, from the receipt of this letter, to submit your notice of contest. Please send the signed ISA and penalty payment to the following addresses:

For the ISA:

NCDOL/OSH
901 Blairhill Rd., #200
Charlotte, NC 28217
Attn: Paul Sullivan

For the Penalty Payment:

NCDOL – Budget Division
1101 Mail Service Center
Raleigh, NC 27699-1101
(include inspection # on check)

Once I have signed for the OSH Division, a copy of the executed ISA will be returned to you. Should you have questions regarding the settlement agreement or the informal conference, please feel free to call me at (704) 665-6803. Thank you. Your interest in workplace safety and health is appreciated.

Sincerely,

Paul M. Sullivan, CIH
District Supervisor

901 BLAIRHILL ROAD, SUITE 200 • CHARLOTTE, NORTH CAROLINA 28217-1578
(704) 665-4341 • FAX: (704) 665-4342

NORTH CAROLINA DEPARTMENT OF LABOR
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

OSH INSPECTION # 313753303

INFORMAL SETTLEMENT AGREEMENT

This Agreement is entered into by and between the Division of Occupational Safety and Health, North Carolina Department of Labor (hereinafter "OSH Division"), and the following employer:

Hydrocarbon Recovery Services, Inc.
(hereinafter "the Employer")

The OSH Division and the Employer specifically agree to the following items:

1. The Employer maintains a place of business at the following address:

2115 Speedrail Court
Concord, NC 28025

2. From 20 August 2009 through 25 August 2009, an OSH Division compliance officer conducted an inspection at a worksite where one or more of the Employer's employees were performing work.

3. Based upon that inspection, the OSH Division issued Citations and Notification of Penalties to the Employer (hereinafter referred to as a NCOSHA-2), on 21 October 2009, alleging violations of the Occupational Safety and Health Act of North Carolina and/or the standards and regulations promulgated thereunder.

4. This Agreement modifies the aforementioned NCOSHA-2 as follows:

Citation 1, Item 1 – Initial proposed penalty of $2450.00 reduced to $1600.00.

Citation 1, Item 2a – Reclassified as a Non-Serious violation.

Citation 1, Item 2b – Reclassified as a Non-Serious violation.

Citation items listed in the original NCOSHA-2 which are not hereby modified shall remain in effect.

5. In consideration of this Agreement, the Employer agrees to:

a. Certify that it has abated the above-referenced Citation Item(s) or will abate the above-referenced Citation Item(s) by the abatement date contained in such Citation(s) or by the amended date stipulated in paragraph 4 above and return Confirmation of Abatement (OSHA 2-D) forms as necessary;

b. Pay the total penalty assessment of $2125.00 within 10 days of receipt of the executed Informal Settlement Agreement; and

c. Waive its rights under the Occupational Safety and Health Act of North Carolina, N.C.G.S. §95-126 to -155, to contest any citation item(s), penalty(ies), or abatement date(s) listed on the NCOSHA-2 before the Safety and Health Review Commission of North Carolina and/or any other tribunal.

6. The parties agree that this Agreement is a full and final settlement of all the claims set out in the underlying NCOSHA-2, and that it is an unappealable Final Order of the Commissioner that is subject to the provisions of NCGS §95-133(b) and §95-141.

7. The parties agree to bear their own attorneys' fees, costs and other expenses incurred to date in this matter.

8. This Agreement shall be prominently posted at or near such place(s) any violation(s) referred to in the original citation occurred and in close proximity to that original citation.

WHEREFORE, the undersigned parties enter into and execute this Agreement.

This the 24TH day of NOVEMBER, 2009.

For the OSH Division:
North Carolina Department of Labor

Paul M. Sullivan, CIH
District Supervisor

For the Employer:
Hydrocarbon Recovery Services, Inc.

Bill Henkel
Signature

BILL HENKEL / BRANCH MANAGER
Printed Name/Title

CONFIRMATION OF ABATEMENT

RETURN THIS FORM TO:

NORTH CAROLINA DEPARTMENT OF LABOR
Occupational Safety and Health Division
901 Blairhill Road, Suite 200
Charlotte, North Carolina 28217-1578
(704) 665-4341

FAILURE TO RESPOND BY THE DUE DATE MAY RESULT IN A FOLLOW-UP INSPECTION

DATE FORM DUE: 11/17/09 FILE NO.: 313753303

COMPANY: Hydrocarbon Recovery Services, Inc

LOCATION: 2115 Speedrail Court, Concord, NC

THE ALLEGED VIOLATIONS LISTED BELOW THAT WERE OBSERVED ON THE 08/20/2009 OSHA INSPECTION BY THE NORTH CAROLINA DEPARTMENT OF LABOR WERE CORRECTED ON OR BEFORE

THE FOLLOWING ABATEMENT DATE: 11/17/09

ITEM NUMBER	STANDARD OR REGULATION ALLEGEDLY VIOLATED	ACTION TAKEN TO CORRECT VIOLATION*** (attach additional pages if needed)
One 1	1910.23(a)(5)	Guard rail installed on both sides of filter press. (see attached)

*** To be acceptable the Action Taken To Correct Violation must be described in detail. Photos or other evidence of abatement may be attached.

THE UNDERSIGNED ATTESTS THAT THE ABOVE ITEMS WERE CORRECTED ON OR BEFORE THE PRESCRIBED ABATEMENT DATE.

SIGNATURE: Bill Henkel

TITLE: Branch Manager

DATE: 11/24/09

IV.16.1910 12/05
OSHA 2D Single

CONFIRMATION OF ABATEMENT

RETURN THIS FORM TO:

NORTH CAROLINA DEPARTMENT OF LABOR
Occupational Safety and Health Division
901 Blairhill Road, Suite 200
Charlotte, North Carolina 28217-1578
(704) 665-4341

FAILURE TO RESPOND BY THE DUE DATE MAY RESULT IN A FOLLOW-UP INSPECTION

DATE FORM DUE: 10/29/09 FILE NO.: 313753303

COMPANY: Hydrocarbon Recovery Services, Inc

LOCATION: 2115 Speedrail Court, Concord, NC

THE ALLEGED VIOLATIONS LISTED BELOW THAT WERE OBSERVED ON THE 08/20/2009 OSHA INSPECTION BY THE NORTH CAROLINA DEPARTMENT OF LABOR WERE CORRECTED ON OR BEFORE

THE FOLLOWING ABATEMENT DATE: Immediately Upon Receipt of Citation

ITEM NUMBER	STANDARD OR REGULATION ALLEGEDLY VIOLATED	ACTION TAKEN TO CORRECT VIOLATION*** (attach additional pages if needed)
One 2a	1910.141(a)(3)(i)	Storage room cleaned and returned to restroom. Regular cleaning contracted. (see attached)
2b	1910.141(d)(2)(iv)	Restored restroom stocked with paper towels and necessary paper products.
Two 3	1910.305(b)(1)	Knockout cover replaced. (see attached)

*** To be acceptable the Action Taken To Correct Violation must be described in detail. Photos or other evidence of abatement may be attached.

THE UNDERSIGNED ATTESTS THAT THE ABOVE ITEMS WERE CORRECTED ON OR BEFORE THE PRESCRIBED ABATEMENT DATE.

SIGNATURE: Bill Henkel

TITLE: BRANCH MANAGER

DATE: 11/24/09

IV.16.1910 12/05
OSHA 2D Single

Jani-King

Commercial Cleaning Services

Jani-King of Charlotte
7132 Weddington Road
Concord, NC 28027
(704) 782-5464

INVOICE

Monthly

FCC Environmental
Accounts Payable
2115 Speedrail Ct
Concord, NC 28025

Invoice No.	0065054
Invoice Date	10/01/2009
Due Date	November 1, 2009

DESCRIPTION	AMOUNT
Cleaning Done on Warehouse Restrooms 1st clean and half a month September 2009	50.00

VENDOR # _____ B/L DATE _____

ACCOUNT #	BRANCH/DEPT ID	LOCATION ID	$ AMOUNT
JMA	555	000	50 00
ACCOUNT #	BRANCH/DEPT ID	LOCATION ID	AMOUNT
ACCOUNT	BRANCH/DEPT ID	LOCATION ID	AMOUNT

Subtotal	50.00
Sales Tax	.00
TOTAL	$ 50.00

Please detach the stub below and return it with your payment

Bill Henley 10/7/09

Invoice	0065054	50.00
Customer	01921	FCC Environmental
Franchisee	0473	Clark

Please Send Your Payment To This Address

Jani-King of Charlotte
2469 Sunset Point Rd, Ste 250
Clearwater, FL 33765

How Are We Doing?	
	1=Poor 10=Excellent
Emptying Trash	
Dusting	
Vacuuming	
Common Areas	
Restrooms	
Overall	
Your Name	

INVOICE

Glenn Horne Electrical Contractors, Inc.
PO Box 805
Paw Creek, NC 28130
Phone: 704.399.0862
Fax: 704.394.2017
Federal ID #56-1019221

DATE	INVOICE #
9/23/2009	20251

INVOICE TO:

FCC Environmental
2115 Speedrail Court
Concord, NC 28025

TERMS	P.O. NO.
Net 30	

ITEM	QUANTITY	DESCRIPTION	RATE	AMOUNT
		Labor and materials to make miscellaneous electrical repair per the OSHA inspector as directed.		
Elec/Appr	3	Electrician and Apprentice	85.00	255.00
Materials		Total Materials	21.31	21.31
		Thank you for allowing us to serve you!		

VENDOR # _____ G/L DATE _____

ACCOUNT #	BRANCH/DEPT ID	LOCATION ID	AMOUNT
JMM	555	300	$ 276 31
			$
			$

Bill Henkel DATE 9/29/09

TOTAL $276.31

CONFIRMATION OF ABATEMENT

RETURN THIS FORM TO:

NORTH CAROLINA DEPARTMENT OF LABOR
Occupational Safety and Health Division
901 Blairhill Road, Suite 200
Charlotte, North Carolina 28217-1578
(704) 665-4341

FAILURE TO RESPOND BY THE DUE DATE MAY RESULT IN A FOLLOW-UP INSPECTION

DATE FORM DUE: 10/29/09 FILE NO.: 313753303

COMPANY: Hydrocarbon Recovery Services, Inc

LOCATION: 2115 Speedrail Court, Concord, NC

THE ALLEGED VIOLATIONS LISTED BELOW THAT WERE OBSERVED ON THE 08/20/2009 OSHA INSPECTION BY THE NORTH CAROLINA DEPARTMENT OF LABOR WERE CORRECTED ON OR BEFORE

THE FOLLOWING ABATEMENT DATE: Immediately Upon Receipt of Citation

ITEM NUMBER	STANDARD OR REGULATION ALLEGEDLY VIOLATED	ACTION TAKEN TO CORRECT VIOLATION *** (attach additional pages if needed)
Two 4	1910.1200(f)(5)(ii)	Material identified and labeled. Material then processed at the facility; drums were re-labeled as empty and stored appropriately.

*** To be acceptable the Action Taken To Correct Violation must be described in detail. Photos or other evidence of abatement may be attached.

THE UNDERSIGNED ATTESTS THAT THE ABOVE ITEMS WERE CORRECTED ON OR BEFORE THE PRESCRIBED ABATEMENT DATE.

SIGNATURE: Bill Deaton

TITLE: Branch Manager

DATE: 11/24/09

IV.16.1910 12/05
OSHA 2D Single

NCDOL
N.C. Department of Labor

CHERIE BERRY
COMMISSIONER OF LABOR

TIM CHILDERS
WEST COMPLIANCE BUREAU CHIEF
OCCUPATIONAL SAFETY AND HEALTH DIVISION

December 2, 2009

Mr. Bill Henkel
Branch Manager
Hydrocarbon Recovery Services, Inc.
2115 Speedrail Court
Concord, NC 28025

RE: OSH Inspection 313753303
Settlement Agreement

Dear Mr. Henkel:

Enclosed is a copy of the executed settlement agreement between the North Carolina Department of Labor OSH Division and the employer. Upon receipt of this copy, if there is a penalty due and if you have not already done so, please remit payment of penalties promptly to **Collections, Budget Division at 1101 Mail Service Center, Raleigh, NC 27699-1101**. Make your check or money order payable to: **NC Department of Labor, OSHA Division. Please indicate OSHA's Inspection Number on the remittance.**

If the settlement agreement includes a payment plan, the first payment is due on the first day of the month following the signing of the agreement. In the event that the employer does not pay each monthly installment as agreed upon, all remaining payments shall become immediately due and payable, and the Commissioner retains the right to institute collection proceedings as allowed by law.

Should you have questions regarding the settlement agreement, please feel free to call me at (704) 665-4341. Thank you for your cooperation in providing a safe and healthful workplace for your employees.

Sincerely,

Yvonne V. Early

Yvonne V. Early
Systems Administrator

901 BLAIRHILL ROAD, SUITE 200 • CHARLOTTE, NORTH CAROLINA 28217-1578
(704) 665-4341 • FAX: (704) 665-4342

NORTH CAROLINA DEPARTMENT OF LABOR
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

OSH INSPECTION # 313753303

INFORMAL SETTLEMENT AGREEMENT

This Agreement is entered into by and between the Division of Occupational Safety and Health, North Carolina Department of Labor (hereinafter "OSH Division"), and the following employer:

Hydrocarbon Recovery Services, Inc.
(hereinafter "the Employer")

The OSH Division and the Employer specifically agree to the following items:

1. The Employer maintains a place of business at the following address:

2115 Speedrail Court
Concord, NC 28025

2. From 20 August 2009 through 25 August 2009, an OSH Division compliance officer conducted an inspection at a worksite where one or more of the Employer's employees were performing work.

3. Based upon that inspection, the OSH Division issued Citations and Notification of Penalties to the Employer (hereinafter referred to as a NCOSHA-2), on 21 October 2009, alleging violations of the Occupational Safety and Health Act of North Carolina and/or the standards and regulations promulgated thereunder.

4. This Agreement modifies the aforementioned NCOSHA-2 as follows:

Citation 1, Item 1 – Initial proposed penalty of $2450.00 reduced to $1600.00.

Citation 1, Item 2a – Reclassified as a Non-Serious violation.

Citation 1, Item 2b – Reclassified as a Non-Serious violation.

Citation items listed in the original NCOSHA-2 which are not hereby modified shall remain in effect.

5. In consideration of this Agreement, the Employer agrees to:

a. Certify that it has abated the above-referenced Citation Item(s) or will abate the above-referenced Citation Item(s) by the abatement date contained in such Citation(s) or by the amended date stipulated in paragraph 4 above and return Confirmation of Abatement (OSHA 2-D) forms as necessary;

b. Pay the total penalty assessment of $2125.00 within 10 days of receipt of the executed Informal Settlement Agreement; and

c. Waive its rights under the Occupational Safety and Health Act of North Carolina, N.C.G.S. §95-126 to -155, to contest any citation item(s), penalty(ies), or abatement date(s) listed on the NCOSHA-2 before the Safety and Health Review Commission of North Carolina and/or any other tribunal.

6. The parties agree that this Agreement is a full and final settlement of all the claims set out in the underlying NCOSHA-2, and that it is an unappealable Final Order of the Commissioner that is subject to the provisions of NCGS §95-133(b) and §95-141.

7. The parties agree to bear their own attorneys' fees, costs and other expenses incurred to date in this matter.

8. This Agreement shall be prominently posted at or near such place(s) any violation(s) referred to in the original citation occurred and in close proximity to that original citation.

WHEREFORE, the undersigned parties enter into and execute this Agreement.

This the 24TH day of NOVEMBER, 2009.

For the OSH Division:
North Carolina Department of Labor

Paul M. Sullivan, CIH
District Supervisor

For the Employer:
Hydrocarbon Recovery Services, Inc.

Signature

BILL HENKEL / BRANCH MANAGER
Printed Name/Title

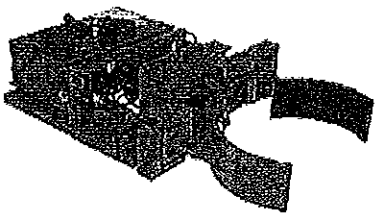
SOLUTION DYNAMICS Inc.
Industrial Equipment Specialists

Call Toll Free
1-877-860-3620
262-521-5730

SHOPPING CART PRODUCTS CONTACT US INFORMATION HOME

Drum Handlers

Ultra Grip Hydraulic Drum Handlers
Base Price: $7,734.00



larger Image

Please Choose:

Drum Handlers.....

- WA-0092 ($7,734.00)
- WA-0093 ($7,990.00)
- WA-0094 ($7,962.00)

Add to Cart: 1

Add to Cart

Valley Craft Ultra-Grip II Hydraulic Drum Handlers

Ultra-Grip II™ is Valley Craft's top-of-the-line general purpose hydraulic drum handler. Only Ultra-Grip II allows the operator the choice of controlled dumping to the left, right, and forward. Rubber-lined general purpose jaws are designed to handle steel drums, and other rigid cylinders from 18" to 28" in diameter. FOB MINNESOTA. Lead time: approx 1 week

Primary Functions:

- 3-way directional controlled dumping
- Moving
- Stacking
- Palletizing
- 180° inverting
- 360° rotating in horizontal or vertical plane
- 125° forward tilting

Additional Features:

- Control box & cord (extends from 4 to 20 feet)
- Drive-in fork tubes
- Safety chain secures grip to mast
- Completely self-contained 12-volt battery-operated Power Pak (batteries included)
- Built-in battery charger
- Optional Drum Hugger Jaws are required for dumping open-top 55-gallon plastic or fiber drums, and may be purchased as a second set of quick change jaws. If you are handling only plastic drums, see Model 6136 below.

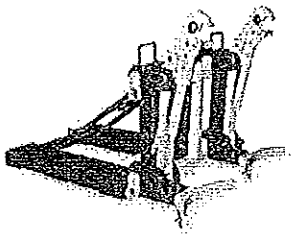
Jaw Options

Lifter, Drum, Cap2000Lb, L47in

Material Handling > Dock Equipment > Drum Lifters and Dispensers

Drum Lifter, Load Capacity 2000 Pounds, Style Double Drum, Overall Length 34 Inches, Overall Height 38 Inches, Overall Width 58 Inches, Forktruck

Grainger Item #	1TZ77
Price (ea.)	$1,268.00
Brand	VESTIL
Mfr. Model #	FMDL-2
Ship Qty.	1
Sell Qty. (Will-Call)	1
Ship Weight (lbs.)	320.0
Usually Ships**	From mfr. w/in 4 bus. days
Catalog Page No.	1873
Country of Origin (Country of Origin is subject to change.)	USA



Enlarge Image

Qty.

☐ Add Grainger TripleGuard® repair & replacement coverage for $199.00 each.

Add to Order | Add to Personal List

Price shown may not reflect your price. Sign in or register.

Tech Specs | Additional Information | Compliance & Restrictions | MSDS | Required Accessories | Optional Accessories | Alternate Products | Repair Parts

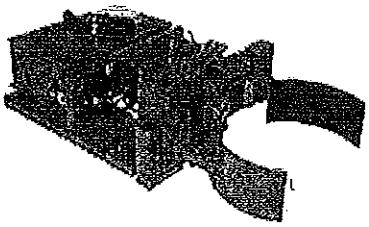
Item	Drum Lifter
Type	Double Drum
Overall Length (in.)	47
Overall Height (in.)	29
Overall Width (in.)	43
Load Capacity (Lb.)	2000
Finish	Safety Yellow
Includes	Safety Chain to Secure Unit to Carriage of Fork Truck

View Catalog Page View Printable Page

The "Usually Ships" reflects when an item is generally expected to ship from Grainger based on its stocking location. Real-time availability information will be shown during the checkout process and on the e-mail order confirmation (for U.S. and Puerto Rico - US customers only). Please allow additional delivery time for international orders.

Return To Top

Ultra-Grip II - Drum Dumper
Valley Craft 888-378-6525



Ultra-Grip II - Model VC-6135 - Self-Powered Multi-Function Dual-Axis Drum Handler

Overview

Ultra-Grip II - Self-Powered Multi-Function Dual-Axis Drum Handler with (3) different syle jaws.

Model VC-6135 Ultra-Grip II is Valley Craft's top-of-the-line general purpose hydraulic drum handler. Only Ultra-Grip II allows the operator the choice of controlled dumping to the left, right, and forward. Rubber-lined general purpose jaws are designed to handle steel drums, and other rigid cylinders from 18" to 28" in diameter.

Ultra-Grip Video

Highlights

- 3-way directional controlled dumping
- Moving
- Stacking
- Palletizing
- 180° inverting
- 360° rotating in horizontal or vertical plane
- 125° forward tilting

Photo 1. Ultra-Grip II - Model VC-6135 - Self-Powered Multi-Function Dual-Axis Drum Handler

Photo 2. Model VC-6135 - Rotation - Left, Right and Forward

Photo 3. Model VC-6136 - Drum Hugger Jaws for 55-gal. steel, plastic and fiber drums 23-24 in. in diameter.

Photo 4. Model VC-6137 - Giant Jaws for steel and fiber drums 18-28 in. in diameter.

Photo 5. Battery Pack

MODELS & PRICING

= Option

Model #	Drum Type	Dimensions	Fork Tube Size	Dist. Req. Btw. Forks	Jaw Size	Cylinder Size	Capacity	Weight	1	Quantity
VC-6135	Steel	64"L x 35.5"W	2" x 6" x 38"	20.5"	9" x 20"	18" - 28"	2000 lbs.	772 lbs.	$7,250.00	
VC-6136	Plastic, Steel & Fiber	68"L x 35.5"W	2" x 6" x 38"	20.5"	9" x 30"	55 gal only	2000 lbs.	773 lbs.	$7,500.00	
VC-6137	Fiber	64"L x 35.5"W	2" x 6" x 38"	20.5"	18" x 18"	18" - 28"	2000 lbs.	773 lbs.	$7,500.00	

ADD TO CART

Back to Top

Zorin Material Handling Company
2434 W. Wadsworth Rd., Bldg. B4
Waukegan, IL 60087
Phone: 1-888-378-6525 or 773-342-3818
Fax: 1-866-378-0233 or 773-342-3881
Email:Info@zorinmaterial.com

Remit to Address
Zorin Material Handling Co.
Department 7902
Carol Stream, IL 60122-7902

Lifter, Drum, Cap2000Lb, L47In

Material Handling > Dock Equipment > Drum Lifters and Dispensers

Drum Lifter, Load Capacity 2000 Pounds, Style Double Drum, Overall Length 34 Inches, Overall Height 38 Inches, Overall Width 58 Inches, Forklift

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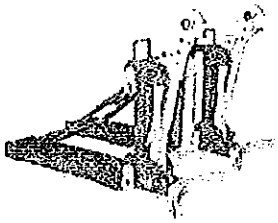

Enlarge Image

Qty.

Add Grainger TripleGuard® repair & replacement coverage for $199.00 each.

Add to Order | Add to Shopping List

Price shown may not reflect your price. Sign in or register.

Tech Specs | Additional Information | Compliance & Restrictions | MSDS | Required Accessories | Optional Accessories | Alternate Products | Repair Parts

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Type	Double Drum
Overall Length (In.)	47
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Includes	Safety Chain to Secure Unit to Carriage of Fork Truck

View Catalog Page View Printable Page

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Return To Top

Section Q:

At FCC it is well aware that no company can survive unless it is able to interpret and share a vision on the future with the communities it serves and adopt this vision as its own.

Since its incorporation, FCC has been committed to the environments in which we operate; devising initiatives that benefit the environment or contribute to society and the community in which it conducts business.

There is a general consensus of the social media we wish to pass on to future generations. This model foresees economic development fostering well-being, promoting citizen's rights and redressing the precarious state of our environment.

By and large, FCC's activities reflect this sustainable development model. Our services, from efficient recycling solutions to industrial sanitation projects and other field service activities are all designed to respond to the sustainable development challenges facing us today.

Perhaps it is because our business is precisely that of offering solutions to our customers' needs that we are more aware and also more committed, responsible and able, to ensure that our day to day activity contributes to the sustainable development model we aim to achieve.

We are convinced that our efforts will be rewarding to the company, to our shareholders and to all those who share our values.

Section R:

As a local service provider to many of the Ports residents and area businesses, FCC provides quality reliable recycling and waste handling services at an overall lower cost than most of our competitors. FCC promotes environmental stewardship and recycling which translates to lower waste disposal costs which translates to a more profitable business. This effort contributes to the overall "health" of the business atmosphere at the Port and surrounding areas.

Adding Value

Our first goal to over 40,000 customers who use hydrocarbon services from FCC is to help them minimize their waste. When waste generation can't be prevented, reuse and recycle are at the top of the EPA's waste management practices list. How these materials are managed matters greatly to you as a generator and to FCC Environmental as a service provider.

STEPS WE TAKE TO ADD VALUE:

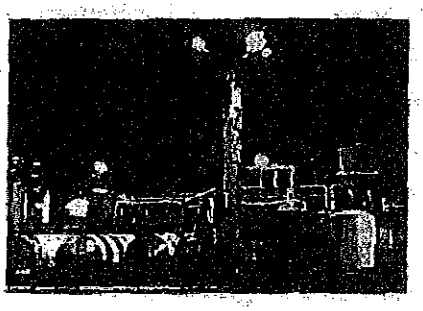
- Sampling, analysis, and "fingerprinting" in company-owned laboratories
- Diversity of cost-effective, compliant treatment and recycling processes
- Comprehensive FCC Environmental employee training programs at all levels
- Experts who can provide advice on alternative treatment solutions
- Pollution liability insurance
- Recycling equipment lease programs for customer locations
- Environmental, Health and Safety audits of FCC and other approved facilities
- Fully permitted and insured FCC transportation fleet
- Professionally trained DOT- and OSHA-compliant FCC fleet operators
- Service built around your operating needs

Service Highlights

USED OIL RECYCLING

FCC Environmental recycles over 90 million gallons of spent lubricants each year.

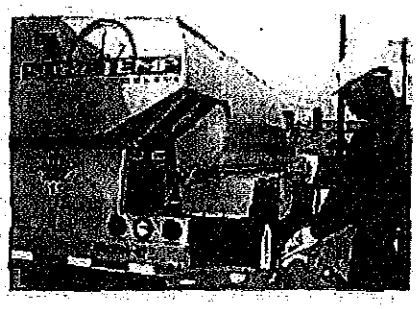
- Collection through company-operated vehicles
- Stringent testing and processing in FCC facilities
- Production of high-quality, energy-efficient on-specification recycled fuel oil
- Established relationships with users of recycled oil product in the Asphalt, Pulp and Paper, Electric Utility, and other industries
- Service interval and response time focused on superior customer service



USED ANTIFREEZE RECYCLING

FCC Environmental recycles over 2 million gallons of spent antifreeze each year.

- Superior vacuum distillation technology for spent antifreeze
- Ability to provide and service both drum and bulk tank storage



NEW ANTIFREEZE PRODUCT SALES

FCC Environmental manufactures ASTM and SAE specification virgin-grade antifreeze coolant for automotive and heavy-duty truck applications. SureTemp™ Antifreeze/Coolants provide quality performance.

- Meets requirements of Caterpillar, DaimlerChrysler, Cummins, Detroit Diesel, Ford, GM, Honda, Toyota, and others
- Optimum anti-corrosion, liner-pitting and scale protection
- Vacuum-distilled products provide superior quality versus filtered recycled products that could contain up to 10 times the allowable ASTM D3306 levels of corrosive salts
- SureTemp™ Universal with 3-year/60,000-mile performance
- SureTemp™ Extended Life Coolant with 5-year/100,000-mile performance

USED OIL FILTER RECYCLING

FCC Environmental recycles tens of millions of oil filters per year, collected from automobile dealerships, automotive and truck repair shops, quick lubes, and other customer types.

- Recycling saves precious landfill space and recycles non-renewable resources
- The steel is recovered and used as feed for a variety of steel processes – and ultimately manufactured into new steel products
- The used oil is recovered and processed into on-specification recycled fuel oil

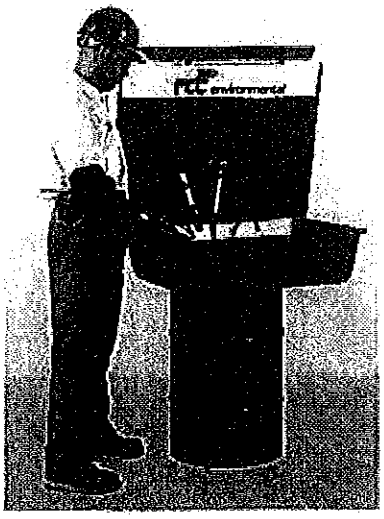
OIL-WATER SEPARATOR CLEANING SERVICES

FCC Environmental operates a fleet of vacuum trucks that can give you a cost-effective, compliant service for collection and treatment of oily water and oily wastes. The service is designed to save you time and money and reduce your liabilities.

- Sludge removal • Pits
- Sumps • Floor drains
- Containment dikes • Spills

PARTS CLEANER SERVICES

FCC Environmental offers unbeatable parts cleaner service. The expert, fully-trained FCC technicians use only the best of parts cleaning equipment and solutions.



- Customized service designed to meet your exact needs
- Turnkey service for leased units or customer-owned machines
- Quality, heavy-duty units in a variety of models to fit every shop need
- Assured, worry-free environmental compliance
- High-quality, fast-cleaning solvents

PAINT WASTE RECYCLING SERVICES

FCC Environmental provides a state-of-the-art paint waste solvent recycling system.

- High-quality clean solvent available on demand – with significant cost savings, depending on usage level
- Up to 90% waste reduction
- Removal of still bottoms and supply of heat-resistant waste bags

EMERGENCY RESPONSE SUPPORT

Rest assured that FCC Environmental will help in an emergency situation involving fuel, oily waste or products, and other petroleum-based spills like antifreeze.

- OSHA 40-hour and confined space entry-trained personnel
- Quick response
- Controlled management of wastes generated during cleanup

FIELD SERVICES

If you need a tank, pit or lagoon pumped out or cleaned, just call FCC Environmental and we can provide responsive and economical field services.

- Backed by a global leader
- Knowledgeable project managers skilled at controlling your costs

FCC Environmental cares about the environment and is dedicated to keeping its customers compliant. We provide the highest caliber services for managing used oil, used oil filters, used absorbents, parts cleaners, and a wide variety of water mixtures containing oil, fuel or antifreeze.

SERVICES OFFERED*:

- Used Oil Recycling and Recycled Fuel Oil Sales
- Used Antifreeze Recycling and Antifreeze Product Sales
- Used Oil Filter Recycling
- Oily Water and Oily Waste Recycling
- Non-Hazardous Wastewater Treatment
- Off-Specification Fuel Recycling (UST & PST Fluids and Gasoline-Water Mixtures)
- Oil-Water Separator Cleaning Services
- Collection and Transportation Services
- Parts Cleaner Services
- Paint Waste Recycling Services
- Emergency Response Support
- Field Services
- Storage Container Rental and Sale
- Absorbent Sales and Disposal Services

*Services may vary by location

Single-Source Recycling Services

Section T
Section V

U.S. Department of Homeland Security
United States Coast Guard

Commander
United States Coast Guard
Sector Miami

100 MacArthur Causeway
Miami Beach, Florida 33139-5100
Staff Symbol: spom
Phone: 786)777-0775
Fax: (786) 777-0791

16619/07-1511
January 8, 2008

MISLE # 3086334
FIN# MIAM2468

FACILITY RESPONSE PLAN/ OPERATION MANUAL APPROVAL #07-1511

Hydrocarbon Recovery Services, Inc.
Attn: Vincent Glorioso, Environmental Project Manager
1280 NE 48th Street
Pompano Beach, FL 33064

Dear Mr. Glorioso:

You're Facility Response Plan and Operations manual has been examined by my Port of Miami Field Office. Based upon our examination, your plan fulfills all requirements as outlined in Title 33, Code of Federal Regulations, Part 154.1017 (33 C.F.R. 154) and Part 154.300 .

If you have any questions, please contact my staff at the Port of Miami Field Office at (786) 777-0775.

Sincerely,

K. L. SCHULTZ
Captain, U. S. Coast Guard
Captain of the Port

US COAST GUARD OPERATIONS MANUAL AND FACILITY RESPONSE PLAN

This Revision: December 2007
Most Recent Previous Major Revision: August 2007 (under SWT)

Prepared for:

HRSI	Hydrocarbon Recovery Services Inc. 1280 NE 48th Street Pompano Beach, FL 33061 Phone: 954-785-2320 Fax: 954-783-6913

This OPERATIONS MANUAL is intended to be utilized with the Facility Response Plan (FRP) which also includes the Mobile Facilities and discusses spill response in detail.

33 CFR Part 154 and 156
US Coast Guard Final Rule as Revised August 8, 1996

Submitted to the following USCG location:

Sector Miami
100 MacArthur Causeway
Miami, FL 33139
Phone: 305-535-8700
Fax: 305-535-8761

CAPT, USCG
1/29/08
EXAMINED BY
US COAST GUARD

Prepared by:

HRSI	Vinnie N. Glorioso **Environmental Project Manager**

US COAST GUARD OPERATIONS MANUAL AND FACILITY RESPONSE PLAN

This Revision: March 2011
Most Recent Previous Major Revision: December 2007

Prepared for:

FCC Environmental, LLC
1280 NE 48th Street
Pompano Beach, FL 33061
Phone: 954-785-2320
Fax: 954-783-6913

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Sector Miami
100 MacArthur Causeway
Miami, FL 33139
Phone: 305-535-8700
Fax: 305-535-8761

Sector Key West
100 Trumbo Point Annex
Key West, FL 33040
Phone: 305-292-8809
Fax: 305-292-8809

Prepared by:

Vinnie N. Glorioso
EH&S Manager

TABLE OF CONTENTS

US COAST GUARD OPERATIONS MANUAL

This Revision: March 2011
Most Recent Previous Major Revision: December 2007

Prepared for:

FCC Environmental, LLC
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Phone: 305-292-8809
Fax: 305-292-8809

Prepared by:

Vinnie N. Glorioso
EH&S Manager

Operations Manual Table of Contents

<u>MOBILE FACILITIES</u>
154.310 Section...

** END REGULATORY NUMBERING OF SECTIONS **

US COAST GUARD FACILITY RESPONSE PLAN

This Revision: March 2011
Most Recent Previous Major Revision: December 2007

Prepared for:

FCC Environmental, LLC
1280 NE 48th Street
Pompano Beach, FL 33061
Phone: 954-785-2320
Fax: 954-783-6913

This OPERATIONS MANUAL is intended to be utilized with the Facility Response Plan (FRP) which also includes the Mobile Facilities and discusses spill response in detail.

33 CFR Part 154 and 156
US Coast Guard Final Rule as Revised August 8, 1996

Submitted to the following USCG location:

Sector Miami
100 MacArthur Causeway
Miami, FL 33139
Phone: 305-535-8700
Fax: 305-535-8761

Sector Key West
100 Trumbo Point Annex
Key West, FL 33040
Phone: 305-292-8809
Fax: 305-292-8809

Prepared by:

Vinnie N. Glorioso
EH&S Manager

FACILITIES RESPONSE PLAN
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SectionT

Section V

From: Goelz, John <john.goelz@fccenvironmental.com>
Sent: Monday, May 21, 2012 3:58 PM
To: Janofsky, Faye
Subject: FW: FCC Letter of Adequacy

(U.S. Coast Guard approval of new name re all USCG records)

Importance: High

Will this email suffice?

JHG

John H. Goelz, CHMM
Regional Field Service Director
FCC Environmental, LLC

407-466-4085
john.goelz@fccenvironmental.com

From: Kevin.W.Mcdaniel@uscg.mil [mailto:Kevin.W.Mcdaniel@uscg.mil]
Sent: Monday, May 21, 2012 2:24 PM
To: Goelz, John
Cc: Hummel, Alton
Subject: RE: FCC Letter of Adequacy
Importance: High

To whom it may concern,

The Mobile Bulk Liquid Transfer Facility formerly known as Hydrocarbon Recovery Services, Inc. has officially changed its title to F.C.C. Environmental, LLC per all U.S. Coast Guard, Sector Miami records and documentation and shall be regulated as such.

Very Respectfully,

U.S. COAST GUARD, SECTOR MIAMI
PORT OF MIAMI FIELD OFFICE
100 MacArthur Causeway
Miami Beach, FL 33139-5101

OFFICE PHONE #: (786) 777-0775
24 HOUR DUTY PHONE #: (786) 295-8995
OFFICE FAX #: (786) 777-0791
E-MAIL: Kevin.W.McDaniel@uscg.mil

~ Ullmhaithe i gcónaí ~

U.S. COAST GUARD, SECTOR MIAMI
PORT OF MIAMI FIELD OFFICE
100 MacArthur Causeway
Miami Beach, FL 33139-5101

OFFICE PHONE #: (786) 777-0775
24 HOUR DUTY PHONE #: (786) 295-8995
OFFICE FAX #: (786) 777-0791
E-MAIL: Kevin.W.McDaniel@uscg.mil

"Convictions are more dangerous foes of truth than lies."
- Friedrich Nietzsche

From: john.goelz@fccenvironmental.com [mailto:john.goelz@fccenvironmental.com]
Sent: Tuesday, May 15, 2012 12:31 PM
To: McDaniel, Kevin MST3
Cc: Hummel, Alton
Subject: FCC Letter of Adequacy

Mr. McDaniel,

Is it possible to provide a letter simply stating that you have received our notice of name change, and that a new letter of adequacy is not required? It may satisfy the Port Everglades board and would save you the trouble of going through the process again.

JHG

John H. Goelz, CHMM
Regional Field Service Director
FCC Environmental, LLC

407-466-4085
john.goelz@fccenvironmental.com

FCC environmental

Hydrocarbon Recovery Services Inc.

523 N. Sam Houston Parkway East, Ste. 400
Houston, TX 77060

TELEPHONE (281) 668-3300
FACSIMILE (281) 668-3301

June 28, 2010

U.S. Coast Guard
Sector Miami
15614 SW 117th Avenue
Miami Beach, FL 33177

RE: Name Change from Hydrocarbon Recovery Services, Inc dba FCC Environmental to FCC Environmental, LLC
Authorization of Marine Operations #16601

Dear Commanding Officer:

Effective July 1, 2010, Hydrocarbon Recovery Services, Inc dba FCC Environmental will change its name to FCC Environmental, LLC. No change of ownership is occurring and there will be no change in the overall infrastructure of our business, facilities, equipment, and operations.

As a result of the name change, FCC Environmental, LLC will succeed to, and become the new permittee under Authorization of Marine Operations #16601 currently issued to Hydrocarbon Recovery Services, Inc dba FCC Environmental. I understand that the permit will remain in effect and its status will not otherwise be affected by the name change. Please notify me at your earliest opportunity if this is not the case. Thank you for your attention to this request.

Sincerely,
FCC Environmental, LLC

John Coyne
Director of EH&S

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

U.S. Coast Guard
Sector Miami
15614 SW 117th Avenue
Miami Beach, FL 33177

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by (*Printed Name*) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (*Extra Fee*) ☐ Yes

2. Article Number
(*Transfer from service label*) 7006 0810 0006 3242 5723

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

7006 0810 0006 3242 5723

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	$ .88
Certified Fee	2.80
Return Receipt Fee (Endorsement Required)	2.30
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$5.98

Postmark Here

Sent To
U.S. Coast Guard Sector Miami
Street, Apt. No.; or PO Box No. 15614 SW 117th Avenue
City, State, ZIP+4
Miami Beach, FL. 33177

PS Form 3800, June 2002 See Reverse for Instructions

BROWARD COUNTY FLORIDA

Environmental Protection and Growth Management Department
POLLUTION PREVENTION, REMEDIATION AND AIR QUALITY DIVISION
One North University Drive, Suite 102, Plantation, FL 33324
954-519-1260 · FAX 954-519-1494

WASTE TRANSPORTER LICENSE

APPLICANT:
FCC Environmental, LLC
Attention: Kenneth D. Cherry, EVP / GM
523 N SAM HOUSTON PARKWAY E STE 400
Houston, TX 77060

License Number: WT-11-0112

This license is issued under the provisions of Chapter 27 of the Broward County Code of Ordinances hereinafter called the Code. The above-named applicant, hereinafter called Licensee, is hereby authorized to perform the work or operate the facility shown on the approved drawings, plans, documents, and specifications submitted by Licensee and made a part hereof and described specifically below. The issuance of this license is a final agency determination. A person with a substantial interest may file a petition to request review of or to intervene in a review of a final administrative determination, subject to the provisions of Section 27-14, Broward County Code of Ordinances. If no objection to this license is received within 14 days, you will be deemed to have accepted it and all the attached terms and conditions.

ALL GENERAL CONDITIONS and SPECIFIC CONDITIONS, as attached, are considered to constitute the requirements of this license. The Licensee is required to fully comply with all these conditions. Any failure to comply with the conditions or requirements as set forth may result in revocation or suspension of this license and may subject the Licensee to enforcement action in accordance with the provisions of Article 1, Division 4 of the Code.

Nature of Business:

Sludge Hauling
- Storm Sewer Debris

Discarded Hazardous Material Hauling
- Used Oil
- RCRA Hazardous Waste
- Photochemical Waste
- Nonhazardous Industrial Waste (Solid)
- Nonhazardous Industrial Waste (Liquid)
- Contaminated Soils

Prepared By:	Didier Dupuy
Application Received:	10/21/2011
Date of Issue:	10/24/2011
Renewal App. Due:	10/01/2013
Expiration Date:	11/30/2013

Pollution Prevention, Remediation and Air Quality Division

Environmental Protection and Growth Management Department
POLLUTION PREVENTION, REMEDIATION AND AIR QUALITY DIVISION
One North University Drive, Suite 102, Plantation, FL 33324
954-519-1260 · FAX 954-519-1494

WASTE TRANSPORTER LICENSE INVENTORY

APPLICANT:
FCC Environmental, LLC
Attention: Kenneth D. Cherry, EVP / GM
523 N SAM HOUSTON PARKWAY E
STE 400
Houston, TX 77060

License Number: WT-11-0112
License Issue Date: 10/24/2011
License Expiration Date: 11/30/2013

STORAGE LOCATIONS:

Address
1280 NE 48 St Pompano Beach, FL

LICENSED VEHICLES:

PPRAQ Sticker #	*License Plate #*
2739	FL/ROLLOFF C-9
2748	FL/ROLLOFF C-11
3933	FL/N4373K
3937	FL/N8784J
3938	FL/N3840Q
3942	FL/ROLLOFF 5217
3943	FL/ROLLOFF C-1
3947	FL/N3482N
3950	OK/23166X
3951	OK/2315GX
3952	OK/2351GX
5091	FL/084LYM
5180	FL/N5308P
5656	LA/B593345
5767	FL/N9984P
5770	FL/N7469P
5771	FL/ROLLOFF C-7
5890	OK/2PJ687
6001	FL/3488N
6002	FL/M8154N
6003	FL/N2328L

Environmental Protection and Growth Management Department
POLLUTION PREVENTION, REMEDIATION AND AIR QUALITY DIVISION
One North University Drive, Suite 102, Plantation, FL 33324
954-519-1260 · FAX 954-519-1494

WASTE TRANSPORTER LICENSE INVENTORY

PPRAQ Sticker #	*License Plate #*
6004	FL/N5179F
6005	OK/2318GX
6006	OK/2330GX
6007	OK/2MH387
853	FL/ROLLOFF C-6

Prepared By: Didier Dupuy
Inventory Date: 10/24/2011

Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

June 18, 2012

Bernard Korzekwinski
FCC Environmental LLC
1280 NE 48th St
Pompano Beach, FL 33064- 4909

BE IT KNOWN THAT

FCC Environmental LLC
1280 NE 48th St
Pompano Beach, FL 33064- 4909

IS HEREBY REGISTERED AS A USED OIL

Transporter, Transfer Facility, Processor, Marketer, Filter Transporter, Filter Transfer Facility

pursuant to Chapter 62-710, Florida Administrative Code (F.A.C)
For regulatory guidance, go to:
http://www.dep.state.fl.us/waste/categories/used_oil/default.htm
The Department of Environmental Protection hereby issues
Registration Number **FLD984262410** on June 05, 2012
Insurance Carrier: **INSURANCE CO OF PENNSYLVANIA**
Insurance Policy #: **CA0934799**
Insurance Ex. Date: **05/01/2013**
Transporter Type: **FH**

This registration will expire on 06/30/2013

This certificate documents receipt of your annual registration and annual report. It shall be displayed in a prominent place at your facility. This certificate and your cancelled check are your receipts.

Aprilia Graves
Engineering Specialist IV
Hazardous Waste Regulation Permitting

Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Mimi A. Drew
Secretary

October 28, 2010

SENT VIA E-MAIL
John.coyne@fccenvironmental.com

John Coyne, EH&S Director
FCC Environmental, LLC
523 N. Sam Houston Parkway E., Suite 400
Houston, TX 77060

RE: Ownership Transfer Request from Hydrocarbon Recovery Services, Inc. to FCC Environmental Services, LLC Used Oil Permit Minor Modification.

Dear Mr. Coyne:

The Department of Environmental Protection (DEP) has completed its review of the facility name change request letter dated June 28, 2010, DEP comments letter dated July 19, 2010, and additional facility correspondence such as 8700-12FL Notification Forms and DEP Financial Assurance Approval dated September 28, 2010 for changing the name of Hydrocarbon Recovery Services, Inc. to FCC Environmental, LLC. The name is approved as follows:

From

1. Hydrocarbon Recovery Services, Inc., Ft. Pierce, Florida, FL0 000 346 304
2. Hydrocarbon Recovery Services, Inc., Plant City, Florida, FLD 065 680 613
3. Hydrocarbon Recovery Services, Inc., Pompano Beach, Florida, FLD 984 262 410
4. Hydrocarbon Recovery Services, Inc., Orlando, Florida, FLR 000 069 088
5. Hydrocarbon Recovery Services, Inc., Jacksonville, Florida, FLR 000 031 393

To

1. FCC Environmental, LLC, Ft. Pierce, Florida, FL0 000 346 304
2. FCC Environmental, LLC, Plant City, Florida, FLD 065 680 613
3. FCC Environmental, LLC, Pompano Beach, Florida, FLD 984 262 410
4. FCC Environmental, LLC, Orlando, Florida, FLR 000 069 088
5. FCC Environmental, LLC, Jacksonville, Florida, FLR 000 031 393

There are no other changes to these permits.

A copy of this letter must be attached to the existing permit for each of the above facilities and will become part of the permit.

If you have any questions, please contact Bheem Kothur at (850) 245-8781 or via e-mail: bheem.kothur@dep.state.fl.us.

Sincerely,

Charles F. Goddard, Chief
Bureau of Solid & Hazardous Waste

FILING AND ACKNOWLEDGEMENT FILED

On this date, pursuant to S.120.52(11), Florida Statutes, with the designed Department clerk, receipt of which is hereby acknowledged.

CLERK

October 28, 2010
DATE

CFG/bk

cc:

Georgiana Holmes, OGC/Tallahassee, Georgiana.holmes@dep.state.fl.us
Frank Hornbrook, DEP/Tallahassee, frank.hornbrook@dep.state.fl.us
Aprilia Graves, DEP/Tallahassee, Aprilia.graves@dep.state.fl.us
Bryan Baker, DEP/Tallahassee, bryan.baker@dep.state.fl.us
Glen Perrigan, DEP/Tallahassee, glen.perrigan@dep.state.fl.us
Jack Griffith, DEP/Tallahassee, jack.griffith@dep.state.fl.us
Steve Ray, DEP/Tallahassee, steve.ray@dep.state.fl.us
Janine Kraemer, DEP/Orlando, Janine.kraemer@dep.state.fl.us
Jim Dregne, DEP/Tampa, james.dregne@dep.state.fl.us
Ashwin Patel, DEP/Jacksonville, ashwin.patel@dep.state.fl.us
Karen Kantor, DEP/West Palm Beach, karen.e.kantor@dep.state.fl.us
Fred Wick, DEP/Tallahassee, fred.wick@dep.state.fl.us
Cheryl Slone, FCC Environmental, LLC, Cheryl.Slone@fccenvironmental.com
Bernie Korzekwinski, Hydrocarbon Recovery Services, Inc., bernard.korzekwinski@fccenvironmental.com
Jenna D. Perry, DEP/Jacksonville, jenna.d.perry@dep.state.fl.us
Steve Morgan, DEP/Tampa, steve.morgan@dep.state.fl.us
Lee Martin, DEP/Tallahassee, lee.martin@dep.state.fl.us

Section Y

Department of Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

06/29/2006

Tom Tomascik, Faculty Manager
US Filter Recovery Services (Mid Atlantic) Inc
1280 NE 48th St
Pompano Beach, FL 33064-4909

DEP/EPA ID: **FLD984262410**
LOCATION: **1280 NE 48th St , Pompano Beach.**

Based on information supplied by you, we have processed and accepted your request for the facility identified with the above DEP/EPA identification number. The status of your facility remains:

HW Transporter, Small Quantity Generator, Used Oil Handler

Please notify us in writing if there is any change in your operations which would affect your status. For further assistance, please call the Hazardous Waste Notification Coordinator at (850)245-8707.

Sincerely,

Michael X. Redig

Michael X. Redig
Environmental Manager
Hazardous Waste Regulation Section

ME ID: 28736

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
MARJORY STONEMAN DOUGLAS BUILDING
3900 COMMONWEALTH BOULEVARD
TALLAHASSEE, FLORIDA 32399-3000

RICK SCOTT
GOVERNOR
HERSCHEL T. VINYARD JR.
SECRETARY

June 6, 2013

FCC Environmental, LLC
Ramon Pujol
523 N. Sam Houston Parkway East, STE 400
Houston, TX 77060

RE: Renewal of Certificate for Discharge Cleanup Organization

Dear Mr. Pujol:

You are currently listed as an Approved Discharge Cleanup Organization (DCO) for the State of Florida. We are extending the expiration date of your DCO Certificate to ***June 30, 2014.*** Please notify this office of any significant changes in your capabilities as a DCO, as well as, changes in addresses, phone numbers, or contacts.

Retain a copy of this letter with your most current DCO certificate as evidence of your certification status. If you have any questions, or wish to provide updates, please contact Ms. Amanda Hartsfield at (850) 245-2870 or via email at Amanda.Hartsfield@dep.state.fl.us. You may also contact your District Emergency Response Manager to address any questions or issues regarding this program.

Sincerely,

Gwen Keenan, Director
Office of Emergency Response

cc: District OER Managers