



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

WATER ENFORCEMENT BRANCH, 6EN-W

1445 ROSS AVENUE, SUITE 1200

DALLAS, TEXAS 75202-2733

JUL 10 2013

CERTIFIED MAIL-RETURN RECEIPT REQUESTED: 7005 1820 0003 7458 8668

Mr. Shane Odom
Regional Environmental, Health & Safety Manager
FCC Environmental
2800 Wicks Street
Kilgore, TX 75662

Re: Information Requests pursuant to Section 308 of the Clean Water Act
NPDES Permit Numbers: LAR05N249, LAR05N252, LAR05N400, TXR05AJ03

Dear Mr. Odom:

Enclosed are four Information Requests (Requests) issued to four FCC Environmental facilities located in Louisiana and Texas. The Requests are issued pursuant to Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318(a), which authorizes the Environmental Protection Agency (EPA) to request information required to carry out the objectives of the CWA. The purpose of these Requests is to obtain information regarding each facility's compliance with its National Pollutant Discharge Elimination System Permit. Your response to the Requests must be post-marked no later than thirty (30) days from the date of this letter. Compliance with these Requests is mandatory.

Please be advised that failure to respond to the Requests within the thirty (30)-day period or to provide full, complete, true and correct responses, may result in the filing of an enforcement action by the U.S. Department of Justice seeking the issuance of a court order directing you to properly respond to the Requests. Your failure to comply with such an order could result in the assessment of civil penalties up to \$32,500 for each day you fail to comply with the order.

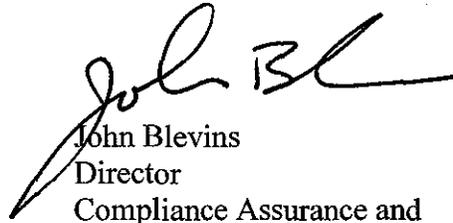
EPA urges you to give this matter your immediate attention and respond to these Requests in a timely manner. Your responses should be mailed to Ms. Thea Lomax (6EN-WM) at the address above.

Re: FCC Environmental
308 Information Requests

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If you have any questions regarding the Requests, you may contact Ms. Thea Lomax, of the Water Enforcement Branch, at (214) 665-8098 or by email at lomax.thea@epa.gov.

Sincerely,



John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosure

cc: Ms. Angela Marse
Water Enforcement Manager
Office of Environmental Compliance
Louisiana Department of Environmental Quality
P.O. Box 4312
Baton Rouge, LA 70821-4312

Ms. Susan Johnson (MC 169)
Manager, Enforcement Section I
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

INFORMATION REQUEST
FCC ENVIRONMENTAL-OPELOUSAS FACILITY (#LAR05N400)

INSTRUCTIONS

- A. The term "Facility" means FCC Environmental-Opelousas facility located at 697 Highway 167, Opelousas, Louisiana 70570.
- B. The term "you" or "your" refers to FCC Environmental, owner/operator of the Facility.
- C. Respond to Each Request Completely. Each request is numbered and may contain subparts identified by lowercase letters. A separate response must be made to each request and subpart. Provide a separate narrative response to each request and subpart and clearly identify your responses with the number, subpart, and text of the request to which it corresponds. You must also submit any documents you relied on in preparing your response. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Information Request and may subject you to penalties as discussed in the cover letter.
- D. Source(s) of Response. Include with each narrative response, the name, position, and title of each person(s) who provided information responsive to the request.
- E. Electronic Submittal. You may submit your responses as one or more electronic files on a CD or similar media storage device, provided your electronic files are accompanied by a letter that identifies the file software and version, file name(s), sizes(s), date(s), and time(s) of creation.
- F. Submission of Documents. Label each document submitted with the request number and subpart (if applicable) to which it corresponds. Date stamp each document you submit.
- G. Documents Responsive to More than One Request. If a document you submit is responsive to more than one request, provide one copy of the document and identify each request, by the number and subpart to which it corresponds.
- H. Substitute Derivative or Summary Documents. Where a document is requested, please provide the responsive document. You may, if you wish, provide additional or explanatory documents to accompany the responsive document(s). However, your failure to provide the document requested will be considered a failure to completely respond to this Information Request.
- I. Provide the Best Information Available. Unless otherwise specified, responses do not require you to create new data or information. However, you should provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek responsive information from current and former employees and/or agents. Submission of cursory responses, when other responsive information is available to you, will be considered a failure to completely respond to this Information Request. If you cannot provide a precise answer to any questions, please approximate and state the reason for your inability to be specific.

- J. Unavailability of Records. If you are unable to respond to a request in a detailed and complete manner, or if you are unable to provide any of the information requested, indicate the reason for your inability to do so. If a record(s) responsive to a request is not in your possession, custody, or control and you have reason to believe that another person may be able to provide it, state the reasons for your belief and provide the person's name, address, telephone number, and any information available (*i.e.*, author, date, or subject matter) about the record(s).
- K. Documents that have been Transferred. If any records responsive to a request have been transferred or otherwise disposed of, identify the document, identify the person to whom it was transferred, describe the circumstances surrounding such transfer or other disposition, and state the date or approximate date of such transfer or other disposition.
- L. Duty to Provide and/or Correct Information on a Continuing Basis. If any records responsive to a request were not known or were not available to you at the time you submitted your response, but later become known or available to you, you must submit the new information as a supplement to your response. If at any time after submission of your response, you learn that any portion is or becomes false, incomplete, or misrepresents the facts, you must notify EPA of this fact as soon as possible and provide a corrected response. Failure to supplement your response within thirty (30) days of discovering such responsive information may subject you to an enforcement action. If any part of the response to this Information Request is found to be false, the signatory to the response and the company may be subject to criminal prosecution.
- M. Indicate Objections to Requests. While you may indicate that you object to certain requests contained in this Information Request, you must provide responsive information notwithstanding those objections. To object without providing responsive information may subject you to the penalties discussed in the cover letter.

QUESTIONS

Pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, provide the following requested information to EPA. The questions seek information concerning noncompliance with the National Pollutant Discharge Elimination System (NPDES) permit program.

1. An inspection conducted by the EPA on April 27, 2012, found that you failed to apply for storm water permit coverage under the National Pollutant Discharge Elimination System permit program.
 - a. If you applied for storm water permit coverage following the aforementioned inspection, provide the date that you completed and submitted a Notice of Intent; or the permit number and the effective and expiration dates of the permit to the EPA.
 - b. If you have not applied for permit coverage, explain to EPA why you have chosen not to comply with this permit requirement.

2. The inspectors also found that you had not developed and implemented a Storm Water Pollution Prevention Plan (SWPPP) for the facility.
 - a. Since the inspection referenced above, have you developed a SWPPP for the facility?
 - b. If you have developed a SWPPP for the facility, i) provide the date that the SWPPP was developed and the date it was implemented; and ii) the name and address of the company that developed your SWPPP.
 - c. Submit a copy to the EPA of the signed and dated Certification Page from the SWPPP.

INFORMATION REQUEST
FCC ENVIRONMENTAL-BAYTOWN, TEXAS FACILITY (#TXR05AJ03)

INSTRUCTIONS

- A. The term "Facility" means FCC Environmental-Baytown facility located at 4415 Oscar Nelson Jr. Drive, Baytown, Texas.
- B. The term "you" or "your" refers to FCC Environmental, owner/operator of the Facility.
- C. Respond to Each Request Completely. Each request is numbered and may contain subparts identified by lowercase letters. A separate response must be made to each request and subpart. Provide a separate narrative response to each request and subpart and clearly identify your responses with the number, subpart, and text of the request to which it corresponds. You must also submit any documents you relied on in preparing your response. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Information Request and may subject you to penalties as discussed in the cover letter.
- D. Source(s) of Response. Include with each narrative response, the name, position, and title of each person(s) who provided information responsive to the request.
- E. Electronic Submittal. You may submit your responses as one or more electronic files on a CD or similar media storage device, provided your electronic files are accompanied by a letter that identifies the file software and version, file name(s), sizes(s), date(s), and time(s) of creation.
- F. Submission of Documents. Label each document submitted with the request number and subpart (if applicable) to which it corresponds. Date stamp each document you submit.
- G. Documents Responsive to More than One Request. If a document you submit is responsive to more than one request, provide one copy of the document and identify each request by the number and subpart to which it corresponds.
- H. Substitute Derivative or Summary Documents. Where a document is requested, please provide the responsive document. You may, if you wish, provide additional or explanatory documents to accompany the responsive documents. However, your failure to provide the document requested will be considered a failure to completely respond to this Information Request.
- I. Provide the Best Information Available. Unless otherwise specified, responses do not require you to create new data or information. However, you should provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek responsive information from current and former employees and/or agents. Submission of cursory responses, when other responsive information is available to you, will be considered a failure to completely respond to this Information Request. If you cannot provide a precise answer to any questions, please approximate and state the reason for your inability to be specific.

- J. Unavailability of Records. If you are unable to respond to a request in a detailed and complete manner, or if you are unable to provide any of the information requested, indicate the reason for your inability to do so. If a record(s) responsible to a request is not in your possession, custody, or control and you have reason to believe that another person may be able to provide it, state the reasons for your belief and provide the person's name, address, telephone number, and any information available (*i.e.*, author, date, or subject matter) about the record(s).
- K. Documents that have been Transferred. If any records responsive to a request have been transferred or otherwise disposed of, identify the document, identify the person to whom it was transferred, describe the circumstances surrounding such transfer or other disposition, and state the date or approximate date of such transfer or other disposition.
- L. Duty to Provide and/or Correct Information on a Continuing Basis. If any records responsive to a request were not known or were not available to you at the time you submitted your response, but later become known or available to you, you must submit the new information as a supplement to your response. If at any time after submission of your response you learn that any portion is or becomes false, incomplete, or misrepresents the facts, you must notify EPA of this fact as soon as possible and provide a corrected response. Failure to supplement your response within thirty (30) days of discovering such responsive information may subject you to an enforcement action. If any part of the response to this Information Request is found to be false, the signatory to the response and the company may be subject to criminal prosecution.
- M. Indicate Objections to Requests. While you may indicate that you object to certain requests contained in this Information Request, you must provide responsive information notwithstanding those objections. To object without providing responsive information may subject you to the penalties discussed in the cover letter.

CERTIFICATION

This information provided shall be verified by, and submitted under, an authorized signature by a responsible corporate officer^a, with the following certification:

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 ensure 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, I certify that 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.

Signed: _____ Date: _____

SUBMISSION OF YOUR RESPONSE TO THE INFORMATION REQUESTED

FCC Environmental shall deliver all submissions required by this Information Request within thirty (30) days to: Ms. Thea Lomax (6EN-WM); U. S. Environmental Protection Agency, Region 6; 1445 Ross Avenue, Suite 1200; Dallas, TX 75202-2733.

^a The term "responsible corporate officer," as used herein, means a president, secretary, treasurer, or vice-president of the corporation, company or business in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, company or business.

QUESTIONS

Pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, provide the following requested information to EPA. The questions seek information concerning noncompliance with the National Pollutant Discharge Elimination System (NPDES) permit program, in accordance with the federal Clean Water Act.

1. An inspection conducted by the EPA on April 25, 2011, found that you did not provide annual site compliance evaluation reports to EPA for review, as required by your National Pollutant Discharge Elimination System (NPDES) program permit.
 - a. Describe the steps that you have taken to ensure that Annual Site Compliance Evaluations are performed at your facility and to ensure that the Annual Site Compliance Reports are completed and submitted in a timely manner to the permitting authority (i.e., EPA or the Texas Commission on Environmental Quality (TCEQ), as required by the respective NPDES or TCEQ permit.
 - b. Specify whether you conducted the Annual Site Compliance Evaluations at your facility for years 2011 and 2012. If the evaluations were conducted, submit a signed Certification within thirty (30) days of the effective date of this Information Request in which you certify that the evaluations were conducted for years 2011 and 2012.
 - i. If the Annual Site Compliance Evaluations have not been conducted for 2011 and/or 2012, provide a schedule indicating when you will be in compliance with this permit requirement.
 - c. Specify whether you completed the Annual Site Compliance Report at your facility for years 2011 and 2012. If the Reports were completed, submit a signed Certification within thirty (30) days of the effective date of this Information Request in which you certify that the Reports were completed for years 2011 and 2012.
 - i. If the Annual Site Compliance Reports have not been completed for 2011 and/or 2012, provide a schedule indicating when you will be in compliance with this permit requirement.

INFORMATION REQUEST
FCC ENVIRONMENTAL-NEW ORLEANS FACILITY (# LAR05N249)

INSTRUCTIONS

- A. The term "Facility" means FCC Environmental-New Orleans facility located at 14890 Intracoastal Drive, New Orleans, Louisiana 70129.
- B. The term "you" or "your" refers to FCC Environmental, owner/operator of the Facility.
- C. Respond to Each Request Completely. Each request is numbered and may contain subparts identified by lowercase letters. A separate response must be made to each request and subpart. Provide a separate narrative response to each request and subpart and clearly identify your responses with the number, subpart, and text of the request to which it corresponds. You must also submit any documents you relied on in preparing your response. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Information Request and may subject you to penalties as discussed in the cover letter.
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- L. Duty to Provide and/or Correct Information on a Continuing Basis. If any records responsive to a request were not known or were not available to you at the time you submitted your response, but later become known or available to you, you must submit the new information as a supplement to your response. If at any time after submission of your response, you learn that any portion is or becomes false, incomplete, or misrepresents the facts, you must notify EPA of this fact as soon as possible and provide a corrected response. Failure to supplement your response within thirty (30) days of discovering such responsive information may subject you to an enforcement action. If any part of the response to this Information Request is found to be false, the signatory to the response and the company may be subject to criminal prosecution.
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CERTIFICATION

This information provided shall be verified by, and submitted under an authorized signature, by a responsible corporate officer^a, with the following certification:

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 ensure 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, I certify that 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.

Signed: _____

Date: _____

SUBMISSION OF YOUR RESPONSE TO THE INFORMATION REQUESTED

FCC Environmental shall deliver all submissions required by this Information Request within thirty (30) days to: Ms. Thea Lomax (6EN-WM); U. S. Environmental Protection Agency, Region 6; 1445 Ross Avenue, Suite 1200; Dallas, TX 75202-2733.

^a The term "responsible corporate officer," as used herein, means a president, secretary, treasurer, or vice-president of the corporation, company or business in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, company or business.

QUESTIONS

Pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, provide the following requested information to EPA. The questions seek information concerning noncompliance with the National Pollutant Discharge Elimination System (NPDES) permit program, in accordance with the federal Clean Water Act.

1. An inspection of the Facility conducted by the EPA on December 7-9, 2010, found that you had not applied for storm water permit coverage.
 - a. If you have applied for permit coverage since the inspection, submit a copy of the signed Notice of Intent and the date it was mailed to the processing center.
 - b. If you have been granted a permit, submit the permit number and the effective date of the permit.
 - c. If you have not applied for permit coverage, please explain why you have chosen not to comply with this permit requirement.

2. The inspection found that you had not described in the Storm Water Pollution Prevention Plan (SWPPP) for the facility, the type of pollutants that, if discharged, would pollute storm water; and which best management practices should be implemented to reduce pollutants in storm water discharges.
 - a. Describe what pollutants you have identified that could potentially discharge into storm water from your facility, and the best management practices that you have implemented to reduce these pollutants in storm water discharges.

3. The inspection found that you had not performed Annual Comprehensive Site Compliance Evaluations.
 - a. Describe changes that you have implemented to ensure that Annual Site Compliance Evaluations are performed and reports are completed and submitted in a timely manner to the EPA.

4. The inspection found that you had not completed the required quarterly inspections.
 - a. Describe the action(s) taken to ensure that the required quarterly inspections are performed in a timely manner and that copies of the inspection reports are retained at your facility.

5. The inspection found that you had not developed and implemented a Visual Inspection Checklist.
 - a. Submit a copy of the checklist to EPA.
 - b. If you have not developed this checklist, explain why you have chosen not to comply.

6. The inspection found that you had not completed Discharge Monitoring Reports (DMRs) or Benchmark Monitoring (Reporting periods: January 1, 2007 to December 2007; January 1, 2009 to December 31, 2009).
 - a. If you implemented this reporting requirement, provide the dates and periods covered by the DMRs prepared after the December 7-9 2010, inspection date, to the EPA.
 - b. If you have not developed these reports, explain why you have chosen not to comply with this requirement.

7. The inspection found that you had not completed DMRs or sampled Numeric Effluent Limitations (Reporting periods: January 1, 2007 to December 2007; January 1, 2009 to December 31, 2009).
 - a. If you implemented this reporting requirement after the inspection date, provide dates and periods of those DMRs.
 - b. If you have not developed these reports, explain why you have chosen not to comply with this requirement.

INFORMATION REQUEST
FCC ENVIRONMENTAL-LAKE CHARLES FACILITY (#LAR05N252)

INSTRUCTIONS

- A. The term "Facility" means FCC Environmental-Lake Charles facility located at 1845 1st Street, Lake Charles, Louisiana 70601.
- B. The term "you" or "your" refers to FCC Environmental, owner/operator of the Facility.
- C. Respond to Each Request Completely. Each request is numbered and may contain subparts identified by lowercase letters. A separate response must be made to each request and subpart. Provide a separate narrative response to each request and subpart and clearly identify your responses with the number, subpart, and text of the request to which it corresponds. You must also submit any documents you relied on in preparing your response. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Information Request and may subject you to penalties as discussed in the cover letter.
- D. Source(s) of Response. Include with each narrative response, the name, position, and title of each person(s) who provided information responsive to the request.
- E. Electronic Submittal. You may submit your responses as one or more electronic files on a CD or similar media storage device, provided your electronic files are accompanied by a letter that identifies the file software and version, file name(s), sizes(s), date(s), and time(s) of creation.
- F. Submission of Documents. Label each document submitted with the request number and subpart (if applicable) to which it corresponds. Date stamp each document you submit.
- G. Documents Responsive to More than One Request. If a document you submit is responsive to more than one request, provide one copy of the document and identify all the requests, by the number and subpart, to which it corresponds.
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- M. Indicate Objections to Requests. While you may indicate that you object to certain requests contained in this Information Request, you must provide responsive information notwithstanding those objections. To object without providing responsive information may subject you to the penalties discussed in the cover letter.

CERTIFICATION

The information provided shall be verified by, and submitted under an authorized Signature, by a responsible corporate officer^a, with the following certification:

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 ensure 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, I certify that 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.

Signed: _____

Date: _____

SUBMISSION OF YOUR RESPONSE TO THE INFORMATION REQUESTED

FCC Environmental shall deliver all submissions required by this Information Request within thirty (30) days to: Ms. Thea Lomax (6EN-WM); U.S. Environmental Protection Agency, Region 6; 1445 Ross Avenue, Suite 1200; Dallas, TX 75202-2733

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QUESTIONS

Pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, provide the following requested information to EPA. The questions seek information concerning noncompliance with the National Pollutant Discharge Elimination System (NPDES) permit program.

1. An inspection of the Facility on April 27, 2011, found that the Storm Water Pollution Prevention Plan (SWPPP) for the facility had not been signed and dated.
 - a. Provide a copy of the signed and dated certification page for the facility's SWPPP.

2. The inspection also found that the SWPPP did not describe procedures for the implementation of Good Housekeeping Inspections, Preventative Maintenance Inspections, and Visual Inspections.
 - a. Describe how each of these inspections will be implemented.

3. The inspection also found that an Annual Site Compliance Evaluation (Annual Comprehensive Site Inspections) for the facility had not been developed and copies included in the SWPPP, as required by the permit.
 - a. Describe the actions taken to ensure that the Annual Comprehensive Site Inspections are conducted as required.
 - b. Provide copies of your most recent Annual Comprehensive Site Inspections after the April 27, 2011 EPA inspection.

4. The inspection found that the SWPPP did not include sampling and monitoring reports for the facility's 2nd and 4th quarters of January 1, 2007 through December 2007 (year 2) and January 2, 2009 through December 2009 (year 4), as required by the permit.
 - a. Describe the actions taken to ensure that sampling and monitoring reports are completed and submitted timely in accordance with the permit.
 - b. Provide copies of your sampling and monitoring reports for the facility prepared after the April 27, 2011, EPA inspection.