



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

Jack Long, Director
Southeast District Office

OCT - 9 2009

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

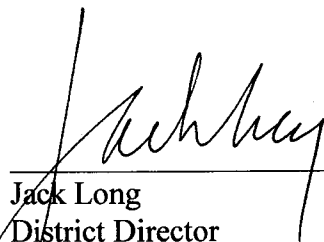
RE: Settlement of Department of Environmental Protection vs FCC Environmental, 1280 NE 48th
St., Pompano Beach, FL 33064 OGC File No.: 09-3504

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/KR/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

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Secretary

SEP 24 2009

CERTIFIED MAIL # 7008 1140 0004 4744 0778
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

DEPT of ENV PROTECTION
WEST PALM BEACH
OCT 07 2009
RECEIVED

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.

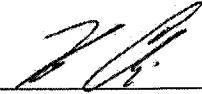
The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. This payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "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
District Director
Southeast District
09/24/09
Date

FOR THE RESPONDENTS:

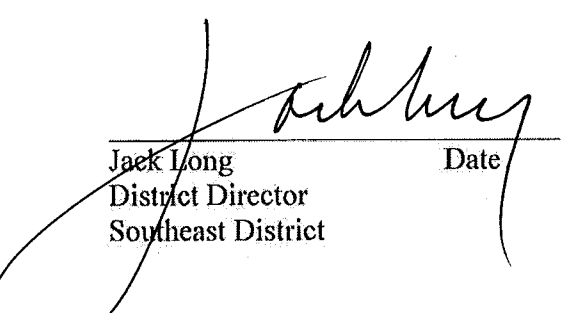
I, Brent Kuntz on behalf of Hillman Army Service, HEREBY
ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

By: Brent Kuntz
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
District Director
Southeast District
Date

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52, Florida Statutes,
With the designated Department Clerk, receipt of which is hereby acknowledged.

Michelle D. 10-09-09
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.