



## **APPLICATION FOR A COASTAL ZONE ACT STATUS DECISION**

**State of Delaware  
Department of Natural Resources & Environmental Control  
Office of the Secretary**

January 21, 2010  
Base Lube Recycling  
Hydrocarbon Recovery Services, Inc.

## Table of Contents

Part 1.	Certification by Applicant.....	4
Part 2.	Applicant Information and Site Identification .....	5
Part 3.	Project Summary.....	6
Part 4.	Project Information.....	8
Part 5.	Project Site and Zoning.....	12
Part 6.	Project Description and Impacts	
	Project Description.....	15
	Environmental Impacts.....	17
	Other Project Impacts.....	23
Part 7.	Attachments.....	26

## CZA Status Decision Application Instructions

1. Complete all parts of the application. For questions which are not applicable to your project, do not leave blank; present a statement that clearly states why the section is not applicable to your project.
2. Because all applicants' projects are different, this word document template will provide you flexibility for needed space to answer the questions. Please insert additional lines for text where needed for your application. If appropriate, attach extra pages referencing each answer by the corresponding question number.
3. Submit eight complete hard copies of the application to:

State of Delaware  
Department of Natural Resources & Environmental Control  
Office of the Secretary  
89 Kings Highway  
Dover, DE 19901

- In addition to the eight hard copies, submit a complete electronic "pdf" copy of the permit application on cd-rom.
4. Comply, if required, or as requested by the DNREC Secretary, with [7 Delaware Code, Chapter 79, Section 7902](#). If requested, but not completed, your application will not be considered administratively complete until this form is reviewed.
  5. Be sure to include your permit application fee of \$3,000; otherwise the application will not be considered administratively complete. Make checks payable to the "State of Delaware."
  6. Be advised that the application for a Delaware Coastal Zone Act Status Decision is a public document, which may be displayed at DNREC offices, public libraries, and the web, among others. If this application requires you to place confidential information or data in the application to make it administratively complete, note the Delaware Freedom of Information Act ([29 Delaware Code, Chapter 100](#)) and [DNREC's Freedom of Information Act Regulation](#), Section 6 (Requests for Confidentiality), for the proper procedure in requesting confidentiality.

*Note: This application template was last revised by DNREC on August 31, 2007. Please discard any previous versions.*

**PART 1**

**CERTIFICATION BY APPLICANT**

Under the penalty of perjury pursuant to 11 Delaware Code §1221-1235, I hereby certify that all the information contained in this Delaware Coastal Zone Act Status Decision Application and in any attachments is true and complete to the best of my belief.

I hereby acknowledge that all information in this application will be public information subject to the Delaware Freedom of Information Act, except for clearly identified proprietary information agreed to by the Secretary of the Department of Natural Resources & Environmental Control.

VINCENT A. GLORIOSO  
Print Name of Applicant

VA Glorioso  
Signature of Applicant

VICE PRESIDENT  
Title

1/19/10  
Date

## PART 2

### APPLICANT INFORMATION AND SITE IDENTIFICATION

2.1 Identification of the applicant:

Company Name: Hydrocarbon Recovery Services, Inc., dba FCC Environmental  
Address: 523 North Sam Houston Pkwy East, Suite 400, Houston, TX 77060  
Telephone: 281-668-3300  
Fax: 281-668-3301

2.2 Primary contact: Please list the name, phone number and email of a preferred contact within your company in case the DNREC needs to contact you regarding this status decision.

Vince Glorioso  
Phone: 410-284-1717 x214  
[Vincent.Glorioso@fccenvironmental.com](mailto:Vincent.Glorioso@fccenvironmental.com)

2.3 Site of proposed project (if different than above):

1685 River Road  
New Castle, DE 19720  
(Former Kaneka Site)

2.4 Authorized agent (if any):

Name: W. Harding Drane, Jr.  
Potter Anderson & Corroon LLP  
Address: 1313 North Market Street, PO Box 951, Wilmington, DE 19899  
Telephone: 302-984-6019  
Fax: 302-778-6019

*If you have an authorized agent for this status decision process, provide written authorization from client for being the authorized agent.*

2.5 Is the applicant claiming confidentiality in any section of their application?

YES

**NO**

If yes, see instructions on page 3.

## **PART 3**

### **PROJECT SUMMARY**

*Provide a one-page summary describing the proposed project or use. Include a brief quantitative description of any anticipated environmental impacts.*

Hydrocarbon Recovery Services, Inc., dba FCC Environmental (FCC), is an environmental services company owned ultimately by the Spanish company Fomento de Construcciones y Contratas, S.A. FCC currently operates 39 used oil facilities and provides services in 23 states across the country. At these facilities, FCC collects used oil and recycles this oil for use as fuel in industrial applications. In addition to its oil recycling operations, FCC also processes industrial wastewater, collects and recycles used antifreeze, and collects used oil filters at its locations. FCC currently operates a facility in the state of Delaware at 505 S. Market St, Wilmington, DE (Market Street facility).

FCC is proposing the new construction and operation of a used oil recycling facility to be located at 1685 River Road, New Castle, DE, the former Kaneka site (River Road site). This new facility on River Road would incorporate both the processes presently at FCC's aforementioned site in Wilmington, DE, as well as a new, "green" oil recycling process that will bring significant benefits to the environment, as compared to current oil recycling practices in the region.

At the proposed facility, FCC would collect used oil from various outlets in Delaware, as well as the surrounding states. Once the used oil is transported back to the facility, it would be stored in aboveground storage tanks until it was processed through the recycling facility. The end product would be a range of Group II base lubricants to be sold by FCC to various customers. These customers would then blend additives into the base lubricant and market finished products for use as vehicle motor oils and industrial lubricants. The new facility would thus create a sustainable life-cycle for used motor oil.

Along with the used oil recycling process, FCC would perform certain ancillary services at the River Road site as well. These would include pre-treating industrial wastewaters for discharge to the local POTW, used oil filter collection for offsite disposal, used anti-freeze collection and transportation for offsite recycling, and other ancillary services that are currently performed at its Market Street facility.

The site at 1685 River Road was selected because it is a Brownfield in an HI Zoned area. Like much of the land in this vicinity, the specific parcel in question has a long history of industrial manufacturing use. FCC's proposed recycling facility would continue the history of manufacturing on the site, completely inside the current borders of the property, without encroachment on any of the surrounding wetlands or coastal areas. FCC Environmental would contribute some air emissions to the locale, which are best estimated at this time in the table below.

Pollutant	Facility Emissions	
	<i>Lbs/day</i>	<i>Tons/year</i>
CO <sub>2</sub>	177,046	28,770
CO	94,560	15.366
NO <sub>x</sub>	98.720	16.040
SO <sub>x</sub>	42.185	6.855
VOC	5.598	0.910
HAPs	1.851	0.301
Particulates	12.400	2.016

By locating the facility at 1685 River Road, FCC's Market Street facility, located on the banks of the Christina River, will ultimately be dismantled. This will result in a significant reduction to the net environmental impact in the state of Delaware. Substantial economic benefit to the state will result in the form of new jobs and additional tax revenue, and the vacated land on the Christina River would become a part of the riverfront development effort, creating additional value and aesthetic benefit to the state.

## PART 4

### PROJECT INFORMATION

- 4.1 Is the proposed project entirely or partly a new, or improved, or extended pier or other ship docking facility?

YES

NO

If yes, will it be used at least in part for bulk cargo transfers by the applicant?

YES

NO

N/A

If no, please explain what it will handle:

- 4.2 Is this project entirely for pollution control purposes?

YES

NO

- 4.3 Is this project a new research and development facility?

YES

NO

- 4.4 Is this project a new or expanding (flow rate) public sewage wastewater treatment plant?

YES

NO

- 4.5 Will the proposed project meet the following definition of “Manufacturing” as found in the [Coastal Zone Act](#): “Manufacturing means the mechanical or chemical transformation of organic or inorganic substances into new products, characteristically using power driven machines and materials handling equipment, and including establishments engaged in assembling component parts of manufactured products, provided the new product is not a structure or other fixed improvement.”

YES

NO

If no, explain what kind of activity will be carried out at this project site:

4.6 Will the project have the following equipment or facilities?

- |                                     |            |           |
|-------------------------------------|------------|-----------|
| a. Smoke stacks                     | <u>YES</u> | NO        |
| b. Tanks                            | <u>YES</u> | NO        |
| c. Distillation or reaction columns | <u>YES</u> | NO        |
| d. Chemical processing equipment    | <u>YES</u> | NO        |
| e. Scrubbing towers                 | <u>YES</u> | NO        |
| f. Pickling equipment               | YES        | <u>NO</u> |
| g. Waste treatment lagoons          | YES        | <u>NO</u> |
| h. Smelters                         | YES        | <u>NO</u> |
| i. Incinerators                     | YES        | <u>NO</u> |

4.7 Will the project use 20 acres or more?

YES

NO

How many acres will it use? The processing facility will be situated on approximately 8 acres.

4.8 Does this facility\* appear in Appendix B of the Coastal Zone Act Regulations (the list of the nonconforming uses)?

YES (\* the former Kaneka facility in Appendix B was located on the site)

NO

If no, proceed to question 4.11

4.9 Will the proposed activity described in this application occur entirely within the lines delineating the area of nonconformity for this site, as seen in the Appendices of the Regulations?

YES

NO

N/A

4.10 Will the proposed activity or use straddle this line?

YES

NO

N/A

If yes, describe what equipment, facilities, or machinery will be within the delineated area of nonconformity AND what will be outside of this area of nonconformity:

4.11 Is the proposed project or use part of a manufacturing use that was in operation prior to and on June 28, 1971?

YES

NO

4.12 Has this facility ever been granted a Coastal Zone Act Permit?

YES

NO

The former Kaneka facility was in the list of nonconforming uses under the Coastal Zone program, but to the best of our knowledge, no Coastal Zone Act Permit has otherwise been granted to this site.

Applicant Name	Permit Number	Date Issued

4.13 Does the new or expanded use involve any change in existing:

a. processes? YES NO

b. facilities? YES NO

c. buildings? YES NO

d. emissions discharge? YES NO

If yes, please explain each in detail. Use the following tables to help describe any new or changed air or water emissions:

- A. Processes – The site at 1685 River Road was used in the past as a PVC plastic manufacturing facility. It is currently being used as a construction equipment supply and rental facility. FCC is proposing to use the property as a used oil recycling facility, as well as for industrial wastewater treatment, used oil filter collection, and used antifreeze collection.
- B. Facilities – FCC would construct an entirely new facility at the location, utilizing only some of the current infrastructure on site. Demolition of existing infrastructure will be performed to enable installation of storage tanks and process equipment.
- C. Buildings – FCC will make few, if any, additions to the current buildings on the property. The warehouses and offices presently on the site may require some minor renovations. Several small structures, such as a lab and control room totaling 3,000 sq ft, will likely be built. At this time, however, FCC has no plans to construct any significant buildings on the property.

D. Emissions Discharge – Presently the site has no air emissions other than those associated with space heating, and car and truck usage. FCC’s proposed facility would produce air emissions from its processes primarily through onsite fuel burning. A best estimate of these emissions is found in the table below based on the estimated fuel consumption for the plant and the AP 42 Emission Factors for distillate fuel and natural gas. There would be a substantial offset of these emissions resulting from the closing of our current operations on Market Street. The facility would also be pre-treating industrial wastewater. The resulting wastewater would be discharged to the local POTW. There would likewise be a substantial offset of this impact resulting from the closing of our current operations on Market Street. *(The only direct water discharge to the environment would be from stormwater)*

**Air Emissions – Based on AP 42 Emission Factors for distillate fuel and natural gas**

Pollutant	Existing Emissions		Net Increase/Decrease		New Total Emissions		Percent Change (compare tons/year)
	Lbs/day	Tons/year	Lbs/day	Tons/year	Lbs/day	Tons/year	
CO <sub>2</sub>	-	-	177,046	28,770	177,046	28,770	100%
CO	-	-	94.560	15.366	94.560	15.366	100%
NO <sub>x</sub>	-	-	98.720	16.040	98.720	16.040	100%
SO <sub>x</sub>	-	-	42.185	6.855	42.185	6.855	100%
VOC	-	-	5.598	0.910	5.598	0.910	100%
HAPs	-	-	1.851	0.301	1.851	0.301	100%
Particulates	-	-	12.400	2.016	12.400	2.016	100%

**Water Emissions**

Pollutant	Current Discharge Concentration (ppm)	New or Changed Discharge Concentration (ppm)	Current Discharge		Net Increase/Decrease		New Total Emissions	
			Lbs/day	Tons/year	Lbs/day	Tons/year	Lbs/day	Tons/year

4.14 Will this project directly or indirectly increase plant production over present capacity?

**YES**  
NO

If yes, explain in what way and by how much: The proposed facility would process approximately 24 million gallons of used oil and approximately 30 million gallons of industrial wastewater annually once the project is completed. The facility’s annual production capacities would initially be limited to 12 million gallons of used oil and approximately 15 million gallons of industrial wastewater.

- 4.15 Will this project result in the production of any new products, either directly or indirectly, at this facility?

**YES**

NO

If yes, list each new product:

- 1) Group II Base Lube
- 2) Asphalt Flux
- 3) Vacuum Gas Oil
- 4) Light-Ends Distillate

- 4.16 List materials and/or ingredients to be utilized by this proposed project and how they will be transported to the site.

The following materials will be used in the proposed facility: used oil, industrial wastewater, various acids, caustic soda, activated carbon, resins, hydrogen, and nitrogen. All the aforementioned materials will be transported onto the site via trucks or rail, and will be handled in accordance with applicable laws and regulations. Actual quantities of the various chemicals (not including the oil and wastewater) kept onsite at any one time will be relatively small, approximately the volume of one truck or railcar.

## **PART 5**

### **PROJECT SITE AND ZONING**

- 5.1 In a separate attachment, provide a map of appropriate scale to clearly show the site. Mark important natural features and project buildings and processing equipment of the proposed project such as roads, wetlands, railway sidings, drainage ways, tanks, sewer systems, water mains, wells, etc.

See Appendix A

- 5.2 What is the current SIC code for the proposed use?

SIC Code: 5093 – Scrap & Waste Materials

- 5.3 What is the current zoning and planned land use of the proposed project site?

Per New Castle County Zoning, the land is zoned “Heavy Industrial”. This allows heavy industry to occupy/use the land, but requires a limited use permit for a recycling/storage operation.

5.4 Will the proposed project require a zoning change?

YES

NO

If yes:

A. To what classification will it be changed?

B. What zoning authority is responsible for reviewing and approving the change?

5.5 Will this project require new supporting facilities?

YES

NO

The proposed facility will make use of existing local suppliers and contractors but will not require any new supporting facilities to sustain its operations.

## PART 6

### PROJECT DESCRIPTION AND PROJECT IMPACTS

- 6.1 On a separate attachment labeled “**Project Description,**” provide a concise but complete description of the proposed project or use. Be sure to answer the following questions:
- a. How does the project relate to any existing manufacturing operations and facilities (if this is not for an entirely new manufacturing plant)?
  - b. What effects will there be, if any, on land use acreage, manufacturing production capacity, modification of current product line(s), and safety risks to the public and to company employees?
  - c. Is this project or use a complete, single project, or is it part of a long-term, large-scale project that has other components to it that may need approval under the Coastal Zone Act at a later date?
  - d. If it is part of a larger project, describe the entire project in detail and mention ALL major machinery, facilities, land, products, and processes involved.
- 6.2 On a separate attachment labeled “**Environmental Impacts,**” provide a detailed and accurate impact analysis that describes the proposed project’s impacts on:
- a. air quality
  - b. local surface and ground water quality
  - c. surface and groundwater withdrawals
  - d. habitat loss
  - e. solid and hazardous waste generation
  - f. noise
  - g. odors
  - h. local aesthetic quality
  - i. any other notable factors not listed above
  - j. Provide a detailed statement describing the proposed project’s potential to pollute should equipment malfunction or human error occur, including a description of backup controls, backup power, and safety provisions.
- 6.3 On a separate attachment labeled “**Other Project Impacts,**” provide a detailed and accurate analysis on how the proposed project will impact each of the following (include both positive and negative impacts):
- a. the economy (corporate, state, county)
  - b. county and municipal comprehensive plans/ zoning
  - c. effect upon neighboring land uses
  - d. the impacts, if any, that *supporting facilities* will have on: the environment; economics of the area; zoning; neighboring land uses; and aesthetic quality.

## Project Description

FCC is proposing to construct and operate a used oil recycling operation at 1685 River Road in New Castle County. FCC will collect used oil from generators (primarily the motor vehicle repair and service industry). FCC will store the used oil at the facility; recycle it through dehydration/evaporative, distillation, and hydrotreating processes; and then sell the end product (e.g. Group II base lubricant), as well as co-products such as asphalt flux and vacuum gas oil. FCC is also proposing to use the site for several other, complementary operations that will be relocated from the current Market Street location, including used antifreeze collection and used oil filter collection. These materials will not be processed or recycled on site; they are merely consolidated for shipment to other FCC facilities or other recycling companies. The site will also house a water treatment plant capable of pre-treating industrial wastewater, including that generated in FCC's process, prior to discharging the water to the New Castle County sewer system. The treatment process will be designed to the required local limits. Typical steps would involve pH adjustment, addition of precipitation aids, settling, and filtration.

This new facility would incorporate the operations presently taking place at FCC's Market Street facility, located adjacent to the Christina River. If the present application is approved, and all necessary regulatory and other approvals are obtained, the Wilmington Site would be closed and relocated to the proposed facility, as previously discussed. The River Road facility, however, would be a new operation and not an expansion of any existing manufacturing operation or facility despite the parcel's historical industrial use. All historic processing equipment would be removed. The proposed facility would ultimately process approximately 24 million gallons of used oil annually and likely treat 30 million gallons of wastewater for discharge to the POTW. The entire processing facility, warehouses, offices, etc. would all lie within the existing boundaries and areas of past industrial use on the property. FCC will not encroach on any wetlands or critical areas on or surrounding the property. FCC's facility will have no effect on the future use of other land in the area, as this portion of New Castle County has historically been used for heavy industry. Per the developmental plans of both New Castle County and the State of Delaware, this land and that in the immediate vicinity is slated to continue being reserved for heavy industrial use in the future.

Safety concerns for employees at this facility will be mitigated through proper training, monitoring equipment and controls, emergency back-up equipment, and PPE requirements to protect those employees exposed most intimately to the process. Flammable and combustible materials will be present at the facility, as will vessels with contents under pressure and elevated temperatures, so safety relief devices will be installed on all necessary equipment. FCC also will take appropriate steps to protect the safety of the public and surrounding environment. In compliance with federal code, the aboveground storage tanks and processing facility will be located within adequately-sized containment areas. Back-up systems will be present at the facility in case of a loss of electricity, ensuring a safe shutdown sequence occurs, without fugitive releases to the environment. Lastly, any water discharged from the property, either into sewer lines

connected to the POTW or via stormwater discharges, will be monitored to ensure their compliance with existing regulatory standards.

FCC is submitting this Coastal Zone Status Decision application as a recycling facility described above with a final operating maximum capacity of 24 million gallons of used oil and 30 million gallons of industrial wastewater. Initial operations at the proposed facility will result in 12 million gallons of used oil being recycled and 15 million gallons of industrial wastewater receiving pre-treatment. The processing facility for this initial operation would require approximately 6 acres of space, including processing equipment, aboveground storage tanks, and loading/unloading areas.

FCC will expand its recycling operations to 24 million gallons of used oil and 30 million gallons of industrial wastewater in the future. This expansion, which will complete FCC's proposed project, would consist of additional infrastructure (chemical processing equipment, aboveground storage tanks, etc.) similar to what would initially be located on the site. The additional equipment would support the same processes and produce the same products. The expanded facility would also increase the processing footprint from 6 acres to approximately 8 acres. Any expansion would fit within the current footprint of the facility, so no future encroachment on wetlands or critical areas will occur.

## Environmental Impacts

- A. **Air Quality:** The primary sources of air pollutants for the proposed recycling facility would be emissions from the heaters and boilers that would serve the facility's processes and general facility heating requirements. Other emission sources would include de minimis fugitive VOC emissions from the storage tanks, product load-out, and piping components.

Estimated annual air pollutant emissions for the proposed facility are summarized in Section D above. The criteria pollutants include oxides of nitrogen (NO<sub>x</sub>), CO, VOCs, SO<sub>2</sub>, and particulate matter. The hazardous air pollutants (HAPs) as defined by EPA, including benzene, formaldehyde, hexane, and toluene, will also be evaluated during the permitting process.

Based on the proposed equipment, emissions projections (including fugitive emissions) and feedstocks (primary feedstock of used motor oil), the proposed facility is not subject to the major source permitting requirements of Title V of the Clean Air Act (federal regulations). We anticipate applying for air permits to be issued under Delaware state regulations.

The "potential to emit" or potential maximum emissions estimated for the facility were based on the facility operating 24 hours per day, 365 days a year. Since the estimated "potential to emit" from any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons per year ("tpy") or more of any hazardous air pollutant which has been listed pursuant to section 112(b) (Hazardous Air Pollutants - List of Pollutants) of the Act, 25 tpy or more of any combination of such hazardous air pollutants, 100 tpy or more of any air pollutant (including any major source of fugitive emissions of any such pollutant, as determined by rule by the Administrator), the proposed facility would not be considered a major stationary source as defined in the Title V operating permit regulations at 40 CFR 71.2. Therefore, the proposed facility would be classified as a new minor stationary source due to the facility design and proposed feedstocks.

- B. **Local Surface and Ground Water Quality:** All site runoff will be controlled using best available management practices. All stormwater discharges will meet NPDES permitted effluent limitations established for the site. Best management practices would include but not be limited to buffers, silt fences, and/or straw bales necessary to control runoff from the site. Disturbed areas not used for operational facilities would be re-vegetated as soon as possible to reduce runoff and sedimentation. Specific controls will be established in a Stormwater Pollution Prevention Plan (SWPPP) for the construction phase of the project.

Wastewater will be treated in the on-site WWTP and recycled to the extent possible as makeup water in the facility process or discharged to the POTW outfall.

The facility will provide additional protection to the surface water through operational controls and the usage of physical barriers such as concrete, asphalt, or geotextile materials. All required monitoring plans, with appropriate contingencies mandated, as well as best management practices (BMPs), will be prepared and followed during construction and operation of the facility.

### **Construction**

Construction at the facility requiring disturbance of soils will utilize appropriate controls to negate the transport of sediment during precipitation events. This will be performed to abate the transport of sediment entering nearby drainages or wetlands and causing an adverse effect on surface water quality. We believe the potential is limited because of the relative flatness of the terrain and existing vegetation, which would slow or stop sediment movement. Control measures in construction areas immediately adjacent to surface water drainages or wetlands will minimize or eliminate the potential for sediment in stormwater or degradation of stormwater quality.

#### *Stormwater Management*

Stormwater runoff from the construction areas will be controlled per the requirements in the NPDES stormwater permit and SWPPP, which includes a stormwater management and sedimentation control plan designed to minimize the potential discharge of silt, solids, and other contaminants to surface water streams from the runoff.

The project would implement several programs to minimize or negate any potential for construction activities to impact surface water quality. The SWPPP required for the construction phase would identify all of the possible activities and incidents that could contaminate storm or surface water and would contain BMPs that would be implemented to prevent such contamination. Examples of BMPs and related measures include installation of silt fences, installation of hay bales in drainages, establishment of procedures for handling chemicals and oil spills, emergency response procedures, and maintenance of spill response equipment. By following BMPs and requirements in the SWPPP (e.g. stockpiling materials away from surface drainage paths, covering construction materials with tarps, and containing and cleaning up spills), any risk of direct or indirect impacts to surface water quality would be negated or minimized.

### **Operation**

#### *Effluent Discharge*

The facility would generate three types of wastewater: (1) sanitary wastewater, (2) uncontaminated (non-oily) water, and (3) process wastewater and oily water. Each of these streams of wastewater would be handled separately. They would also receive different levels of treatment. This wastewater is very similar in volume and types to that currently discharged at FCC's Market Street facility.

Operation of the facility would generate process wastewater effluent which combined with oily stormwater would generate an average of 30 million gallons of effluent per year. Discharge rates could however vary from 0 gpm to an estimated maximum of 105 gpm. Uncontaminated (non-oily) stormwater would be discharged via an NPDES permitted outfall.

#### *Sanitary Wastewater*

Because the project would be designed to operate with a small staff of operating personnel (~70 employees), the volume of sanitary sewage generated daily would be relatively small, estimated at 2.5 gpm. Sanitary sewage would be discharged to a Publicly Owned Treatment Works (POTW).

#### *Uncontaminated Water*

Uncontaminated (non-oily) water would consist of wastewater from certain isolated facility processes, i.e. boiler blowdown. This wastewater would be routed to the wastewater pretreatment plant for treatment and eventual discharge to a POTW, or potentially reused in the recycling process. Uncontaminated (non-oily) stormwater from non-process areas (parking areas and roofs) would be allowed flow from the property through existing conveyances. Uncontaminated (non-oily) stormwater from the process and other areas where contamination with process materials is possible would be collected in a stormwater pond and for potential recycle/reuse or routed to the firewater reservoirs to maintain the levels of water (for this purpose solely). Because uncontaminated (non-oily) stormwater would be recycled, evaporated, or discharged under the NPDES Permit, any effects on surface water quality would be minimal.

#### *Process Wastewater and Potentially Contaminated Stormwater*

The third stream of wastewater would consist of process wastewater that is collected from process units directly and potentially contaminated (oily) stormwater collected from the process area, product loading area, and tank farm. All process wastewater would be routed to the on-site WWTP for processing prior to being discharged to the local POTW. There would be no direct discharge of process wastewater to surface waters.

The project would be required to develop and implement a SWPPP under the NPDES permit for the operations at the facility. The SWPPP would identify areas that have a potential for pollutants entering into the stormwater systems at the facility and provide for implementation of BMPs to minimize pollutant introductions from those identified sources. These areas at the proposed facility include raw material, intermediate and final product storage facilities, loading and unloading operations, and facility process areas. Because all contaminated (oily) wastewater and potentially contaminated (oily) stormwater would be treated prior to discharge under the NPDES permit, the effects on surface water quality would be minimal.

### *Recharge*

It is not anticipated that the construction activities or operation of the proposed recycling facility will have any appreciable affect on the underlying shallow groundwater aquifer. A portion of the stormwater released to the local surface drainage may have a negligible affect on the recharge shallow aquifers.

### *Flow Alterations*

Construction of project facilities, including stormwater diversion ditches, would result in alteration of surface water flow across the site. Runoff flow from upslope would be diverted and flow onsite from precipitation events would be directed to the stormwater collection system, thus reducing the direct runoff to the Delaware River. A SWPPP detailing the sediment and erosion control measures and any BMPs would be developed in accordance with the construction General Stormwater NPDES permit. As with other facilities, any access/maintenance roads and pipelines would result in immediate alteration of surface water flows in the immediate vicinity of the roads and pipeline. BMPs would be implemented to mitigate these impacts.

- C. **Surface and Groundwater Withdrawals:** Local surface and groundwater impacts will not be significant and water qualities will remain nearly the same due to the fact that the facility will utilize water from a public supply.
- D. **Habitat Loss:** There will not be any loss of habitat as a result of this project. The project will be confined to the existing property boundaries and will not encroach upon any of the contiguous properties or habitats.
- E. **Solid and Hazardous Waste Generation:** Solid waste generated will consist primarily of general trash, spent catalysts, and tank sludge. All oily rags and oil filters collected from clients are transported to other TSDFs (Treatment, Storage, and Disposal Facilities). General trash is placed in a dumpster in the facility and transported to a TSDF for disposal by a third party.

Approximately 15-20 tons of catalyst will be replaced annually, with the spent material being properly disposed of off-site. Likewise, the process is estimated to generate up to 80 tons of oily sludge from the process and tank maintenance, which will be properly disposed of off-site as well.

Some hazardous wastes expected to be generated by the facility include, but are not limited to: low flash material tank bottoms, laboratory wastes and parts washer fluids that does not meet the criteria of the FCC parts cleaner re-use program. These materials will not be processed or disposed on site, as they will be transported to a properly permitted facility for recycling or disposal.

- F. **Noise:** Noise from the facility will be consistent with other manufacturing applications. Noise will come from primarily three sources: vehicular traffic, pumps, and other processing equipment. Automobiles, route trucks, and trailers

will be entering and leaving the property on a daily basis, which will contribute negligible noise, similar to what one would find anywhere cars and trucks operate and similar to the existing usage. Pumps will be running in the loading/unloading areas of the facility, as well as in the actual processing facility. Lastly, the facility's equipment will be contributing to the noise impacting the environment. Equipment such as the air compressor, blowers, and the cooling tower will all be producing some level of noise during operation. The noise levels, however, should have little impact on the surrounding environment or be discernable to those occupying neighboring properties. The north and south portions of the property are bordered by industrial owners. To the west is River Road, which is elevated above the entire facility, and to the east are unoccupied fill areas.

- G. **Odors:** The facility collects used oil, which is a black liquid with a faint petroleum odor. The potential for petroleum odors migrating off site will be minimized or abated through the use of control technologies and BMPs. We have taken steps with our existing facilities to minimize the potential for odors and will employ those technologies and practices here as well.
  
- H. **Local Aesthetic Quality:** The site location is in a heavy industrial area; project aesthetics will be comparable to the existing usage in the area. Our intended operation will be less obtrusive than the existing usages (in the surrounding area). The north property boundary adjoins Occidental Chemical Corporation (Oxychem). Oxychem also owns adjoining land east of the facility and directly across Route 9. Land to the south of the facility is owned by Valero, which operates an oil refinery about 2,000 feet to the south. A Conectiv regenerative electric power plant is present to the southwest of the facility across River Road.
  
- I. **Any Other Notable Factors Not Listed Above:** Economic impacts are important to note. This site would allow continued employment of all 47 Delaware employees from the 505 South Market Street, Wilmington DE, 19801 facility. Additionally, we anticipate at least 25 new jobs to be created. Green impacts are important to note as well. Recycling used oil is a true beneficial reuse that saves raw materials. Recycling used oil results in reduced oil consumption, preserving this valuable resource by creation of a sustainable product life-cycle. The benefits are many and include reducing overall production of greenhouse gases and minimizing further energy consumption associated with producing and refining raw crude oil.
  
- J. **Potential to Pollute:** We attempt to prevent all spills, however uncommon. We maintain spill prevention awareness through training and adherence to standard operating procedures. Standard operating procedures (SOPs), company programs and policies have been put in place to ensure affected employees are trained appropriately. The facility will have 40-hour HAZWOPER trained emergency response technicians with current 8-hour annual refresher or a current emergency response contract with a reputable emergency response contractor to assure preparedness. Additionally, we will maintain a relationship and foster

communication with local emergency management offices, such as the local fire department, to assure the highest level of preparedness.

Fail-safe operation of the recycling processes will be insured through physical process design, automated controls, and back-up power supplies for critical functions. These will be designed to prevent fugitive emissions in the case of a power failure or other emergency shut-down. A process hazard assessment will be performed as a part of the design and construction process. The facility would not process or store toxic substances in quantities that could present an immediate health risk to the community in the event of the most catastrophic failure.

## Other Project Impacts

FCC's proposed facility at 1685 River Road would give Delaware a "green", sustainable recycling operation that only five other states in the country presently have. By locating the facility in New Castle County, FCC would be providing both the county and state with a state-of-the-art recycling facility capable of generating taxable revenues and steady employment well into the future. The initial investment by FCC will total approximately \$40 million, including an estimated 240,000 hours of construction labor.

The benefits to Delaware, however, will not stop with the initial capital investment. Throughout the life of FCC's facility, it will be purchasing chemicals, gas products, and contractor services from local suppliers, many of which will be located in Delaware. It is estimated that these and other operating expenses will total approximately \$12.3 million annually. As previously noted, FCC's construction and operation of a facility at the River Road location would allow it to relocate from its current riverfront location in Wilmington. This relocation would likely generate more growth in the downtown Wilmington area, as the riverfront site could be redeveloped in a manner consistent with long-range plans developed by the city of Wilmington and Riverfront Development Corporation.

Locating at the proposed site would also allow FCC to retain all of its current 47 employees in Delaware and likely hire approximately 25 more employees. FCC prides itself in having a loyal, well-paid workforce, as the average salary of the employees at its current site in Delaware is approximately \$45,000. The company has other options for this facility, one being in Pennsylvania, which would force FCC to eliminate approximately 23 of the jobs in its current Wilmington location, thus creating a net difference of 48 jobs in Delaware.

The proposed location for FCC's facility is in an HI zoned area within New Castle County. In addition, the land is a remediated Brownfield with a deed restriction in place which limits the future uses for the site. Per the Certification of Completion of Remediation for the site dated January 22, 2004, the restriction "includes a provision prohibiting current and future residential use of the property; prohibiting any digging, drilling, excavating, grading, constructing, earthmoving, or any other land disturbing activities on the property without the prior written approval of the DNREC; requiring written approval from DNREC prior to any repair, renovation, or demolition of the existing paved surfaces and buildings pursuant to the remedy for the site; and prohibiting the installation of any water well on, or use of groundwater at, the site without the prior written approval of DNREC". Building and operating this facility at 1685 River Road would have no impact on the site's neighboring land uses. This area of New Castle County is one that has historically been used for heavy industries. No residences are in the immediate vicinity, while heavy industries such as the Valero refinery are located immediately south and southwest from the property in question. By locating its facility on River Road, FCC would also be relocating its current location on the Christina River

in Wilmington. Relocating this facility significantly reduces the overall net impact on the environment in the state of Delaware.

FCC's intended use for the land at 1685 River Road coincides with the future use guidelines found in the Comprehensive Plan for New Castle County as well as the Delaware State Strategies for Directing Growth. Per the two attachments in Appendix B titled "Non-Residential Lands" and "Future Land Use Plan", which were taken from New Castle's Comprehensive Plan, the area in question is intended for non-residential, heavy industrial use in the future. FCC's proposed facility is also consistent with the Economic Development plans set forth in Section VI of New Castle's Comprehensive Plan. By locating at 1685 River Road, FCC would be supporting several of the objectives set forth by New Castle County in its plan, such as: redeveloping a Brownfield for future use, and thus not encroaching on Greenfields to build its facility; increasing the number of good-paying manufacturing and technology jobs in the area; and preserving the future use of Greenfield industrially-zoned lands.

In addition, FCC considers its proposed operation to be supporting the guidelines set forth by the state for areas including, 1685 River Road, which have been classified as Investment Level Two areas. The policy statement for Investment Level Two areas in the Strategies for State Policies and Spending Update – 2004 is as follows: "Future strategies for these areas include: basing investments on available infrastructure; encouraging development that is consistent with the character of the area; and focusing on locating large, high-quality employers...where the availability of sites close to infrastructure and services makes such locations viable." FCC will be locating in an area that is historically used for heavy industry, with existing infrastructure and services such as rail access, industrial-sized electric and natural gas supplies, as well as buildings presently on site.

We believe that the site at 1685 River Road has the potential to be a great win for both FCC and Delaware: for the environment, for the economy, and for quality of life. It is a long-term project that is well aligned with the formal development plans for the region. It will bring high-quality stable jobs, increased tax base, and sustainability to the Delaware. It will reduce congestion and industrial activity in the urban areas of Wilmington and help the Christina Riverfront in Wilmington become a new center for leisure and conference activity. The net impacts on the environment will be minimal: the impact on coastal areas will be offset by FCC vacating its current property along the Christina River; a Brownfield will be put back into use rather than face abandonment in favor of a simpler Greenfield project, reducing industrial sprawl and improving stewardship of the property; and Delaware will host an innovative recycling operation that ensures a sustained life-cycle for used motor oil into the future. Together, FCC and Delaware can work together to promote used oil recycling, placing the state at the forefront of recycling in the Mid-Atlantic region and the country.

***END OF APPLICATION***

***ATTACHMENTS TO FOLLOW***

# **ATTACHMENTS**

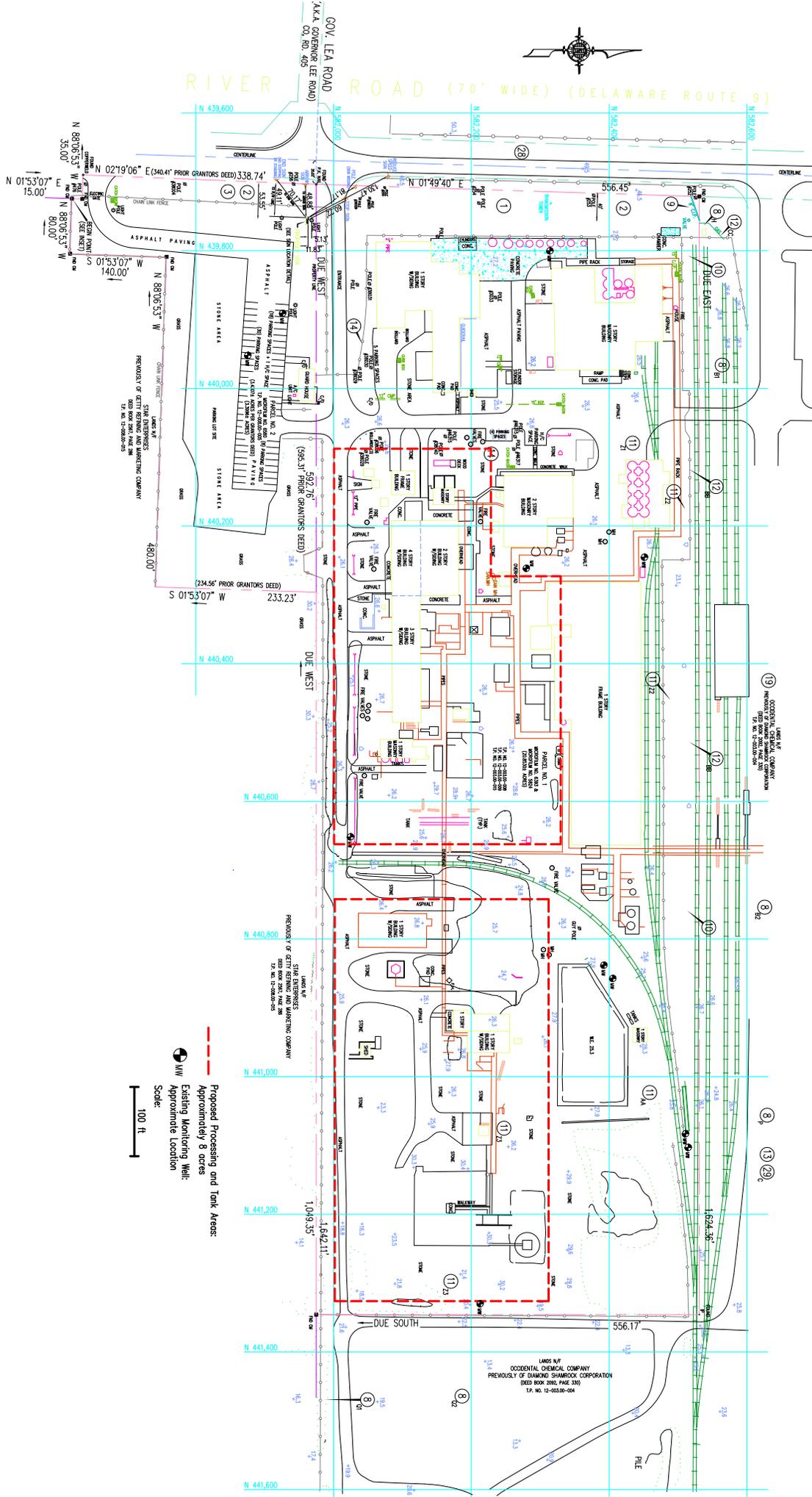
# **Appendix A**

## **Site Maps**



# RIVER ROAD (70' WIDE) (DELAWARE ROUTE 69)

GOV. LEA ROAD  
A.K.A. GOVERNOR LEE ROAD  
CO. RD. 409



Proposed Processing and Tank Areas:  
Approximately 8 acres

EW  
Existing Monitoring Well:  
Approximate Location

Scale:  
100 ft

LANDS I/F  
OCCIDENTAL CHEMICAL COMPANY  
PREVIOUSLY OF SHAWNEE SHAMROCK CORPORATION  
(DEED BOOK 2092, PAGE 333)  
T.P. NO. 12-033.00-004

LANDS I/F  
OCCIDENTAL CHEMICAL COMPANY  
PREVIOUSLY OF SHAWNEE SHAMROCK CORPORATION  
(DEED BOOK 2092, PAGE 333)  
T.P. NO. 12-033.00-004

LANDS I/F  
OCCIDENTAL CHEMICAL COMPANY  
PREVIOUSLY OF SHAWNEE SHAMROCK CORPORATION  
(DEED BOOK 2092, PAGE 333)  
T.P. NO. 12-033.00-004

LANDS I/F  
OCCIDENTAL CHEMICAL COMPANY  
PREVIOUSLY OF SHAWNEE SHAMROCK CORPORATION  
(DEED BOOK 2092, PAGE 333)  
T.P. NO. 12-033.00-004

# 1685 River Road

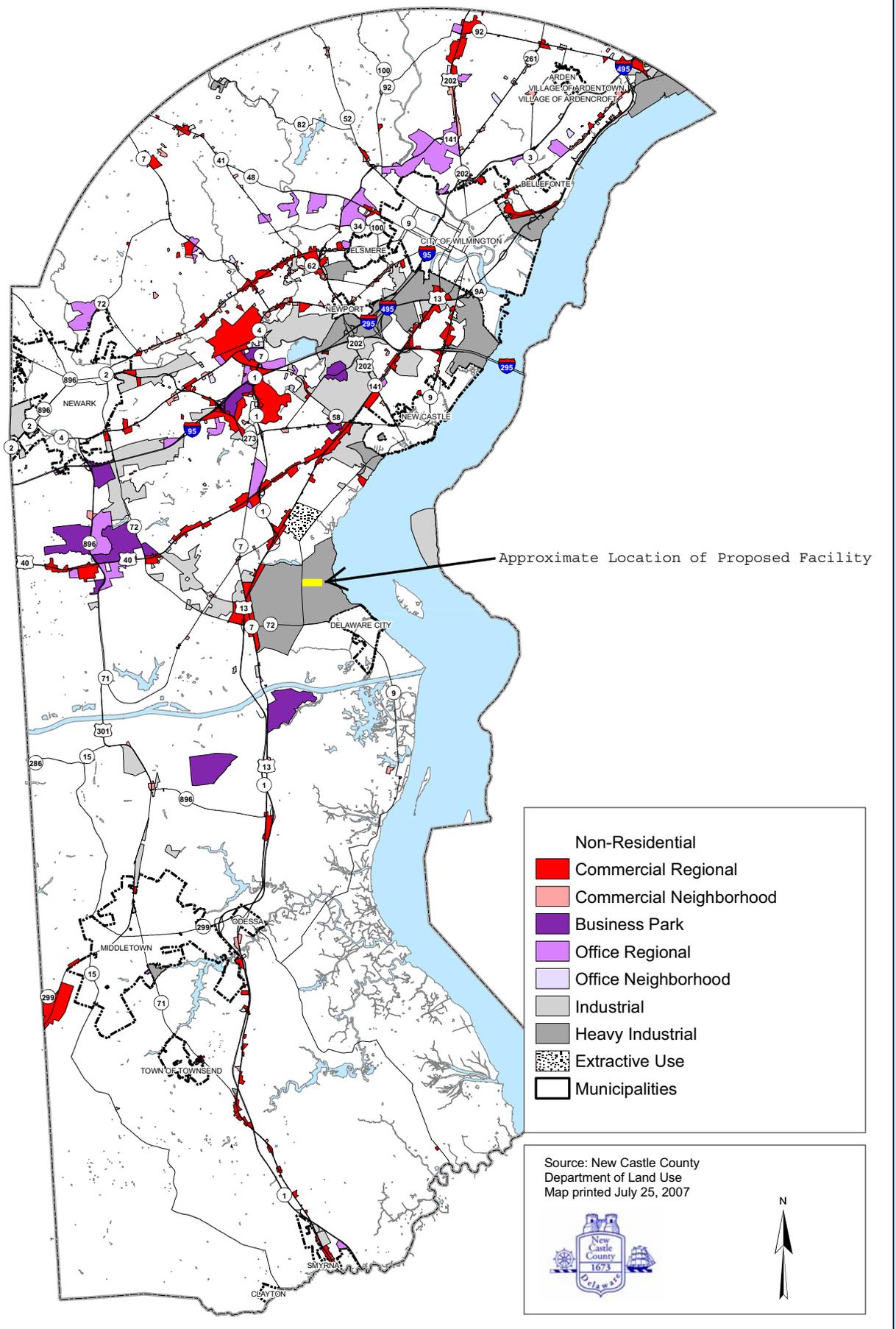
State and National Wetlands, per New Castle County GIS Maps

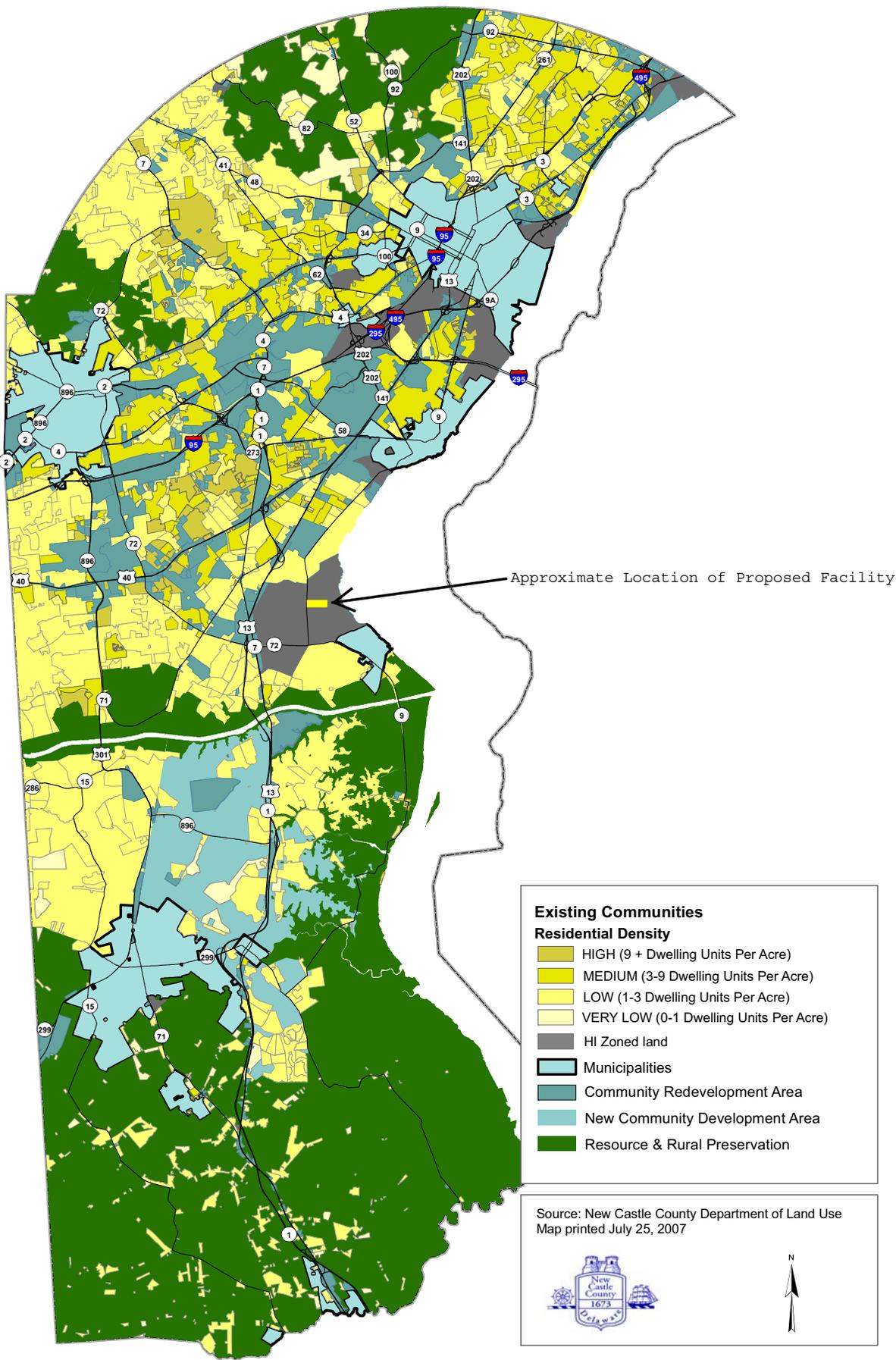


# **Appendix B**

## **Non-Residential Lands and Future Land Use Plan Maps**

# NON-RESIDENTIAL LANDS



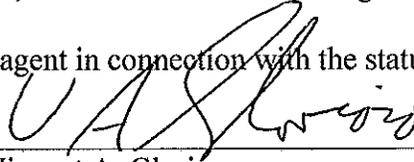


# **Appendix C**

## **Agent Authorization**

AGENT AUTHORIZATION

Hydrocarbon Recovery Services, Inc. authorizes W. Harding Drane, Jr. of Potter  
Anderson & Corroon LLP to act as its agent in connection with the status decision process.



---

Vincent A. Glorioso  
Vice President  
Hydrocarbon Recovery Services, Inc.