



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL

OFFICE OF THE
SECRETARY

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February 18, 2010

Mr. W. Harding Drane Jr.
Potter Anderson and Corroon LLP
1313 N. Market St.
PO Box 951
Wilmington DE 19899

Dear Mr. Drane:

We have reviewed FCC Environmental's application for a status decision dated Jan. 21, 2010. While it is nearly ready for public notice as required by the *Regulations Governing Delaware's Coastal Zone*, there are several items of additional information we are requesting. Please bear in mind that the questions below pertain only to our review of your status decision and are not related to any questions we may have if and when this project proceeds to a Coastal Zone Act permit review.

- The application makes several references to a POTW (publicly owned treatment works). What POTW is being referred to here?
- How would you characterize the new facility compared to your client's facility at 505 S. Market St. in Wilmington in size and appearance?
- Approximately how many above ground storage tanks will be utilized on site, and what will be their approximate size?
- How is your facility different from another oil recycling facility proposed in 1991 by Texaco (Status Decision 260), which was deemed a prohibited heavy industry?

When we receive a response to the above questions, we will proceed to public notice as required by the regulations. Thank you for your assistance.

Sincerely,

Lee Ann Walling
Chief of Planning

cc: David Small
Phil Cherry

Delaware's Good Nature depends on you!