

**TCEQ Docket No. 2015-0368-MIS-U  
Use Determination No. 18145**

<b>Appeal of the Executive Director's</b>	<b>§</b>	<b>Before the</b>
<b>Negative Use Determination Issued</b>	<b>§</b>	
<b>to</b>	<b>§</b>	<b>Texas Commission on</b>
<b>Derichebourg Recycling USA, Inc.</b>	<b>§</b>	
<b>Application Number 18145</b>	<b>§</b>	<b>Environmental Quality</b>

**Executive Director's Response to Derichebourg Recycling USA, Inc.'s  
Appeal of the Executive Director's Negative Use Determination**

The Executive Director of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this response to the appeal of the Executive Director's negative use determination issued to Derichebourg Recycling USA, Inc. (Derichebourg). The appeal was submitted by Ronald P. Little of Associated Tax Appraisers on behalf of Derichebourg.

The Executive Director issued a negative use determination for a building (specifically, the roofs, walls, foundations, and floors) located at 7501 Wallisville Rd., Houston, Harris County (the facility) in which Derichebourg produces its product. The Executive Director determined the building was installed wholly for production purposes and not used, constructed, acquired, or installed wholly or partly to meet or exceed an environmental law, rule, or regulation. Also, buildings are not included under Item S-20 or W-74 of the Tier I Table. The Executive Director issued a positive use determination for eligible property included in the application. The Executive Director respectfully requests the Commission deny the appeal and affirm the Executive Director's Tier I negative use determination for the building.

**Background**

Although Derichebourg never expressly describes its entire operation, materials, or process at this facility, the following can be gleaned from the various application revisions and cover letters.<sup>1</sup> Derichebourg operates at least a portion of a scrap metals recycling operation at the facility. At least part of the recycling operations involves materials described as scrap metal and turnings being brought into the building. These materials are in containers and are coated with fluids described as metal working fluids, cutting fluids, oils, greases and/or water (collectively oil). The containers have a valve to drain the excess oil prior to offloading from the delivery truck. The materials are then removed from the containers and are cleaned within the building. Tankage, piping and pumps were installed to handle the oils and water from incoming loads. No materials are recycled onsite. It is presumed the cleaned materials are removed and are either sold or further processed elsewhere then sold.

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<sup>1</sup> See generally, cover letter to revision 3 of the application dated November 26, 2014, cover letter to revision 4 of the application dated January 27, 2015, and Revision 4 of Application received January 29, 2015 (Attachment A).

However, according to Derichebourg's notice of registration (NOR), the closest identifiable waste stream is described as "waste is in the form of cutting fluids received in loads of metal turnings." The NOR serves as Derichebourg's notice to the TCEQ of its waste management activities, including composition, waste management methods, and waste management units. This waste stream identified in the NOR is coded as aqueous waste with low solvents.<sup>2</sup> The NOR identifies several tanks as waste management units, however, these fluids are not identified as being managed in any tank. Also, the NOR has a waste stream described as "waste oil from equipment and from oil skimmers." This waste was handled in various tanks; however, this waste stream is "inactive." Additionally, the NOR lists other waste streams such as auto shredder fluff, indicating other production processes take place at the facility.

### **Procedural Background**

Derichebourg filed a Tier I application that was received June 6, 2014. During the review, the Executive Director sent four Notices of Deficiencies dated: June 24, 2014, August 22, 2014, October 28, 2014, and December 11, 2014. Derichebourg responded with revised applications received on: August 13, 2014, October 21, 2014, December 1, 2014, and January 29, 2015. The application was declared administratively complete on August 21, 2014. On February 11, 2015, the Executive Director mailed a negative use determination for the building (roofs, walls, foundations, and floors) and a positive use determination for eligible equipment (containment walls, sump, tanks, piping, and pumps used to collect cutting fluids and water).<sup>3</sup>

### **Appellant's Claim**

Derichebourg contends the building in which it performs its production process (cleaning of the oil contaminated material) is entitled to a Tier I 100 % positive use determination. Derichebourg states, "all of the pollution control property made the subject of the aforementioned application is used, constructed, acquired and installed wholly to meet or exceed an adopted environmental regulation and that it issued wholly as a facility, device and/or method for the control of pollution."<sup>4</sup>

### **Analysis**

- I. The building was installed wholly for production purposes and not used, constructed, acquired, or installed wholly or partly to meet or exceed an environmental law, rule, or regulation.**

Texas Tax Code § 11.31(a) states, "[a] person is entitled to an exemption from taxation of all or part of real and personal property that the person owns and that is used wholly or partly as a facility, device, or method for the control of air, water, or land pollution."

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<sup>2</sup> Notice of Registration No. 31272, Derichebourg Recycling USA. (Attachment B).

<sup>3</sup> Attachment C.

<sup>4</sup> Derichebourg Appeal.

Buildings in which a business operates its production process are considered to be installed for production purposes and not as a method for the control of air, water, or land pollution. Thus, Derichebourg is not entitled to a Tier I 100% positive use determination for the roofs, walls, foundations, and floors of the building.

To support its application, Derichebourg cites 40 CFR §§ 112.7 (General requirements for Spill Prevention, Control, and Countermeasure Plans (SPCCP)) and 279.22 (Used oil storage). Neither rule cited require an enclosed structure, such as a building, to be used, constructed, acquired, or installed around Derichebourg's production process. The general requirements for a SPCCP require the development of a plan to address potential oil spills. The used oil storage requirements contain requirements for the storage of used oil.

Because the building was installed for production purposes, Derichebourg is not entitled to a Tier 1 100% positive use determination for the roofs, walls, foundations, and floors of the building.

## **II. Buildings are not included under Item S-20 or W-74 of the Tier I Table.**

In its application, Derichebourg cites two different Items in the Tier I Table: S-20 and W-74. The property described in Item S-20 is “[t]anks, containers and ancillary equipment such as pumps, piping, secondary containment, and vent controls (e.g., Resource Conservation Recovery Act Storage Tanks, 90-Day Storage Facilities, Feed Tanks to Treatment Facilities).” The building that houses Derichebourg's production process does not fall within this description. A building is not a tank or container.

The property described under W-74 is “[s]tructures used for the capture and control of storm water and process wastewater or emergency diversion of process material. Land means only land that is actually occupied by the diversion or storage structure.” The building that houses Derichebourg's production process does not fall within this description.

Because the building does not meet any of the descriptions in Tier I Table Items S-20 or W-74, Derichebourg is not entitled to a Tier I 100% positive use determination for the roofs, walls, foundations, and floors of the building.

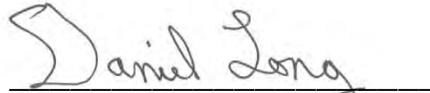
## **Conclusion**

After careful consideration of the Appeal filed by Derichebourg on Use Determination Application Number 18145, the Executive Director concludes that its original Tier I negative use determination is correct. Derichebourg has failed to provide any legal basis upon which the Commission should reverse the Executive Director's negative use determination in this case. The Executive Director's negative use determination is consistent with the terms and mandates set forth in the relevant statutes and rules. The assertions of Derichebourg do not alter the findings and final negative use determination issued by the Executive Director in this case. Accordingly, the Executive Director respectfully requests that the Commission deny the instant appeal and affirm the Executive Director's Tier I negative use determination.

Respectfully submitted,  
Texas Commission on Environmental Quality

Richard A. Hyde, P.E.  
Executive Director

Robert Martinez, Director  
Environmental Law Division

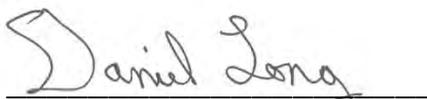


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Daniel Long, Staff Attorney  
Environmental Law Division

### **Certificate of Service**

I certify that on April 8, 2015, an original and seven copies of the “Executive Director’s Response to Derichebourg Recycling USA, Inc.’s Appeal of the Executive Director’s Negative Use Determination” was filed with the Texas Commission on Environmental Quality’s Office of the Chief Clerk, and a complete copy was transmitted by mail, facsimile, interagency mail, electronic mail, or hand-delivery to all persons on the attached mailing list.

A handwritten signature in cursive script that reads "Daniel Long". The signature is written in black ink and is positioned above a horizontal line.

**Daniel Long, Staff Attorney  
Environmental Law Division**

## **Mailing List**

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[vic.mcwherter@tceq.texas.gov](mailto:vic.mcwherter@tceq.texas.gov)

## **Attachment A**

# ASSOCIATED TAX APPRAISERS

## AD VALOREM TAX CONSULTANTS

November 26, 2014

*Sent Certified Mail RR# 7014 0150 0001 6180 8947  
And VIA Email: Ronald Hatlett [ronald.hatlett@tceq.texas.gov]*

Texas Commission on Environmental Quality  
Tax Relief for Pollution Control Property Program  
MC-110, P.O. Box 13087  
Austin, Texas 78711-3087

**Re: Response to Notice of Technical Deficiency Dated October 28, 2014  
Derichebourg Recycling USA, Inc.  
Wallisville Road Facility  
7501 Wallisville Rd  
Houston (Harris County)  
Regulated Entity Number: RN100671254  
Customer Reference Number: CN603440926  
Application Number: 18145  
Tracking Number: 14-TCEQ-Derichebourg-Wallisville-001**

To Whom It May Concern:

Please allow this letter to serve as a formal response to the TCEQ's Notice of Technical Deficiency dated October 28, 2014, regarding Derichebourg Recycling USA's Application for Use Determination for Pollution Control Property referenced above. As requested, enclosed please find the original and one (1) copy of the revised Use Determination for Pollution Control Property Application, along with a copy of the Notice of Deficiency. Further, the following are responses to each of the issues raised by the Notice of Deficiency:

1. As suggested in the TCEQ's Notice of Technical Deficiency dated October 28, 2014, the adopted environmental rule being met has been changed to 40 Code of Federal Regulations (CFR) Part 279.22 and 112.7.
2. Turnings, which contain oil and greases, are brought to the facility to be cleaned. The turnings are not recycled within the building. The only purpose of the building is to contain the oil and grease rendered through cleaning and to prevent the elements from contaminating the environment. Please see the Flow Diagram.

Texas Commission on Environmental Quality  
November 26, 2014  
Page: 2

If there are any additional materials or information that the TCEQ may need or require, please do not hesitate to contact us. We appreciate your cooperation in this matter and look forward to hearing from you.

Sincerely yours,

Associated Tax Appraisers

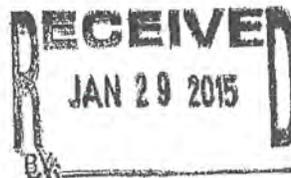
A handwritten signature in black ink, appearing to read "Andrej Fedor". The signature is stylized and cursive.

Andrej Fedor  
AF/af

**ASSOCIATED TAX APPRAISERS**

**AD VALOREM TAX CONSULTANTS**

January 27, 2015



*Sent Certified Mail RR# 7014 0150 0001 6180 8961*

*And VIA Email: Ronald Hatlett [[ronald.hatlett@tceq.texas.gov](mailto:ronald.hatlett@tceq.texas.gov)]*

Texas Commission on Environmental Quality  
Tax Relief for Pollution Control Property Program  
MC-110, P.O. Box 13087  
Austin, Texas 78711-3087

**Re: Response to Notice of Technical Deficiency Dated October 28, 2014**  
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**Wallisville Road Facility**  
**7501 Wallisville Rd**  
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To Whom It May Concern:

Please allow this letter to serve as a formal response to the TCEQ's Notice of Technical Deficiency dated December 11, 2014, regarding Derichebourg Recycling USA's Application for Use Determination for Pollution Control Property referenced above. As requested, enclosed please find the original and one (1) copy of the revised Use Determination for Pollution Control Property Application, along with a copy of the Notice of Deficiency. Further, the following are responses to each of the issues raised by the Notice of Deficiency:

1. 40 Code of Federal Regulations (CFR) Part 112.7 Subpart C requires Derichebourg Recycling USA to provide appropriate containment and/or diversionary structures or equipment to prevent a discharge, including but not limited to walls and floor. The **entire** containment system must be capable of containing oil and must be constructed so that any discharge from a primary containment system will not escape the containment system before cleanup occurs.

The entire Turnings Facility is constructed on leak proof concrete pads, which are designed to be self-contained and rain proof in order to control contamination. The facility has drains on the pads in order to collect liquids, which are pumped into two high capacity tanks.

Texas Commission on Environmental Quality  
January 27, 2015  
Page: 2

When a truck offloads containers full of turnings at the facility, the majority of oil will have decanted on the containers' floor. For this reason, the containers are equipped with a ball valve, which is opened to allow oil can be collected. The turnings are then removed from their containers and any remaining oil is captured.

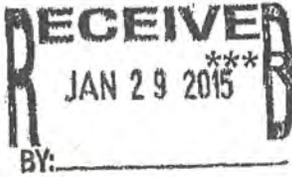
If there are any addition materials or information that the TCEQ may need or require, please do not hesitate to contact us. We appreciate your cooperation in this matter and look forward to hearing from you.

Sincerely yours,

Associated Tax Appraisers

A handwritten signature in black ink, appearing to read "Andrej Fedor". The signature is stylized and cursive.

Andrej Fedor  
AF/af



REVISED APP. 18145 1/26/14\*\*\*

Rev 4

Texas Commission on Environmental Quality
Use Determination for Pollution Control Property Application

A person seeking a use determination must complete this application form. For assistance in completing the application form please refer to the Instructions for Use Determination for Pollution Control Property Application Form TCEQ-00611, as well as the rules governing the Tax Relief Program in Title 30 Texas Administrative Code Chapter 17 (30 TAC 17). Information relating to completing this application form is also available in the TCEQ regulatory guidance document, Property-Tax Exemptions for Pollution Control Property, RG-461. For additional assistance, please call the Tax Relief Program at 512-239-4900.

You must supply information for each field of this application form unless otherwise noted.

Section 1. Property/Equipment Owner Information

- 1. Company Name of Owner: Derichebourg Recycling USA, Inc
2. Mailing Address: 7501 Wallisville Road
3. City, State, Zip: Houston, TX 77020-3597
4. Customer Number (CN): CN603440926
5. Regulated Entity Number (RN): RN100671254
6. Is this property/equipment owned by the CN listed in Question 4? Yes [X] No [ ]
If the answer is 'No,' please explain:
7. Is this property/equipment subject to any lease or lease-to-own agreement? Yes [ ] No [X]
If the answer is 'Yes,' please explain:
8. Is this property/equipment operated by the RN listed in Question 5? Yes [X] No [ ]
If the answer is 'No,' please explain:

Section 2. Physical Location of Property/Equipment

- 1. Name of Facility or Unit where the property/equipment is physically located:
2. Type of Mfg. Process or Service: Scrap Metal Recycling
3. Street Address: 7501 Wallisville Rd
4. City, State, Zip: Houston, TX
5. County: Harris
6. Appraisal District Account Number(s): 1218850010001, 1044796 & 0585417

### Section 3. Name of Property/Equipment Operator (If different from Owner)

1. Company Name:
2. Mailing Address:
3. City, State, Zip:
4. Customer Number (CN):
5. Regulated Entity Number (RN):

### Section 4. Contact Name

1. Company Name: Associated Tax Appraisers
2. First Name of Contact: Andrej
3. Last Name of Contact: Fedor
4. Salutation: Mr.  Mrs.  Ms.  Dr.  Other:
5. Title:
6. Mailing Address: P.O. Box 91119
7. City, State, Zip: Austin, TX 78709
8. Phone Number/Fax Number: 281-497-2000(Phone) / 713-627-8454(Fax)
9. Email Address: afedor@nationalrealty.com
10. Tracking Number (optional): 14-TCEQ-Derichbourg-Wallisville-001

### Section 5. General Information

1. What is the type of ownership of this facility?  
Corporation  Sole Proprietor  Partnership   
Limited Partner  Limited Liability Corporation  Utility  Other:
2. Size of Company: Number of Employees  
1 to 99  100 to 499   
500 to 999  1,000 to 1,999   
2,000 to 4,999  5,000 or more
3. Business Description: (Briefly describe the type of business or activity at the facility)  
Scrap Metal Recycling
4. Provide the North American Industry Classification System (NAICS) six-digit code for this facility. NAICS 421930 / SIC 5093

### Section 6. Property/Equipment Description, Applicable Rule, and Environmental Benefit

For each piece, or each category, of pollution control property/equipment for which a use determination is being sought, answer the following questions.

*Attach additional response sheets to the application for each piece of integrated pollution control property/equipment if a use determination is being sought for more than one (1) piece.*

## **General Information**

1. Name the property/equipment: Turnings Facility
2. Is the property/equipment used 100% as pollution control equipment? Yes  No   
*If the answer is 'Yes,' explain how it was determined that the equipment is used 100% for pollution control:* The property is in standard use and identified on the TCEQ's Tier I Table. In addition, the property was installed solely for the abatement of pollution as required by law.
3. Does the property/equipment generate a Marketable Product? Yes  No   
*If the answer is 'Yes,' describe the marketable product:*
4. What is the appropriate Tier I Table or Expedited Review List number? S-20
5. Is the property/equipment integrated pollution control equipment? Yes  No   
*If the answer is 'No,' separate applications must be filed for each piece of property/equipment.*
6. List applicable permit number(s) for the property/equipment: 31272 & TXR05V779

## **Incremental Cost Difference**

7. Is the Tier I Table percentage based on the incremental cost difference? Yes  No   
*If the answer is 'Yes,' answer the following questions:*
8. What is the cost of the new piece of property/equipment?
9. What is the cost of the comparable property/equipment?
10. How was the value of the comparable property/equipment calculated?

## **Property/Equipment Description**

11. Describe the property/equipment. (What is it? Where is it? How is it used?)  
Building, containment walls, tanks, piping and pumps used to contain cutting fluids and water from incoming loads.

### **Applicable Rule**

12. What adopted environmental rule or regulation is being met by the construction or installation of the property/equipment? The citation must be to the subsection level.  
40 Code of Federal Regulations (CFR) Part 279.22 and 112.7

### **Environmental Benefit**

13. What is the anticipated environmental benefit related to the construction or installation of the property/equipment?  
Facility provides containment of cutting fluids and holding time for oil and water separation.

## **Section 7. Process Flow Diagram (Optional)**

Attach documentation to the application showing a Process Flow Diagram for the property/equipment.

## **Section 8. Partial-Use Percentage Calculation**

This section must be completed for all Tier III applications. Attach documentation to the application showing the calculations used to determine the partial-use percentage for the property/equipment.

## Section 9. Property Categories and Costs

List each piece of property/equipment of integrated pollution control property/equipment for which a use determination is being sought.

Property/Equipment Name	Tier I Table No. or Expedited Review List No.	Use Percent	Estimated Dollar Value
Land: All qualifying land.	W-74	100%	
Property: Turnings Facility for Handling and Storage of Metal Working Fluids SEE ATTACHED	W-74	100%	\$1,161,818
Property:			
Total:			

Attach additional response sheets to the application if more than five (5) pieces of property/equipment need to be listed.

**NOTE: Separate applications must be filed for each piece of nonintegrated pollution control property/equipment.**

## Section 10. Type of Application and Fee

1. Type of Application being filed: *Select only one.*

Tier I – Fee: \$150

Tier II – Fee: \$1,000

Tier III – Fee: \$2,500

2. Fee Payment Type:

Check

Money Order

Electronic Payment

3. Payment Receipt Number: See Attached

4. Payment Amount: \$150

5. Payer Name on Payment: Ronald P. Little

6. Total Amount of Payment: \$150

**NOTE: Enclose a check, money order to the TCEQ, or a copy of the ePay receipt along with the application to cover the required fee.**

***In accordance with the TCEQ's Delinquent Fee Protocol, the Tax Relief Program will not consider applications administratively complete until all delinquent fees the company owes to the TCEQ are paid.***

Information regarding the TCEQ's Delinquent Fee Protocol is available at:

<http://www.tceq.state.tx.us/agency/delin/index.html>.

## Section 11. Certification Statement

*Must be signed by owner or designated representative.*

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 further certify that the property/equipment listed in this application is eligible for a tax exemption under Texas Tax Code, §11.31 given that:

- the property/equipment is not solely used, constructed, acquired, or installed to manufacture or produce a good or provide a service, including a good or service that prevents, monitors, controls, or reduces air, water or land pollution,
- the environmental benefit associated with the property/equipment is not wholly derived from the use or characteristics of the goods or services produced by the property/equipment,
- the property/equipment is wholly or partly used, constructed, acquired, or installed to meet or exceed law, rule, regulation adopted by an environmental protection agency of the United States, Texas, or a political subdivision of Texas for the prevention, monitoring, control, or reduction of air, water, or land pollution,
- the property/equipment is not used for residential purposes, or for recreational, park, or scenic uses as defined by Texas Tax Code, §23.81,
- the property/equipment is not a motor vehicle, except for a dedicated service motor vehicle used solely for pollution control, and
- the property/equipment was not acquired, constructed, or installed before January 1, 1994.

I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Printed Name:

Date: 6/5/14

Signature:

Andrej Fodor

Title:

Company Name: Associated Tax Appraisers

Under Texas Penal Code 37.10, if you make a false statement on this application, you could receive a jail term of up to one year and a fine up to \$2,000, or a prison term of two to 10 years and a fine of up to \$5,000.

## **Application Submission**

Send the completed application and the appropriate fee, along with a complete copy of the completed application for the appraisal district, to:

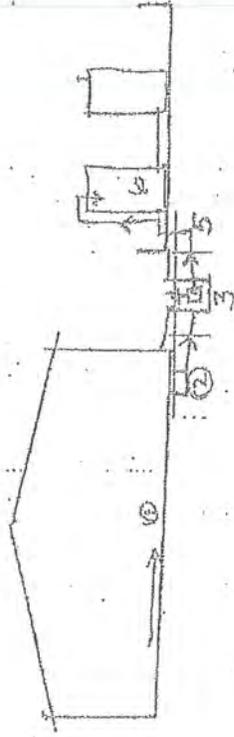
*U.S. Mail*

Cashiers Office, MC 214  
Tax Relief Program  
TCEQ  
PO Box 13088  
Austin TX 78711-3088

*Physical Address*

Cashier's Office, MC 214  
Building A  
TCEQ  
12100 Park 35 Circle  
Austin TX 78753

## Process Flow Diagram



Building floor flows to sump which gravity feeds to lift station which pumps water and oil through pipe to storage tanks.

Water and oil is removed from the tanks with vacuum trucks for off-site disposal.



## Derichebourg Recycling USA

Recycling Building  
Houston, Texas

Revised February 9, 2012

IKON Environmental Solutions, LP proposes to construct a recycling building for Derichebourg Recycling USA at the existing facility in Houston, Texas, as described herein.

Submitted By:  
Greg Blomquist  
Vice President

IKON Environmental Solutions, LP  
10560 Somerset Lane  
Houston, Texas 77093  
Phone: 281-766-IKON  
Fax: 281-973-0010  
[gblomquist@ikonenviro.com](mailto:gblomquist@ikonenviro.com)

## Sitework, Foundation, and Concrete Work

### Engineering and Architectural Services

- ▶ Superior Building Systems shall design the foundation for the new building.

### Sitework <sup>1</sup>

- ▶ Sitework shall be by IKON
  - ▶ All stockpiled material will be relocated on site.
  - ▶ Existing soil will be stabilized using hydrated lime to a depth of 1'.

### Foundation <sup>2</sup>

- ▶ Concrete work to construct the foundation and slab shall include:
  - ▶ Piers 12 total -- 20" diameter 60" bells - 10' deep.
  - ▶ Caps 12--24" x 24" x 24" 4,000 psi concrete
  - ▶ Grade Beams 410 l.f. -- 2.5' x 16" 4,000 psi concrete
  - ▶ Slab on Grade 10,000 s.f. -- 13" thick with 2 mats of #5 rebar @ 12" with 4,000 psi concrete.
  - ▶ Retaining Wall .395' X 10' x 12" thick with 2 mats of #5 rebar @ 12" o.c.e.w. 4,000psi concrete.

*Notes: All concrete is 4,000 psi with 1 1/2" aggregate and 4" slump unless noted otherwise.*

## Pre-Engineered Building Specifications

### General Notes

- ▶ The building shall measure 80'-0" wide and 125'-0" long, with a 30'-0" eave height and a 1 on 12 roof slope. The building shall consist of five (5) 25'-0" bays, clear span no interior columns.
  - ▶ The building shall be designed to support a 10 ton top running crane, brackets, beams, cap and rail for 125' crane run is included

<sup>1</sup> All sitework is proposed in accordance with preliminary information for bidding purposes pending receipt of a soils report. Upon receipt and review of the soils report, any changes arising from conditions at the site such as subsurface or otherwise concealed or unknown physical conditions of an unusual nature which differ from those ordinarily found to exist causing an increase or decrease in the cost of, or time required for performance of any part of the work, will be furnished to Owner for further observation and investigation with a request for final determination. Any costs arising from such conditions shall be for the Owner's account.

<sup>2</sup> IKON will exercise proper caution and care in the installation of the foundation; however, if any existing sewer lines, gas lines, water lines, or electrical conduit lines are damaged as a result of our operations, IKON cannot assume the cost of repairs to these lines, and the Owner agrees to indemnify and hold harmless IKON and it's subcontractors from any claims or damages resulting. IKON does, however, guarantee prompt and complete repairs on a non-profit basis for the Owner's account.

If adequate soil bearing for the foundation as described herein is not obtained within a maximum of 10'-0" in depth, an additional charge may be applicable.

- ▶ The building columns shall start at the top of the 10 high wall to provide a building with a 40' eave height above finish floor.

### Design Load Criteria

- ▶ The following loads have been considered in the building design:
  - ▶ The dead load of all structural materials which form a permanent part of the completed structure
  - ▶ Roof live load of 20 PSF, with tributary reduction allowed
  - ▶ Wind velocity of 110\_MPH, Exposure "C"
  - ▶ Collateral load of 5 PSF
  - ▶ Seismic loads of  $S_s = 0.088$  and  $S_1 = 0.036$ , Importance 1.0
  - ▶ Combinations applied as recommended by IBC 2006
- ▶ A bent of full and typical size shall be used at the new endwall of the building for added structural integrity, with typical connections for girts and purlins to facilitate future extensions. Endwall materials shall be designed and connected so as to be easily removable and reusable.

### Primary and Secondary Framing

- ▶ The building shall be rigid frame, purlin and girt type construction.
- ▶ Primary structural framing members shall be fabricated from structural plates and shapes.
  - ▶ The "AISC Specifications for the Design, Fabrication and Erection of Structural Steel for Buildings" relating to design requirements and allowable stresses shall be utilized in the rigid frame design
- ▶ Secondary structural framing members (purlins, girts, etc.) shall be fabricated from cold-formed material.
  - ▶ The "AISI Specifications for the Design of Cold-Formed Steel Structural Members" shall be utilized for secondary structural member design

### Finish of Primary and Secondary Members

- ▶ All primary structural steel members shall be hand-tool cleaned in accordance with SSPC SP-2 and shall receive one shop coat of standard red oxide primer.
- ▶ All secondary structural steel members shall be roll formed from coil material with a factory-applied, baked-on red oxide primer.

### Pre-Engineered Building Specifications, Continued

#### Paneling and Trim

- ▶ The roof and wall panels of the building shall be purlin bearing R-profile rolled from 26 gauge coil material.
  - ▶ Finish shall be Galvalume® or equal aluminum-zinc alloy coating
  - ▶ Roofing components shall meet or exceed requirement of UL-90 uplift rating

- ▶ Cadmium-plated carbon steel self-tapping fasteners with loose steel and neoprene washers, painted to complement adjacent panels, shall be used to attach the panels to the secondary members.
- ▶ Trim, flashing, gutters and downspouts shall be fabricated from 26 gauge coil material.
  - ▶ Finish shall be silicone polyester over Galvalume® or equal substrate
  - ▶ The color shall be selected from the manufacturer's standard color chart
- ▶ Closed cell, pre-formed closure strips having a profile matching the panel configuration shall be provided for weathertightness at the eave, rake and ridge.

### Ventilation

- ▶ Roof mounted Exhaust fans and wall louvers shall be supplied to provide 10 air changes per hour.

### Pre-Engineered Building Accessories

- ▶ One framed opening for access 22' wide x 20' high.

### Fluid Recovery and Storage System

- ▶ Tankage, piping and pumps will be installed to handle cutting fluids and water from incoming loads.
- ▶ Tanks will provide holding time for oil and water to separate. Water will be pumped from tanks and disposed of off site.
- ▶ Exact equipment has not been specified, more information will be needed to specify exact equipment required. Information such as throughput volume and oil content (separation efficiency) will be used to design treatment system.
- ▶ Site Concrete (For fluid recovery and storage system)
  - ▶ Containment walls measuring 128' x 4' x 8" thick with 1 mat of #5 @ 12" o.c.e.w. 4,000 psi concrete will be constructed to accommodate a water treatment system and storage tanks.
  - ▶ Construct sump for liquids collection 10' x 10' x 4' deep with 8" thick walls with 1 mat of #5 @ 12" o.c.e.w. 4,000 psi concrete.
  - ▶ Construct 12" x 12" trench with frame and grates in the middle of the floor draining to a collection point.

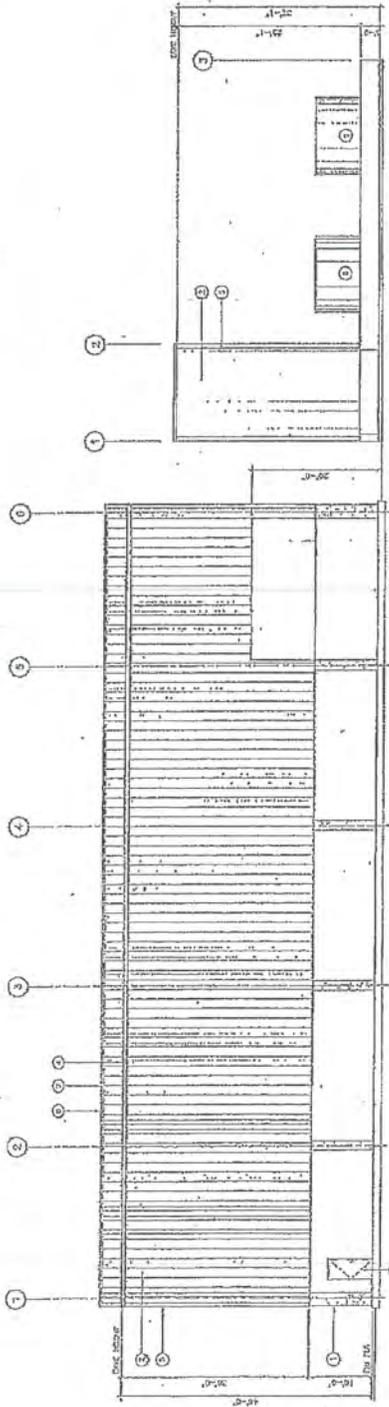
### Electrical

- ▶ (16) 6 lamp T5 high bay lights
- ▶ 4 emergency exit lights
- ▶ 4 exterior egress lights
- ▶ 6 400 W wall packs
- ▶ Hook up of exhaust fans
- ▶ 100 amp feeder to crane rail
- ▶ 400A MLO 277/480V panel
- ▶ 30kva XFMR
- ▶ 100A MCB 120/208V Panel
- ▶ 400amp 480v disconnect

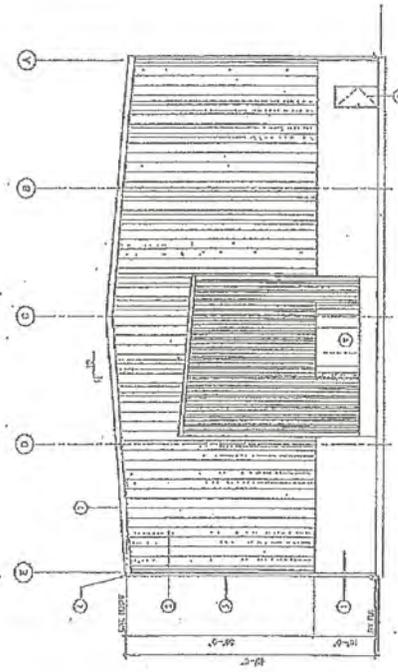
- ▼ 30 400A Service Feeder
- ▼ Grounding▶
- ▼ Electrical Drawings







SWANSON-BUILDING SYSTEMS  
**SOUTH EXTERIOR ELEVATION**



SWANSON-BUILDING SYSTEMS  
**EAST EXTERIOR ELEVATION**

- ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES. DIMENSIONS IN PARENTHESES ARE IN FEET AND INCHES. DIMENSIONS IN BRACKETS ARE IN FEET AND INCHES. DIMENSIONS IN SQUARE BRACKETS ARE IN FEET AND INCHES. DIMENSIONS IN CIRCLES ARE IN FEET AND INCHES. DIMENSIONS IN TRIANGLES ARE IN FEET AND INCHES. DIMENSIONS IN DIAMOND SHAPES ARE IN FEET AND INCHES. DIMENSIONS IN STAR SHAPES ARE IN FEET AND INCHES. DIMENSIONS IN OTHER SHAPES ARE IN FEET AND INCHES.
1. SEE SHEET A3.1 FOR EXTERIOR ELEVATION
  2. SEE SHEET A3.1 FOR EXTERIOR ELEVATION
  3. SEE SHEET A3.1 FOR EXTERIOR ELEVATION
  4. SEE SHEET A3.1 FOR EXTERIOR ELEVATION
  5. SEE SHEET A3.1 FOR EXTERIOR ELEVATION
  6. SEE SHEET A3.1 FOR EXTERIOR ELEVATION
  7. SEE SHEET A3.1 FOR EXTERIOR ELEVATION
  8. SEE SHEET A3.1 FOR EXTERIOR ELEVATION
  9. SEE SHEET A3.1 FOR EXTERIOR ELEVATION
  10. SEE SHEET A3.1 FOR EXTERIOR ELEVATION



**Building Systems**  
 OFFICE: HOUSTON, TEXAS  
 10000 WESTHELFER DRIVE  
 HOUSTON, TEXAS 77036  
 PHONE: (713) 865-1000  
 FAX: (713) 865-1001  
 WWW: WWW.BUILDINGSYSTEMS.COM

**RECYCLING BUILDING**  
**FOR**  
**RECYCROVING RECYCLING USA**  
 HOUSTON TEXAS

Revision  
 No. 1  
 Date 5/1/02

Sheet Count  
 Total Sheets 12  
 Sheets on this sheet 4/4/02 2/4 2/4 2/4

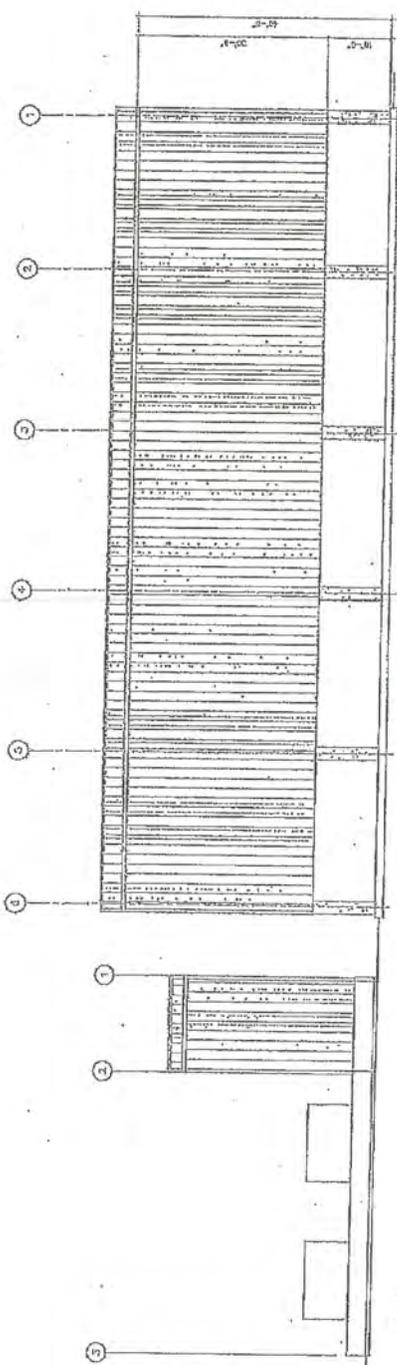
Scale

Michael S. Borell  
 Not for regulatory  
 approval, permitting,  
 or construction

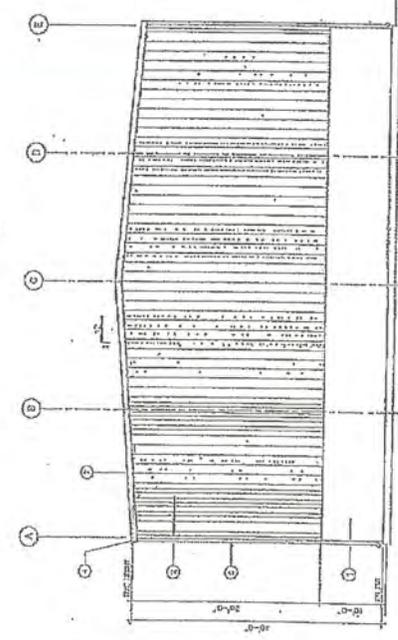
Sheet Title  
**EXTERIOR  
 ELEVATIONS**

Project Number 0002  
 Title ID 000000000000000000

Sheet No. **A3.2**



EXTERIOR ELEVATION  
 NORTH EXTERIOR



EXTERIOR ELEVATION  
 WEST ELEVATION

1/4" = 1'-0" (2)

1/4" = 1'-0" (4) NOTES TO SHEET 1



**Attachment B**

Notice of Registration  
Industrial and Hazardous Waste

31272 Derichebourg Recycling USA

Solid Waste Registration Number: 31272 EPA Id: TXD0003897634

Company Name: Derichebourg Recycling USA Inc  
Site Name: Derichebourg Recycling USA  
Site Location: 7501 Wallisville Rd, Houston, TX  
Primary Contact: Guilbeau, Keith  
Mailing Address: 7501 Wallisville Rd

Region: 12  
County: 101 HARRIS  
Land Type: Private  
Title: ES & H

Initial Registration Date: 04/01/1982  
Last Amendment Date: 05/12/2011  
Last Date NOR Computer update: 05/25/2011  
Phone: 713-675-7700

Site Street Address: 7501 Wallisville Rd  
Houston, TX 77020

Registration Status: Active  
Generator Type: Industrial  
Receiver Type:  
Transporter Type:  
Transport Wst Class:

Reporting Method: PAPER  
Hazardous Waste Generation Status: Small Quantity Generator

Business Description: 9-26-02 name change per CR to CFF Recycling USA Inc.sc 7/19/04 Mike called today & said he had sent in his 2003 AWS two times already. I told him to send it i  
NAICS Code: 423930 Recyclable Material Merchant Wholesalers  
Tax Identification #: 10203244495  
Handler Status:

Operator Information

Name: Derichebourg Recycling USA Inc  
Phone: 713-875-7700  
Address: 7501 Wallisville Rd  
Houston, TX 77020-3543

Owner Information:

Name: Derichebourg Recycling USA Inc  
Phone: 713-875-7700  
Address: 7501 Wallisville Rd  
Houston, TX 77020-3543

Billing Contact:

Billing Address: ATTN: Accounts Payable  
7501 Wallisville Road  
Houston, TX 77020-3597

Title:

Phone:

As of 05/12/2011 - the next unassigned sequence number for WASTES is 5115 and  
the next unassigned sequence number for UNITS is 009

31272 Derichebourg Recycling USA

\*\*\*\*\* WASTE INFORMATION \*\*\*\*\*

Texas Waste Code	Waste Class	Status	Date of Status	Managed Onsite/ Offsite	Radio-active	TCEQ Audit Complete
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\*\*\*\*\* Active Wastes \*\*\*\*\*

00024891	1	Active	05/12/2011	Off-site	No	No
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Description from Generator: Sediments, Bottom & Water. Sediments from storm water ditches and tanks.  
 Texas Form Code: 489 Petroleum contaminated solids  
 Origin Code: 1 Generated on-site from a product process or service activity  
 Current Management Units: None

00054891	1	Active	05/12/2011	Off-site	No	No
----------	---	--------	------------	----------	----	----

Description from Generator: Soil & debris from plant cleanup: 5/94  
 Texas Form Code: 489 Petroleum contaminated solids  
 Origin Code: 1 Generated on-site from a product process or service activity  
 Current Management Units: None

00069992	2	Active	05/12/2011	Off-site	No	No
----------	---	--------	------------	----------	----	----

Description from Generator: Plant trash/New waste code to replace 00039032  
 Texas Form Code: 999 Class 2 plant trash  
 Origin Code: 1 Generated on-site from a product process or service activity  
 Current Management Units: None

00071011	1	Active	05/12/2011	On & Off	No	No
----------	---	--------	------------	----------	----	----

Description from Generator: Waste is in the form of cutting fluids received in loads of metal turnings. Date of initial generation is unknown  
 Texas Form Code: 101 Aqueous waste with low solvents  
 Origin Code: 4 Received from off-site and was not recycled or treated on-site  
 Current Management Units: None

00103192	2	Active	05/12/2011	On & Off	No	No
----------	---	--------	------------	----------	----	----

Description from Generator: Auto shredder fluff. Generating process is removal of automobile interiors (soft materials) in the recycling process/recovery of metal.  
 Texas Form Code: 319 Other waste inorganic solids  
 Origin Code: 1 Generated on-site from a product process or service activity  
 Current Management Units: None

0501203H	H	Active	05/12/2011	Off-site	No	No
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Texas Form Code: 203 Non-halogenated solvent  
 EPA Form Code: W203 Concentrated non-halogenated (e.g., non-chlorinated) solvent  
 Origin Code: 1 Generated on-site from a product process or service activity  
 Source Code: G09 Other production or service-related processes  
 NAICS Code: 423930 Recyclable Material Merchant Wholesalers  
 EPA Hazardous Waste Numbers: D001 D039  
 Current Management Units: None

Notice of Registration

Industrial and Hazardous Waste

31272 Derichebourg Recycling USA

Texas Waste Code	Waste Class	Status	Date of Status	Managed Onsite/ Offsite	Radio-active	TCEQ Audit Complete
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\*\*\*\*\* Active Wastes \*\*\*\*\*

05572031	1	Active	05/12/2011	Off-site	No	No
----------	---	--------	------------	----------	----	----

Description from Generator: Combustible Liquid, N.O.S. (Petroleum Naphtha) NA 1993 PG 111. Generated By Parts Washer.

Texas Form Code: 203 Non-halogenated solvent

Origin Code: 1 Generated on-site from a product process or service activity

Current Management Units: None

10013191	1	Active	05/12/2011	Off-site	No	No
----------	---	--------	------------	----------	----	----

Description from Generator: PCB CAPACITORS OF <9 POUNDS EACH AND <100 CUBIC INCHES IN SIZE FROM METAL RECYCLING DOG 07/01/2005

Texas Form Code: 319 Other waste inorganic solids

Origin Code: 1 Generated on-site from a product process or service activity

Current Management Units: None

10023012	2	Active	05/12/2011	Off-site	No	No
----------	---	--------	------------	----------	----	----

Description from Generator: Metal recycling residue (MRR) -- consisting of soil/debris (metal, wood, rubber, plastic, rock, etc.) collected. DOG 7/21/2005

Texas Form Code: 301 Soil contaminated with organics

Origin Code: 1 Generated on-site from a product process or service activity

Current Management Units: None

10033012	2	Active	05/12/2011	Off-site	No	No
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Description from Generator: Date of Generation: 7/25/05Metal recycling residue: Soil/debris (metal, wood,rubber, plastic, rock, etc. collected from beneath metal shear at metal recycling facility.

Texas Form Code: 301 Soil contaminated with organics

Current Management Units: None

51146031	1	Active	05/12/2011	Off-site	No	No
----------	---	--------	------------	----------	----	----

Description from Generator: Steel recyclers oily sludge pond. Date of generation 5/03/2011

Texas Form Code: 603 Oily sludge

Origin Code: 1 Generated on-site from a product process or service activity

Current Management Units: None

As of 05/12/2011, the next unassigned sequence number for WASTES is 5115

31272 Derichebourg Recycling USA

Texas Waste Code	Waste Class	Status	Date of Status	Managed Onsite/ Offsite	Radio-active	TCEQ Audit Complete
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\*\* No Longer Generated Wastes \*\*

00012061	1	Inactive	05/12/2011	On-site	No	No
----------	---	----------	------------	---------	----	----

Description from Generator: Waste oil from equipment and from oil skimmers.  
 Texas Form Code: 206 Waste oil  
 Origin Code: 1 Generated on-site from a product process or service activity  
 Current Management Units: Tank (surface) 002 008 006 005

00039032	2	Inactive	05/12/2011	Off-site	No	No
----------	---	----------	------------	----------	----	----

Description from Generator: Plant and office refuse.  
 Texas Form Code: 903  
 Origin Code: 1 Generated on-site from a product process or service activity  
 Current Management Units: None

As of 05/12/2011, the next unassigned sequence number for WASTES is 5115

\*\*\* TEXAS COMMISSION ON ENVIRONMENTAL QUALITY \*\*\*  
 Notice of Registration  
 Industrial and Hazardous Waste

31272 Derichebourg Recycling USA

\*\*\*\* UNITS AT THIS SITE MANAGING WASTE \*\*\*\*

Unit Number	Unit Type	Unit Status	Date of Status	Classes of Waste Managed in Unit Onsite / Offsite	Unit Permit Number	Unit # on Permit	Regulatory Status	Deed Recording Needed/Date
001	Landfill	Active		NA / NA	NA	NA		YES / 05/01/1985
<b>Description from Company:</b> LOCATED AT 7501 LIBERTY ROAD, HOUSTON TEXAS								
002	Tank (surface)	Active	04/01/1986	1 / NA	NA	NA		NA /
<b>Description from Company:</b> Cap: 220 gallons								
005	Tank (surface)	Active		1 / NA	NA	NA		NA /
<b>Description from Company:</b> Cap: 350 GAL.								
006	Tank (surface)	Active		1 / NA	NA	NA		NA /
<b>Description from Company:</b> Cap: 2600 GAL.								
007	Tank (surface)	Active		NA / NA	NA	NA		NA /
<b>Description from Company:</b> Cap: 500 GAL.								
008	Tank (surface)	Active	10/23/1992	1 / NA	NA	NA		NA /
<b>Description from Company:</b> cap: 260 gallons; replaced Unit 004								

As of 05/12/2011, the next unassigned sequence number for UNITS is 009

Notice of Registration

Industrial and Hazardous Waste

31272 Derichebourg Recycling USA

Unit Number	Unit Type	Unit Status	Date of Status	Classes of Waste Managed in Unit Onsite / Offsite	Unit Permit Number	Unit # on Permit	Regulatory Status	Deed Recording Needed/Date
-------------	-----------	-------------	----------------	---	--------------------	------------------	-------------------	----------------------------

\*\* "Inactive", "Closed", "Post Closure Care", "Never Built" & "Not Required" Units \*\*

003	Tank (surface)	Inactive	10/23/1992	NA / NA	NA	NA	NA	NA /
-----	----------------	----------	------------	---------	----	----	----	------

Description from Company: Cap: 260 gallons

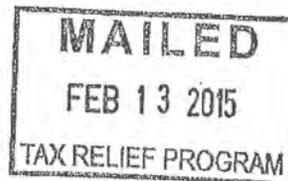
004	Tank (surface)	Inactive	10/23/1992	NA / NA	NA	NA	NA	NA /
-----	----------------	----------	------------	---------	----	----	----	------

Description from Company: Cap: 1000 gallons

As of 05/12/2011, the next unassigned sequence number for UNITS is 009

**Attachment C**

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Zak Covar, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
*Protecting Texas by Reducing and Preventing Pollution*

February 11, 2015

Mr. Andrej Fedor  
Agent  
Associated Tax Appraisers  
PO Box 91119  
Austin, Texas 78709

Re: Notice of Use Determinations  
Derichebourg Recycling USA, Inc.  
Wallisville Road Facility  
7501 Wallisville Rd  
Houston (Harris County)  
Regulated Entity Number: RN100671254  
Customer Reference Number: CN603440926  
Application Number: 18145  
Tracking Number: 14-TCEQ-Derichebourg-Wallisville-001

Dear Mr. Fedor:

This letter responds to Derichebourg Recycling USA, Inc.'s Application for Use Determination, received June 6, 2014, pursuant to the Texas Commission on Environmental Quality's (TCEQ) Tax Relief for Pollution Control Property Program for the Wallisville Road Facility.

The TCEQ has completed the review for application #18145 and has determined that certain property included in the application is not eligible for a Positive Use Determination. The TCEQ has issued a Positive Use Determination for the eligible property in the application in accordance with Title 30 Texas Administrative Code (TAC) §17.4 and a Negative Use Determination for the ineligible property in accordance with §17.4 and §17.6. The justification for the Negative Use Determination is provided below.

A negative determination is issued for the roofs, walls, foundations and floors of the Turnings Facility. The Turnings Facility is used as part of the production process at this facility and is not a pollution control device. The eligible portion of the facility is those items that are installed and used to control, monitor, or prevent air, water, or land pollution.

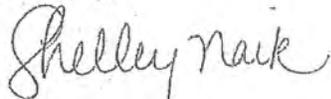
In order to request an exemption for the eligible property, the attached Use Determination Certificate and a completed Application for Pollution Control Property Tax Exemption, Form #50-248 (please see [www.cpa.state.tx.us](http://www.cpa.state.tx.us)), must be provided to the chief appraiser of the appropriate appraisal district no later than April 30th of the applicable tax year.

Mr. Andrej Fedor  
Page 2  
February 11, 2015

Please be advised that a Use Determination may be appealed by the applicant or the chief appraiser of the applicable appraisal district. The appeal must be filed with the TCEQ Chief Clerk within 20 days after the receipt of this letter in accordance with 30 TAC §17.25.

If you have questions regarding this letter or need further assistance, please contact Ronald Hatlett of the Tax Relief for Pollution Control Property Program by telephone at (512) 239-6348, by e-mail at [Ronald.Hatlett@tceq.texas.gov](mailto:Ronald.Hatlett@tceq.texas.gov), or write to the Texas Commission on Environmental Quality, Tax Relief for Pollution Control Property Program, MC-110, P.O. Box 13087, Austin, Texas 78711-3087.

Sincerely,



Shelley Naik, Team Leader  
Stationary Source Programs  
Air Quality Division

SN/RH

Enclosure

cc: Chief Appraiser, Harris County Appraisal District, PO Box 922004, Houston, Texas 77292

**The State of Texas**  
**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**



Application Number: 18145

County: Harris

**USE DETERMINATION CERTIFICATE**

This certifies that  
Derichebourg Recycling USA, Inc.  
Wallisville Road Facility  
7501 Wallisville Rd  
Houston, Texas

installed the following property that is used 100% for pollution control to meet or exceed federal or state regulations:  
containment walls, sump, tanks, piping, and pumps used to collect cutting fluids and water.

February 11, 2015

Date

A handwritten signature in black ink, appearing to read "David Brymer".

David Brymer  
Division Director