CITY OF HOUSTON

Houston Police Department

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March 20, 2014

Charles A. McClelland, Jr.
Chief of Police

David J. Askanase, Attorney at Law
Hughes, Waters & Askanase, L.L.P.
333 Clay Street, 29th Floor
Houston, Texas 77002

REF: Notice of Violation, 4904 Griggs, Houston, Texas

Dear David J. Askanase:

The authorized inspection of the former CES Environmental property at 4904 Griggs, Houston, Texas on Thursday, March 20th, 2014, revealed numerous violations of Texas State Law and regulations. Specifically used oil releases both on and off the property causing both water and soil contamination (Texas Water Code 7.176 & 7.145) and open air venting of chemicals on and offsite causing nuisance air violations (Texas Water Code 7.177). Based on pending laboratory analysis, the probability exists for violations of 40 Code of Federal Regulations (CFR) as well.

The City of Houston has received an estimated 40 complaints from citizens since Sunday, March 16, 2014. By your own admission, the location experienced a release of chemicals on the property. At the date of inspection, that release and others remained active on the site causing violations of Texas State Laws.

We are hereby directing the following issues to be addressed by Thursday, March 27, 2014, at 9 am at which time investigators will re-inspect the facility for compliance:

1) All contaminated water within the facility will be removed from the ground and stored in authorized closed containers. As re-accumulation occurs due to weather conditions, the water is to be removed immediately upon completion of the rain event.
2) All oil releases will be removed and contained in authorized closed containers and all contaminated soils removed on manifests and shipped for disposal. The facility will be responsible to conduct verification sampling to insure total petroleum hydrocarbon levels meet state standards for a commercial property and provide same to investigators.

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3) All portable drums, totes and any other containers used for the storage of liquids or solids of which the integrity is damaged or questionable, be replaced with certifiable containers.
4) All portable drums, totes and other containers storing waste or product, are to be centrally stored at the designated cement pad area(s) South of the Southernmost tank farm.
5) All portable drums, totes and any other containers used for the storage of liquids or solids, shall be marked with the contaminate name, appropriate waste labelling and DOT UN number(s).
6) All portable drums, totes and any other containers storing waste or product will be separated, sorted and stored in like material groupings.
7) No open air venting of permanent tanks. All tank lids are to remain closed and sealed when no operations concerning the specific tank requires it to be open.
8) Releases and storm water build up that occurs within the tank storage spill retention areas will be cleaned up immediately to prevent nuisance odor releases.
9) Provide impenetrable diking in the area specified during the inspection along the Eastern edge of the cement pad south of the office and East of the Main Processing Facility building.
10) Provide diking in the Southwestern area of the facilities storm water ditch at the property line to contain contaminates on the facility after remediating the contaminated liquids and soils.
11) Testing for Hydrogen Sulfide (H2S) levels will resume immediately and monitored at a minimum, every other day. This monitoring will remain in effect continuously and without interruption. A log of the testing results will remain on site and available for inspection by any City of Houston or Texas state representative when requested.
12) Any spills or releases occurring on the facility will include the notification of Officer Stephen Dicker at 832-394-0774 of the Houston Police Department, Environmental Investigations Unit, along with those already established.

All corrections are to be completed by Thursday, March 27th at 9am.

We are requesting legible copies of all waste manifests for waste removed from the facility from the date of this notice forward. The legible manifests maybe submitted to this office on a bi-weekly basis at 7125 Ardmore, Suite # 400, Houston, Texas 77054.

Additionally, we are requesting that a Hazardous Materials Inventory Statement (HMIS) be submitted to this office and the Houston Fire Department's, Hazardous Materials Response Team, on what waste materials and product chemicals are currently stored on and the specific location on the facility where they are stored. The HMIS is to be updated bi-weekly and re-submitted. The HMIS will also require resubmission when the storage of chemicals or waste is moved to another area of the facility differing from the current HMIS on file.

This office was informed previously that this site clean-up should take approximately 6 months and is now at approximately three years. Waste streams still remain on site. The City of Houston requests a timeline for completion of this site and the timeline for the removal of all remaining waste streams on the facility.

After speaking with both you and Mr. Edmondson, you both relayed a continuing problem with trespassers on the facility and their causing releases at the property. It is your responsibility as custodians of the property, to insure the public's safety with regards to the chemicals remaining on this facility. Not knowing exactly what remains and based only on our previous visits in the form of search warrant executions and sampling results from the facility, leaving the facility unsecure has resulted in several releases which have endangered the public's health and the environment. I would reconsider securing the site and 24 hour on-site management and control measures to prevent further incidents.

Additionally, we are requesting immediate notification and reporting occur when waste materials are unlawfully removed from the facility, i.e. tankers stolen full of waste. These issues need to be immediately reported to police and reports filed. You are requested to forward offense report incident number to this office ASAP.

Please contact me should you have any questions or concerns regarding this Notice of Violation.

Sincerely,

Stephen R. Dicker, Sr. Police Officer
Major Offenders Division
Environmental Investigations Unit
832-394-0774

cc: Michael Edward Edmondson, Environmental Consultant
Dexter Johnson, Captain, Houston Fire Department, Hazardous Materials Response Team
Troy Lilley, Chief, Houston Fire Department, Hazardous Materials Response Team
Arturo Blanco, Chief, Bureau of Air Quality & Control

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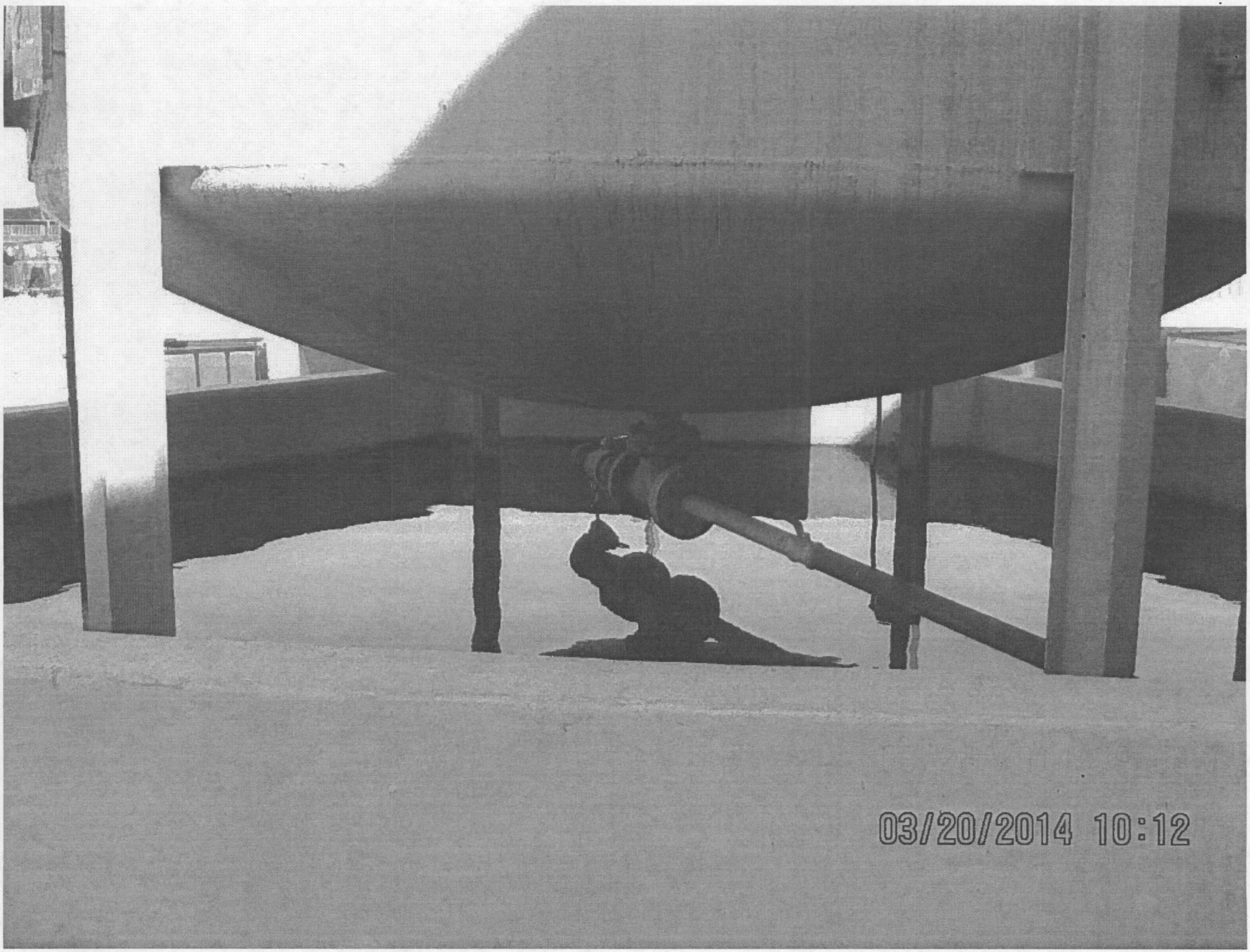
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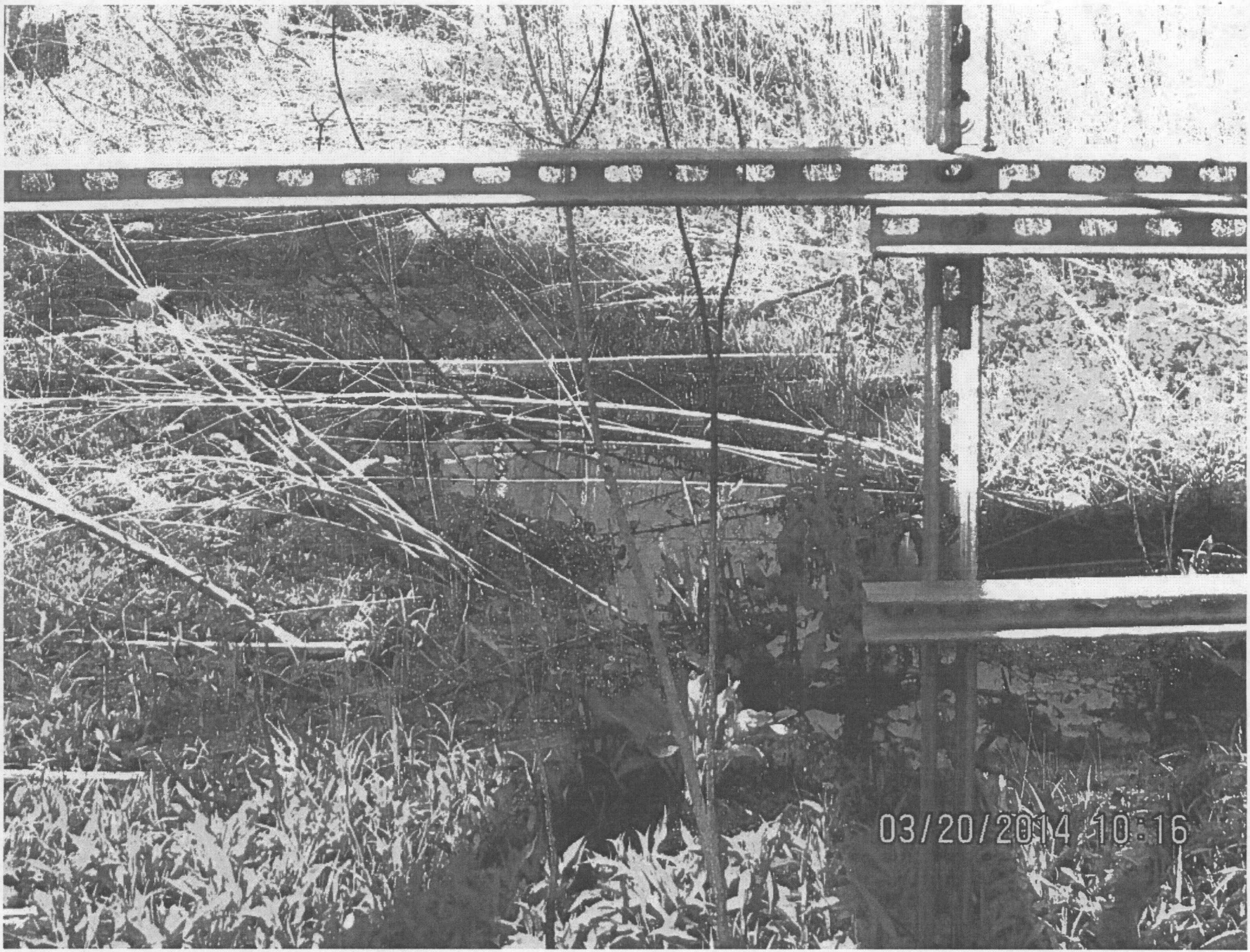
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