

**STATE OF CONNECTICUT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**



STATE OF CONNECTICUT :  
v. :  
UNITED OIL RECOVERY, INC. :

CONSENT ORDER No. WC-5689  
Date of Issuance: September 10, 2010

A. With the agreement of United Oil Recovery, Inc. (“Respondent”), the Commissioner of Environmental Protection (“the Commissioner”) finds:

1. Respondent is a Connecticut corporation which is or has been engaged in wastewater treatment operations with a principal place of business located at 136 Gracey Avenue in Meriden, Connecticut (the “facility”).
2. Respondent has a valid permit, State Permit No. SP0001028, issued on February 10, 2006 by the Department of Environmental Protection (“Department”) to discharge pretreated centralized waste treatment wastewater from the facility to the Meriden Publicly Owned Treatment Works (POTW).
3. State Permit No. SP0001028 contains a compliance schedule requiring the Respondent to evaluate and implement remedial measures at its facility so that its discharge to the POTW is capable of achieving a maximum instantaneous BOD<sub>5</sub> limit of 500 mg/l by October 1, 2009.
4. A biological treatment system was a remedial measure initially proposed by the Respondent in May of 2007 to meet the maximum instantaneous BOD<sub>5</sub> limit of 500 mg/l. The Department issued an approval of the report presenting this remedial measure on February 21, 2008. The Respondent provided a subsequent design report and plans and specifications for the system to the Department in June of 2008. The Department approved the plans and specifications for the proposed treatment system in June of 2009. The Respondent proceeded with construction of the treatment system prior to Department approval and started up the system immediately upon obtaining such approval.
5. On or about October 2, 2009, Respondent provided documentation to the Department indicating that its biological treatment system requires modification to consistently achieve compliance with all permit limits and conditions. The Respondent submitted multiple design changes to the Department for approval, obtained approval and implemented respective changes since October 2, 2009.
6. The Respondent asserts that it was diligent in implementing proposed remedial actions necessary to meet the BOD<sub>5</sub> limit of 500 mg/l, as required by the respective compliance schedule.
7. The Respondent provided the Department with a permit modification request on February 17, 2009, which the Department responded to through the issuance of a permit modification on February 26, 2010. This modification establishes the BOD<sub>5</sub> limit of 500 mg/l as a maximum daily limit.

8. In a letter dated October 30, 2009, the Department informed Respondent that while they are taking steps to address the technical issues associated with the performance of the biological treatment system, they should also apply for an extension of the final compliance date, to avoid additional noncompliance. Additionally, Respondent was advised that noncompliance with any terms and conditions of its permit may result in enforcement action including penalties.
9. On several occasions, the Respondent has violated the effluent limits for 2,4,6-trichlorophenol, bis(2-ethylhexyl) phthalate, antimony, cobalt, copper, lead, o-cresol, p-cresol, and total suspended solids (TSS) specified in State Permit No. SP0001028. These effluent violations are identified in Attachment A.
10. On several occasions, the Respondent failed to properly notify the Department of effluent violations experienced at the facility in accordance with Sections 5(F) and 6(C) of State Permit No. SP0001028. These events are delineated in Attachment A.
11. By virtue of the above, Respondent has created or is maintaining a facility or condition which reasonably can be expected to create a source of pollution to the waters of the state and violated State Permit No. SP0001028.
12. Respondent proposed higher limits for BOD<sub>5</sub> and TSS on a temporary basis due to the operational issues associated with its biological treatment system.
13. On or about November 17, 2009, The Meriden Public Utility Commission (PUC), acting on behalf of a request made by the Meriden Water Pollution Control Authority, agreed to allow the Respondent to discharge up to the following: a maximum daily limit for BOD<sub>5</sub> of 1,500 lbs/day and a maximum daily limit for TSS of 275 mg/l. The PUC allowed these limits only until February 28, 2010.

B. With the agreement of Respondent, the Commissioner, acting under Sections 22a-6, 22a-424, 22a-425, 22a-430, 22a-432 and 22a-438 of the Connecticut General Statutes, orders Respondent as follows:

1. The Respondent shall achieve compliance with the effluent limitations for BOD<sub>5</sub> and total suspended solids contained in Table A of State Permit No. SP0001028 as soon as possible in accordance with the following:
  - a. Scope of Study. After one hundred and eighty (180) days but before two hundred and seventy (270) days after the date of issuance of this consent order, the Respondent shall submit for the Commissioner's review and written approval a scope of study for the investigation of its ability to consistently achieve compliance with the effluent limitations for BOD<sub>5</sub> and total suspended solids contained in Table A of State Permit No. SP0001028. Such scope shall include a schedule for conducting the investigation required by this paragraph and a date by which the report required by Section B.1.c of this consent order will be submitted to the Commissioner.
  - b. Performance of Investigation. The Respondent shall perform the investigation and other actions specified in the approved scope of study in accordance with the approved schedule.
  - c. Investigation Report and Implementation Plan. In accordance with the schedule approved by the Commissioner pursuant to Section B.1.a of this consent order, the Respondent shall submit for the Commissioner's review and written approval a comprehensive and thorough report which describes in detail the investigation performed pursuant to Sections B.1.a and B.1.b of this consent order and which:

- (1) assesses the Respondent's ability to comply with the effluent limitations for BOD<sub>5</sub> and total suspended solids contained in Table A of State Permit No. SP0001028;
  - (2) evaluates alternative actions to achieve compliance with such limits including, but not limited to, pollutant source reduction, process changes/innovations, chemical substitutions, water conservation measures, and other internal and/or end-of-pipe treatment technologies;
  - (3) states in detail the most expeditious schedule for performing each alternative;
  - (4) lists all permits and approvals required for each alternative, including but not limited to, any permits required under sections 22a-32, 22a-42a, 22a-342, 22a-361, 22a-368, 22a-430 or 22a-430b of the Connecticut General Statutes;
  - (5) proposes a preferred alternative or combination of alternatives with supporting justification;
  - (6) proposes a detailed program and schedule to perform all actions required by the preferred alternative including but not limited to a schedule for submission of engineering plans and specifications on any internal and/or end-of-pipe treatment facilities, start and completion of any construction activities related to any treatment facilities, and applying for and obtaining all permits and approvals required for such actions; and
  - (7) proposes a study that shall be the basis of the report required under Section B.1.f of this consent order, evaluating the effectiveness of remedial actions performed.
- d. Progress Reports. Until actions required in Section B.1 have been completed, the Respondent shall submit to the Commissioner quarterly status reports beginning sixty (60) days after the date of approval of the report referenced in Section B.1.c above. Status reports shall include, but not be limited to, a summary of all applicable effluent monitoring data collected by the Respondent during the previous ninety (90) day period and a detailed description of progress made by the Respondent in performing actions required by this section of the consent order in accordance with the approved schedule including, but not limited to, development of engineering plans and specifications, construction activity, contract bidding, operational changes, preparation and submittal of permit applications, and any other actions specified in the report approved pursuant to Section B.1.c above.
- e. Implementation of Approved Actions. The Respondent shall perform the approved actions described in Section B.1.c.(6) of this consent order in accordance with the approved schedule. Within fifteen (15) days after completing such actions, the Respondent shall certify to the Commissioner in writing that the actions have been completed as approved.
- f. Evaluation of Approved Actions. On or before six (6) months from the completion of all approved remedial actions taken pursuant to Section B.1.c of this consent order, the Respondent shall submit a report based on the study required under Section B.1.c.(7) of this consent order summarizing the effectiveness of such remedial actions to consistently achieve compliance with the effluent limitations for BOD<sub>5</sub> and total suspended solids contained in Table A of State Permit No. SP0001028.

2. Full compliance. Respondent shall not be considered in full compliance with this consent order until all action required by this consent order have been completed as approved and to the satisfaction of the Commissioner, and all surface water pollution resulting from Respondent's activities/which is on, is emanating from or emanated from Respondent property and their sources have been abated to the satisfaction of the Commissioner. Respondent shall be considered in current compliance with this consent order with respect to a facility at any date prior to full compliance if all actions required by this consent order to be performed by that date for that facility (as such date might be extended by the Commissioner have been completed).
3. Civil penalty. Respondent shall pay a penalty of thirty-one thousand dollars (\$31,000) as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in paragraphs A.5, A.9 and A.10 of this consent order. The payments shall be made as follows:
  - a. On or before fourteen (14) days after issuance of this consent order the first installment of sixteen thousand dollars (\$16,000) shall be due and payable; and
  - b. On or before ninety (90) days after issuance of this consent order the second installment of fifteen thousand dollars (\$15,000) shall be due and payable.
4. Payment of penalties. Payment of penalties under this consent order shall be mailed or personally delivered to the Department of Environmental Protection, Bureau of Financial and Support Services, Accounts Receivable Office, 79 Elm Street, Hartford, CT 06106-5127, and shall be by certified or bank check payable to "Treasurer, State of Connecticut." The check shall state on its face, "Bureau of Materials Management and Compliance Assurance, civil penalty, consent order WC-5689."
5. Sampling and sample analyses. All sampling and sample analyses which are required by this consent order and all reporting of such sample analyses shall be done by a laboratory certified by the U.S. Environmental Protection Agency and/or the Connecticut Department of Health Services for such analyses. All sample analyses performed under this order shall be performed in accordance with procedures specified or approved in writing by the Commissioner, or, if no such procedures have been specified or approved, in accordance with 40 CFR Part 136. Unless otherwise specified by the Commissioner in writing, the value of each parameter shall be reported to the maximum level of precision and accuracy specified in the applicable protocol, and if no such level is specified, to the maximum level of precision and accuracy possible.
6. Approvals. Respondent shall use best efforts to submit to the Commissioner all documents required by this consent order in a complete and approvable form. If the Commissioner notifies the Respondent that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and Respondent shall correct the deficiencies and resubmit it within the time specified by the Commissioner or, if no time is specified by the Commissioner, within thirty days of the Commissioner's notice of deficiencies. In approving any document or other action under this consent order, the Commissioner may approve the document or other action as submitted or performed or with such conditions or modifications as the Commissioner deems necessary to carry out the purposes of this consent order. Nothing in this paragraph shall excuse noncompliance or delay.

7. Definitions. As used in this consent order, "Commissioner" means the Commissioner or a representative of the Commissioner.
8. Dates. The day of "issuance" of this consent order is the date the consent order is deposited in the U.S. mail or personally delivered, whichever is earlier. The date of submission to the Commissioner of any document required by this consent order shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this consent order, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is deposited in the U.S. mail or is personally delivered, whichever is earlier. Except as otherwise specified in this consent order, the word "day" as used in this consent order means calendar day. Any document or action which is required by this consent order to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed on or before the next day which is not a Saturday, Sunday or Connecticut or federal holiday.
9. Notification of noncompliance. In the event that Respondent becomes aware that it did not or may not comply, or did not or may not comply on time, with any requirement of this consent order or of any document required hereunder, Respondent shall immediately notify the Commissioner and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. In so notifying the Commissioner, Respondent shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and Respondent shall comply with any dates which may be approved in writing by the Commissioner. Notification by Respondent shall not excuse noncompliance or delay, and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically so stated by the Commissioner in writing.
10. Certification of documents. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this consent order shall be signed by a responsible corporate officer of the Respondent or a duly authorized representative of such officer, as those terms are defined in Section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows: "I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense."
11. Noncompliance. This consent order is a final order of the Commissioner with respect to the matters addressed herein, and is non-appealable and immediately enforceable. Failure to comply with this consent order may subject Respondent to an injunction and penalties under Chapters 439, and 445 or 446k of the Connecticut General Statutes.
12. False statements. Any false statement in any information submitted pursuant to this consent order may be punishable as a criminal offense under Section 22a-438 or 22a-131a of the Connecticut General Statutes or, in accordance with Section 22a-6, under Section 53a-157 of the Connecticut General Statutes.

13. Notice of transfer, liability of Respondent and others. Until Respondent has fully complied with this consent order, Respondent shall notify the Commissioner in writing no later than fifteen days after transferring all or any portion of the operations which are the subject of this consent order, the site or the business, or obtaining a new mailing or location address. Respondent's obligations under this consent order shall not be affected by the passage of title to any property to any other person or municipality. Any future owner of the site may be subject to the issuance of an order from the Commissioner.
14. Commissioner's powers. Nothing in this consent order shall affect the Commissioner's authority to institute any proceeding or take any other action to prevent or abate violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for violations of law which are willful or criminally negligent or for which penalties have not been specifically provided in this consent order, including but not limited to violations of any permit issued by the Commissioner. If at any time the Commissioner determines that the actions taken by Respondent pursuant to this consent order have not fully characterized the extent and degree of pollution or have not successfully abated or prevented pollution, the Commissioner may institute any proceeding to require Respondent to undertake further investigation or further action to prevent or abate pollution.
15. Respondent's obligations under law. Nothing in this consent order shall relieve Respondent of other obligations under applicable federal, state and local law.
16. No assurance by Commissioner. No provision of this consent order and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by Respondent pursuant to this consent order will result in compliance or prevent or abate pollution.
17. Access to site. Any representative of the Department of Environmental Protection may enter the site without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this consent order.
18. No effect on rights of other persons. This consent order shall neither create nor affect any rights of persons who or municipalities which are not parties to this consent order.
19. Notice to Commissioner of changes. Within fifteen days of the date Respondent becomes aware of a change in any information submitted to the Commissioner under the consent order, or that any such information was inaccurate or misleading or that any relevant information was omitted, Respondent shall submit the correct or omitted information to the Commissioner.
20. Submission of documents. Any document required to be submitted to the Commissioner under this consent order shall, unless otherwise specified in writing by the Commission, be directed to:

*Kevin Barrett, Sanitary Engineer III*  
Department of Environmental Protection  
Bureau of Materials Management and Compliance Assurance  
Water Permitting and Enforcement Division  
79 Elm Street  
Hartford, Connecticut 06106-5127

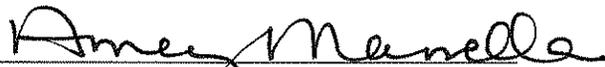
Respondent consents to the issuance of this consent order without further notice. The undersigned certifies that he/she is fully authorized to enter into this consent order and to legally bind the Respondent to the terms and conditions of the consent order. A signed and dated corporate resolution from the Respondent is attached hereto as Attachment B.

UNITED OIL RECOVERY, INC.

By:   
David J. Carabetta, President

8/19/10  
Date

Issued as a final order of the Commissioner of Environmental Protection.

  
AMEY W. MARRELLA  
Commissioner

September 9, 2010  
date

DEP/WPC NO.:080-136

cc: Town of Meriden Land Records

Attachment A : Effluent Violations for United Oil Recovery					
SP0001028					
				Explanation Provided, per Section 5(F)	Immediate Notification Provided, per Section 6(C)
		Reported			
Parameter	DATE	Value	X Limit		
SP0001028					
Discharge Serial Number 001					
<b>2,4,6-trichl : Inst Max [mg/l]=</b>			0.233		
2,4,6 trichlorophenol	22-Feb-06	2.8	12.02	no	no
2,4,6 trichlorophenol	30-Apr-06	0.55	2.36	no	no
2,4,6 trichlorophenol	30-Apr-07	0.29	1.24	no	no
<b>Bis(2-ethylhexyl) phthalate : Inst Max [mg/l]=</b>			0.401		
Bis (2-ethylhexyl) phthalate	18-Mar-10	1.12	2.79	yes	yes
<b>Copper : Daily Max [mg/l]=</b>			0.405		
Copper	30-Sep-06	0.45	1.11	no	no
Copper	31-Mar-08	0.47	1.16	no	no
Copper	31-May-08	0.44	1.09	no	no
Copper	30-Jun-08	0.65	1.60	no	no
Copper	30-Sep-08	0.43	1.06	no	no
Copper	31-Jul-09	0.77	1.90	no	no
<b>Copper : AML [mg/l]=</b>			0.301		
Copper	31-Mar-09	0.307	1.02	no	no
<b>p-Cresol : Inst Max [mg/l] =</b>			1.047		
p-cresol	31-Aug-07	1.08	1.03	no	no
p-cresol	31-Oct-07	1.23	1.17	yes	no
p-cresol	30-Nov-07	2.66	2.54	yes	no
p-cresol	31-Dec-07	3.88	3.71	no	no
p-cresol	31-Dec-07	5.65	5.40	no	no
p-cresol	31-Mar-08	1.1	1.05	no	no
p-cresol	31-Dec-08	3.62	3.46	no	no
p-cresol	31-May-09	1.12	1.07	no	no
<b>o-Cresol : Inst Max [mg/l] =</b>			2.88		
o-cresol	01-Oct-09	4.62	1.60	no	no
o-cresol	18-Feb-10	7.24	2.51	no	no

<b>BOD<sub>5</sub> : Daily Max [lb/d] =</b>				3002		
BOD <sub>5</sub>	31-Jul-07	3296	1.10	no	no	
<b>BOD<sub>5</sub> : Daily Max [lb/d] =</b>				188		
BOD <sub>5</sub>	11-Mar-10	238	1.27	yes	yes	
BOD <sub>5</sub>	18-Mar-10	259	1.38	yes	yes	
BOD <sub>5</sub>	31-Mar-10	304	1.62	yes	yes	
BOD <sub>5</sub>	24-Jun-10	262	1.39	yes	yes	
BOD <sub>5</sub>	02-Jul-10	275	1.46	yes	yes	
BOD <sub>5</sub>	09-Jul-10	282.5	1.50	yes	yes	
<b>BOD<sub>5</sub> : Daily Max [mg/l] =</b>				500		
BOD <sub>5</sub>	04-Mar-10	690	1.38	yes	yes	
BOD <sub>5</sub>	11-Mar-10	780	1.56	yes	yes	
BOD <sub>5</sub>	18-Mar-10	960	1.92	yes	yes	
BOD <sub>5</sub>	26-Mar-10	780	1.56	yes	yes	
BOD <sub>5</sub>	31-Mar-10	1170	2.34	yes	yes	
BOD <sub>5</sub>	15-Apr-10	1020	2.04	yes	yes	
BOD <sub>5</sub>	29-Apr-10	585	1.17	yes	yes	
BOD <sub>5</sub>	24-Jun-10	684	1.37	yes	yes	
BOD <sub>5</sub>	02-Jul-10	984	1.97	yes	yes	
BOD <sub>5</sub>	09-Jul-10	807	1.61	yes	yes	
<b>TSS : Daily Max [mg/l] =</b>				150		
TSS	30-Apr-08	170	1.13	no	no	
TSS	30-Sep-09	271	1.81	yes	yes	
TSS	30-Sep-09	158	1.05	yes	yes	
TSS	01-Oct-09	236	1.57	yes	yes	
TSS	22-Oct-09	165	1.10	yes	yes	
TSS	12-Nov-09	296	1.97	yes	yes	
TSS	29-Dec-09	464	3.09	yes	yes	
TSS	03-Feb-10	246	1.64	yes	yes	
TSS	11-Mar-10	224	1.49	yes	yes	
TSS	18-Mar-10	170	1.13	yes	yes	
TSS	26-Mar-10	520	3.47	yes	yes	
TSS	31-Mar-10	338	2.25	yes	yes	
<b>TSS : Avg Monthly [mg/l] =</b>				125		
TSS	30-Sep-09	125.25	1.00	yes	no	
TSS	01-Dec-09	153	1.22	yes	no	
TSS	01-Mar-10	269	2.15	yes	yes	
<b>Cobalt : Daily Max [mg/l] =</b>				0.192		
cobalt	31-Oct-07	0.25	1.30	yes	no	

<b>Lead : Daily Max [mg/l] =</b>			0.222		
lead	31-May-08	0.43	1.94	no	no
lead	31-Oct-08	0.54	2.43	no	no
lead	25-Feb-10	0.3	1.35	yes	no
<b>Lead : Avg Mon [mg/l] =</b>			0.1		
lead	31-Oct-08	0.108	1.08	no	no
<b>Antimony : Daily Max [mg/l] =</b>			0.249		
Antimony	30-Apr-09	0.41	1.65	yes	no

ATTACHMENT B – CORPORATE RESOLUTION

**Certificate of Corporate Secretary**

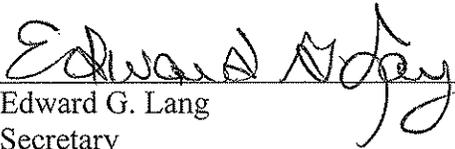
United Oil Recovery, Inc.

I, Edward G. Lang, Secretary of United Oil Recovery, Inc., do hereby certify that on August 19, 2010, the following resolution was duly approved at a meeting of the Board of Directors of United Oil Recovery, Inc.

Resolved:

That David J. Carabetta, President of United Oil Recovery, Inc., is hereby authorized to enter into a certain administrative consent order between the State of Connecticut, Department of Environmental Protection, and United Oil Recovery, Inc., on behalf of the Corporation.

Date: August 19, 2010

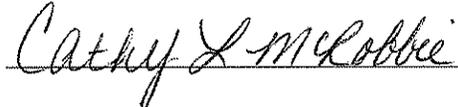
  
\_\_\_\_\_  
Edward G. Lang  
Secretary  
United Oil Recovery, Inc.

Acknowledgment of Corporate Secretary:

State of Connecticut  
County of Middlesex                      ss: Middlefield

On this 19<sup>th</sup> day of August, before me, Cathy L. McRobbie, the undersigned officer, personally appeared Edward G. Lang, who acknowledged himself to be the Secretary, United Oil Recovery, Inc., being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as Secretary.

In witness where I hereunto set my hand.

  
\_\_\_\_\_

CATHY L. McROBBIE  
NOTARY PUBLIC  
STATE OF CONNECTICUT  
My Commission Expires Sept. 30, 2011

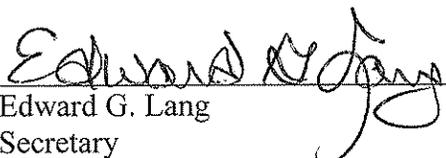
**Corporate Resolution**

United Oil Recovery, Inc.

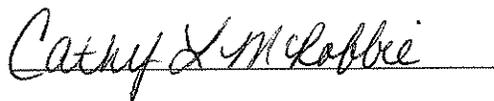
I, Edward G. Lang, Secretary of United Oil Recovery, Inc., do hereby certify that on February 8, 1982, David J. Carabetta was employed by United Oil Recovery, Inc., and that he remains as president at this time.

I further certify that as such David J. Carabetta, is duly authorized by Article V, Section 2 of the by-laws of the company (true and correct copy attached) to execute, in the name of United Oil Recovery, Inc., any and all contracts and other written obligations, including, but not limited to, administrative consent orders with the Connecticut Department of Environmental Protection with respect to environmental matters. In addition, such David J. Carabetta, is duly authorized by Article V, Section 2 of the by-laws of the company to submit documents to the Department of Environmental Protection on behalf of the company.

Date: August 19, 2010

  
Edward G. Lang  
Secretary

Subscribed and sworn to before me this 19<sup>th</sup> day of August, 2010.



CATHY L. McROBBIE  
NOTARY PUBLIC  
STATE OF CONNECTICUT  
My Commission Expires Sept. 30, 2011

**AFFIRMATION OF FILING  
AND RECEIPT OF FEES**  
61-304 REV. 5-80

STATE OF CONNECTICUT  
**Office Of The Secretary Of The State**  
P.O. BOX 846, HARTFORD, CONNECTICUT 06115

NAME OF CORPORATION  
**UNITED WASTE OIL CO., INC.**

DOCUMENT FILED	FILING DATE	TOTAL FEES PAID
<b>CERTIFICATE OF INCORPORATION ORGANIZATION AND FIRST ANNUAL REPORT</b>	<b>02/MAR/1982</b>	<b>\$115.00</b>

The information shown above pertains to documents filed in this office on account of the corporation indicated. The filing date is the date endorsed on the document pursuant to Section 33-285 or 33-422 of the Connecticut General Statutes. Any questions regarding this filing should be addressed to:

**Corporations Division, Secretary Of The State's Office, P.O. Box 846, Hartford, Connecticut 06115**

EDWARD G. LANG ESQ  
P O BOX 1  
MIDDLEFIELD CT 06455

**CERTIFICATE**

AMENDING OR RESTATING CERTIFICATE  
OF INCORPORATION BY ACTION OF

INCORPORATORS

BOARD OF DIRECTORS

BOARD OF DIRECTORS AND SHAREHOLDERS  
(Stock Corporation)

BOARD OF DIRECTORS AND MEMBERS  
(Nonstock Corporation)

**STATE OF CONNECTICUT  
SECRETARY OF THE STATE**

For office use only
ACCOUNT NO.
INITIALS

1. NAME OF CORPORATION - UNITED WASTE OIL CO., INC.	DATE February 8, 1982
--	--------------------------

2. The Certificate of incorporation is  A. AMENDED ONLY  B. AMENDED AND RESTATED  C. RESTATED ONLY by the following resolution

RESOLVED: That the name of the United Waste Oil Co., Inc.  
be changed to the United Oil Recovery, Inc.

3. (Omit if 2.A is checked.)

(a) The above resolution merely restates and does not change the provisions of the original Certificate of Incorporation as supplemented and amended to date, except as follows: (Indicate amendments made, if any; if none, so indicate.)

(b) Other than as indicated in Par. 3(a), there is no discrepancy between the provisions of the original Certificate of Incorporation as supplemented to date, and the provisions of this Certificate Restating the Certificate of Incorporation.

BY ACTION OF INCORPORATORS	<input type="checkbox"/> 4. The above resolution was adopted by vote of at least two-thirds of the incorporators before the organization meeting of the corporation, and approved in writing by all subscribers (if any) for shares of the corporation, (or if nonstock corporation, by all applicants for membership entitled to vote, if any.)			
	We (at least two-thirds of the incorporators) hereby declare, under the penalties of false statement that the statements made in the foregoing certificate are true.			
	<table border="1"> <tr> <td>SIGNED</td> <td>SIGNED</td> <td>SIGNED</td> </tr> </table>	SIGNED	SIGNED	SIGNED
	SIGNED	SIGNED	SIGNED	
<p style="text-align: center;"><b>APPROVED</b></p> <p style="text-align: center;">(All subscribers, or, if nonstock corporation, all applicants for membership entitled to vote, if none, so indicate)</p> <table border="1"> <tr> <td>SIGNED</td> <td>SIGNED</td> <td>SIGNED</td> </tr> </table>	SIGNED	SIGNED	SIGNED	
SIGNED	SIGNED	SIGNED		

**BY ACTION OF BOARD OF DIRECTORS**

4. (Omit if 2C is checked.) The above resolution was adopted by the board of directors acting alone,  
 there being no shareholders or subscribers.  the board of directors being so authorized pursuant to Section 33-341, Conn. G.S. as amended  
 the corporation being a nonstock corporation and having no members and no applicants for membership entitled to vote on such resolution.

5. The number of affirmative votes required to adopt such resolution is: \_\_\_\_\_

6. The number of directors' votes in favor of the resolution was: \_\_\_\_\_

We hereby declare, under the penalties of false statement that the statements made in the foregoing certificate are

NAME OF PRESIDENT OR VICE PRESIDENT (Print or Type)	NAME OF SECRETARY OR ASSISTANT SECRETARY (Print or Type)
SIGNED (President or Vice President)	SIGNED (Secretary or Assistant Secretary)

**BY ACTION OF BOARD OF DIRECTORS AND SHAREHOLDERS**

4. The above resolution was adopted by the board of directors and by shareholders.

5. Vote of shareholders:  
(a) (Use if no shares are required to be voted as a class.)

NUMBER OF SHARES ENTITLED TO VOTE	TOTAL VOTING POWER	VOTE REQUIRED FOR ADOPTION	VOTE FAVORING ADOPTION
300	300	151	300

(b) (If the shares of any class are entitled to vote as a class, indicate the designation and number of outstanding shares each such class, the voting power thereof, and the vote of each such class for the amendment resolution.)

We hereby declare, under the penalties of false statement that the statements made in the foregoing certificate are

NAME OF PRESIDENT OR VICE PRESIDENT (Print or Type)	NAME OF SECRETARY OR ASSISTANT SECRETARY (Print or Type)
DAVID J. CARABETTA - PRESIDENT	GEORGE C. CARABETTA, JR. - SECRETARY
SIGNED (President or Vice President)	SIGNED (Secretary or Assistant Secretary)

**BY ACTION OF BOARD OF DIRECTORS AND MEMBERS**

4. The above resolution was adopted by the board of directors and by members.

5. Vote of members:  
(a) (Use if no members are required to vote as a class.)

NUMBER OF MEMBERS VOTING	TOTAL VOTING POWER	VOTE REQUIRED FOR ADOPTION	VOTE FAVORING ADOPTION

(b) (If the members of any class are entitled to vote as a class, indicate the designation and number of members of each class, the voting power thereof, and the vote of each such class for the amendment resolution.)

We hereby declare, under the penalties of false statement that the statements made in the foregoing certificate are

NAME OF PRESIDENT OR VICE PRESIDENT (Print or Type)	NAME OF SECRETARY OR ASSISTANT SECRETARY (Print or Type)
SIGNED (President or Vice President)	SIGNED (Secretary or Assistant Secretary)

**For office use only**

FILING FEE	CERTIFICATION FEE	TOTAL FEES
\$	\$	\$
SIGNED (For Secretary of the State)		
CERTIFIED COPY SENT ON (Date)	INITIALS	
TO		
CARD	LIST	PROOF

BY-LAWS

of

UNITED WASTE OIL CO., INC.

ARTICLE I. MEETINGS OF STOCKHOLDERS.

Section 1. Place of Meetings. Stockholders' Meetings shall be held at the principal office of the Corporation in the State of Connecticut, or at such other place as shall be designated in the notice of meeting.

Section 2. Annual Meetings. The annual meeting of the Stockholders shall be held on a day in March or April of each year which the president shall designate, at which meeting the Stockholders shall elect by ballot the Board of Directors for the ensuing year and shall transact such other business as may properly come before the meeting.

Section 3. Special Meetings. Special meetings of the Stockholders, except as otherwise provided by law, may be called at any time by the president and shall be called by him upon written request of one or more Stockholders holding at least one-quarter (1/4) of the issued and outstanding shares of stock of the corporation. At such meetings the Stockholders may transact such business as may properly come before them.

Section 4. Notice of Meetings. Notice of the time and place of each meeting of Stockholders and the purpose thereof shall be mailed at least five (5) days before such meeting to each Stockholder of record. No such notice need be given to any Stockholder who attends such meeting in person or who waives such notice in writing.

Section 5. Quorum. To constitute a quorum for the transaction of business at any meeting of Stockholders, there must be present, in person or by proxy, the holders of a majority of the issued and outstanding shares of stock.

Section 6. Number of Votes for Each Stockholder. Each Stockholder shall be entitled to vote once for each share of common stock standing in his name on the books of the Corporation. The affirmative vote of the holders of a majority of the issued and outstanding shares shall be required for the transaction of any business at any Stockholders' meeting.

Section 7. All proxies shall be in writing and shall be filed with the secretary before being voted.

ARTICLE II. STOCK.

Section 1. Certificates of Stock. Certificates of Stock shall be in the form adopted by the Board of Directors and shall be signed by the president and the secretary and shall be attested by the Corporate Seal. All certificates shall be consecutively numbered and the name of the persons owning the shares represented thereby and the number of such

shares and the date of issue shall be entered on the books of the Corporation. Any certificate of stock transferred by endorsement thereon may be surrendered for cancellation and, in such event, a new certificate shall be issued to the purchaser or assignee.

Section 2. Transfer of Stock. Shares of stock shall be transferred only on the books of the Corporation by the holder thereof or by his attorney upon surrender of the certificate of stock properly endorsed.

### ARTICLE III. DIRECTORS.

Section 1. Number, Election, and Term of Office. A Board of not less than three (3) nor more than five (5) Directors, who need not be Stockholders, shall be chosen annually at the Annual Meeting of Stockholders. They shall hold office for one year and until their successors are duly elected and qualified. Any or all of the Directors may be removed at any time at any special Stockholders' meeting called for that purpose by a majority vote of the Stockholders.

Section 2. Meetings. Meetings of the Board of Directors shall be held upon call of the president or at such times and places as the Board of Directors shall by resolution appoint. Any two Directors may also call meetings of the Board of Directors at the office of the Corporation by giving seven (7) days' notice of such meeting to each Director. A majority of the Directors shall constitute a quorum. No notice need be given to any Director who attends such meeting in person or who waives such notice in writing.

Section 3. Powers. The property, business and affairs of the Corporation shall be managed by the Directors who may exercise all the powers and do all things which may be exercised by or done by the Corporation subject to the provisions of the law, the Statutes of the State of Connecticut, the Certificate of Incorporation, these by-laws, and any vote by the Stockholders to the contrary.

### ARTICLE IV. ADVISORY BOARD

The Board of Directors of the Corporation may appoint individuals who may but not need be Directors, Officers, or employees of the Corporation to serve as members of an Advisory Board of Directors of one or more operating divisions of the Corporation and may fix such fees or compensation for attendance at meetings of any such Advisory Boards. The members of any such Advisory Board may adopt and from time to time may amend rules and regulations for the conduct of their meetings and shall keep minutes which shall be submitted to the Board of Directors of the Corporation. The term of office of any member of the Advisory Board of Directors shall be at the pleasure of the Board of Directors of the Corporation and shall expire the day of the annual meeting of the Stockholders of the Corporation. The function of any such Advisory Board of Directors shall be to advise with respect to the affairs of the operating divisions of the Corporation to which it is appointed.

## ARTICLE V. OFFICERS

Section 1. Titles, Election and Duties. The Directors by ballot shall choose from among their number a President, a Treasurer, a Vice-President, a Secretary, and such Assistant Treasurers and Secretaries as are deemed necessary by the Board. The duties of the officers of the Corporation shall be such as are imposed by these by-laws and from time to time prescribed by the Directors.

The Board of Directors, at its discretion, may appoint one or more technical vice-presidents and such other officers or agents as it may deem advisable, and prescribe the duties and salaries thereof.

Section 2. President. The President shall preside at all meetings of the Directors and Stockholders and shall have general charge and direction of the business of the Corporation subject to the control of the Board of Directors.

Section 3. Treasurer. The Treasurer shall keep the fiscal accounts of the Corporation, including an account of all moneys received and disbursed. He shall have general control of the fiscal and financial matters of the Corporation.

Section 4. Secretary. The Secretary shall keep the minutes of the meetings of Stockholders and Directors and shall give notice of all such meetings as required by the by-laws. He shall have custody of the Corporate Seal and all books, records, and papers of the Corporation, except those in the custody of the Treasurer or some other person authorized to have custody thereof.

Section 5. Vice-President. The Vice President shall assume the duties of the President in the latter's absence.

Section 6. Compensation. The salaries of all officers shall be fixed by the Board of Directors.

Section 7. Term of Office. Each of the officers shall serve for the term of one year unless sooner replaced by the Board of Directors and, in any event, until his successor is duly appointed and qualified.

## ARTICLE VI INDEMNITY.

Each Director and Officer of the Corporation shall be indemnified by the Corporation against fines, penalties, judgments, settlements, attorneys' fees, interest, penalties (including but not limited to those imposed by the Internal Revenue Service) and other expenses reasonably incurred by him on account of or in defense of any action, suit or proceeding to which he should be made a party by reason of his being or having been a Director or Officer or acting in any other corporate capacity of the Corporation or employed by it in any other capacity (whether or not he continues to be a Director or Officer at the time of incurring or being subject to such expenses) except actions, suits or proceedings in which he shall be adjudged not to have acted in good

faith in the reasonable belief that his action was in the best interests of the Corporation or to have been derelict in the performance of his duty as such Directors, Officer or in such other capacity. The foregoing right of indemnification shall not exclude other rights to which any Director or Officer may be entitled as a matter of law and shall be deemed consistent with Connecticut General Statutes or other state statutes as may be applicable. The Corporation may procure insurance to cover such corporate indemnity to the extent permitted by the insurance carrier and may be paid in full by the Corporation.

ARTICLE VII. OFFICES, SEAL AND FISCAL YEAR.

Section 1. Offices. The principal office of the Corporation shall be at such place in the State of Connecticut as the Board may determine. The Board may from time to time and at any time establish other offices of the Corporation or branches of its business at whatever place or places seem to it expedient.

Section 2. Seal. The seal of the Corporation shall be in the form imprinted hereon.

Section 3. Fiscal Year. The fiscal year of the Corporation shall end on the last day of October in each year.

ARTICLE VIII. CHECKS.

Section 1. Execution. All checks and drafts on the Corporation's bank accounts, all bills of exchange and promissory notes, and all acceptances, obligations, and other instruments for the payment of money shall be signed by such officer or officers as shall be authorized or directed to do so from time to time by the Board of Directors.

ARTICLE IX. DIVIDENDS.

Section 1. Declaration and Payment. Dividends upon the outstanding stock of the Corporation, subject to the provisions of the Certificate of Incorporation, may be declared by the Board of Directors at any regular or special meeting pursuant to law. Dividends may be paid in property or in shares of capital stock.

ARTICLE X. AMENDMENTS.

Section 1. Method of Amendment. The By-Laws of this Corporation may be altered, amended or repealed at any legal meeting of the Stockholders by a majority of the stock represented at such meeting, provided, however, that the notice of such Stockholders' meeting must state that such amendment or repeal will be proposed unless such notice has been waived.

Dated at Middlefield, Connecticut, this 8th day of February, 1982.

