



Municipal Solid Waste Management Services

Proposal Response

Prepared March 8, 2011 for the City of Greensboro, NC

Gate City Waste Services, LLC



A Partnership Between MRR Southern & WCA

Gate City Waste Services, LLC

431 Raleigh View Road
Raleigh, North Carolina 27610
Phone 919.719.3900

March 8, 2011

Mr. Ron Goodwin
Purchasing Manager
City of Greensboro
Purchasing Department
300 West Washington Street
Greensboro, NC 27401

**RE: PROPOSAL SUBMITTAL
CITY OF GREENSBORO REQUEST FOR PROPOSALS # 11-695
MUNICIPAL SOLID WASTE MANAGEMENT SERVICES**

Dear Mr. Goodwin:

We are pleased to present our proposal to the City of Greensboro. Gate City Waste Services is a North Carolina company with owners that have long standing ties to Greensboro and the surrounding community. We are sensitive to the history of waste management in Greensboro and the community's many concerns. We want to be part of the solution to our community's dilemma of how to help solve the economic challenges before City Council, and at the same time operate a local landfill in a manner that is accepted by its neighbors.

The Gate City Waste Services' owners and management team have many years of experience in providing waste management and recycling services to communities in the Carolinas. In order to strengthen our team we are presenting a proposal in association with WCA Waste Corporation (WCA), a national solid waste management company headquartered in Houston, Texas. WCA will provide landfill and transfer station operational expertise to Gate City Waste Services under a Services Agreement to be executed prior to contract issuance. Gate City Waste Services will provide and employ all senior level management for the project and will have ultimate control regarding communications, contract issues, and City, community, and neighborhood relations.

Our proposal offers a primary, or basic solid waste management services option designed to maximize the revenue generation and savings to the City, and three alternative options; one or more of which may be desirable to our City leaders in their effort to balance concern over budgetary shortfalls and concerns for development of the landfill related infrastructure.

Mr. Ron Goodwin
March 8, 2011
Page 2 of 2

The Gate City Waste Services proposal will remain valid for 180 days from the date of this submittal. We look forward to discussing the details of our offering and are ready to assist the City in any way possible during their review.

Sincerely,
GATE CITY WASTE SERVICES, LLC



F. Norbert Hector, Jr.
Managing Member

**Proposal for
Municipal Solid Waste Management
Services
for
The City of Greensboro, NC**

March 8, 2011

**Submitted by Gate City Waste Services, LLC
in Response to
Request for Proposals # 11-695, dated January 13, 2011**



View of Downtown Greensboro from the White Street Landfill, February 2011

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**Proposal for
Municipal Solid Waste Management Services
For
The City of Greensboro, NC**

**Submitted by Gate City Waste Services, LLC
in Response to Request for Proposals # 11-695, dated January 13, 2011**

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Chapter 1 - Letter of Intent

In accordance with the Request for Proposals (RFP) a Letter of Intent must be signed by an officer of Gate City Waste Services, LLC authorized to bind the company to its provisions. The Letter of Intent must state that Gate City Waste Services will provide services to the City, in compliance with the example Contract, for the rates submitted with its proposal.

Please see Gate City Waste Services' Letter of Intent provided on the following page.

Gate City Waste Services, LLC
431 Raleigh View Road
Raleigh, North Carolina 27610
Phone 919.719.3900

March 8, 2011

Mr. Ron Goodwin
Purchasing Manager
City of Greensboro
Purchasing Department
300 West Washington Street
Greensboro, NC 27401

**RE: LETTER OF INTENT
CITY OF GREENSBORO REQUEST FOR PROPOSALS # 11-695
MUNICIPAL SOLID WASTE MANAGEMENT SERVICES**

Mr. Goodwin:

The purpose of this letter is to respond to specific criteria outlined in the referenced request for proposals (RFP), dated January 13, 2011. Section 3.7 of the RFP states that a letter of intent is to be signed by an officer of the company authorized to bind the proposer to its provisions, and furthermore must state that the proposer will provide services to the City in compliance with the contract, for the rates submitted with its proposal.

With this letter, as the Managing Member of Gate City Waste Services, LLC, I am authorized to bind our company to the provisions of our proposal which is included with this letter. I furthermore state that Gate City Waste Services, LLC will provide the proposed services to the City, in compliance with the contract (to be mutually signed at a future date), for the rates submitted in Chapter 19 of our proposal.

Sincerely,
GATE CITY WASTE SERVICES, LLC



F. Norbert Hector, Jr.
Managing Member, Gate City Waste Services, LLC

Chapter 2 - Proposer's Statement of Organization

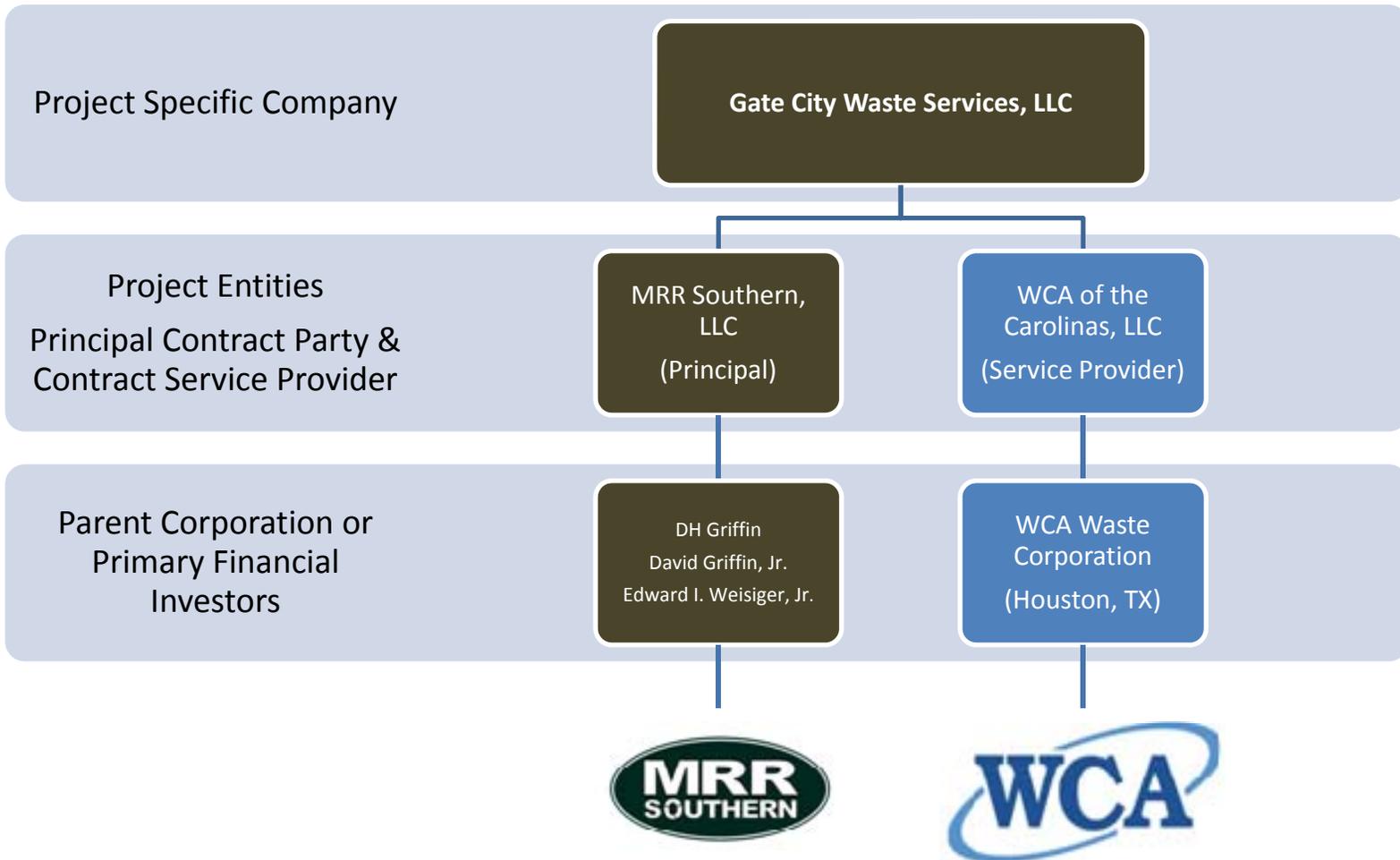
Gate City Waste Services, LLC is organized as a limited liability company. Articles of Organization for Gate City Waste Services, LLC were filed with the North Carolina Secretary of State in March 2011. A general organization chart showing the entities of Gate City Waste Services, LLC is provided on the next page followed by Qualification Form 1, completed as stipulated in the Request for Proposals.

The majority partner's of Gate City Waste Services, LLC include long time Greensboro residents D.H. Griffin and David Griffin, Jr. of the DH Griffin Companies; and Edward I. Weisiger, Jr. of Charlotte who is the owner of Carolina Cat, Caterpillar Dealership. These individuals are also the majority owners of MRR Southern, LLC. Additional information regarding the DH Griffin Companies of Greensboro, North Carolina is provided in Attachment 1.

Gate City Waste Services is proposing a partnership in association with WCA of the Carolinas, LLC, (WCA) a wholly owned subsidiary of WCA Waste Corporation of Houston, Texas. WCA will provide landfill and transfer station operational expertise to Gate City Waste Services under a Services Agreement to be executed prior to contract issuance. Gate City Waste Services will provide and employ all senior level management for the project and will have all ultimate control regarding communications, contract issues, and City/community/neighborhood relations. WCA's qualifications and experience in operations and management of solid waste throughout the country are discussed in detail in Chapters 3 and 4.

While this proposal and all bonding requirements are provided under Gate City Waste Services, prior to issuance of a contract by the City, WCA will be contractually bound to the same terms and conditions, as they apply to operation of the City's assets, as Gate City Waste Services.

Gate City Waste Services, LLC Organization Chart



QUALIFICATION FORM 1

PROPOSER'S STATEMENT OF ORGANIZATION

1. Full Name of Business Concern (Proposer): Gate City Waste Services, LLC
Principal Business Address: 431 Raleigh View Road, Raleigh, NC 27610
2. Principal Contact Person(s) and Phone Numbers: F. Norbert Hector, Jr., Phone 919.719.3900
3. Form of Business Concern (Corporation, Partnership, Joint Venture, Other): Limited Liability Company
4. Provide names of partners or officers as appropriate and indicate if the individual has the authority to sign on behalf of proposer. Provide proof of the ability of the individuals so named to legally bind the proposer.

Name	Address	Title
1. F. Norbert Hector, Jr.,	431 Raleigh View Road, Raleigh, NC 27610	Managing Member
<i>NOTE: Proof of Mr. Hector's ability to legally bind Gate City Waste Services, LLC is provided in the Articles of Organization for Gate City Waste Services, LLC, provided on the pages following this form.</i>		
2. D.H. Griffin,	4700 Hilltop Road, Greensboro, NC 27407	Member
3. D.H. Griffin, Jr.,	4700 Hilltop Road, Greensboro, NC 27407	Member

If a corporation, in what state incorporated: The entity is a Limited Liability Company with Articles of Organization filed in North Carolina

Date Incorporated (Month/Day/Year): The LLC filed with The Department of The Secretary of the State on March 1, 2011

If a Joint Venture or Partnership, date of agreement: Not Applicable

Federal Employer Identification Number: EIN 27-5303780

5. List all firms participating in this project (including the prime contractor, subcontractors, operators, major equipment suppliers, etc., if any):

Name	Address	Phone
1. MRR Southern, LLC, Attn: F. Norbert Hector, Jr., Managing Member,	431 Raleigh View Road, Raleigh, NC, 27610,	Phone: 919.719.3900
2. WCA of the Carolinas, LLC, Attn: Vernon Smith, Regional Vice President,	40 Estes Plant Road, Piedmont, SC, 29673,	Phone: 864.845.8355
6. Outline specific areas of responsibility for each firm listed in Question 5.
 1. MRR Southern, LLC: Project Oversight and Contract Management
 2. WCA of the Carolinas, LLC: Service Provider for Landfill & Transfer Station Operations
7. Summarize the provisions of any agreement between the parties which assigns legal or financial liabilities or responsibilities.: WCA, the service provider, will be under subcontract to Gate City Waste Services and will be held to the same City contract terms and conditions. Gate City Waste Services will execute the subcontract with WCA.
8. If any of the responding firm(s) are a partially or fully-owned subsidiary of another firm, or share common ownership with another firm, please identify the related firms and describe the relationships.

MRR Southern, LLC is the parent management company for several solid waste related companies in the Carolinas, some of which have common ownership including MRR Highway 92, LLC; Southeast Resource Recovery, LLC; Upstate Recycling and Transfer, LLC; and MRR Highway 93, LLC. All of the forgoing companies were formed for the express purpose of recycling, transferring and/or disposing of construction and demolition debris and industrial waste. D.H. Griffin and David Griffin, Jr. of Greensboro, NC are

investors in MRR Southern, LLC, although there is no common corporate/company structure between MRR Southern and the DH Griffin Companies. MRR Southern has no corporate or other existing ties to WCA of the Carolinas or WCA Waste Corp outside of the current proposal. In 2005, MRR sold several of their solid waste facilities in North Carolina to WCA Waste Corp but did not retain any ownership or other interest in the holdings.

WCA of the Carolinas, LLC is a fully owned subsidiary of WCA Waste Corp. (WCA), a publically held company headquartered in Houston, TX. WCA owns and operates numerous solid waste related facilities throughout the country which share common ownership with the parent company. One of these companies is WCA of High Point, LLC, a construction and demolition debris landfill located in High Point, NC.

(End of Qualifications Form 1)



NORTH CAROLINA

Department of The Secretary of State

To all whom these presents shall come, Greetings:

I, Elaine F. Marshall, Secretary of State of the State of North Carolina, do hereby certify the following and hereto attached to be a true copy of

ARTICLES OF ORGANIZATION

OF

GATE CITY WASTE SERVICES, LLC

the original of which was filed in this office on the 1st day of March, 2011.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Raleigh, this 1st day of March, 2011.

Elaine F. Marshall

Secretary of State

Certification# C201105900774-1 Reference# C201105900774-1 Page: 1 of 2
Verify this certificate online at www.secretary.state.nc.us/verification

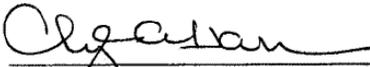
STATE OF NORTH CAROLINA
DEPARTMENT OF SECRETARY OF STATE

SOSID: 1191055
Date Filed: 3/1/2011 9:56:00 AM
Elaine F. Marshall
North Carolina Secretary of State
C201105900774

LIMITED LIABILITY COMPANY
ARTICLES OF ORGANIZATION

Pursuant to §57C-2-20 of the General Statutes of North Carolina, the undersigned does hereby submit these Articles of Organization for the purpose of forming a limited liability company.

1. The name of the limited liability company is: Gate City Waste Services, LLC
2. The limited liability company shall have perpetual duration.
3. The name and address of the initial member of the limited liability company is as follows:
MRR Southern, LLC
431 Raleigh View Road
Raleigh, NC 27610
4. The name, address and capacity of the person executing these articles of organization are:
Cheryl A. Hansen, Organizer
K&L GATES LLP
214 N. Tryon Street 47th Floor
Charlotte NC 28202
5. The street address and county of the initial registered office of the limited liability company are:
Number and Street: 431 Raleigh View Road
City, State, Zip Code: Raleigh, NC 27610
County: Wake
6. The mailing address if different from the street address of the initial registered office is: N/A
7. The name of the initial registered agent is: F. Norbert Hector, Jr.
8. Principal office information: *(Select either a or b.)*
 - a. The limited liability company has a principal office.
The street address and county of the principal office of the limited liability company are:
Number and Street: 431 Raleigh View Road
City, State, Zip Code: Raleigh, NC 27610
County: Wake
The mailing address, *if different from the street address*, of the principal office of the corporation is:
 - b. The limited liability company does not have a principal office.
9. Check one of the following:
 - (i) **Member-managed LLC**: all members by virtue of their status as members shall be managers of this limited liability company.
 - (ii) **Manager-managed LLC**: except as provided by N.C.G.S. Section 57C-3-20(a), the members of this limited liability company shall not be managers by virtue of their status as members.
10. These articles will be effective upon filing.
This is the 25th day of February, 2011.


Cheryl A. Hansen, Organizer

CH-3051343 v1

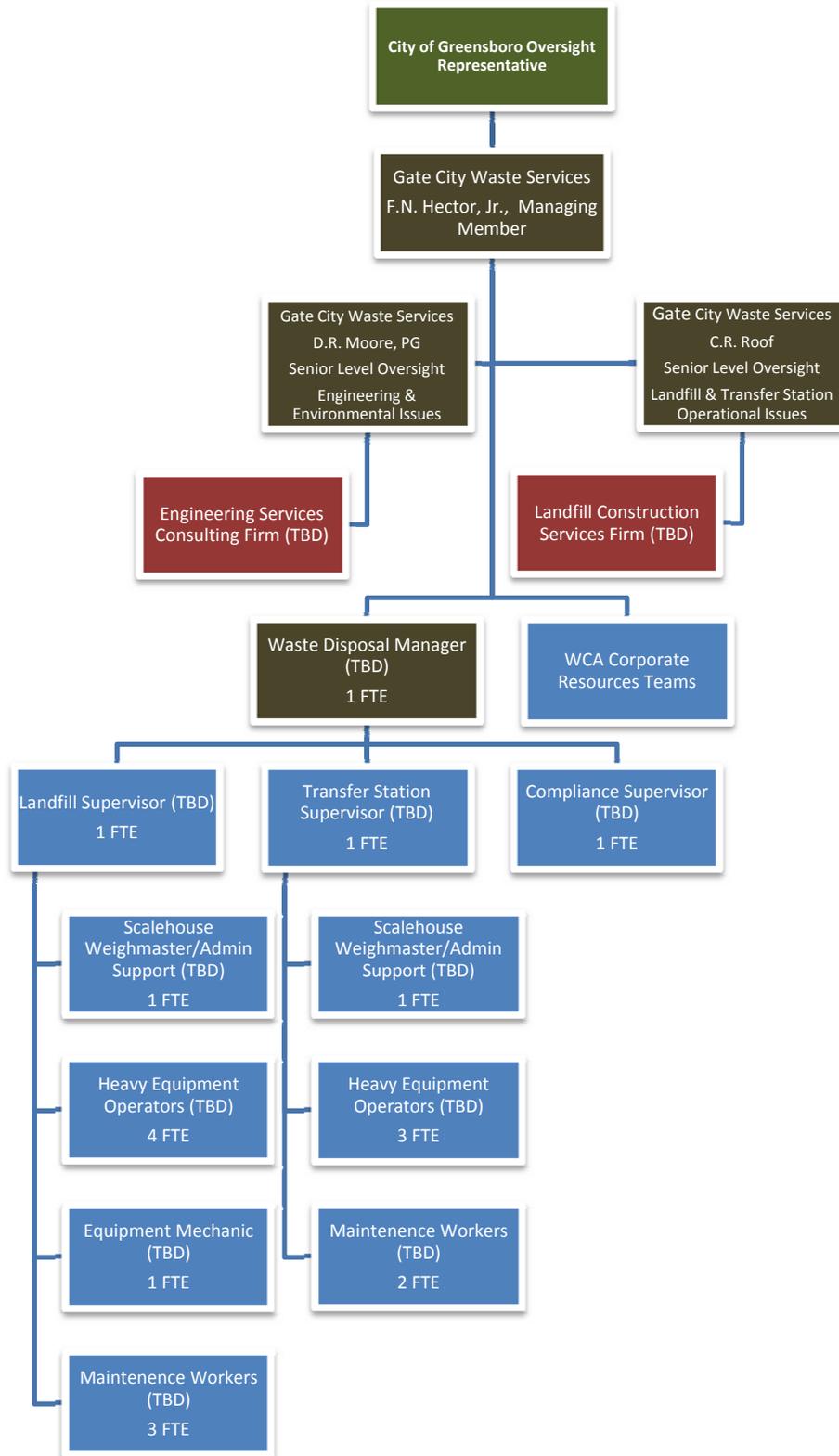
Chapter 3 - Staffing

In accordance with Section 3.7 of the Request for Proposals, proposers must demonstrate significant staff experience in effectively managing a contract for the services being proposed. In addition to the information provided on the required Qualification Form 2 which follows in Chapter 3, it is important to note that the companies joined to form Gate City Waste Services, LLC are solid waste management firms that perform services in the Carolinas and/or nationwide that are directly in line with the qualifications the City of Greensboro requires to manage their solid waste disposal assets.

Gate City Waste Services, LLC's organizational chart for staffing the proposed services is provided on the following page. The chart shows staffing by position, minimum number of staff per position, and organizational relationship of positions. The organizational chart is followed by written descriptions of responsibilities, duties and qualification requirements for the staff positions.

Also provided as Attachment 2 to this proposal is a copy of WCA's Corporate Maintenance Standards which further define the responsibilities and required qualifications of landfill and transfer station employees, safety procedures, and equipment maintenance procedures. Resumes for Gate City Waste Services' management team are provided at the end of this chapter in the requested format (Qualification Form 2 – Staffing).

Gate City Waste Services, LLC Waste Operations Organizational Chart



Gate City Waste Services, LLC

Waste Operations Organizational Chart

Description of Responsibilities, Duties and Qualifications for Staff Positions

Waste Disposal Manager

- The sole employment responsibility of the Waste Disposal Manager is to manage Gate City Waste Services' performance as it relates to the City of Greensboro solid waste management contract. This shall include planning, management, and the handling and processing of the community's solid waste. He/she shall oversee the landfill and transfer station operations including transport of the waste from Burnt Poplar Road. This manager shall ensure that all waste under Gate City Waste Services' purview is safely and properly separated and disposed of in the segregated disposal areas. It is his/her responsibility to ensure that staff follow the stringent regulatory guidelines regarding landfill and solid waste management. The Waste Disposal Manager shall communicate daily, or as needed, with the City's project representative to resolve and/or coordinate on issues related to the surrounding neighborhoods, City waste collections/hauling/disposal/ holiday scheduling, and all other issues related to the day-to-day facilities operation. Qualifications for this managerial position shall include exceptional past performance in a related type position, well-rounded and above average communication skills, in depth knowledge of NCDENR's solid waste management Rules and regulations, and documented experience in personnel management. Possession of a Manager of Landfill Operations (MOLO) certification is desirable and ultimately required to hold this position. The Waste Disposal Manager's primary residence must be within Guilford County.

Compliance Supervisor

- The main duty of the Compliance Supervisor is to ensure environmental compliance and public health and safety, at all Gate City Waste Services operated City facilities. The Supervisor shall have excellent working knowledge of all North Carolina and Federal regulatory requirements pertaining to the operation of solid waste transfer and disposal facilities. Additional duties shall include coordination of all laboratory and other testing and reporting; maintenance of permits related to stormwater, surface water, groundwater, and landfill gas; and all other incidental duties related to maintaining the environmental integrity of the respective City properties. The Compliance Supervisor shall have experience and training in the fields of chemistry, environmental science and/or industrial engineering.

Landfill Supervisor

- The main duty of the Landfill Supervisor is to oversee the daily activities of landfilling operations. This Supervisor will direct the operations of the landfill to comply with the permit operations plan, and all additional NCDENR Rules and regulations. He will supervise landfill support personnel including Heavy Equipment Operators, Landfill Scalehouse Weighmaster/Administrative Support personnel, the Equipment Mechanic, and Maintenance Workers. The Landfill Supervisor will prepare and manage contracts with vendors, contractors and suppliers; administer and manage the site operating budget; make recommendations on policy and procedural improvements; and prepare short and long-term manpower and equipment schedules. The Landfill Supervisor will have experience and training in all aspects of landfill operations including landfill gas system operations and maintenance; management and preparation of budgets; and personnel management. Possession of a Manager of Landfill Operations (MOLO) certification is desirable and ultimately required to hold this position.

Transfer Station Supervisor

- The main duty of the Transfer Station Supervisor is to oversee the daily activities of waste transfer at the Burnt Poplar Road facility. This Supervisor will direct the operations of the transfer station to comply with the permit operations plan, and all additional NCDENR Rules and regulations. He/she will supervise transfer station support personnel including Heavy Equipment Operators, transfer station Scalehouse Weighmaster/Administrative Support personnel, and Maintenance Workers. The Transfer Station Supervisor will prepare and manage contracts with vendors, contractors and suppliers; administer and manage the site operating budget; make recommendations on policy and procedural improvements; and prepare short and long-term manpower and equipment schedules. The Transfer Station Supervisor will have experience and training in all aspects of waste transfer operations including stormwater and wash down water control system operations and maintenance; management and preparation of budgets; and personnel management.

Scalehouse Weighmaster/Administrative Support

- The main duty of the Scalehouse Weighmaster/Administrative Support personnel is to operate weigh system scales at the City of Greensboro waste handling facilities in accordance with the standard operating procedures established by Gate City Waste Services, LLC, and as may be further defined in the contract with City of Greensboro. This position will question facility users and visually inspect vehicles to insure compliance with Gate City Waste Services/City policies and NCDENR regulations; have working knowledge and basic troubleshooting capabilities related to computer operations and weigh system software; have capability to operate truck scales located at both project facilities; determine waste, product, or material classification and destination; compute disposal charges; direct users and control traffic flow into and out of the facility; provide information and assistance regarding rules, regulations and operating procedures to the public using the facility; open and close scalehouse office to insure the security of scalehouse equipment; maintain records of facility and weighing

activity as required; provide administrative support as needed; and answer phones and address the public in a courteous manner. In addition to the above criteria, the Scalehouse Weighmaster/Administrative Support personnel must have a high school diploma.

Heavy Equipment Operator

- The main duty of the Heavy Equipment Operator is operation of heavy equipment for various projects and includes the placement, compacting and covering of solid waste at the City landfill, and/or the movement of waste off of the Burnt Poplar Road facility tipping floor into waste transfer trailers and the proper loading and tamping of such vehicles. The Heavy Equipment Operator may need to operate all applicable heavy equipment including, but not limited to, landfill compactors, bulldozers, motor graders, hydraulic excavators, backhoes, loaders, etc. This position will periodically assist in supervising support personnel including other equipment operators, and maintenance workers. The Heavy Equipment Operator will assist in the daily management of the working face area and other operational projects. He/she must perform routine preventive maintenance and repairs on equipment, and have courteous interaction and effective communications with customers. The Heavy Equipment Operator must possess a high school diploma or equivalent; and may be required to obtain a Commercial Driver's License (CDL). Possession of a Manager of Landfill Operations (MOLO) certification or the ability to obtain is desirable. Knowledge of the hazards and safety precautions associated with this position is a prerequisite.

Equipment Mechanic

- The main duty of the Equipment Mechanic is maintaining and repairing all equipment to ensure that same stays in good working condition. This position will perform maintenance and repairs on equipment, including all diesel and gasoline powered equipment; order parts and supplies as required; maintain inventory of parts, tools, and equipment; operate all heavy equipment including but not limited to landfill

compactors, bulldozers, motor graders, hydraulic excavators, backhoes and loaders; and assist in supervising support personnel. The Equipment mechanic will be stationed at the Landfill but may be required to work at the transfer station as necessary. The Equipment mechanic must possess a high school diploma or equivalent; and may be required to obtain a Commercial Driver's License (CDL). Knowledge of the hazards and safety precautions associated with this position is a prerequisite.

Maintenance Worker

- The main duty of the Maintenance Worker is to maintain the facility and operate small/light equipment. This position must pick up litter, clean and maintain small/light equipment, clean and maintain buildings, perform lawn/grounds care, perform preventive maintenance as required, perform traffic control duties, and conduct and/or assist with waste screening. The Maintenance Worker must have courteous interaction and effective communication with customers and may be called upon to work at either the landfill or the transfer station, as needed. This position must possess a high school diploma or equivalent and must have a valid North Carolina driver's license.

(End of Job Descriptions)

QUALIFICATION FORM 2 STAFFING

Attach an organization chart(s) for staffing of proposed Services. Please note that the Contract Principles in Section 7 of this RFP contain minimum requirements for the Contractor's personnel.

The organization chart must show staffing by position, number of staff per position, and organizational relationship of positions. Also attach a narrative description of the duties and responsibilities of each staff position and the qualifications required for each position. If any staff person(s) is to be used in more than one program, this should be indicated. For each member of the professional or management level staff that will be responsible for providing services, provide a detailed resume indicating the individual's areas of expertise and experience. Resumes must be provided in the following format, however, additional information may be provided at the option of the proposer.

(Resumes are provided in the requested format on the following pages.)

F. Norbert Hector, Jr.

- A. **Name & Title:** F. Norbert Hector, Jr., Managing Member, MRR Southern, LLC
- B. **Assignment on City's Project:** Contract Oversight and management of service provider WCA's overall involvement and activities
- C. **Name of Employer:** MRR Southern, LLC
- D. **Years Experience with:** MRR Southern, LLC
This Company: 13 years
Other Similar Companies: 10 years
- E. **Education:** Louisiana State University
Degree(s): BS
Year/Specialization: 1984/Building Construction & Contracting
- F. **Summary of Professional Training and Experience:** *During the past 13 years, under Mr. Hector's management, MRR sited, permitted and operated 2 C&D material processing facilities, 2 C&D landfills, and 2 C&D transfer stations, all located in the Raleigh and Greensboro areas. These operations were sold to WCA six years ago. More recently MRR has focused their efforts in South Carolina and to date has permitted three C&D/Industrial waste landfills and a recycling/transfer station. MRR also successfully competed against major waste companies to win a public/private partnership with Williamsburg County, SC where a year was spent doing a siting study for a replacement MSW landfill which MRR was to own/operate under a County held permit. The County ultimately decided against moving forward with the project in 2009 due to inability to bring political consensus on the chosen site. MRR also has preliminary SC DHEC approvals on a proposed MSW landfill in Marlboro County, SC.*
- G. **Professional References (List a minimum of 3):**
1. Stanley S. Pasley, Chairman, Williamsburg County Council, 147 West Main Street, Kingstree, SC 29556, Phone: 843.382.6966
 2. Anthony Woods, Councilman, Marlboro County Council, PO Box 66, Clio, SC 29525, Phone: 843.253.6913
 3. Kenneth Fuller, Former Director of Construction, Wake County Public Schools, 5921 High Acre Lane, Holly Springs, NC 27540, Phone: 919.552.2710
- H. **Other Relevant Experience and Qualifications:** *Mr. Hector is founder of DH Griffin Construction Company. DH Griffin Construction is currently constructing the Guilford County jail with their joint venture partner Balfour Beatty.*

Daniel R. Moore, PG

- A. **Name & Title:** Daniel R. Moore, P.G., Project Manager, MRR Southern, LLC
- B. **Assignment on City's Project:** Senior level oversight of all engineering and environmental issues
- C. **Name of Employer:** MRR Southern, LLC
- D. **Years Experience with:** MRR Southern, LLC
This Company: 9 years
Other Similar Companies: 15 years
- E. **Education:** Appalachian State University (BS)/University of Southwestern Louisiana (MS)
Degree(s): BS/MS
Year/Specialization: 1980 BS-Geology/1982 MS-Geology
- F. **Summary of Professional Training and Experience:** *During the past 9 years, Mr. Moore has served as MRR Southern's Project Manager on permitting and engineering/environmental issues at 2 C&D material processing facilities, 2 C&D landfills, and 2 C&D transfer stations, all located in the Raleigh and Greensboro areas. These operations were sold to WCA six years ago. More recently Mr. Moore and MRR have focused their efforts in South Carolina and to date have permitted three C&D/Industrial waste landfills and a recycling/transfer station. MRR also successfully competed against major waste companies to win a public/private partnership with Williamsburg County, SC where Mr. Moore spent a year managing a siting study for a replacement MSW landfill which MRR was to own/operate under a County held permit. The County ultimately decided against moving forward with the project in 2009 due to inability to bring political consensus on the chosen site. MRR also has preliminary SC DHEC approvals on a proposed MSW landfill in Marlboro County, SC for which Mr. Moore is the Project Manager.*
- G. **Professional References (List a minimum of 3):**
1. Janis D. McHargue, PE, Solid Waste Administrator, City/County Utilities, P.O. Box 2511, Winston-Salem, NC 27102, Office Phone 336.747.7310
 2. Gary D. Rogers, PG, Senior Associate, Schnabel Engineering, 11A Oak Branch Drive, Greensboro, NC 27407, Office Phone 336.274.9456
 3. Rachel Kirkman, PG, Senior Project Manager, Golder Associates NC, Inc., 5B Oak Branch Drive, Greensboro, NC 27407, Office Phone 336.852.4903
- H. **Other Relevant Experience and Qualifications:** *Prior to joining MRR Southern, Mr. Moore spent 7 years as a Project Manager for a regional solid waste management consulting firm. In this position he managed the environmental compliance programs and MSW landfill permitting efforts for numerous counties in North Carolina and South Carolina.*

Christopher T. Roof

- A. **Name & Title:** Christopher T. Roof, General Manager, MRR Southern, LLC
- B. **Assignment on City's Project:** Senior level oversight of all landfill and transfer station operational issues.
- C. **Name of Employer:** MRR Southern, LLC
- D. **Years Experience with:** MRR Southern, LLC
This Company: 11 years
Other Similar Companies: 9 years
- E. **Education:** University of North Carolina at Wilmington
Degree(s): BS
Year/Specialization: 1989/Criminal Justice/Business
- F. **Summary of Professional Training and Experience:** *Mr. Roof has over 20 years of experience in the solid waste, scrap metal, and recycling industry. His experience includes landfills, hauling, material recovery facilities (MRF's), and transfer stations. He has been involved in all aspects of solid waste and recycling facilities from initial land and asset purchases, permitting, construction, operations, and marketing. It is this hands-on project management that has given him a broad base of industry knowledge and know how. Mr. Roof's experience includes tenure with national firms and smaller localized firms. During the past 11 years, Mr. Roof has served as MRR Southern's General Manager. His responsibilities have included 2 C&D material processing facilities, 2 C&D landfills, and 2 C&D transfer stations, all located in the Raleigh and Greensboro areas. These operations were sold to WCA six years ago. More recently Mr. Roof and MRR have focused their efforts on developing markets in South Carolina and to date have permitted three C&D/Industrial waste landfills and a recycling/transfer station.*
- G. **Professional References (List a minimum of 3):**
1. Mr. Richard Howard, Vice President, MetalTech Engineered Services, PO Box 3217 Pawleys Island, SC 29585, Phone: (843) 833-4203
 2. Mr. Vic Ogburn, President, Johnston County Recycling and Waste Disposal Service, 309 S. Brightleaf Blvd., Smithfield, NC 27577, Phone: (919) 934-2529
 3. Mr. Ron Clark, Eastern Regional Sales Manager, Baker Waste Equipment, PO Box 466 Mebane, NC 27302, Phone: (336) 380-0764
- H. **Other Relevant Experience and Qualifications:** *Prior to joining MRR Southern, Mr. Roof spent several years with Browning Ferris Industries, Inc. (BFI) in the Greensboro/Burlington area, holding positions associated with solid waste operations, safety and environmental compliance, recycling management, and marketing. Mr. Roof is an active member of the NSWMA and holds various landfill and transfer station certifications.*

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Chapter 4 - Experience

In accordance with the RFP Gate City Waste Services, LLC must demonstrate experience in providing the services required by the Contract for a community with a population comparable to the population of the City. In order to qualify for the project Gate City Waste Services must have a minimum of three (3) awarded and serviced (but not necessarily completed) comparable projects and must provide a record using Qualification Form 3, for all (but not more than 5) of the most recently awarded and serviced (but not necessarily completed) comparable projects in the last five (5) years. The Qualification Form must show the agency's name and address, a description of the project including tonnage type and quantities processed, the dates of service, the cost of work in dollars, and the primary contact person and phone number.

As discussed in Chapter 2, Gate City Waste Services, LLC has partnered with WCA of the Carolinas as a landfill and transfer station service provider. Please see the experience qualification form provided on the following page as well the additional information regarding WCA Waste Corporation operations in the United States and their Senior Management Team.

In addition to WCA's extensive experience, MRR Southern has provided regional solid waste management and recycling services to several communities in the Carolinas. In 2001, MRR permitted, constructed, and operated the first successful mechanized C&D waste recycling system in the state, in Raleigh. A similar system was permitted and operated in High Point. Additionally, MRR has permitted and operated three C&D landfills, and two transfer stations in the Carolinas. During the last three years MRR has permitted two additional landfills and a recycling/transfer facility to serve the South Carolina upstate market. The latter facilities are scheduled for construction in late 2011 to early 2012.

QUALIFICATION FORM 3 EXPERIENCE

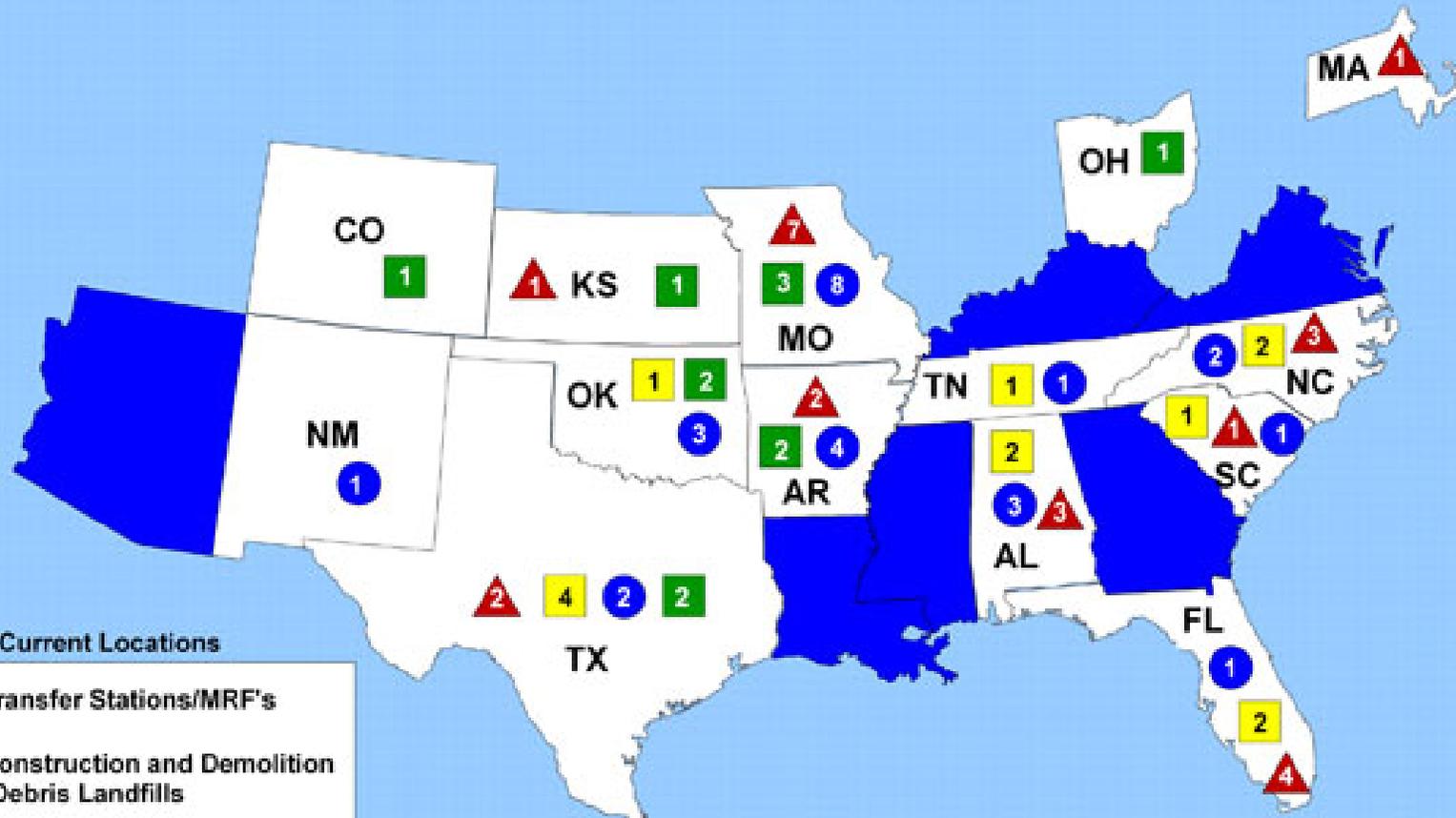
The Proposed shall provide a minimum of three (3) but no more than five (5) references of the most recently awarded and serviced (but not necessarily completed) comparable projects.

1. Name of Agency: WCA Waste Corp
Ft. Bend Regional Landfill
14115 Davis Estate Rd
Needville, TX 77461
979-793-443
Principal Contact: Steve Seed
Year Contract Initiated: WCA owns and operates landfill
Project Description: Class 1 landfill – Municipal Solid Waste
Estimated annual tonnage is 550,000 tons

2. Name of Agency: WCA Waste Corp
Rolling Meadows Landfill
1420 Hamric Rd
Hazen, AR 72064
870-255-4001
Principal Contact: Todd Phillips
Year Contract Initiated: WCA owns and operates landfill
Project Description: Class 1 landfill – Municipal Solid Waste
Estimated annual tonnage is 300,000 tons

3. Name of Agency: WCA Waste Corp
Black Oak Landfill
5054 Hwy HH
Hartville, MO 65667
417-741-7714
Principal Contact: Kevin O'Brien
Year Contract Initiated: WCA owns and operates landfill
Project Description: Class 1 landfill – Municipal Solid Waste
Estimated annual tonnage is 273,000 tons

WCA WASTE CORPORATION OPERATIONS



Current Locations

-  24 Transfer Stations/MRF's
-  13 Construction and Demolition Debris Landfills
-  12 Municipal Solid Waste Landfills
-  26 Collection Operations



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WCA Waste Corporation Services

Environmental Statement

WCA Waste Corporation is committed to creating a company culture where employees understand and respect the value of protecting the environment. Compliance with governmental regulations and permit requirements in the markets in which we operate demonstrates our commitment to the communities we serve. WCA strives to be a leader in the solid waste industry by continually improving our operations, policies and procedures to reflect this commitment. Environmental responsibility, safety and efficient transportation and disposal services are the avenues WCA utilizes to service our customers and achieve this goal.



Landfill Operations

It is WCA Waste Corporation's belief that our industry is disposal driven. In keeping with this philosophy WCA, with few exceptions, owns and operates a landfill in each of our market areas. WCA owns 13 Construction & Demolition and 11 Municipal Solid Waste landfills with an average remaining life of over 30 years as of December 31, 2003.



Commercial Collection

WCA Waste Corporation offers commercial collection service to thousands of customers each day. These services include front load, rear load, compactor and commercial hand pick-up, with container sizes ranging from 96 gallons to 42 cubic yards.



Residential Collection

WCA Waste Corporation offers a complete range of services that include: general household garbage, yard waste, white goods and heavy trash pickup.



Roll-off Collection

WCA Waste Corporation provides a full range of roll-off, industrial and compactor service in all of our market areas.



Transfer Stations

At our 22 strategically located transfer stations, WCA Waste Corporation consolidates incoming waste in preparation for hauling in transfer trailers, in most cases to a WCA owned and operated landfill.

WCA Waste Corporation Senior Management

■ Tom J. Fatjo, Jr.

Mr. Fatjo, Jr. has served as our chairman of the Board of Directors and chief executive officer since our formation in September 2000. Since August 1998, Mr. Fatjo, Jr. has also served as the chairman of the board and chief executive officer of our former parent, Waste Corporation of America, LLC, or Waste Corporation of America, which was spun off as part of an internal corporate reorganization prior to our initial public offering in June 2004. From 1992 to August 1998, Mr. Fatjo, Jr. served as the chairman and chief executive officer, and from 1994 to 1996 as the president, of TransAmerican Waste Industries, Inc., or TransAmerican, a publicly-held waste management company that merged into USA Waste Services, Inc. in 1998. In 1990 and 1991, Mr. Fatjo, Jr. was the co-founder and the chairman of the board of directors and chief executive officer of Republic Waste Industries, Inc., or Republic Waste, another publicly-held waste management company. Mr. Fatjo, Jr. also founded Browning-Ferris Industries, Inc., or BFI, formerly one of the nation's largest solid waste management companies and now a part of Allied Waste Industries, Inc., or Allied Waste, another publicly-held waste management company. From 1966 to 1976, Mr. Fatjo, Jr. served as the co-chief executive officer responsible for BFI's mergers and acquisitions and corporate development activities. Mr. Fatjo, Jr. remained on BFI's board until 1980. Mr. Fatjo, Jr. received a Bachelor of Arts degree from Rice University. Mr. Fatjo, Jr. has over 40 years of experience in the solid waste management industry. Mr. Fatjo, Jr. is the father of Tom J. Fatjo, III, our senior vice president — finance and secretary.

■ Jerome M. Kruszka.

Mr. Kruszka has served as a director and our president and chief operating officer since our formation in September 2000. Since August 1998, Mr. Kruszka has also served as a director and as the president and chief operating officer of our former parent, Waste Corporation of America, which was spun off as part of an internal reorganization prior to our initial public offering in June 2004. From 1996 to August 1998, Mr. Kruszka served as the president and chief operating officer, and from 1997 to 1998 as a director, of TransAmerican. In 1971, Mr. Kruszka began his career with Waste Management, Inc., the largest publicly-held waste management company in the United States. From 1971 to 1996, Mr. Kruszka held several positions with Waste Management, Inc. and its affiliates, including general manager, district manager and regional manager for northern California, where over 20 divisions involved in collection,

transfer, recycling and landfill operations reported to him, and including vice president of operations, western region manager and member of the executive committee of Chemical Waste Management, Inc. (an affiliate of Waste Management). Mr. Kruszka has over 35 years of experience in the solid waste management industry.

■ Charles A. Casalinova.

Mr. Casalinova has served as our senior vice president and chief financial officer since our formation in September 2000. Since July 1999, Mr. Casalinova has also served as the senior vice president and chief financial officer of our former parent, Waste Corporation of America, which was spun off as part of an internal reorganization prior to our initial public offering in June 2004. From 1981 to July 1999, Mr. Casalinova held several positions at Waste Management, Inc., including division controller, regional chief information officer, acquisition controller, regional vice president/controller for Louisiana, Mississippi, Arkansas, Oklahoma and north Texas, and regional vice president/controller for Illinois and Indiana. Mr. Casalinova received a Bachelor of Business Administration degree in Accounting from the University of Akron and became a Certified Public Accountant in 1989. Mr. Casalinova has over 25 years of experience in the solid waste management industry.

■ Tom J. Fatjo, III.

Mr. Fatjo, III has served as our senior vice president — finance and secretary since February 2004. Prior to that, Mr. Fatjo, III served as our senior vice president and treasurer since our formation in September 2000. Since September 2000, Mr. Fatjo, III has also served as the senior vice president and treasurer of our former parent, Waste Corporation of America, which was spun off as part of an internal reorganization prior to our initial public offering in June 2004. From August 1998 to September 2000, Mr. Fatjo, III served as vice president, treasurer and director of Waste Corporation of America, Inc. From 1992 to August 1998, Mr. Fatjo, III served as vice president-treasurer of TransAmerican. Mr. Fatjo, III began his career in the solid waste industry with Republic Waste, where he was in charge of investors relations from 1990 through 1991. Mr. Fatjo, III received a Bachelor of Business Administration degree in Finance from the University of Texas at Austin. Mr. Fatjo, III has over 15 years of experience in the solid waste management industry.

Chapter 5 - Master Plan/Approach

Overview

In accordance with the RFP, Gate City Waste Services must provide a Master Plan outlining the overall project approach, including how the City will transition from current operations to the new privatized operation; how the City's solid waste management assets will be utilized while minimizing impacts to the surrounding community; plans for the long term diversion of waste from the landfill; a schedule for implementation; and what costs and benefits are associated with the proposed actions. Figures 1 through 3 referred to in this discussion are located at the end of the chapter.

Transition Plan

Assuming contract award and approval by City Council on or before July 1, 2011, Gate City Waste Services is prepared to mobilize to take over the scale house operation and disposal operations at the landfill by October 1, 2011. Operation of the transfer station will take place on the same date if this option (see Chapter 19) is approved by the City. A commitment has already been secured for subcontracted waste transfer from the Burnt Poplar Road facility.

The primary transition period activities will be conducting employment interviews for one or both facilities. Our intent is to utilize as many existing employees as practicable for the operations. Our Senior Management Team and Waste Disposal Manager, if newly hired, will use the transition period to establish contact with City representatives, facility neighbors, regional regulatory inspectors, and NC DENR staff in Raleigh.

Gate City Waste Services will immediately address certain permitting requirements for resuming full-scale disposal operations at White Street. Activities will include completion of permitting efforts begun by the City (with HDR Engineering, Inc.) These activities include changing side slope ratios on the Phase 3 MSW landfill to 3H:1V, shown on Figure 1; implementing leachate recirculation for enhanced gas production for Phase 3 and thereby

converting this to a bioreactor landfill; evaluation of a vertical expansion on the Phase 2 C&D disposal area (also shown on Figure 1); and a more cost effective alternate final closure plan for the Phase 2.

Phase 3 has an estimated two to three years remaining capacity without changing the side slopes, but changing the side slopes will optimize the remaining capacity and makes a bigger platform for future overlapping cells in the proposed Phase 4, shown in Figures 2 and 3. With the proposed side slope reconstruction, the capacity of Phase 3 will be extended by at least two years, for a total estimated capacity of five to seven years. During this time, the required permitting and design effort for Phase 4 will be completed by Gate City Waste Services. All permitting activities will be conducted by Gate City Waste Services at no additional cost to the City.

During contract negotiations and/or prior to commencement of services, Gate City Waste Services will request a 12-month lease, at a rate to be agreed upon by both parties, of the City's current solid waste equipment in order to evaluate the condition and effectiveness of the equipment to perform the necessary day to day operations of managing the received volumes. Before the end of the 12-month period, Gate City Waste Services will propose an offer to purchase at fair market value any or all of the equipment currently assigned to the solid waste operations. Should any essential equipment be considered insufficient to perform daily management duties, it will be provided by Gate City Waste Services.

During the term of the lease, all equipment will be maintained in a safe and operable condition, and provisions will be made for any mechanical failures as required.

Utilization of City Assets & Community Relations

Gate City Waste Services proposes to use the City's White Street Landfill and also utilize the Burnt Poplar Road Transfer Station if this latter option is desirable to City leaders. Our proposal offers a primary, or basic solid waste management services option designed to maximize the revenue generation and savings to the City, and three alternative options; one or more of which may be desirable to our City leaders in their effort to balance concern over current and

foreseeable budgetary shortfalls and concerns for development of the landfill related infrastructure that may impact the quality of life for the area citizens.

In Chapter 19, Gate City Waste Services provides a cost proposal for ongoing operation of the Burnt Poplar Road Transfer Station and associated transfer of waste to the City Landfill for a period of five years, or until completion of the Nealtown Road/Cone Boulevard extension, if accomplished in less than five years. This option could potentially have many benefits including the restriction of City controlled commercial and residential MSW waste being delivered directly to the landfill until such time as infrastructure improvements are made which would redirect traffic from the area neighborhoods. Delivery of MSW waste could be limited to the greatly reduced number of City operated trucks necessary for transfer from Burnt Poplar Road.

While we appreciate the potential logistical advantages of having a long-term waste drop-off point for the City fleet in western Greensboro, it is economically prohibitive for long term operation of the transfer facility on the anticipated volumes of waste to be received after reopening of the landfill to the public and full use by City collections vehicles. Prior to closure of the transfer station, Gate City Waste Services will solicit and fund a feasibility study to determine if conversion of the existing building and grounds to a curbside recyclable processing facility is viable.

Gate City Waste Services believes that there is one additional infrastructure change that could be made to the existing landfill entrance to lessen the impact upon area residents. Due to the timeframe of the RFP it was not possible to negotiate land options and fully assess the economic implications of this scenario. With the cooperation of a current landfill neighbor/property owner, the facility entrance for truck traffic could be temporarily moved to an existing commercial driveway connection (adjacent to the landfill) located on Rankin Mill Road (see Figure 1). Landfill rerouting would include access from Wendover Avenue (US Highway 70 and/or Interstate 840) using Willowlake Road to Huffine Mill Road to the Rankin Mill Road as an entrance. This temporary route could be replaced by the construction of either the Cone Boulevard extension to a new interchange on Interstate 840 or upon the construction of the Nealtown/Cone Boulevard entrance to White Street, per city discretion.

In addition to the potential for rerouting truck traffic, mitigation of impacts on the landfill neighborhood will include good operational practices that will effectively reduce odors, specifically the proper use of daily cover and active gas extraction. Gate City Waste Services will adhere to the 625-foot property line buffers already established by the City to minimize noise and keep the site visibility buffered from public streets. Windscreens and proper use of daily cover will minimize blowing debris.

Long Term Diversion of Waste to Conversion Technologies

Gate City Waste Services is not proposing a waste conversion technology at this time. It is our belief that one or more technologies are close to being proven as economical and sustainable in the waste management arena. Our team has been involved in research and system/technology development for several years and we are anxious to see the industry as a whole move away from the traditional practice of waste burial. At the appropriate time we would like to present options to the City and renegotiate any necessary aspects of our potential City contract, so that our community can be a leader in this field.

Several innovative technologies have been brought to the City's attention over the past two years. One such alternative called "Advanced Thermal Conversion Technology," based on the principles of pyrolytic gasification (or simply "pyrolysis"), stands out as a potentially cost effective means of utilizing MSW as a renewable energy source and reducing reliance on landfills.

This emerging technology converts the organic components of the MSW waste stream – including paper, plastic, all putrescible components, waste water sludge, vegetative debris, even tires – by heating the wastes in an enclosed chamber in the absence of oxygen, causing the organic materials to decompose into a gaseous fuel and residual carbon byproduct that represents about 10 percent of the original weight. The gaseous fuel can be used on-site to generate heat and power, or the gas can be processed into liquid fuels. The residual carbon has various industrial and agricultural applications, making this alternative both a potential revenue source and a potential nexus for economic development.

In the pyrolysis process, the wastes do not burn as they do in an incinerator. Industrial applications based on pyrolysis originated with the processing of liquid fuels from coal over 100 years ago and a similar process is used to extract petroleum from certain geologic formations.

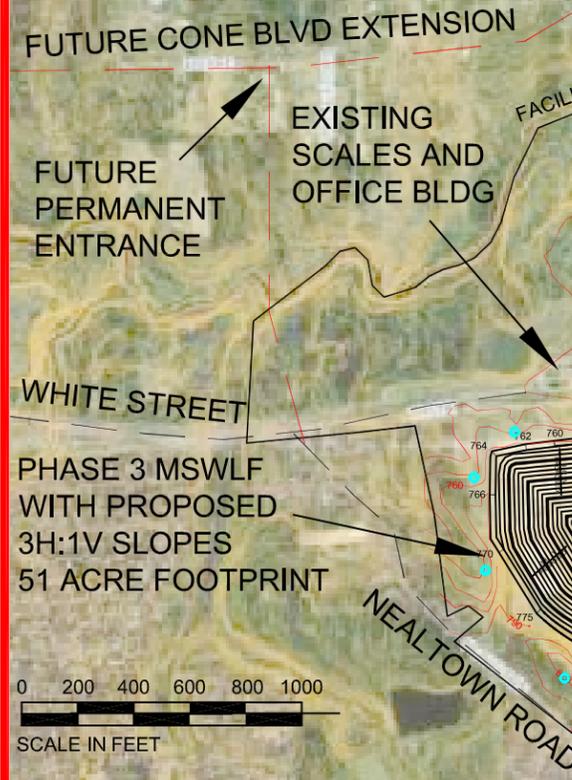
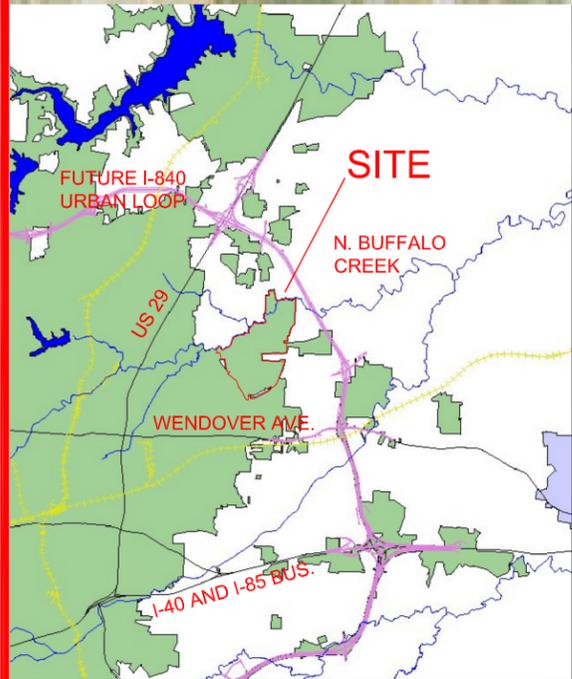
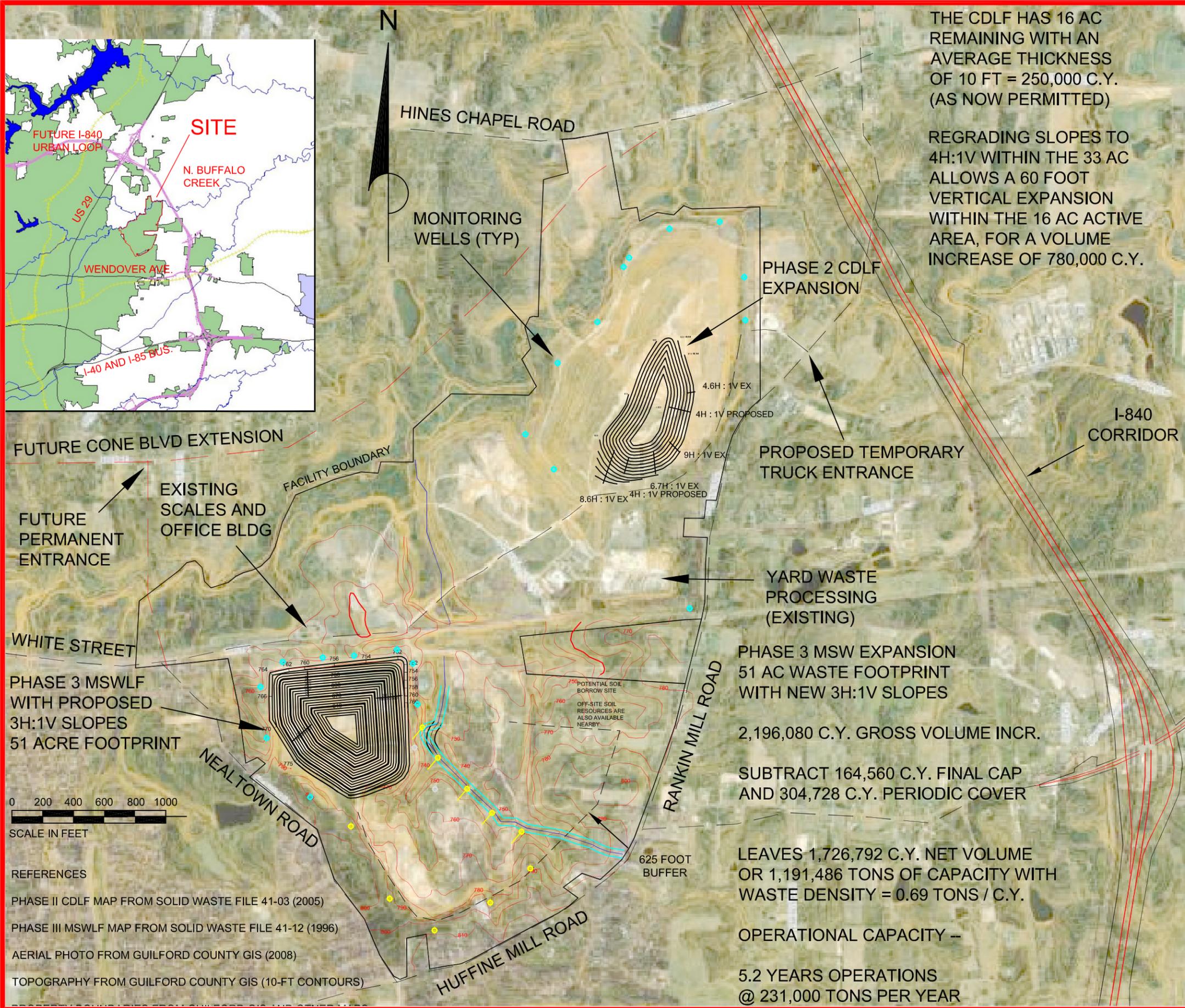
Over the past quarter-century, pyrolysis technology has been under development for “sustainable energy” and as a means for processing MSW on a competitive basis (relative to landfill space). Last year a demonstration of the technology was made for the City of Greensboro by Energy Inc. EJE Recycling and Energy Inc. have initiated permitting and development for a 100-tpd facility for processing MSW in eastern North Carolina. The regulatory community has embraced this technology as an industrial “process heater” with respect to a pending Air Quality permit. Once that facility, the first of its kind in North Carolina, is operational, consideration can be given to implementing the technology in Greensboro.

This alternative technology offers the City the flexibility to make future decisions regarding the implementation of thermal conversion technology based on price and other considerations.

Cost Proposal

Although the RFP refers to costs, including service fees to be paid by the City in the description of the Master Plan, we believe that this subject is thoroughly covered in our Chapter 19, found at the end of the proposal.

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PHASE 3 MSWLF WITH PROPOSED 3H:1V SLOPES 51 ACRE FOOTPRINT

EXISTING SCALES AND OFFICE BLDG

FUTURE PERMANENT ENTRANCE

FUTURE CONE BLVD EXTENSION

WHITE STREET

NEALTOWN ROAD

HUFFINE MILL ROAD

RANKIN MILL ROAD

I-840 CORRIDOR

HINES CHAPEL ROAD

FACILITY BOUNDARY

GATE CITY
WASTE SERVICES, LLC

DRAWING NO. FIG 1

PHASE 2 CDLF AND PHASE 4 MSWLF SLOPE RECONSTRUCTION AND VERTICAL EXPANSION

PHASE 3 RECONSTRUCTION HAVE BEEN SUBMITTED TO NC DENR DIVISION OF WASTE MANAGEMENT - SOLID WASTE SECTION BY THE CITY, BUT SAID PLANS WERE NOT PURSUED BY THE CITY FOR APPROVAL

PLANS FOR LEACHATE RECIRCULATION AT THE MSW UNIT HAVE ALSO BEEN SUBMITTED

PLANS FOR THE PHASE 3 RECONSTRUCTION HAVE BEEN SUBMITTED TO NC DENR DIVISION OF WASTE MANAGEMENT - SOLID WASTE SECTION

CURRENT RULES ALLOW THIS UNIT TO REMAIN OPEN UNTIL FINAL GRADES ARE MET

CLOSURE PLANS FOR THE CDLF VERTICAL EXPANSION HAVE BEEN SUBMITTED TO THE NC DENR DIVISION OF WASTE MANAGEMENT - SOLID WASTE SECTION

CITY OF GREENSBORO WHITE STREET LANDFILL MSWLF AND CDLF (PERMITS 41-12 & 41-03) PROPOSED LONG-TERM EXPANSION PLAN

2-21-2011

8-25-2009

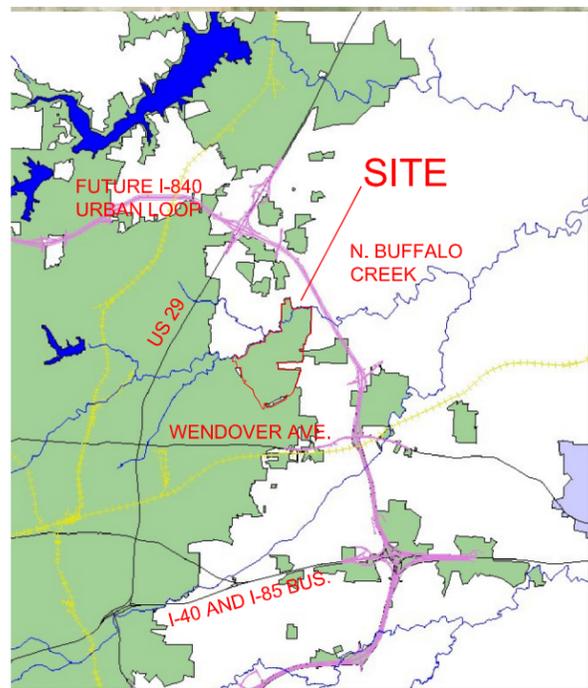
DATE

AS SHOWN

SCALE

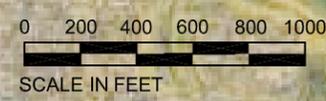
WHITE_STREET_OVERVIEW

FILE NAME



FUTURE CONE BLVD EXTENSION
 FUTURE PERMANENT ENTRANCE
 EXISTING SCALES AND OFFICE BLDG

CELLS 1 - 4 CORRESPOND TO APPROXIMATELY FIVE OPERATIONAL YEARS EACH @ 231,000 TONS PER YEAR, CELL 5 OVERLAYS OTHERS



- REFERENCES
- PHASE II CDLF MAP FROM SOLID WASTE FILE 41-03 (2005)
 - PHASE III MSWLF MAP FROM SOLID WASTE FILE 41-12 (1996)
 - AERIAL PHOTO FROM GUILFORD COUNTY GIS (2008)
 - TOPOGRAPHY FROM GUILFORD COUNTY GIS (10-FT CONTOURS)
 - PROPERTY BOUNDARIES FROM GUILFORD GIS AND OTHER MAPS

HINES CHAPEL ROAD

MONITORING WELLS (TYP)

PROPOSED TEMPORARY TRUCK ENTRANCE

YARD WASTE PROCESSING (EXISTING)

I-840 CORRIDOR

WHITE STREET

NEALTOWN ROAD

RANKIN MILL ROAD

HUFFINE MILL ROAD

PRELIMINARY SOIL REQUIREMENTS
 CONSTRUCTION - CELL BOTTOMS APPROXIMATELY BALANCE
 PERIMETER EMBANKMENT APPROXIMATELY 400,000 C.Y.
 FINAL CAP 190,373 C.Y.
 PERIODIC COVER 1,057,762 C.Y.
 TOTAL 1,648,135 C.Y.

PHASE 4 MSW EXPANSION
 52.3 AC WASTE FOOTPRINT (EXCLUDING OVERLAP)
 10,768,000 C.Y. GROSS VOLUME
 SUBTRACT 190,373 C.Y. FINAL CAP* AND 1,057,762 C.Y. PERIODIC COVER**
 LEAVES 9,519,864 C.Y. NET VOLUME OF 6,568,706 TONS WITH A WASTE DENSITY IS 0.69 TONS / C.Y.
 OPERATIONAL CAPACITY --
 28.4 YEARS OPERATIONS @ 231,000 TONS PER YEAR

*GEOSYNTHETIC CLAY LAYER (GCL) FINAL COVER REQUIRES 24 INCHES COMPACTED SOIL
 **ASSUME 10% OF NET VOLUME IS SOIL

CITY OF GREENSBORO WHITE STREET LANDFILL
 MSWLF AND CDLF (PERMITS 41-12 & 41-03)
 PROPOSED LONG-TERM EXPANSION PLAN



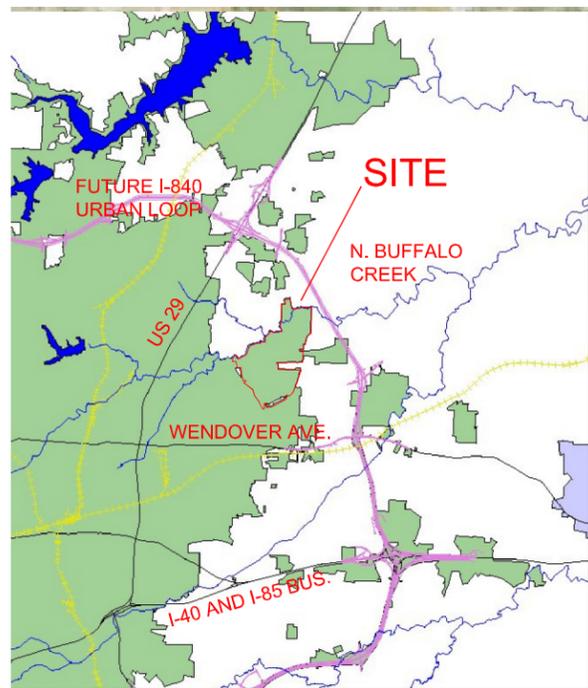
PROPOSED PHASE 4 MSWLF
 CONSTRUCTION SEQUENCE
 SHOWING BASE GRADES

DRAWING NO.
 FIG 2

GATE CITY
 WASTE SERVICES, LLC

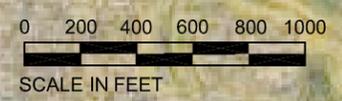
FILE NAME WHITE_STREET_OVERVIEW SCALE AS_SHOWN DATE 8-25-2009

2-21-2011



FUTURE CONE BLVD EXTENSION
 FUTURE PERMANENT ENTRANCE
 EXISTING SCALES AND OFFICE BLDG

CELLS 1 - 4 CORRESPOND TO APPROXIMATELY FIVE OPERATIONAL YEARS EACH @ 231,000 TONS PER YEAR, CELL 5 OVERLAYS OTHERS



- REFERENCES
- PHASE II CDLF MAP FROM SOLID WASTE FILE 41-03 (2005)
 - PHASE III MSWLF MAP FROM SOLID WASTE FILE 41-12 (1996)
 - AERIAL PHOTO FROM GUILFORD COUNTY GIS (2008)
 - TOPOGRAPHY FROM GUILFORD COUNTY GIS (10-FT CONTOURS)
 - PROPERTY BOUNDARIES FROM GUILFORD GIS AND OTHER MAPS

HINES CHAPEL ROAD

MONITORING WELLS (TYP)

PROPOSED TEMPORARY TRUCK ENTRANCE

YARD WASTE PROCESSING (EXISTING)

PHASE 4 MSW EXPANSION
 52.3 AC WASTE FOOTPRINT (EXCLUDING OVERLAP)

10,768,000 C.Y. GROSS VOLUME

SUBTRACT 190,373 C.Y. FINAL CAP* AND 1,057,762 C.Y. PERIODIC COVER**

LEAVES 9,519,864 C.Y. NET VOLUME OF 6,568,706 TONS WITH A WASTE DENSITY IS 0.69 TONS / C.Y.

OPERATIONAL CAPACITY --
 28.4 YEARS OPERATIONS @ 231,000 TONS PER YEAR

*GEOSYNTHETIC CLAY LAYER (GCL) FINAL COVER REQUIRES 24 INCHES COMPACTED SOIL

**ASSUME 10% OF NET VOLUME IS SOIL

PRELIMINARY SOIL REQUIREMENTS
 CONSTRUCTION - CELL BOTTOMS APPROXIMATELY BALANCE
 PERIMETER EMBANKMENT APPROXIMATELY 400,000 C.Y.
 FINAL CAP 190,373 C.Y.
 PERIODIC COVER 1,057,762 C.Y.
 TOTAL 1,648,135 C.Y.

I-840 CORRIDOR

RANKIN MILL ROAD

625 FOOT BUFFER

NEALTOWN ROAD

HUFFINE MILL ROAD

CITY OF GREENSBORO WHITE STREET LANDFILL
 MSWLF AND CDLF (PERMITS 41-12 & 41-03)
 PROPOSED LONG-TERM EXPANSION PLAN



PROPOSED PHASE 4 MSWLF
 CONSTRUCTION SEQUENCE
 SHOWING FINAL GRADES

DRAWING NO.
 FIG 3

GATE CITY
 WASTE SERVICES, LLC

FILE NAME WHITE_STREET_OVERVIEW SCALE AS_SHOWN DATE 8-25-2009

2-21-2011

Chapter 6 - Financial Stability and Statement

In accordance with the RFP, Gate City Waste Services, LLC must demonstrate financial stability. Further, the proposer must provide a statement of financial stability, including information as to current or prior bankruptcy proceedings and must include a copy of the most recent annual financial report/annual audit/10K and the most recent 10Q, if appropriate. The financial reports provided must include, at a minimum, a balance sheet, an income statement and a statement of cash flows.

As outlined in Chapter 2, Gate City Waste Services is proposing a partnership in association with WCA of the Carolinas, LLC, (WCA) a wholly owned subsidiary of WCA Waste Corporation of Houston, Texas. WCA will provide landfill and transfer station operational expertise to Gate City Waste Services under a Services Agreement to be executed prior to contract issuance. Given that Gate City Waste Services, LLC is a newly formed company, in support of the Chapter 6 requirements, WCA Waste Corporation's most recent 10Q is provided as Attachment 3 to this proposal.

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Chapter 7 - Financing Plan

In accordance with the RFP, Gate City Waste Services, LLC is required to include a description of the anticipated method(s) for funding project capital and operating costs in a manner that demonstrates capability in receiving the necessary funding.

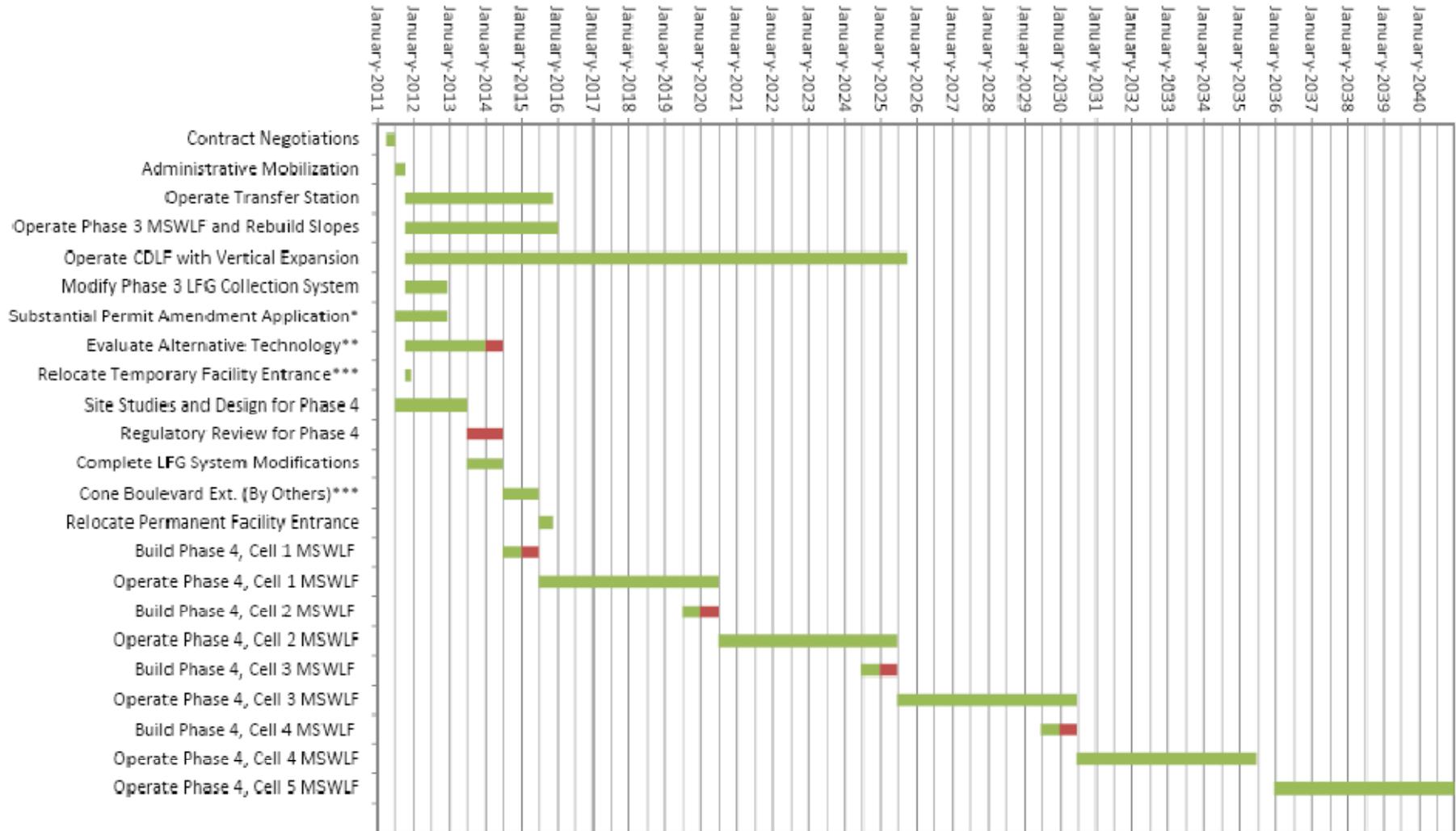
Gate City Waste Services is composed of members with significant, long standing financial resources. Our company is able to comply with the insurance requirements of the RFP and has demonstrated (in Chapter 11) its ability to meet the \$5,000,000 performance bond requirement outlined in the City's proposed contract. Moreover, the anticipated method for funding the project is straight-forward. Gate City Waste Services' members have strong banking and investment relationships in North Carolina which have served their existing businesses. The proposal presented herein requires relatively little initial financing other than for operational equipment and that needed to cover initial operational costs. Economic pro forma analysis suggests a self sufficient economic enterprise with very little unpredictable risk.

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Chapter 8 - Implementation Schedule

As stipulated in the RFP, Gate City Waste Services, LLC is providing a schedule of how services will be initiated under the Contract in order to ensure a smooth, seamless transition between City operation of assets and Gate City Waste Services' operation of the same.

**PROPOSED TIME LINE FOR DEVELOPMENT AND OPERATION OF WHITE STREET LANDFILL FACILITIES
PREPARED BY GATE CITY WASTE SERVICES, LLC FOR THE CITY OF GREENSBORO, NORTH CAROLINA**



TASK	START	END
Contract Negotiations	4/1/2011	7/1/2011
Administrative Mobilization	7/1/2011	10/1/2011
Operate Transfer Station	10/1/2011	12/1/2015
Operate Phase 3 MSWLF and Rebuild Slopes	10/1/2011	1/1/2016
Operate CDLF with Vertical Expansion	10/1/2011	10/1/2025
Modify Phase 3 LFG Collection System	10/1/2011	12/1/2012
Substantial Permit Amendment Application*	7/1/2011	12/1/2012
Evaluate Alternative Technology**	10/1/2011	12/31/2013
Relocate Temporary Facility Entrance***	10/1/2011	12/1/2011
Site Studies and Design for Phase 4	7/1/2011	7/1/2013
Regulatory Review for Phase 4	7/1/2013	7/1/2014
Complete LFG System Modifications	7/1/2013	7/1/2014
Cone Boulevard Ext. (By Others)***	7/1/2014	7/1/2015
Relocate Permanent Facility Entrance	7/1/2015	12/1/2015
Build Phase 4, Cell 1 MSWLF	7/1/2014	12/31/2014
Operate Phase 4, Cell 1 MSWLF	7/1/2015	7/1/2020
Build Phase 4, Cell 2 MSWLF	7/1/2019	12/31/2019
Operate Phase 4, Cell 2 MSWLF	7/1/2020	7/1/2025
Build Phase 4, Cell 3 MSWLF	7/1/2024	12/31/2024
Operate Phase 4, Cell 3 MSWLF	7/1/2025	7/1/2030
Build Phase 4, Cell 4 MSWLF	7/1/2029	12/31/2029
Operate Phase 4, Cell 4 MSWLF	7/1/2030	7/1/2035
Operate Phase 4, Cell 5 MSWLF	1/1/2036	1/1/2041

*Includes Permitting for Slope Reconstruction on Phase 2 CDLF and Phase 3 MSWLF,
Plus Adding Phase 4 to Facility and Increasing Landfill Service Area

**Implement as Proven to be Economically Viable - This May Change Phase 4 Schedule

***Contingent on Factors Involving Public Transportation Beyond the Control of GCWS

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Chapter 9 - Customer Service Procedures

In accordance with the RFP, Gate City Waste Services, LLC must describe how customer service issues, including complaints, are handled in its organization.

Gate City Waste Services' customer service policy goal is to provide the best possible service to the people of Greensboro and Guilford County and all of our customers, both internal and external. In support of this goal, Gate City Waste Services will implement an employee orientation and periodic scheduled training program to be conducted no less than annually to include the following fundamental elements and ideals:

- The Waste Disposal Manager shall be responsible for ensuring that this customer service policy is implemented.
- Performance evaluations for all employees will include an expectation of good customer service.
- All project communications shall be conducted in a professional and courteous manner, responsive to the needs of the internal and/or external customer.
- It is expected that all Gate City Waste Services employees shall adopt the communication behaviors outlined during orientation and annual training.
- Facility personnel will provide the customer with the same level of service you would expect if the roles were reversed.
- Gate City Waste Services employees will strive to anticipate and accommodate the customer's needs.
- Gate City Waste Services employees will strive to make our customers feel at home by being courteous and allowing them to feel comfortable and appreciated for doing business with us and/or while expressing concern or a complaint regarding the waste facility operations.
- Gate City Waste Services will strive to solve any and all complaints and problems to the customer's satisfaction. It is not the fact that the customer has experienced a

complaint, but the way the complaint is handled that will determine if they are a future advocate for the waste facilities existence. Each complaint shall be handled in a courteous and professional manner and to the customer's satisfaction.

- Gate City Waste Services employees must go that extra mile to satisfy a customer by always providing excellent service at all times.
- Gate City Waste Services employees must NEVER argue with the customer, remembering that the customer may not always be right, but the customer will always be the customer, facility neighbor, or a City taxpayer.
- If you cannot assist a customer, direct them to someone who can. Never leave a customer unattended. If you don't know where something is, find out!
- If a situation, issue, problem, etc. is not resolved always commit to follow-up with the customer by phone or in person by a specified date.

Chapter 10 - Litigation History

In accordance with the proposal requirements all parties of Gate City Waste Services, LLC must identify each case within the last five years where: (a) a civil, criminal, administrative, bankruptcy or other similar proceeding was filed or is pending, if such proceeding arises from or is related to a dispute concerning the proposer's rights, remedies or duties under a contract for the collection or disposal of solid waste; (b) a county, municipality or other entity terminated a written contract with the proposer concerning the management of solid waste; or (c) administrative fines, liquidated damages or other penalties were assessed or were deducted from the proposer's payments under a contract for the management of solid waste. For each case identified, the proposer must describe the basic facts concerning the case, the names and docket numbers of the parties, the name and location of the courts or the administrative venue and its current status.

MRR Southern, LLC, and its affiliate companies have never been involved in a civil, criminal, administrative, bankruptcy or other similar proceeding as described above in article (a). No county, municipality or other entity has ever terminated a written contract with MRR Southern or its affiliates as a result of litigation concerning the management of solid waste as described above in article (b). Nor have administrative fines, liquidated damages or other penalties been assessed or deducted from MRR Southern or its affiliate's payments under a contract for the management of solid waste as described above in article (c).

WCA Waste Corporation and its affiliate companies have never been involved in a civil, criminal, administrative, bankruptcy or other similar proceeding as described above in article (a). No county, municipality or other entity has ever terminated a written contract with WCA or its affiliates as a result of litigation concerning the management of solid waste as described above in article (b). Nor have administrative fines, liquidated damages or other penalties been assessed or deducted from WCA's or its affiliate's payments under a contract for the management of solid waste as described above in article (c).

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Chapter 11 - Bonding Company Commitment

In accordance with the requirements in the draft Contract Principles provided in the RFP, Gate City Waste Services, LLC must provide an irrevocable letter of commitment from a state of North Carolina licensed bonding company to provide a Performance Surety Bond for services as proposed. The irrevocable letter of commitment must *“specifically refer to the Contract, and accept the requirements and conditions of the Surety Bond set forth therein, as well as the Performance Bond Form exactly as written provided as Qualification Form 4 in Section 4 of (the) RFP, including the dollar size of the Performance Bond as stipulated in Section 7, Contract Principles.”*

The referenced Surety Bonds must be issued by approved bonding companies, be acceptable to the City, and be *“limited to those companies authorized to transact business in the state of North Carolina, having a resident agent in the state of North Carolina and meeting the following requirements and/or limits: Surety shall be rated "A+" as to management and "FSC XV" or better as to the strength by Best's Insurance Guide; the bond shall contain any applicable provisions required by Section 129 of Chapter 143 of the General Statutes of North Carolina and pursuant to Article 3 of Chapter 44-A of the General Statutes of North Carolina, and each and every provision set forth and contained in Section 129 of Chapter 143 and in Article 3 of Chapter 44-A of the General Statutes of North Carolina, guarantee the performance of the Contract, and serve as security for the payment of all persons performing labor and furnishing materials in connection with the Contract.”*

The required irrevocable letter of commitment from Travelers, a qualified North Carolina Licensed bonding company is provided on the next page of this proposal followed by Qualification Form 4, the sample Performance Bond form referenced in the RFP and the irrevocable letter of credit. Form 4 will be executed by Gate City Waste Services, LLC prior to Contract initiation.



Stephen Bosley

*Account Executive
Travelers Bond
Birmingham, AL*

(205) 982-4584
(205) 982-4590 (fax)

3000 Riverchase Galleria
Suite 600
Birmingham, AL 35244

March 7, 2011

Ron Goodwin
Purchasing Manager
City of Greensboro
P.O. Box 3136
Greensboro, NC 27402-3136

Re: Request for Proposals #11-695 for Municipal Solid Waste Management Services for The City of Greensboro, dated January 13, 2011

Dear Ron:

It has been the privilege of Travelers Casualty and Surety Company of America ("Travelers")¹ to provide surety bonds for a variety of companies owned by the Griffins for over 17 years. During that time they have built and we have bonded projects in the \$40,000,000 range for a wide variety of owners.

It is our opinion that Gate City Waste Services, LLC is qualified to perform the above captioned project, which we understand has an estimated value of approximately \$5,000,000 to \$7,000,000 per year for a 15 to 30 year period. At their request we will give favorable consideration to providing the required performance bond.

Please note that the decision to issue performance and payment bonds is a matter between Gate City Waste Services, LLC and Travelers, and will be subject to our standard underwriting at the time of the final bond request, which will include but not be limited to the acceptability of the contract documents, bond forms and financing. Specifically, in order to consider a performance bond with a term between 15 and 30 years, we will require a bond form that has the option of being renewed annually or cancelled with a 30 day notice. We assume no liability to third parties or to you if for any reason we do not execute said bonds.

If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,

TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA


<Stephen Bosley>

¹ Travelers is an A+ (Superior) A.M. Best rated insurance company (Financial Size Category XV (\$2 billion or more)).

**QUALIFICATION FORM 4
PERFORMANCE BOND FORM**

(PROVIDED FOR DEMONSTRATION PURPOSES. LETTER OF COMMITMENT REQUIRED FOR PROPOSAL.
FORM TO BE EXECUTED PRIOR TO CONTRACT EXECUTION.)

Date of Execution of this Bond:
Name and Address of Principal (Contractor):
Name and Address of Surety:
Name and Address of Contracting Body:
Amount of Bond:

Contract: That certain contract by and between the Principal and the Contracting Body above named
Dated: _____ for: _____

KNOW ALL MEN BY THESE PRESENTS, that we, the PRINCIPAL and SURETY above named, are held and firmly bound unto the above-named Contracting Body, hereinafter called the Contracting Body, in the penal sum of the amount stated above for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the Principal entered into a certain contract with the Contracting Body, identified as shown above and hereto attached;

NOW THEREFORE, if the Principal shall well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of said contract during the original term of said contract and any extensions thereof that may be granted by the Contracting Body, with or without notice to the Surety, and during the life of any guaranty required under the contract, and shall also well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of any and all duly authorized modifications of the contract that may hereafter be made, notice of which modifications to the Surety being hereby waived, then, this obligation to be void; otherwise, to remain in full force and virtue.

THIS PERFORMANCE BOND is made and given pursuant to the requirements and provisions of Section 129 of Chapter 143 of the General Statutes of North Carolina and pursuant to Article 3 of Chapter 44-A of the General Statutes of North Carolina, and each and every provision set forth and contained in Section 129 of Chapter 143 and in Article 3 of Chapter 44-A of the General Statutes of North Carolina is incorporated herein, made a part hereof, and deemed to be conclusively written into this Bond.

IN WITNESS WHEREOF, the above-bounden parties have executed this instrument under their several seals as of the date indicated above, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned and representative, pursuant to authority of its governing body.

WITNESS:
Principal (Name of individual and trade name, partnership, corporation, or joint venture):

(Proprietorship or Partnership):
Printed Name:
BY (SEAL):

Printed Name:
TITLE (Owner, Partner, Office held in corporation, joint venture):

ATTEST (Corporation):
BY:
Printed Name:
TITLE (Corporation Secretary or Assistant Secretary Only):

(Corporate Seal of Principal)

Surety (Name of Surety Company):

WITNESS: _____

BY:
Printed Name:
TITLE: Attorney in Fact

(Corporate Seal of Surety)

COUNTERSIGNED:
(Address of Attorney in Fact)
N.C. Licensed Resident Agent

Chapter 12 - Insurance Requirement

In accordance with the RFP proposers must provide proof of ability to obtain insurance complying with the requirements specified in the draft Contract Principles provided in Section 7.12 of the RFP titled Required Insurance.

Gate City Waste Services, LLC will maintain insurance policies at all times throughout the term of the contract with minimum limits as follows:

- Workers' Compensation Statutory Limits
- Employers' Liability \$ 500,000
- General Liability \$5,000,000 per occurrence /\$10,000,000 aggregate
- Automobile Liability \$1,000,000
- Professional Liability (E & O) \$5,000,000 per occurrence/\$10,000,000 aggregate
- Pollution & Environmental Liability \$5,000,000 per occurrence/\$10,000,000 aggregate
- Property Damage \$5,000,000 per occurrence/\$10,000,000 aggregate

Gate City Waste Services, LLC will provide the City with a Certificate of Insurance (in ACORD form) for review prior to the issuance of any contract. All Certificates of Insurance will require thirty (30) days written notice by the insurer or Gate City Waste Services' agent in the event of cancellation, reduction or other modifications of coverage. In addition to the notice requirement above, Gate City Waste Services will provide the City with immediate written notice of cancellation, reduction, or other modification of coverage of insurance. If Gate City Waste Services fails to provide such notice, the company will be solely responsible for all losses incurred by the City for which insurance would have provided coverage. The insurance certificate shall be for the initial contract period of one (1) year and shall be renewed by Gate City Waste Services for each subsequent renewal period of the contract.

The City will be named as an additional insured on Gate City Waste Services' general liability and pollution and environmental liability insurance policies, which will be primary and not contributory to any other insurance that may be available to the City. The Pollution and Environmental Liability policies held by Gate City Waste Services will be maintained in full force and effect with the City as an additional insured for three years after the termination of the contract. Gate City Waste Services also agrees to secure its general liability insurance from an "A" rated insurance company acceptable to the City. We will provide a Certificate of Liability that states, "*City of Greensboro is added as an additional insured as evidenced by an endorsement attached to this certificate.*" We understand that if Gate City Waste Services fails to maintain and keep in force for the duration of the Contract the insurance outlined above, the City may cancel and terminate their contract with Gate City Waste Services without notice.

Chapter 13 - Criminal Convictions/Environmental Violations

In accordance with the RFP proposers must *“provide a summary of any criminal convictions of the company, owners, and/or officers related to the services being offered, within the last ten (10) years. The City may disqualify a proposer on the basis of past criminal convictions when those convictions relate to dishonesty, antitrust violations, or unfair competition. Proposers must provide a summary of any environmental violations, including enforcement cases initiated by environmental agencies that have occurred or have been alleged in the last five years.”*

As defined in Chapter 2 and elsewhere in this proposal, Gate City Waste Services, LLC is proposing in partnership with WCA Waste Corporation who will provide operational expertise in the project under a services agreement. As MRR Southern is an affiliated company of Gate City Waste Services, both MRR Southern, LLC and WCA are discussed below.

MRR Southern, its subsidiary companies, and their associated owners and officers have had no criminal convictions related to the services being performed, within the past ten years. Furthermore, there have been no environmental violations, including enforcement cases initiated against the same in the last five years.

WCA of the Carolinas, its subsidiary companies, and their associated owners and officers have had no criminal convictions related to the services being performed, within the past ten years. The following paragraphs provide a detailed description of WCA Waste Corporation’s administrative regulatory action history.

- I. Consent Administrative Order – Waste Corporation of Arkansas, Inc.
 - a. Issued: July 2003
 - b. Findings: The Arkansas Department of Environmental Quality cited Waste Corporation of Arkansas for failure to strictly adhere to various conditions for which it was issued an Air Permits for the Union County Landfill, which violations

related to record-keeping deficiencies, non-reporting of an excess methane emission and failure to maintain a comprehensive gas collection system.

- c. Facility Cited: Union County Landfill, 2083 Smackover Highway, El Dorado, AR 71730
 - d. Status: All requirements of the Consent Administrative Order have been satisfied.
- II. Consent Administrative Order – Waste Corporation of Arkansas, Inc.
- a. Issued: July 2003
 - b. Findings: The Arkansas Department of Environmental Quality cited Waste Corporation of Arkansas for failure to strictly adhere to various conditions for which it was issued an Air Permits for the Rolling Meadows Landfill, which violations related to record-keeping deficiencies.
 - c. Facility Cited: Rolling Meadows Landfill, 1420 Hamric Street, Hazen AR 72064
 - d. Status: All requirements of the Consent Administrative Order have been satisfied.
- III. Consent Order – Waste Corporation of Florida, Inc. (now known as WCA of Florida, LLC)
- a. Issued: March 2004
 - b. Findings: During an inspection by the Florida Department of Environmental Protection the facility was cited for the following violations: (i) no spotter was on duty in the tipping area while waste was being received; (ii) excess metal debris was stored improperly; and (iii) treated wood was seen mixed with clean wood and commingled with wood mulch. All cited violations occurred while this facility was operated by a prior, unaffiliated operator.
 - c. Facility Cited: Fort Myers C&D Materials Recovery Facility, 4521 Michigan Avenue Link, Fort Myers, Florida. This facility was subsequently sold to another unaffiliated operator.

- d. Status: All requirements of the Consent Order have been satisfied.
- IV. Short Form Consent Order – Waste Corporation of Central Florida, Inc.
- a. Issued: June 2003
 - b. Findings: During various inspections, the Florida Department of Environmental Protection cited the Fort Meade C&D Debris Landfill for failure to meet certain conditions of its permit and various provisions of its operating plan. All cited violations occurred while this facility was operated by a prior, unaffiliated operator.
 - c. Facility Cited: Ft Meade C&D Debris Landfill, 3400 U.S. Highway 17 N, Ft. Meade, FL 33841
 - d. Status: All requirements of the Consent Order have been satisfied.
- V. Consent Order – WCA of Florida, LLC
- a. Issued: November 2007
 - b. Findings: During various inspections, the Florida Department of Environmental Protection cited the DeSoto Landfill for three violations, as follows: (i) solid waste had been stored, processed, or disposed of in a manner or location that caused water quality standards to be violated; (ii) contaminants were detected in ground water at levels that exceed the water quality standards and criteria for ground water at or beyond the facility's zone of discharge; and (iii) contaminants were detected in ground water at the facility at levels that exceed the groundwater cleanup target levels at or beyond the facility's zone of discharge. All cited violations occurred while this facility was operated by a prior, unaffiliated operator.
 - c. Facility Cited: DeSoto C&D Landfill, 14662 Northeast Highway 70, Arcadia, FL 34266
 - d. Status: All requirements of the Consent Order have been satisfied.

- VI. Settlement Agreement – Waste Corporation of Missouri, Inc. (“WCM”)
- a. Entered Into: December 2009
 - b. Findings: During various inspections, the Missouri Department of Natural Resources (“MDNR”) cited Black Oak Landfill, Central Missouri Landfill and Eagle Ridge Landfill with various violations relating to the following: litter control, land disturbance, leachate management, daily and intermediate cover, sloping and working face configuration. All cited violations had been promptly addressed following each inspection and any reported NOVs. However, due to the repetitive nature of some of the violations, the MDNR contemplated imposing civil fines. Under the terms of the settlement agreement, WCM agreed to pay a fine of \$25,500 and to perform six supplemental environmental performance projects (“SEPPS”) for various environmental related projects in the State of Missouri that are under the jurisdiction of MDNR. The total capital cost of such projects to WCM is estimated to be approximately \$900,000.
 - c. Facilities Cited: Black Oak Landfill, 5054 Highway HH, Hartville, MO 65667; Central Missouri Landfill, 24461 Oak Grove, Sedalia, MO 65301; Eagle Ridge Landfill, 13100 Highway VV, Bowling Green, MO 63334
 - d. Status: WCM is in the process of implementing the various SEPPS in accordance with the terms of the Settlement Agreement.
- VII. Consent Orders – Sunny Farms Landfill, LLC
- a. Entered Into: Prior to the acquisition by WCA Waste Corporation, Sunny Farms Landfill, LLC has been subject to three consent orders from the Ohio Attorney General as of the following dates: October 23, 2001, June 27, 2003 and July 24, 2008. In connection therewith, it has also entered into settlement agreements with Ottawa, Seneca and Sandusky Joint Solid Waste Management District.
 - b. Findings: The various consent decrees arose from alleged violations of applicable Ohio and federal law relating to the operation of the Sunny Farms

Landfill, including, but not limited to, the proper classification of municipal solid waste and construction and demolition waste disposed of at the landfill.

- c. Facility Cited: Sunny Farms Landfill, 12500 W. County Road 18, Fostoria, OH 44830
- d. Status: Sunny Farms Landfill, LLC has prepared a corrective measures plan and has had ongoing discussions with Ohio EPA with respect to such plan. Sunny Farms Landfill, LLC represented to WCA in connection with WCA's purchase of the equity interests of Sunny Farms Landfill that it is in compliance with the consent decrees and all applicable state and federal environmental laws and regulations. Sunny Farms is currently in full compliance with all requirements of this Consent Order

VIII. Consent Order – Waste Corporation of Kansas, Inc.

- a. Entered Into: April 16, 2010.
- b. Findings: Waste Corporation of Kansas filed the application for its air permit renewal one day after the end of the applicable grace period, failure to file all required Tier 2 performance tests within required time periods and delayed installation of a gas collection/flare system.
- c. Facility Cited: Oak Grove Landfill, 1150 E. 700 avenue, Arcadia, KS 66711
- d. Status: Waste Corporation of Kansas paid a \$5,000 fine to the Kansas Department of Environmental Health and all requirements of the Consent Order have been satisfied.

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Chapter 14 - Proposer's Non-Collusion Certification

In accordance with the RFP, Gate City Waste Services, LLC must complete and execute the Non-Collusion Affidavit of Proposer (Qualification Form 5) included in Section 4 of the RFP. The referenced/signed form is provided on the following page of this proposal.

**QUALIFICATION FORM 5
NON-COLLUSION AFFIDAVIT OF PROPOSER**

STATE OF North Carolina)

)ss

COUNTY OF Wake)

F. Norbert Hector, Jr , being duly sworn, deposes and says that:

1. He is: Managing Member of: Gate City Waste Services, LLC, the proposer that has submitted the attached proposal;
2. He is fully informed respecting the preparation and contents of the attached proposal and of all pertinent circumstances respecting such proposal;
3. Such proposal is genuine and is not a collusive or sham proposal;
4. Neither said proposer nor any of its officers, partners, owners, agents, representatives, employees, or parties in interest, including this affiant, has in any way colluded, connived, or agreed, directly or indirectly, with any other proposer, firm or person to submit a collusive or sham proposal in connection with the Contract for which the attached proposal has been submitted or to refrain from proposing in connection with such Contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other proposer, firm, or person to fix the price or prices in the attached RFP, or of any other proposer, or to fix any overhead, profit or cost element of the proposal or the response of any other proposer, or to secure through any collusion, connivance, or unlawful agreement any advantage against the City of Greensboro, North Carolina or any person interested in the proposed Contract; and
5. The cost proposals in the attached RFP are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the proposer or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

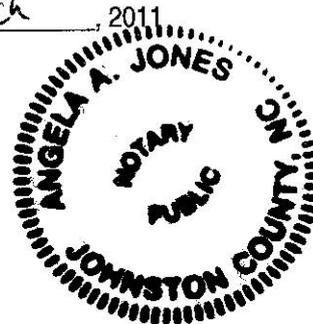
(Signed) *F. Norbert Hector, Jr* 3-4-2011

(Title) Gate City Waste Services, LLC, Managing Member

Subscribed and sworn to before me this 4th day of March, 2011

Notary Public, State of North Carolina

My Commission Expires: May 18, 2013



Chapter 15 - Independence Affidavit

In accordance with the RFP proposers must *“list and describe any relationships – professional, financial or otherwise – that it may have with the City, its elected or appointed officials, its employees or agents, or any of its agencies or component units during the past five (5) years, together with a statement explaining why such relationships do not constitute a conflict of interest relative to performing the services sought in this RFP. Additionally, the proposer shall give the City written notice of any other relationships – professional, financial or otherwise – that it enters into with the City, its elected or appointed officials, its employees or agents, or any of its agencies or component units before the Contract is executed.”*

Gate City Waste Services knows of no relationships with the City of Greensboro, its elected officials or staff that would affect this proposal in the form of a conflict of interest.

There is one item that may be appropriate to bring to the attention of the City. D.H. Griffin or an affiliated company has received an incentive grant from the City of Greensboro, N.C. for property in Greensboro, N.C. during the calendar year 2010. DH Griffin through its leadership has had some contacts with The City or Council members over the years but none are related to this proposal and none involve conflict of interest relationships sought to be disclosed by this section.

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Chapter 16 - Drug-free Workplace Certification

With this proposal Gate City Waste Services, LLC certifies that it has implemented a drug-free workplace program. Please see the signed Qualification Form 6 (Drug-Free Workplace) provided on the following page of this proposal.

Also included, as Attachment 4 to this proposal, is a copy of WCA's *Safety and Loss Control Manual* which contains their corporate policy on drug and alcohol use. The substance abuse plan can be found in the chapter titled DOT Compliance, controlled Substance/Alcohol Use and Testing.

**QUALIFICATION FORM 6
DRUG-FREE WORKPLACE**

The undersigned vendor (firm) hereby certifies that

Gate City Waste Services, LLC does:
(Name of Company)

1. Publish a statement notifying employees that the unlawful manufacturing, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the work place, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the contractual services that are under bid a copy of the statement specified in subsection (1).
4. In the statement specified in subsection (1), notify the employee that, as a condition of working on the contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of Chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
5. Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements.


Proposer's Signature

Date: MARCH 4, 2011

F. Norbert Hector, Jr., Managing Member, Gate City Waste Services

Chapter 17 - Addenda

In accordance with the RFP, Gate City Waste Services, LLC has completed and signed the Acknowledgement of Addenda Form (Qualification Form 7) provided in the RFP. The form is provided on the following page of this proposal.

Chapter 18 - Certification to Accuracy of Proposal

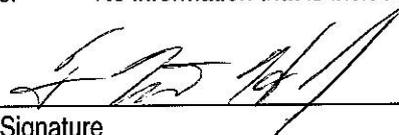
In accordance with the RFP, Gate City Waste Services, LLC has certified and attests, by execution of Qualification Form 8 on the following page of this proposal that all forms, affidavits and documents related thereto that Gate City Waste Services has enclosed in this proposal are true and accurate. We further understand that failure by Gate City Waste Services to attest to the truth and accuracy of such forms, affidavits and documents will result in our proposal being deemed non-responsive and as such, will not be considered.

**QUALIFICATION FORM 8
CERTIFICATION TO ACCURACY OF PROPOSAL**

Proposer, by executing this form, hereby certifies and attests that all forms, affidavits and documents enclosed in the proposal package in support of its proposal are true and accurate. Failure by the proposer to attest to the truth and accuracy of such forms, affidavits and documents shall result in the proposal being deemed non-responsive and such proposal will not be considered.

The undersigned individual, being duly sworn, deposes and says that:

1. He is: Managing Member (title) of Gate City Waste Services, LLC, the proposer, that has submitted the attached proposal;
2. He is fully informed respecting the preparation and contents of the attached proposal and of all forms, affidavits and documents submitted in support of such proposal;
3. All forms, affidavits and documents submitted in support of this proposal are true and accurate;
4. No information that should have been included in such forms, affidavits and documents has been omitted; and
5. No information that is included in such forms, affidavits or documents is false or misleading.


Signature 3-4-2011

F. Norbert Hector, Jr.
Print Name

Managing Member
Title

March 4, 2011
Date

Witness my hand and official notary seal/stamp at Raleigh, NC the day and year written above

STATE OF North Carolina)

)SS

COUNTY OF Wake)

BEFORE ME, an officer duly authorized by law to administer oaths and take acknowledgments, personally appeared

F. Norbert Hector, Jr. (name) as Managing Member (title), of Gate City Waste Services, LLC, an organization authorized to do business in the State of North Carolina, and acknowledged and executed the foregoing document as

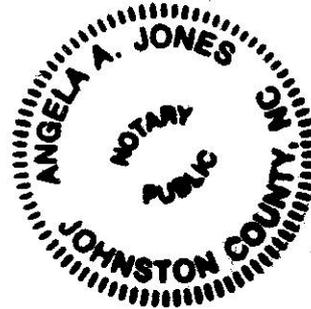
the proper official of Gate City Waste Services, LLC for the use and purposes mentioned in it and affixed the official seal of the corporation, and that the instrument is the act and deed of that corporation. He/she is

personally known to me or has produced _____ as identification.

IN WITNESS OF THE FOREGOING, I have set my hand and official seal in the State and County aforesaid on this

4 day of March, 2011.

Angela A Jones
NOTARY PUBLIC
My Commission Expires: May 18, 2013



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Chapter 19 - Cost for Service

In accordance with the RFP, Gate City Waste Services, LLC has completed Price Forms 1 and 2, which are provided in the following pages of this proposal. The Certification of Cost Form (Price Form 3) is also provided and has been signed by the Gate City Waste Services Managing Member who is authorized to bind our company to the provisions in the proposal. A copy of the Articles of Organization evidencing legal binding authority for Mr. Hector to sign on behalf of the entity is provided following the completed Form 3.

All services proposed are predicated upon the issuance of a 30-year contract by the City of Greensboro, with the provision that early termination would be necessitated in the event that the facility airspace was depleted. We are also proposing under the assumption that the state disposal tax will remain at the current level of \$2.00 per ton. Additional state imposed disposal taxes will result in a dollar per dollar increase to the associated fees. Additionally, all proposed per ton costs presented in this proposal are necessarily subject to a fuel surcharge, given the uncertainty of global and local fuel economics. We will propose and/or accept an industry standard, fair-market provision for the surcharge during contract negotiation. Our proposed costs assume that any existing debt service will remain the responsibility of the City, and the proposed disposal rates are only applicable to City controlled/delivered waste. Market-based disposal rates determined by Gate City Waste Services will apply to all other waste.

In the following paragraphs Gate City Waste Services has outlined their Basic Services proposal for handling and disposal of City controlled waste streams, and has also provided three alternative proposals which the City may wish to consider. The Basic Services cost schedule is provided on Price Form 1; and the three Alternative Options are provided on Form 1A through Form 1C. The alternative proposals are provided in the form of add-on costs to the Basic Services per ton disposal rate, i.e., the basic proposal is operation of the landfill and the add-on alternatives include additional charges that would be associated with operation of the transfer station, economic assistance with infrastructure development, and the addition of mechanized recovery/recycling of C&D waste.

It should be noted that we have not differentiated between the costs for disposal of C&D waste and MSW. Although the industry generally provides a lower disposal cost for C&D waste, Gate City Waste Services proposes to fund closure of the C&D landfill and post-closure care under the term of the contract. This service results in significantly higher per ton costs as demonstrated by the City's recent cost estimate for closure alone which was approximately \$6,000,000. This issue is discussed further under the section titled Price Form 1.

As discussed below, we have also proposed stand-alone benefits for the City, including a per-ton Host Fee and profit sharing on a landfill gas-to-energy project. The details of these benefits are included on Price Form 2, also provided in this chapter.

A summary table is provided on the following page to illustrate and highlight the proposed offerings of Gate City Waste Services.

Gate City Waste Services, LLC			
Greensboro Solid Waste Management Proposal			
Summary of Costs & Benefits			
Basic Services	Description	Comments	Per Ton Cost
Price Form 1	Operate MSW/C&D Landfills including all associated landfill systems (landfill gas, leachate, stormwater)	Use of existing City/community infrastructure until such time as improvements are funded/completed by local government. Transfer Station remains under City control. Per ton costs include \$2.00/ton state disposal tax and are applicable only to City delivered waste.	C&D/MSW 0-60k = Not Applicable
			C&D/MSW 60-150k = \$24.00
			C&D/MSW 150-250k = \$24.00
			C&D/MSW > 250k = Not Applicable
Optional Services	Description	Comment	Per Ton <u>Add-On</u> Cost
Price Form 1A	Add-on cost for assistance with Nealtown Road/Cone Blvd. Extension	Following City construction Gate City Waste Services will fund payment of interest on voter approved bond	C&D/MSW 0-60k = Not Applicable
			C&D/MSW 60-150k = \$3.00
			C&D/MSW 150-250k = \$3.00
			C&D/MSW > 250k = Not Applicable
Price Form 1B	Add-on cost for operation of Burnt Poplar Road Transfer Station	Ongoing operation of facility for 5 years or until neighborhood infrastructure improvements are completed, if occurrence is sooner. Price contingent upon City delivering all controlled tonnage to facility. Gate City Waste Services to fund feasibility study for conversion of facility to curbside recyclables processing center following closure.	C&D/MSW 0-60k = Not Applicable
			C&D/MSW 60-150k = \$12.00
			C&D/MSW 150-250k = \$12.00
			C&D/MSW > 250k = Not Applicable
Price Form 1C	Add-on cost to fund, install/operate mechanized C&D material recycling facility	Installation and operation contingent upon annual C&D tonnage of 60,000	C&D/MSW 0-60k = Not Applicable
			C&D/MSW 60-150k = \$15.00
			C&D/MSW 150-250k = \$15.00
			C&D/MSW > 250k = Not Applicable
Benefits to City	Description	Comment	City Benefit
Benefit 1	Per Ton Host Fee	The per ton host fee is offered on all non-City controlled waste to be disposed of at the landfill facility.	C&D/MSW 0-400k = \$2.00
			C&D/MSW > 400k = \$2.50
Benefit 2	Phase 3 Landfill Gas to Energy Project	Development of Phase 3 and 4 landfill gas collection system for landfill gas-to-energy project. Profit sharing to be negotiated following engineering feasibility/options study.	Profit Sharing

Price Form 1: Basic Services Proposal

In general, our cost for providing solid waste management services to the City is based upon a base per ton services rate that applies to all City waste crossing the scales at the landfill including MSW, C&D waste and yard debris. The base service rate is provided in the event that City Council wishes to maximize the revenues obtained from their existing disposal facility. This service and the associated rate do not compromise on short and long-term engineering design of the facility, operational practice, and/or environmental compliance. All existing landfill systems (landfill gas, leachate, and stormwater) will continue to be operated per current practice. Yard waste will continue to be segregated and handled in compliance with DENR regulations.

The basic service rate does not decrease the host fees offered by Gate City Waste Services to the City, or the benefits that will be realized with expansion of the landfill's gas collection system. The base service proposed assumes continued use of the City's existing infrastructure (primarily roads) until such time as improvements are funded and completed by local government. This base service also assumes that the transfer station will remain under City control to be utilized, closed, or operated as deemed appropriate by City leaders.

As mentioned previously, we have not differentiated between the costs for disposal of C&D waste and MSW. Although the industry generally provides a lower disposal cost for C&D waste, Gate City Waste Services proposes to fund closure of the C&D landfill and post-closure care under the term of the contract. This service results in significantly higher per ton costs as demonstrated by the City's recent cost estimate for closure alone which was approximately \$6,000,000. In order to help fund the closure and post-closure activities we will apply to DENR for a permit modification to increase the fill area side slopes from four feet horizontal/one-foot vertical, to three feet horizontal/one-foot vertical, an industry standard landfill design. This modification will allow for an increased volume of waste to be placed in the existing cell.

Price Form 1A: Assistance with Infrastructure Improvements (Nealtown Road/Cone Blvd. Extension)

Although many long-term infrastructure improvements have been discussed for northeast Greensboro there are few that are, for all practical purposes, ready to implement. One exception to this is the extension of Cone Boulevard and Nealtown Road in the area of the landfill. Not only does this project have a pending voter approved bond, but it also would have a significant mitigative effect upon the traffic flow through the landfill area neighborhood. Under this option, Gate City Waste Services is offering to fund payment of interest (only) on the bond following construction of the road extensions by the City.

The City may wish to consider this Alternative Option in conjunction with that proposed below in Price Form 1B, Operation of Burnt Poplar Road Transfer Station, i.e., it may be advantageous to continue transfer of City controlled waste from the transfer station to the landfill by transfer trailers until such time that the landfill access route has been modified, thus reducing the amount of traffic in the landfill area neighborhoods. Note that the “total per incoming ton” price presented on Price Form 1A is to be added to the base services price on Price Form 1.

Price Form 1B: Operation of Burnt Poplar Road Transfer Station

Under this option Gate City Waste Services will provide for ongoing operation of the Burnt Poplar Road Transfer Station and associated transfer of waste to the City Landfill for a period of five years, or until completion of the previously mentioned road improvements, if accomplished in less than five years. This option could potentially have many benefits including the restriction of City controlled commercial and residential MSW waste being delivered directly to the landfill until such time as infrastructure improvements are made which would redirect a significant amount of traffic from the area neighborhoods. Delivery of City controlled MSW waste could be limited to the greatly reduced number of trucks necessary for transfer from Burnt Poplar Road.

While we appreciate the potential advantage of having a long-term waste drop-off point for the City fleet in western Greensboro, it is economically prohibitive to operate the facility on the

anticipated volumes of waste to be received after reopening of the landfill to the public. As part of this proposed alternative, upon issuance of the contract, Gate City Waste Services will solicit and fund a feasibility study to determine if conversion of the facility to a curbside recyclable processing facility is viable.

One caveat to this proposed option is that during operation of the transfer station all City-controlled residential and commercial collections must be delivered to the facility in order to assure its economic viability. As mentioned previously, the proposed per ton add-on costs presented in this alternative proposal are subject to a fuel surcharge, given the uncertainty of global and local fuel economics. We will propose and/or accept an industry standard, fair-market provision for the surcharge during contract negotiation. Note that the “total per incoming ton” price presented on Price Form 1B is to be added to the base services price on Price Form 1.

Price Form 1C: Fund, Install and Operate Mechanized C&D Recycling Facility

Gate City Waste Services will continue to operate the City’s C&D disposal area and will aggressively collect, segregate, and recycle or reuse all materials that are economically viable for such purposes; however at the current tonnages, and competitive area market rates it is not economically viable to install a mechanized system for recovery. Upon economic market recovery and with annual C&D tonnages of 60,000 it would be economically viable to install the proposed system at the specified additional cost per ton. In the event that the City chooses this option, the price of C&D disposal would become independent of that proposed under the previous scenarios, i.e., where the cost of C&D and MSW disposal was equal. Note that the “total per incoming ton” price presented on Price Form 1A is to be added to the base services price on Price Form 1.

PRICE FORM 1 Basic Services SERVICE FEE

The service fee components are presented in the following forms. The fixed, variable and pass-through components are included for the City's mixed municipal solid waste delivered to the facility. All costs below are based on initial year of operations (2011 through 2041).

City-Delivered Annual Tonnage	Fixed Component	Variable Component	Pass Through Component	Total Per Incoming Ton
0 – 60,000	Not Applicable	Not Applicable	Not Applicable	Not Applicable
60,001 – 150,000	\$ <u>0.00</u> /ton	\$ <u>22.00</u> /ton	\$ <u>2.00</u> /ton	\$ <u>24.00</u> /ton
150,001 – 250,000	\$ <u>0.00</u> /ton	\$ <u>22.00</u> /ton	\$ <u>2.00</u> /ton	\$ <u>24.00</u> /ton
250,001 and greater	Not Applicable	Not Applicable	Not Applicable	Not Applicable

Contractor's preferred adjustment method for the variable component

- Frequency: Annually
- Index: Consumer Price Index (CPI)
- Percentage of Preferred Index: 100

PRICE FORM 1-A
Assistance with Infrastructure Improvements
(Nealtown Road/Cone Blvd. Extension)
SERVICE FEE

The service fee components are presented in the following forms. The fixed, variable and pass-through components are included for the City's mixed municipal solid waste delivered to the facility. All costs below are based on initial year of operations (2011 through 2041).

City-Delivered Annual Tonnage	Fixed Component	Variable Component	Pass Through Component	Total Per Incoming Ton
0 – 60,000	Not Applicable	Not Applicable	Not Applicable	Not Applicable
60,001 – 150,000	\$ 0.00/ton	\$ <u>3.00</u> /ton	\$ <u>0.00</u> /ton	\$ <u>3.00</u> /ton
150,001 – 250,000	\$ 0.00/ton	\$ <u>3.00</u> /ton	\$ <u>0.00</u> /ton	\$ <u>3.00</u> /ton
250,001 and greater	Not Applicable	Not Applicable	Not Applicable	Not Applicable

Note: The "Total Per Incoming Ton" column above represents the total to be added to the Base Services fee shown on Price Form 1.

Contractor's preferred adjustment method for the variable component

- Frequency: Annually
- Index: Consumer Price Index (CPI)
- Percentage of Preferred Index: 100

PRICE FORM 1-B

Operation of Burnt Poplar Road Transfer Station

SERVICE FEE

The service fee components are presented in the following forms. The fixed, variable and pass-through components are included for the City's mixed municipal solid waste delivered to the facility. All costs below are based on initial year of operations (2011 through 2041).

City-Delivered Annual Tonnage	Fixed Component	Variable Component	Pass Through Component	Total Per Incoming Ton
0 – 60,000	Not Applicable	Not Applicable	Not Applicable	Not Applicable
60,001 – 150,000	\$ 0.00/ton	\$ <u>12.00</u> /ton	\$ <u>0.00</u> /ton	\$ <u>12.00</u> /ton
150,001 – 250,000	\$ 0.00/ton	\$ <u>12.00</u> /ton	\$ <u>0.00</u> /ton	\$ <u>12.00</u> /ton
250,001 and greater	Not Applicable	Not Applicable	Not Applicable	Not Applicable

Note: The "Total Per Incoming Ton" column above represents the total to be added to the Base Services fee shown on Price Form 1.

Contractor's preferred adjustment method for the variable component

- Frequency: Annually
- Index: Consumer Price Index (CPI)
- Percentage of Preferred Index: 100

PRICE FORM 1-C
Fund, Install and Operate Mechanized C&D Recycling Facility
SERVICE FEE

The service fee components are presented in the following forms. The fixed, variable and pass-through components are included for the City's mixed municipal solid waste delivered to the facility. All costs below are based on initial year of operations (2011 through 2041).

City-Delivered Annual Tonnage	Fixed Component	Variable Component	Pass Through Component	Total Per Incoming Ton
0 – 60,000	Not Applicable	Not Applicable	Not Applicable	Not Applicable
60,001 – 150,000	\$ <u>0.00</u> /ton	\$ <u>15.00</u> /ton	\$ <u>0.00</u> /ton	\$ <u>15.00</u> /ton
150,001 – 250,000	\$ <u>0.00</u> /ton	\$ <u>15.00</u> /ton	\$ <u>0.00</u> /ton	\$ <u>15.00</u> /ton
250,001 and greater	Not Applicable	Not Applicable	Not Applicable	Not Applicable

Note: The "Total Per Incoming Ton" column above represents the total to be added to the Base Services fee shown on Price Form 1.

Contractor's preferred adjustment method for the variable component

- Frequency: Annually
- Index: Consumer Price Index (CPI)
- Percentage of Preferred Index: 100

PRICE FORM 2 OTHER FINANCIAL INCENTIVES

Lease Payment:

If contractor proposes to provide a lease payment to the City for use of City assets, describe the proposed terms below, including frequency of payment (monthly, annually, etc.), payment value, anticipated date of initial payment, etc.: Host fees are proposed in lieu of lease payments to the City. Please see below.

If lease payment is conditional (tied to tonnage rates, escalators, etc.) describe: Not Applicable

Host Fee:

If contractor proposes to use a host fee structure, describe the proposed terms below, including information such as fee(s) offered and tonnage categories:

Gate City Waste Services is proposing to pay a per ton host fee on all non-City controlled waste to be disposed of at the landfill. The host fee is \$2.00 per ton on all such waste delivered annually, up to 400,000 tons. At annual volumes of non-City controlled waste above 400,000 tons the host fee would increase to \$2.50 per ton. The host fee will be subject to CPI adjustment.

Revenue Sharing:

If contractor proposes to use revenue sharing as a means of payment or reimbursement to the City, describe the proposed terms below, including the basis of the revenue sharing, percentage split, anticipated date of initial payment, estimated escalation over time, and other conditions.

Gate City Waste Services believes that there is a significant revenue source existing at the landfill in the unutilized landfill gas from Phase 3 which is currently being flared. Upon issuance of a contract by the City, Gate City Waste Services will conduct an engineering feasibility/options study determine the best use of this resource. Upon completion of that study, a recommendation will be made to the City, including a proposed profit sharing agreement which will be subject to negotiation. We will also commit to profit sharing on landfill gas resources that will ultimately be available from Phase 4 development.

Other proposed financial Incentives, investments, or payments:

Describe all other proposed financial Incentives, investments, or payments offered by the contractor that contractor believes are material and should be considered in the City's evaluation, including items such as upfront cash payments, investment in infrastructure roads, community improvements, etc.

There are no additional financial Incentives, investments, or payments offered by the contractor.

**PRICE FORM 3
CERTIFICATION OF COST FORM**

The Undersigned hereby certifies as follows:

1. That I, F. Norbert Hector, Jr. , on behalf of Gate City Waste Services, LLC (PROPOSER) have personally and carefully examined the specifications and instructions for the work to be done for the City of Greensboro as set forth in this RFP, including the Contract Principles in Section 7.
2. That I F. Norbert Hector, Jr. , on behalf of Gate City Waste Services, LLC (PROPOSER) have made examination of the conditions in the City, the services applicable to the proposal, and all other relevant facts and circumstances, and fully understand the character of the work to be done for the City.
3. That, having made the necessary examination, the undersigned hereby proposes to furnish all materials, vehicles, equipment, storage and facilities, and to perform all labor and services which may be required to do said work upon the terms and conditions provided in the Contract, at the rates set forth on the Cost Forms that are attached hereto. (See signature instructions below.)

Dated this 4th day of March, 2011 .

PROPOSER



President/Partner/Owner Signature

F. Norbert Hector, Jr., Managing Member
President/Partner/Owner Printed Name

Non Applicable
Secretary

Gate City Waste Services, LLC
Firm Name

The proposer is an Individual _____; Partnership _____; Corporation _____; or other business entity X; and is authorized to do business in the state of North Carolina

Signature Instructions:

If business is a CORPORATION, name of the corporation should be listed, in full and both president and secretary must sign the form, OR if one signature is permitted by corporation by-laws, a copy of the by-laws shall be furnished to the City as part of the proposal.

If business is a PARTNERSHIP, the full name of each partner should be listed followed by d/b/a (doing business as) and firm or trade name; any one partner may sign the form. If the business is an INDIVIDUAL PROPRIETORSHIP, the name of the owner should appear followed by d/b/a and name of the company.

If business is operating as any other business entity than listed above, the name(s) of the authorized representative(s) should be listed and the authorized representative(s) must sign the form. A copy of the appropriate

documents evidencing legal binding authority to sign on behalf of the entity shall be furnished to the City as part of the proposal.



NORTH CAROLINA

Department of The Secretary of State

To all whom these presents shall come, Greetings:

I, Elaine F. Marshall, Secretary of State of the State of North Carolina, do hereby certify the following and hereto attached to be a true copy of

ARTICLES OF ORGANIZATION

OF

GATE CITY WASTE SERVICES, LLC

the original of which was filed in this office on the 1st day of March, 2011.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Raleigh, this 1st day of March, 2011.

Elaine F. Marshall

Secretary of State

Certification# C201105900774-1 Reference# C201105900774-1 Page: 1 of 2
Verify this certificate online at www.secretary.state.nc.us/verification

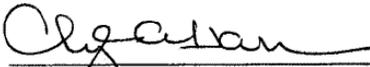
STATE OF NORTH CAROLINA
DEPARTMENT OF SECRETARY OF STATE

SOSID: 1191055
Date Filed: 3/1/2011 9:56:00 AM
Elaine F. Marshall
North Carolina Secretary of State
C201105900774

LIMITED LIABILITY COMPANY
ARTICLES OF ORGANIZATION

Pursuant to §57C-2-20 of the General Statutes of North Carolina, the undersigned does hereby submit these Articles of Organization for the purpose of forming a limited liability company.

1. The name of the limited liability company is: Gate City Waste Services, LLC
2. The limited liability company shall have perpetual duration.
3. The name and address of the initial member of the limited liability company is as follows:
MRR Southern, LLC
431 Raleigh View Road
Raleigh, NC 27610
4. The name, address and capacity of the person executing these articles of organization are:
Cheryl A. Hansen, Organizer
K&L GATES LLP
214 N. Tryon Street 47th Floor
Charlotte NC 28202
5. The street address and county of the initial registered office of the limited liability company are:
Number and Street: 431 Raleigh View Road
City, State, Zip Code: Raleigh, NC 27610
County: Wake
6. The mailing address if different from the street address of the initial registered office is: N/A
7. The name of the initial registered agent is: F. Norbert Hector, Jr.
8. Principal office information: *(Select either a or b.)*
 - a. The limited liability company has a principal office.
The street address and county of the principal office of the limited liability company are:
Number and Street: 431 Raleigh View Road
City, State, Zip Code: Raleigh, NC 27610
County: Wake
The mailing address, *if different from the street address*, of the principal office of the corporation is:
 - b. The limited liability company does not have a principal office.
9. Check one of the following:
 - (i) **Member-managed LLC**: all members by virtue of their status as members shall be managers of this limited liability company.
 - (ii) **Manager-managed LLC**: except as provided by N.C.G.S. Section 57C-3-20(a), the members of this limited liability company shall not be managers by virtue of their status as members.
10. These articles will be effective upon filing.
This is the 25th day of February, 2011.


Cheryl A. Hansen, Organizer

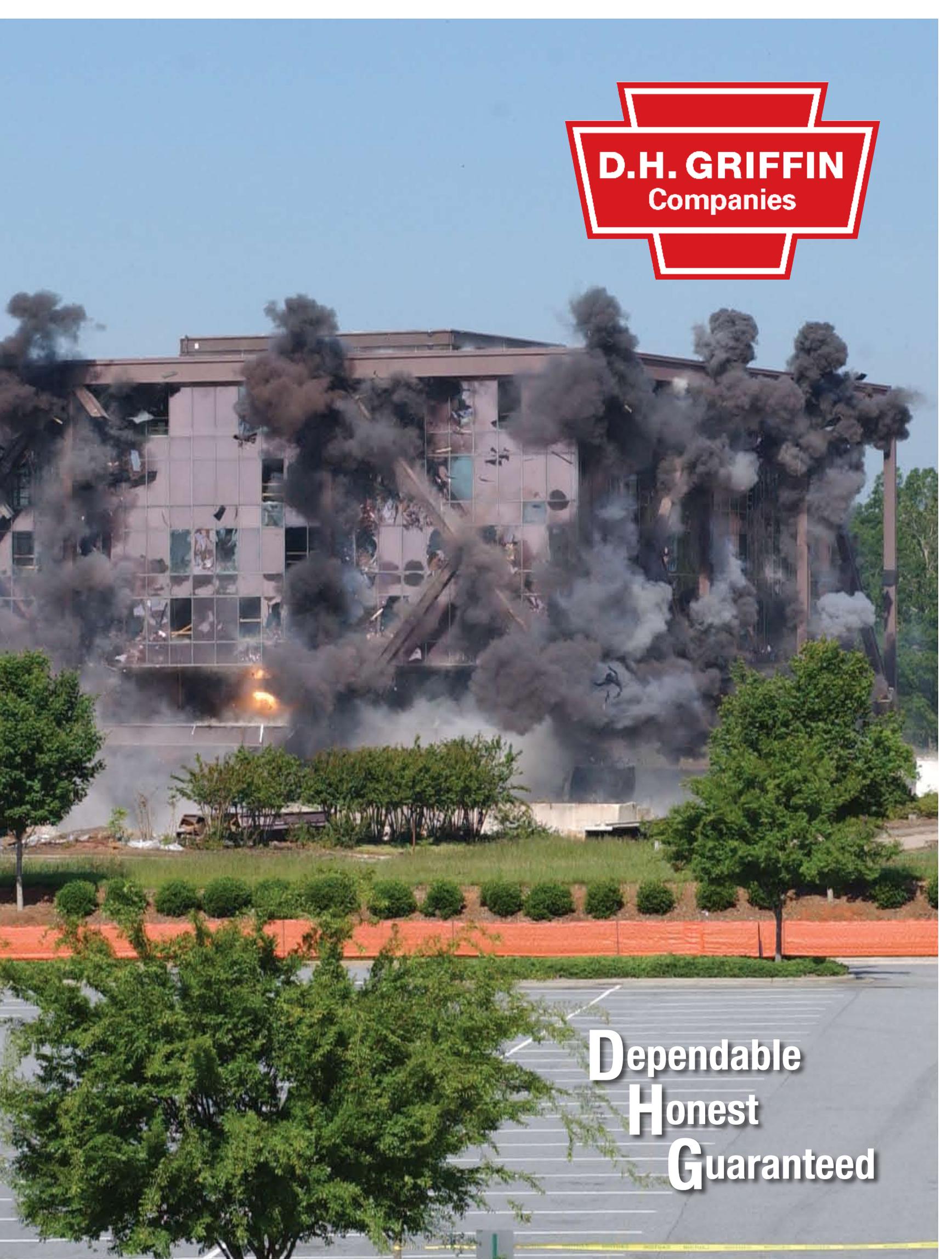
CH-3051343 v1

THE END



D.H. GRIFFIN
Companies

Dependable
Honest
Guaranteed



D.H. GRIFFIN
Companies

Dependable
Honest
Guaranteed

HISTORY

Thank you for the opportunity to introduce you to the D.H. Griffin family of companies (DHGC). We are a vertically integrated group of companies that provides contract demolition, environmental and other construction services, to both public and private business sectors. DHGC completes in excess of \$300 million dollars in project revenue each year.

Our company has grown over the years to a network of over 1,000 employees with offices in ten states. DHGC continues to grow through dedicated employees and loyal clients that we frequently do repeat business with. Combining our experienced employee base with our financial strength, bonding capacity and equipment resources, DHGC can provide efficient and cost effective turnkey services.

If we have already done work for you, we would like to thank you. We welcome our future clients and invite you to see what the D.H. Griffin Companies can do for you.

David H. Griffin, Sr.
President and Founder of D.H. Griffin Companies



THEN



◀ CITY HALL – GREENVILLE, SC

Early demolition techniques included labor-intensive handwork, use of pulleys and ropes, and crane and wrecking ball demolition.

▶ PHILLIPS 66 OIL REFINERY

One of three midwest refineries demolished by DHG in the late 1980's and early 1990's. DHG successfully completed the decommissioning and demolition of three petroleum refineries located in Kansas City, MO and Wood River, IL. Projects included asbestos abatement, environmental remediation, demolition and recycling of over 50,000 tons of steel.





D.H. Griffin Wrecking Co., Inc. was founded in 1959 by D.H. Griffin, Sr. and his wife, Marylene F. Griffin. Starting from humble beginnings, the Company's first job was the dismantlement of a local church for the salvaged building materials. For the first two years of business, all the work was done by hand with sledge hammers, crowbars and brute strength; salvaging materials piece-by-piece and loading trucks by hand. In 1961, the Company purchased its first piece of equipment, a 7G Allis-Chalmers Front End Loader. Since then, we have continued to grow piece by piece, tractor by tractor, and truck by truck. Today the D.H. Griffin Companies' (DHGC) fleet numbers over 600 pieces with a value in excess of \$50 million dollars.

In addition to adding equipment, we have broadened our service offerings by adding associated companies. Today, DHGC has the capability of handling a project turnkey from start to finish including environmental assessments and remediation, asbestos abatement, investment or asset recovery, demolition and dismantlement, utility cleaning or closures, site preparation and grading and in some cases, even building back your new facility through our construction company.

If you are not looking for turnkey services, each DHG company can work independently to provide services to fill any partner or subcontractor role on your project. DHGC will complete the work on time and in a safe manner. Guaranteed.

NOW



◀ DUKE ENERGY – MARSHALL STEAM PLANT

Today, DHG uses state-of-the-art equipment to safely and effectively remove structures. A 170,000-lb. excavator with an ultra high reach demolition boom can munch concrete or cut steel at elevations higher than ever. Here, it is being used for the demolition of three 125' concrete silos belonging to Duke Power, a long-standing client for 35 years. Extreme caution had to be used to protect the operating power plant just 30' from the silos and vibrations had to be kept to a minimum. The project was performed without any interruption to the ongoing plant operations.

DEMOLITION

COMMERCIAL

DHG's skilled workforce and specialized equipment deliver safe and cost effective demolition services to both public and private sectors. Since its founding in 1959, DHG has demolished over 20,000 structures utilizing conventional as well as explosive demolition methods. From professional sports stadiums and multi story buildings in major metropolitan business areas to airports and shopping malls, DHG's demolition success has earned us the confidence of clients throughout the US, many of them Fortune 500 companies.



▲ SETAI HOTEL – SOUTH BEACH, MIAMI, FL

Mechanical demolition of the former Setai Hotel included removal of floors and interior columns at this Miami Beach site.

◀ CRAWFORD LONG HOSPITAL – ATLANTA, GA

Mechanical demolition of a 10-story hospital tower on high density campus.



◀ ATLANTA FULTON COUNTY STADIUM

On August 2, 1997, DHG imploded the former Braves Stadium. This turnkey project included environmental services, demolition and removal of the stadium, as well as the construction of the new stadium parking lot and Hank Aaron 715th HR memorial park in the location of the old stadium. Over 10,000 tons of steel were recycled and over 100,000 tons of concrete crushed and used as backfill for the new parking lot.





▲ **ADAMS MARK HOTEL – CLEARWATER BEACH, FL**

DHG imploded the 224,000 sq ft, 14-story structure on an environmentally-sensitive beach in tight confines.



6.8 SECONDS

▲ **IRS BUILDING – ATLANTA, GA**

The implosion of the former Internal Revenue Service Building in downtown Atlanta, Georgia was performed by DHG for the Hyatt Regency expansion project in 1994. DHG worked in close coordination with hotel officials to allow the hotel to continue operations, although it was located only 8 feet from the building being demolished. The 14-story structure was brought down in an implosion sequence lasting 6.8 seconds, without disruption to adjacent businesses or the below grade MARTA Subway System, which was within feet of the footprint of the building.

DEMOLITION

INDUSTRIAL

DHG's skilled workforce and specialized equipment deliver safe and cost effective demolition services for the industrial sector. DHG has successfully performed total or selective demolition and dismantling in plants in the pulp and paper, power generation, textile, chemical, pharmaceutical and food processing industries. DHG owns one of the largest fleets of specialized equipment in the demolition industry. This modern fleet of precise and sophisticated machinery is ideally suited for today's complex demolition projects.

6.0 MILLION
SQUARE
FEET



▲ **LARGEST INDUSTRIAL FACILITY IN THE SOUTH - PILLOWTEX PLANT, FORMERLY FIELDCREST CANNON - KANNAPOLIS, NC**

The demolition of the Fieldcrest Cannon Plant No. 1 was the largest demolition project ever performed in America. DHG was contracted to perform the decommissioning and demolition of this plant to make way for the new North Carolina Research Campus. At one time, this facility employed over 20,000 people. DHG crews demolished more than 6,000,000 sq ft of buildings while salvaging old brick, timbers and wood from the structures. Site work also involved the removal of hazardous materials including asbestos and PCBs, utility cleaning and closure, site grading and new construction.

▶ **PULP AND PAPER MILL - NORTH CAROLINA**

DHG provided environmental remediation, asbestos removal, equipment removal/asset recovery and demolition of this 7-story bleach plant in an operating paper mill. DHG performed 100,000 man hours without a lost-time accident.



▲ **GEORGIA POWER - MACON AND SMYRNA, GA**

Simultaneous decommissioning and demolition of two outdated power plants for the Southern Companies resulted in over 28,000 tons of steel and 3 million pounds of non-ferrous metals recycled. Both projects were adjacent to operating switch yards that remained in operation during the demolition.





▲ **PETROLEUM REFINERIES**

DHG was hired by the Amoco Oil Company to perform the decommissioning and dismantling of three oil refineries in the Midwest. The projects were completed simultaneously over a two-year period. Over 50,000 tons of steel were recycled.

▶ **INTERNATIONAL PAPER FACILITY**

Demolition of three lime kilns in an operating paper mill involved close coordination with ongoing plant operations. The project included asbestos and lead abatement, and removal of large concrete foundations, as well as the removal of 20 aboveground chemical storage tanks in the Caustic Area in this former Union Camp Paper Mill facility.



30 THOUSAND TONS

▼ **GENERAL MOTORS LAKEWOOD ASSEMBLY PLANT**

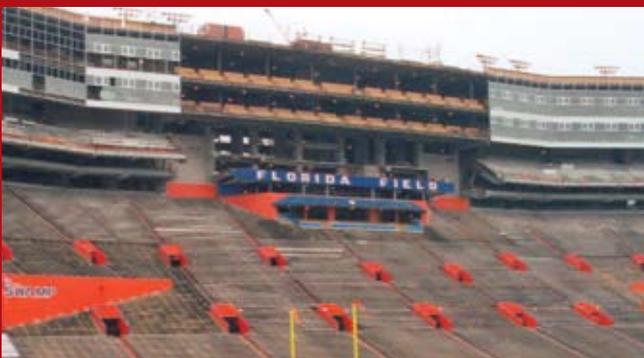
DHG was hired to perform environmental remediation, decommissioning and demolition of this 2,600,000 sq ft plant. The project was completed safely and involved the recycling of 30,000 tons of steel and over 2,000,000 pounds of non-ferrous metals. This facility was a complete automotive assembly plant.



DEMOLITION

SELECTIVE AND INTERIOR DEMOLITION

Through the careful management of experienced and knowledgeable personnel, DHG can perform any type of selective demolition activities in a timely manner. From total gut of a structure down to the structural components, to selective demolition of building components at an operating facility, DHG can provide services safely and with minimal disruption of site activities. Our turnkey service capability allows one company to control both demolition and abatement services which leads to a cost and time effective project.



▲ IVEY'S DEPARTMENT STORE – CHARLOTTE, NC

Selective or interior demolition serves to prepare structures for renovation. DHG can provide selective demolition services from precision removal of building components to complete building strip-outs. DHG provided these services for the conversion of the Ivey's Department Store from retail space to condominium living above retail space in downtown Charlotte, NC.

◀ HYATT HOTEL – ATLANTA, GA

DHG used a crane to rig and hold, while severing a precast concrete lattice awning along the main entrance to the Hyatt Hotel and also maintaining hotel access during the selective demolition operations. DHG also worked in close coordination with city officials on street and sidewalk closures on Peachtree Street in downtown Atlanta.

◀ UNIVERSITY OF FLORIDA – GAINSVILLE, FL

DHG performed selective demolition of this 61,600 sq ft, 7-story structure at the University of Florida Stadium (The Swamp) in Gainesville, Florida. Crews worked 24 hours a day, 7 days a week to meet critical scheduling required for project completion between football seasons.

EMERGENCY SERVICES

DHG has capabilities to respond within hours to a city, municipality or private client or customer's needs in an emergency situation. We have the manpower, equipment and supplies to quickly mobilize and take action to immediately begin the process of cleaning up after a disaster. DHG was chosen as the Lead Demolition Consultant at the World Trade Center site in NY following the 9/11 terrorist attacks. DHG has responded to numerous hurricane cleanups and fires over its 48 years in business. DHG will respond safely and expeditiously as possible to clear the site and allow for new construction to begin. Whether working with emergency response officials, owners, insurance companies or general contractors, DHG stands ready to fulfill any role required even in the most demanding situations.



▲ GROUND ZERO / WORLD TRADE CENTER – NEW YORK CITY, NY

DHG coordinated with over 20 local, state and federal authorities in the cleanup and recovery of the WTC site. DHG personnel arrived onsite on September 14th and worked 24 hours/7 days a week until the demolition work was completed. D. H. Griffin was in charge of all demolition operations at the WTC site.



◀ HARD ROCK CAFE & CASINO – BILOXI, MS

Following Hurricane Katrina, DHG mobilized to begin cleanup and demolition of the heavily damaged Hard Rock Casino in Biloxi, Mississippi. DHG also contracted for removal efforts at President Casino, Grand Casino, Casino Magic, Palace Casino in Biloxi and in Gulfport, the Copa Casino and the Port of Gulfport.

▶ LOWE'S MOTOR SPEEDWAY – CONCORD, NC

DHG was called in on an emergency response basis to remove the debris resulting from the tragic pedestrian bridge collapse at the Lowe's Motor Speedway near Charlotte, NC. The collapse shut down Hwy. 29 – a major thoroughfare. DHG had all debris removed within 24 hours.



DEMOLITION

TANKS AND STACKS

DHG's experience includes the removal of many types of tanks, stacks, towers and silos. Whether dismantled piece by piece and moved by crane or through implosive demolition techniques, DHG has the unique combination of experience, technical expertise, comprehensive safety measures and state-of-the-art equipment to perform any type of demolition.



▲ COKE PLANT – CHATTANOOGA, TN

Abatement and demolition at this RCRA Superfund Site included simultaneous implosion of five stacks.



▲ SPARTANBURG, SC

DHG dismantled two 1-million gallon water tanks for the City of Spartanburg, SC. The tanks were dismantled safely within tight confines in the downtown area.



▲ ARKWRIGHT STACK – MACON, GA

In July 2003, DHG demolished the largest smokestack on the East Coast during the demolition of the Georgia Power Arkwright Power Generating Plant. The 600' stack was brought down using explosive charges. DHG worked in close coordination with railroad officials to coordinate RR traffic prior to the implosion on this main Norfolk Southern track.

▶ R.J. REYNOLDS STACK – GREENSBORO, NC

This stack was "felled" for the R.J. Reynolds Tobacco Company in Greensboro, NC.



BRIDGES AND UNIQUE STRUCTURES

Combined with the latest specialized equipment and talented and experienced people, DHG is ready for the challenge of demolishing bridges and unique structures, regardless of the size or complexity of the project. State-of-the-art demolition methods have been used to safely and successfully demolish and remove many landmark structures.



▶ NC STATE PRESS BOX – RALEIGH, NC

DHG expertly removed the 10-story West Stands press box and support columns at Carter Finley Stadium. The steel truss system was supported by two poured-in-place concrete towers with two lower floors suspended from the truss. The base of the towers were within 6 feet of the upper elevated seating support bents.

RIVERGATE CONVENTION CENTER



▲ MAKING WAY FOR THE NEW HARRAH'S CASINO ON CANAL STREET – NEW ORLEANS, LA

DHG was selected to provide the demolition of this unique reinforced concrete post tension structure. The South Hall section of the building offered 95,900 sq ft of uncolumned space below the barrel vault roof. The adjacent North Hall added another 34,500 sq ft of uncolumned space. It's considered to be the longest thin-shell roof span ever constructed in the world. Each of the 7 columns in the Portico held at least 2,000,000 pounds. This building had to be completely shored because the main slab and two levels of below grade parking had to remain.



▲ BURLINGTON INDUSTRIES CORPORATE HEADQUARTERS – GREENSBORO, NC

This 433,000 sq ft exoskeleton structure with crisscrossing steel trusses was successfully imploded in May 2005. The upper floors were hung from the roof trusses, creating a challenge for the safe and successful demolition of the structure. Additional images of this demolition project can be seen on the front and back covers of this brochure.

▲ ROBERT E. LEE MEMORIAL BRIDGE – RICHMOND, VA

DHG demolished this 3/4-mile long concrete spandrel arch bridge across the James River in Richmond, Virginia. The bridge dropped in six different blast events.

RECYCLING

Increasingly stringent rules and regulations on construction and demolition waste, diminishing landfill space and depletion of national resources are all reasons for the push for C&D waste recovery. Salvaging materials for reuse can be both an economical and environmentally sound alternate to waste stream disposal. Diverted from the landfill, building materials such as old wood and bricks, cardboard or paper, as well as scrap metal have value. In addition to salvaging used equipment, DHG can salvage building materials for reuse. Today's market is strong for heart pine boards and beams, which can be reused for building materials or cut and used for furniture manufacturing. Baled cardboard or paper is purchased by a paper mill to be used in place of pulp. Recycling or salvaging demo debris not only diverts materials from the landfill, but it also saves energy and the environmental impacts of producing new products from virgin materials.

As a scrap metal recycler, DHG handles products such as iron and steel, nonferrous metals such as copper and aluminum, and precious metals such as platinum, nickel and many other alloys.

DHG has continued to grow in the scrap industry over the years. The company's scrap yard in Greensboro, together with other affiliated scrap yards in NC, SC and TN, combined with scrap recycling from demolition projects produce a combined 1,000,000 tons of recycled ferrous steel per year. Including other scrap yards and brokers throughout the southeast, the DHG scrap network is second to none.

DHG is a member of the Institute of Scrap Recycling Industries, Inc. (ISRI), a national trade association for scrap processors and recyclers. DHG is also a member of the US Green Building Council, which promotes the Leadership in Energy and Environmental Design (LEED) program – encouraging recycling or salvage of demolition and construction debris.

DHG has a large fleet of trucks and containers to service industrial scrap accounts throughout the southeast; enabling prompt service and competitive pricing for scrap materials.





◀ GREENSBORO, NC OPERATION

D.H. Griffin Companies' scrap yard in Greensboro, NC is one of the largest scrap metal recyclers in Central North Carolina. Located adjacent to D.H. Griffin Wrecking Co.'s corporate headquarters, the yard takes all types of ferrous and non-ferrous metals for scrap metal recycling. These scrap materials are prepared and shipped by rail or truck for mill consumption.



◀ DHG is progressive in the area of materials recycling. From metals to concrete, asphalt to wood, recycling and salvaging materials for reuse can be both an economical and environmentally sound alternate to landfill disposal. Shown here – The Fieldcrest Cannon Plant Project is an ongoing LEEDS ND proto-type. During demolition, DHG salvaged over 10 million bricks, crushed 600,000 tons of concrete and block, recycled over 20,000 tons of scrap metal, salvaged over 300,000 board feet of large timbers, 250,000 sq ft of decking, crushed 106,000 tons of asphalt and sold 875 windows for reuse. Most of the crushed concrete and asphalt was used onsite during the reconstruction.

ENVIRONMENTAL

DHG offers a wide range of professional environmental services associated with demolition projects including asbestos and lead abatement, PCB removal, underground storage tank removal, soil remediation and facility decontamination. Offering these turnkey services allows DHG to be more cost effective, efficient and ready to respond to environmental situations that can develop during building renovations or demolition/decommissioning. Whether working in conjunction with a demolition project or contracted independently, DHG can provide the identification, removal and disposal of hazardous materials.



▲ LEAD-BASED PAINT ON STRUCTURES

DHG skilled burners are trained in lead awareness and protected against lead exposure per OSHA 1926.62 regulations, allowing DHG to perform removal of lead painted steel and equipment without requiring costly lead abatement procedures.



▲ ASBESTOS REMOVAL

DHG removed asbestos from the massive cooling towers at the Edwin I. Hatch Nuclear Plant near Baxley, Georgia.





In addition, DHG's in-house environmental affiliate Demolition and Asbestos Removal Inc. (DARI) is a certified Woman-Owned Business Enterprise (WBE) capable of providing minority subcontract work in the following areas:

Asbestos Abatement

- Inspections
- Industrial/Commercial and Municipal Removal and Disposal

Lead Abatement

- Removal/Abatement
- Encasement
- Disposal

Mold Remediation

Specialty Demolition Services

- Interior Demolition/Strip Outs
- Facility Abatement and Demolition

Facility Decontamination/Decommissioning including:

- Decontamination of Structure or Equipment
- Removal of PCB Light Ballasts and Fluorescent Light Bulbs
- Tank Cleaning, Removal and Disposal including above ground storage tanks as well as underground storage tanks.
- Basin Cleaning
- Contaminated Soil Excavation



CONSTRUCTION

D.H. Griffin Construction Company is a full-service construction management and general contracting firm that provides high-quality finished products for our clients. Since our division was formed in 1995, we have served as a trusted builder in the North Carolina and Florida markets. Our project managers and field personnel are experts in commercial, industrial and institutional building. Like our sister division, D.H. Griffin Wrecking Company, we have earned an outstanding reputation throughout the Southeast for excellence in delivering quality and achieving complete customer satisfaction.

As an extension of the D.H. Griffin family, D.H. Griffin Construction Company was founded in 1995 by a partnership between the Griffin Family and Norbert Hector. The company was created to enable D.H. Griffin the ability to provide owners, as well as prospective clients, the capabilities of turn-key construction services.

D.H. Griffin Construction performs over \$100 million in construction work per year and specializes in a team approach to managing construction projects, offering a variety of delivery methods and working closely with the owner and design team. Our team researches, evaluates and compiles all information and cost data concerning site conditions, local trade participation, bid market, utility company involvement, cost history of similar projects, and permit requirements to develop a cost model for your specific project.





CONSTRUCTION EXPERIENCE

Our experience spans a broad range of construction types including:

- Institutional/Educational
- Condominiums/High Rises
- Healthcare
- Commercial
- Government

INTEGRATED MANAGEMENT

Our team brings experience in pre-construction and construction management that offers quality results that can be built within identified budgets and schedules. D.H. Griffin Construction integrates value analysis of products and materials, cost estimating, local subcontractor relationships and scheduling expertise coupled with pre-construction services to help the owner analyze the project's cost, quality level and timing to best make educated decisions about the project.

◀ **PICTURES SHOWN TOP ROW:** (left) Wake Technical Community College, Raleigh, NC 75,000 sq ft Health Sciences Building; (right) NC State University, Raleigh, NC, 60,000 sq ft Toxicology Building.

▼ **PICTURES SHOWN BOTTOM ROW:** (left) Centergate Development at Miramar, FL, 578,000 sq ft, 850-unit apartment complex; (middle) City of Raleigh, 365,000 sq ft Parking Deck A-8, Raleigh, NC; (right) City View at West Church Street, 740,000 sq ft mixed use development combining both retail and residential, Orlando, FL.



SITE DEVELOPMENT

INFRASTRUCTURE & SITE GRADING SERVICES

DHG has expanded its service offering to include site development and grading services with the addition of D.H. Griffin Infrastructure and D.H. Griffin Grading and Crushing. Our infrastructure division offers more than 36 years of experience in the construction of water and sewer systems. D.H. Griffin Grading and Crushing provides diverse site development specialties and expertise in mass excavations, site grading, drainage and erosion control. By combining our diverse site construction services with our expert demolition, hazardous materials handling, dismantlement and scrap recycling capabilities, DHG can provide inclusive services for large commercial or industrial site development including Brownsfields Redevelopment projects.

The D.H. Griffin Companies offers diversified site construction services including:

- Structural earthwork and excavations
- Planning and installation of underground utility systems
- Storm drainage systems
- Building pad preparation





◀ **GOOGLE SITE CLEARING – LENOIR, NC**

The 53-acre Google Site being cleared for the Google Server Farm in Lenoir, NC. DHG was responsible for Phase I which involved 600,000 cubic yards of dirt, preparing building pads and installing utility infrastructure for Google's \$600 million investment.



◀ **NORTH CAROLINA RESEARCH CAMPUS – KANNAPOLIS, NC**

Shown is site development work performed by D.H. Griffin Companies on the North Carolina Research Campus in Kannapolis, NC. This development is a massive scientific and economic revitalization project that encompasses the 350-acre former Fieldcrest Cannon Mills plant site. DHG was contracted to provide grading and site development including a 2,000,000+ yd³ cut/fill operation; installation of new water, sewer and electrical utilities; rebuilding of Main Street; and construction of building pads for five new buildings.



OTHER SERVICES

INDUSTRIAL EQUIPMENT INSTALLATION, RELOCATION AND REMOVAL

DHG recently added industrial equipment installation, relocation and removal to its line of turnkey services with the acquisition of Taft Contracting Company's South Building and Equipment Division. With this addition comes a solid reputation for quality workmanship, timely performance and overall safety. D.H. Griffin Contracting Company is a leader in the equipment contracting industry, specializing in moving, erecting, servicing and storing equipment and hi-tech machinery. Our machinery installation expertise enhances our ability to perform work ranging from the setting of a single piece of machinery to a turnkey installation or complete plant shutdown. Our industrial services include:

- Machinery Moving
- Plant Relocation
- Plant Dismantlement
- Single Piece of Equipment to Turnkey Plant Relocation and Setup
- Heavy Rigging
- Millwright Services
- Equipment Transfers
- Hauling / Warehousing
- Miscellaneous Steel Fabrication



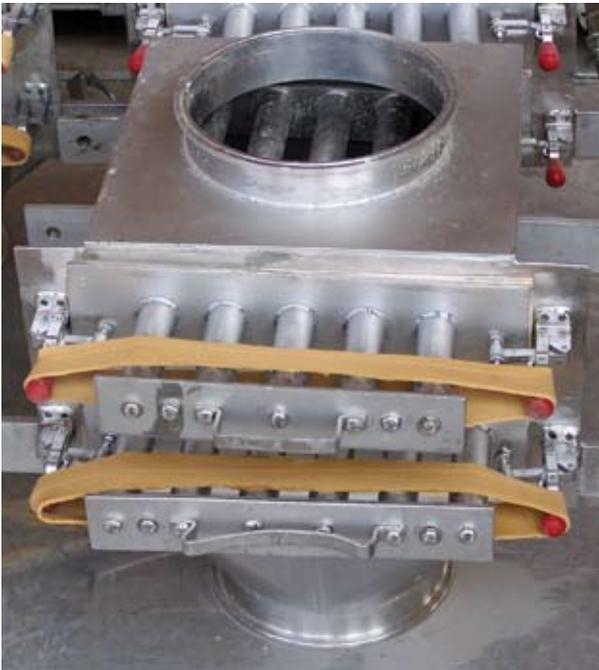
▼ DHG Contracting services the automotive, food, chemical, printing and manufacturing industries with skilled expertise backed by years of experience.





USED EQUIPMENT

D.H. Griffin Companies' Used Equipment Sales division can help bring value added services to demolition and dismantlement projects. With our experienced team of buyers and sellers, we can help achieve substantial cost savings through sale of surplus equipment. In many cases, this equipment salvage and resale can offset the cost of plant renovation, closure and/or demolition. Sometimes on certain projects, we can pay you to let us take your facility down based on the value of equipment salvage. Facilities including chemical processing, pulp and paper, food processing, power industry, pharmaceutical and industrial processing plants are examples of facilities where DHG can make a difference in project economics or economic feasibility.



DHG Used Equipment offers a wide variety of used equipment from agitators and stainless steel tanks, to heat exchangers, boilers, pumps, motors and screens for all industries. Our dedicated website allows you to browse through our inventory using over 45 different categories of equipment. Go to www.dhgriffin.com and click on the link to D.H. Griffin Used Equipment.

OTHER SERVICES

D.H. GRIFFIN OF TEXAS, INC.

D.H. Griffin of Texas was formed in 1994 by a partnership between the Griffin family and John Angelina, Sr., President of DHG of Texas, to further provide expert demolition and dismantlement to industries along the Gulf Coast. The service has grown since inception and is capable of handling any industrial or commercial demolition project regardless of size or complexity. DHG of Texas, Inc. is recognized as having one of the best safety records in the State of Texas and throughout the demolition industry. By the end of 2006, DHG of Texas, Inc. had 4,500 days without a lost time accident.



▲ JEFFERSON DAVIS HOSPITAL – HOUSTON, TX

D.H. Griffin of Texas specializes in both commercial and industrial demolition. Shown above is the implosion of the former Jefferson Davis Hospital in Houston, Texas.

◀ ALABAMA POWER PLANT – CHICKASAW, AL

D.H. Griffin of Texas and affiliate, Demolition & Asbestos Removal Inc., performed the complete decommissioning of this coal-fired power generation facility located near Mobile, Alabama, including the environmental remediation, demolition and removal of the entire facility.



◀ GEISEMER, LA

DHG of Texas was contracted to remove a Glycol plant, a TDI plant, a TDA plant, EO 1 and EO 2 plants at the operating BASF facility in Geisemer, Louisiana.



KEY PROJECTS



▲ **CINERGY FIELD**
Cincinnati, Ohio



▲ **AGFA/DuPONT**
Brevard, North Carolina



▲ **FIRST CITIZENS BANK**
Raleigh, North Carolina



▲ **BELK BUILDING/ENTIRE CITY BLOCK**
Charlotte, North Carolina



▲ **WALT DISNEY WORLD**
Orlando, Florida – Demolition of 20,000 Leagues Under the Sea

▶ **NASA – CAPE CANAVERAL, FL**

DHG has safely completed the demolition of over 100 structures at the NASA Cape Canaveral site in Florida. Work has involved all aspects of DHG including environmental work, demolition and new construction services. DHG performed a variety of projects on schedule and within budget at this government facility, while working in some of the highest security areas of the NASA facility.



▼ **CHURCHILL DOWNS – LOUISVILLE, KY**

Demolition included a 400-foot section in “Millionaire’s Row.” The demolition was carefully performed by hand next to the 1895 section to protect and preserve the historical structure.

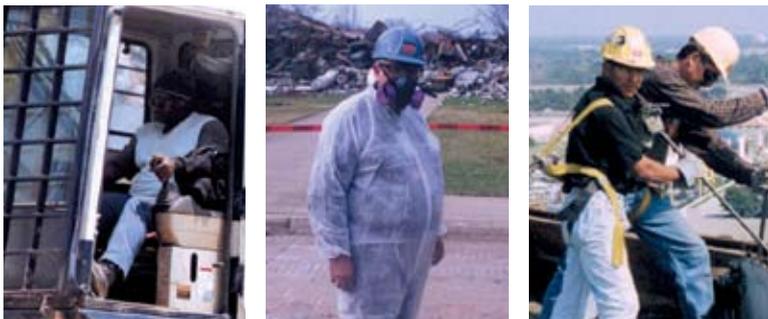


◀ **LANDMARK TOWER – FT. WORTH, TX**

DHG of Texas performed the implosion of the massive Ft. Worth’s Landmark Tower. At 407 ft, the 30-story building was the tallest ever demolished in Texas and the second tallest building ever imploded in the United States.



OUR PEOPLE



Through experience, hard work and dedication, it is our 1,000-plus employees that set us apart in the industry. The DHG Companies have assembled a staff of experienced management and site personnel both experienced and knowledgeable in their fields, many of which are skilled in multiple areas. This added knowledge and proficiency allows DHG to offer turnkey services that are seamless in execution, efficient and thus more economical.

Our reputation for safety and quality work, combined with our manpower and equipment resources have established DHG as one of the most trusted demolition and site development companies in America.

For over 25 years, DHG has supported local athletic programs by sponsoring sporting events and teams for the youth in our area. DHG also raises money for local charities through its annual DHG Civitan Golf Classic held every Spring. We are very proud to say that in addition to our community support and fundraising efforts, DHG has raised over \$500,000 to benefit the Cystic Fibrosis Foundation through the annual D. H. Griffin Golf Classic held each fall in Greensboro, North Carolina.

DHG Recognized as One of the Top Five Employers in the US

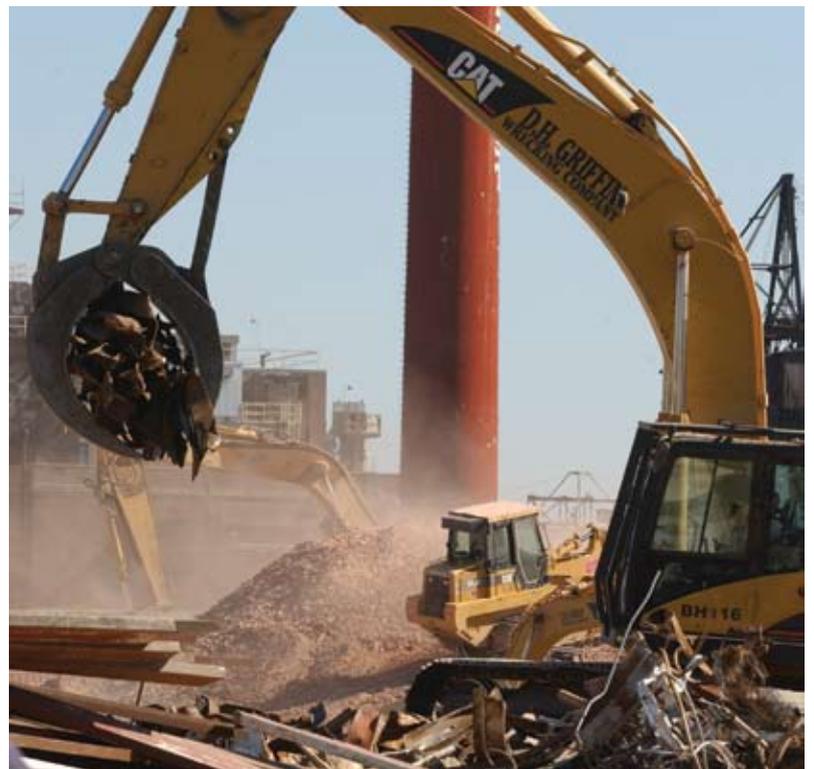
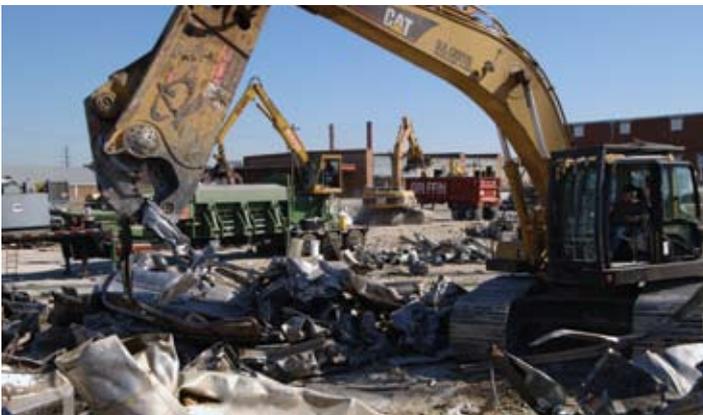
In 2003, DHG was recognized as one of the top five employers in the United States with the awarding of the Freedom Award. The Secretary of Defense Employer Support Freedom Award was instituted in 1996 to publicly recognize American employers who provide exceptional support to their employees who voluntarily serve the nation in the National Guard and Reserve. Each year the National Committee for Employer Support of the Guard and Reserve (ESGR) reviews thousands of nominations. DHG was fortunate to win this award presented by the Assistant Secretary of Defense, and again in the White House by President George W. Bush.



EQUIPMENT



Over the years, the use of the wrecking ball has been replaced with specialized heavy equipment designed just for the demolition industry. Today, DHG's equipment fleet includes precision equipment including shears, long arms, concrete pulverizers and grapples. DHG also has a comprehensive fleet that includes tractor trailers, dump trucks and trailers, and roll-off containers.



RECOMMENDATIONS

The D.H. Griffin Companies have successfully completed over 20,000 projects since forming in 1959. Our experienced personnel, turnkey service offerings and unmatched resources have allowed DHG to perform effectively and proficiently, resulting in customer satisfaction. Below are examples of recommendations made by our clients.



City of New York Department of Design and Construction
 Kenneth Holden
 Commissioner
 Michael Burton, P.E.
 Executive Deputy Commissioner
 30-30 Thomson Avenue
 Long Island City, NY 11101
 Tel: 718 / 391-1591
 Fax: 718 / 391-3480
 www.nyc.gov/budc

May 17, 2002

SUBJECT: Letter of Commendation / Recommendation for D.H. Griffin Wrecking

Dear Sir or Madam:

D.H. Griffin served as the demolition consultant to The City of New York Department of Design and Construction for the World Trade Center Recovery / Debris Removal Project. This project involved the removal of 17,168,000 square feet of office/retail space equalling 1,700,000 tons of debris, the removal of which was vastly complicated by numerous factors including the search and recovery of victims, the potential existence of a variety of solid waste, water & air quality environmental hazards and the stabilization of the seventy-foot high foundation/slurry wall, which surrounded the site.

As our consultant, D.H. Griffin was intimately involved in mitigating these and many other of the projects challenges. Involved in all aspects of the planning and supervision for this project the D.H. Griffin staff, typically working 16 hours per day, were extremely dedicated to the efficient execution of the task at hand. These efforts resulted in an immeasurable savings of both time and cost. In fact, this project is expected to be completed nine months earlier and at a reduction in cost of \$400,000,000 than originally anticipated. Further, it was clear early in the project that the D.H. Griffin staff was not only extremely professional but was highly capable of facilitating the coordination of multiple contractors, consultants and federal, state & city agencies.

I place my greatest confidence in the ability of this firm to perform equally well in any environment or geographic location for the largest or most complex demolition projects.

Sincerely,

 Michael Burton, P.E.
 Executive Deputy Commissioner



DuPont
 DuPont
 DuPont Spruance Plant
 P.O. Box 27001
 Richmond, VA 23261

May 13, 1999

To Whom It May Concern:

RE: D.H. Griffin Wrecking
 Mr. Rusty Griffin
 P.O. BOX 7657
 Greensboro, NC 27417-0657

D. H. Griffin has recently performed the demolition of a 100,000 sq. ft. structure at the E.I. DuPont Spruance Plant, Richmond, Virginia. They demonstrated exemplary performance in the areas of safety, schedule, and cost. Due to the skill and ability of their equipment operators to perform the demolition tasks D.H. Griffin exceeded the original schedule deadline by three weeks. They also met DuPont's stringent safety requirements without an incident or injury throughout the entire job.

D.H. Griffin is highly recommended for future work at E.I. DuPont. For more information concerning this demolition work, please feel free to contact me at 804/383-2557.

Sincerely,

 Keith Jenkins
 Contract Administration



Roger Milliken
 Chairman
 Chief Executive Officer

March 14, 1995

Mr. D. H. Griffin
 D. H. Griffin Company
 Post Office Box 7657
 Greensboro, NC 27417

Dear Mr. Griffin:

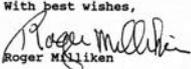
I write to extend you rounds of applause for an absolutely super job of getting our Live Oak site cleaned up in record time.

You have a host of admirers in our company who watched you and your men work so effectively on such an accelerated schedule.

Experienced people can't believe that you were able to clean up that enormous site in 21 days and without a single accident of any kind.

Congratulations! This was a super job that will be long remembered in the annals of our company.

If ever you need a reference anywhere, please don't hesitate to give our names as we will be more than happy to vouch for your performance. Thank you!

With best wishes,

 Roger Milliken



Milliken & Company, 234 South Fairview Avenue, P.O. Box 3167, Spartanburg, S.C. 29304 (803) 503-2811
 Fax: (803) 503-2970




August 20, 1990

Mr. David Griffin, Jr.
 D. H. Griffin Wrecking Company
 4700 Hilltop Road
 Greensboro, NC 27417-0657

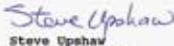
RE: Letter of Reference

Dear Mr. Griffin:

Thank you for the successful completion of Project No. 25-9656 - Demolition of Old Terminal Complex. I would like to commend D. H. Griffin Company for the following:

- Met All Deadlines - A fast track schedule for removal of the North Concourse was required to expedite construction of a new aircraft maintenance facility on the same property. D. H. Griffin Company met the challenge.
- Excellent Working Relationships - It was a pleasure working with all the D. H. Griffin Company staff. Your superintendent (Mr. J. C. Blanton) was one of the best I've seen.
- Reasonable Change Order Practice - On occasions throughout the project, you were asked to perform additional work. D. H. Griffin Company quickly responded to these requests and performed the additional work at a very fair cost.
- Salvage Experts - We were amazed with the painstaking efforts that your workers displayed in removing salvageable items from the demolition debris. As a result, the Metropolitan Nashville Airport Authority benefited from lower demolition costs and our environment benefited from less waste.

Please feel free to use my name as a reference for future clients. Thanks again for a job well done.

Sincerely,

 Steve Upshaw
 Project Engineer

COMMISSIONERS		PRESIDENT	
Robert C. R. Walters, Jr., Chairman	Norma W. Gaskill	Michael J. Rice, Jr.	William G. Moore, Jr.
Earl S. Webb, Vice Chairman	Frank C. Lovell	William H. Wilson	General Frank (Retired)
Bill Bunn, Member	H. Miller Latta	William H. Wilson	
	Barbara J. Lane		

PARTIAL LIST OF CLIENTS

AGFA Corporation
Alabama Power
Alcoa Inc.
Army Corps of Engineers
AT&T
Austin Industries
B. L. Harbert International
Bank of America
Barnhill Contracting Company
BASF Corporation
Bayer Corporation
BB&T
BE&K
Beers Skanska Inc.
Blaine Construction Corporation
BOC Gases, The Linde Group
Bosche Tools
Bovis Lend Lease
Bowater Inc.
Brasfield & Gorrie
Bridgestone Firestone
Cargill Inc.
Carolinas Health Care System
Castle & Cooke, Inc.
Centers for Disease Control (CDC)
Centex Construction
Champion Paper
Cherokee Corporation
Choate Construction
City of Charlotte
City of Durham
City of Greensboro
Clancy & Theys Construction Co.
Clarion Corporation

Clemson University
Cone Mills Corp.
Cousins Properties Inc.
CSX Corporation
DSM Pharma Chemicals
Duke Energy
Duke University
Dyno Nobel Inc.
Eastman Chemical Co.
Elon University
Emory University
Faison & Associates Enterprises
Florida Power and Light (FPL)
Fluor Corporation
FN Thompson Company
Freightliner, LLC
Furman University
Georgia-Pacific
Georgia Ports Authority
Georgia Power
Georgia Tech
Gilbarco Veeder-Root Gasboy
Gillbane Building Company
Gold Kist
Google
Graphic Packaging International Inc.
General Services Administration (GSA)
H. M. Kern Corporation
Halliburton
Hardin Construction Company
Harper Construction
Hercules
Hilco Trucking
Holder Construction, Inc.

Home Depot
Honeywell
Hyatt Hotels and Resort
International Paper
International Textile Group
James Vannoy and Associates
John S. Clark Company
Kimberly Clark Corporation
Koury Corporation
Liggett Group Inc.
Lincoln Financial Group
Lincoln Harris Company
Lockheed Martin Aircraft
Lockwood Greene (now CH2M Hill)
Lorillard Tobacco Company
Lowe's Home Improvement
Martin Marietta Materials Inc.
Mead Westvaco Paper
Memphis Housing Authority
Miami-Dade Housing Authority
Michelin USA
Moses H. Cone Hospital
Moss and Associates Construction
NASA
Novare Group
NY Dept. of Design and Construction
Opus South Corporation
PCL Constructors Inc.
Phillip & Jordan, Inc.
R. J. Griffin & Company
R.J. Reynolds Tobacco
Richmond Times Dispatch
Rodgers Builders
Rohm and Haas Company

S.T. Wooten Corporation
Samet Corporation
Skanska USA
Solutia, Inc.
S.C. Department of Disabilities
South Carolina Electric and Gas
Southern Industrial Contractors Inc.
Springs Industries, Inc.
Starmount Corporation
State Farm Insurance
SWB
Sembler Development Company
Tennessee Valley Authority
Texaco - Star Enterprises
The Haskell Company
Turner Construction
Tyson Foods
University of Alabama
University of Georgia
University of NC - Charlotte
University of NC - Chapel Hill
University of NC - Greensboro
University of South Carolina
URS Corporation
Vanderbilt University
Volvo
Vulcan Materials
W. G. Yates & Sons Construction
Wachovia Bank
Wal-Mart
Walt Disney World
Weyerhaeuser Company
Whiting Turner Contracting Co.
Wyeth Pharmaceutical

Shaping America's Skyline Since 1959.

D.H. GRIFFIN COMPANIES – CORPORATE OFFICE

4700 Hilltop Road, Greensboro, NC 27407
 Tel (336) 855-7030 • Fax (336) 855-9322
 Toll-Free (888) 336-3366 • www.dhgriffin.com



DIVISION OFFICES LOCATED IN:

- | | |
|--------------------|----------------|
| Asheville, NC | Hickory, NC |
| Atlanta, GA | Houston, TX |
| Birmingham, AL | Orlando, FL |
| Bristol, VA | Pensacola, FL |
| Charlotte, NC | Raleigh, NC |
| Columbia, SC | Richmond, VA |
| Ft. Lauderdale, FL | Tampa, FL |
| Greenville, SC | Wilmington, NC |



Shaping America's Skyline Since 1959.

HISTORY

Thank you for the opportunity to introduce you to the D.H. Griffin family of companies (DHGC). We are a vertically integrated group of companies that provides contract demolition, environmental and other construction services, to both public and private business sectors. DHGC completes in excess of \$300 million dollars in project revenue each year.

Our company has grown over the years to a network of over 1,000 employees with offices in ten states. DHGC continues to grow through dedicated employees and loyal clients that we frequently do repeat business with. Combining our experienced employee base with our financial strength, bonding capacity and equipment resources, DHGC can provide efficient and cost effective turnkey services.

If we have already done work for you, we would like to thank you. We welcome our future clients and invite you to see what the D.H. Griffin Companies can do for you.

David H. Griffin, Sr.
President and Founder of D.H. Griffin Companies



D.H. Griffin Wrecking Co., Inc. was founded in 1959 by D.H. Griffin, Sr. and his wife, Marylene F. Griffin. Starting from humble beginnings, the Company's first job was the dismantlement of a local church for the salvaged building materials. For the first two years of business, all the work was done by hand with sledge hammers, crowbars and brute strength; salvaging materials piece-by-piece and loading trucks by hand. In 1961, the Company purchased its first piece of equipment, a 7G Allis-Chalmers Front End Loader. Since then, we have continued to grow piece by piece, tractor by tractor, and truck by truck. Today the D.H. Griffin Companies' (DHGC) fleet numbers over 600 pieces with a value in excess of \$50 million dollars.

In addition to adding equipment, we have broadened our service offerings by adding associated companies. Today, DHGC has the capability of handling a project turnkey from start to finish including environmental assessments and remediation, asbestos abatement, investment or asset recovery, demolition and dismantlement, utility cleaning or closures, site preparation and grading and in some cases, even building back your new facility through our construction company.

If you are not looking for turnkey services, each DHG company can work independently to provide services to fill any partner or subcontractor role on your project. DHGC will complete the work on time and in a safe manner. Guaranteed.

THEN



◀ CITY HALL – GREENVILLE, SC

Early demolition techniques included labor-intensive handwork, use of pulleys and ropes, and crane and wrecking ball demolition.

▶ PHILLIPS 66 OIL REFINERY

One of three midwest refineries demolished by DHG in the late 1980's and early 1990's. DHG successfully completed the decommissioning and demolition of three petroleum refineries located in Kansas City, MO and Wood River, IL. Projects included asbestos abatement, environmental remediation, demolition and recycling of over 50,000 tons of steel.

NOW



◀ DUKE ENERGY – MARSHALL STEAM PLANT

Today, DHG uses state-of-the-art equipment to safely and effectively remove structures. A 170,000-lb. excavator with an ultra high reach demolition boom can munch concrete or cut steel at elevations higher than ever. Here, it is being used for the demolition of three 125' concrete silos belonging to Duke Power, a long-standing client for 35 years. Extreme caution had to be used to protect the operating power plant just 30' from the silos and vibrations had to be kept to a minimum. The project was performed without any interruption to the ongoing plant operations.

DEMOLITION

COMMERCIAL

DHG's skilled workforce and specialized equipment deliver safe and cost effective demolition services to both public and private sectors. Since its founding in 1959, DHG has demolished over 20,000 structures utilizing conventional as well as explosive demolition methods. From professional sports stadiums and multi story buildings in major metropolitan business areas to airports and shopping malls, DHG's demolition success has earned us the confidence of clients throughout the US, many of them Fortune 500 companies.



▲ **SETAI HOTEL – SOUTH BEACH, MIAMI, FL**
Mechanical demolition of the former Setai Hotel included removal of floors and interior columns at this Miami Beach site.

◀ **CRAWFORD LONG HOSPITAL – ATLANTA, GA**
Mechanical demolition of a 10-story hospital tower on high density campus.



▲ **ADAMS MARK HOTEL – CLEARWATER BEACH, FL**
DHG imploded the 224,000 sq ft, 14-story structure on an environmentally-sensitive beach in tight confines.



◀ **ATLANTA FULTON COUNTY STADIUM**
On August 2, 1997, DHG imploded the former Braves Stadium. This turnkey project included environmental services, demolition and removal of the stadium, as well as the construction of the new stadium parking lot and Hank Aaron 715th HR memorial park in the location of the old stadium. Over 10,000 tons of steel were recycled and over 100,000 tons of concrete crushed and used as backfill for the new parking lot.



6.8 SECONDS

▲ **IRS BUILDING – ATLANTA, GA**
The implosion of the former Internal Revenue Service Building in downtown Atlanta, Georgia was performed by DHG for the Hyatt Regency expansion project in 1994. DHG worked in close coordination with hotel officials to allow the hotel to continue operations, although it was located only 8 feet from the building being demolished. The 14-story structure was brought down in an implosion sequence lasting 6.8 seconds, without disruption to adjacent businesses or the below grade MARTA Subway System, which was within feet of the footprint of the building.

DEMOLITION

INDUSTRIAL

DHG's skilled workforce and specialized equipment deliver safe and cost effective demolition services for the industrial sector. DHG has successfully performed total or selective demolition and dismantling in plants in the pulp and paper, power generation, textile, chemical, pharmaceutical and food processing industries. DHG owns one of the largest fleets of specialized equipment in the demolition industry. This modern fleet of precise and sophisticated machinery is ideally suited for today's complex demolition projects.

6.0 MILLION SQUARE FEET

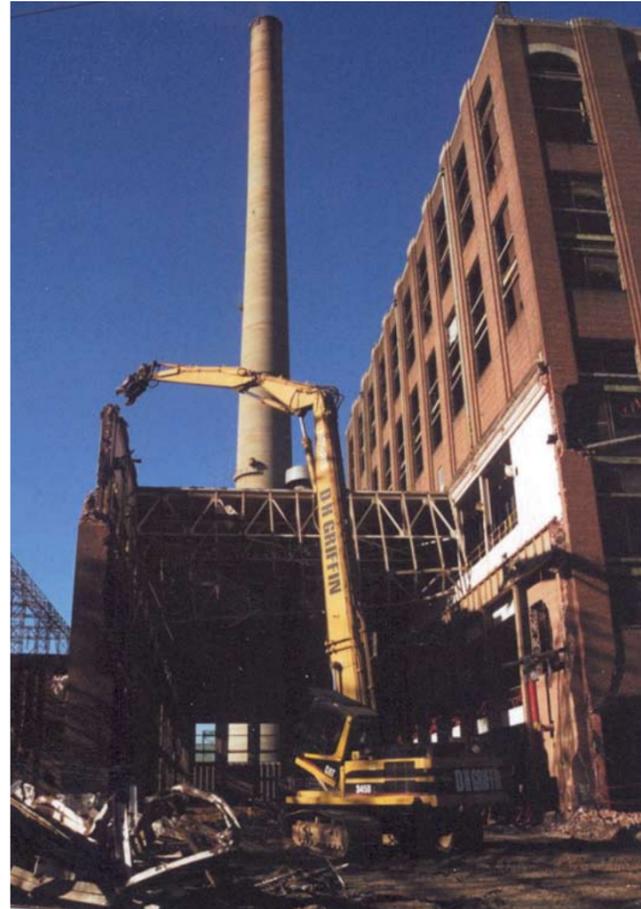


▶ LARGEST INDUSTRIAL FACILITY IN THE SOUTH - PILLOWTEX PLANT, FORMERLY FIELDCREST CANNON - KANNAPOLIS, NC

The demolition of the Fieldcrest Cannon Plant No. 1 was the largest demolition project ever performed in America. DHG was contracted to perform the decommissioning and demolition of this plant to make way for the new North Carolina Research Campus. At one time, this facility employed over 20,000 people. DHG crews demolished more than 6,000,000 sq ft of buildings while salvaging old brick, timbers and wood from the structures. Site work also involved the removal of hazardous materials including asbestos and PCBs, utility cleaning and closure, site grading and new construction.

▶ PULP AND PAPER MILL - NORTH CAROLINA

DHG provided environmental remediation, asbestos removal, equipment removal/asset recovery and demolition of this 7-story bleach plant in an operating paper mill. DHG performed 100,000 man hours without a lost-time accident.



▶ GEORGIA POWER - MACON AND SMYRNA, GA

Simultaneous decommissioning and demolition of two outdated power plants for the Southern Companies resulted in over 28,000 tons of steel and 3 million pounds of non-ferrous metals recycled. Both projects were adjacent to operating switch yards that remained in operation during the demolition.



▶ PETROLEUM REFINERIES

DHG was hired by the Amoco Oil Company to perform the decommissioning and dismantling of three oil refineries in the Midwest. The projects were completed simultaneously over a two-year period. Over 50,000 tons of steel were recycled.

▶ INTERNATIONAL PAPER FACILITY

Demolition of three lime kilns in an operating paper mill involved close coordination with ongoing plant operations. The project included asbestos and lead abatement, and removal of large concrete foundations, as well as the removal of 20 aboveground chemical storage tanks in the Caustic Area in this former Union Camp Paper Mill facility.



30 THOUSAND TONS

▶ GENERAL MOTORS LAKEWOOD ASSEMBLY PLANT

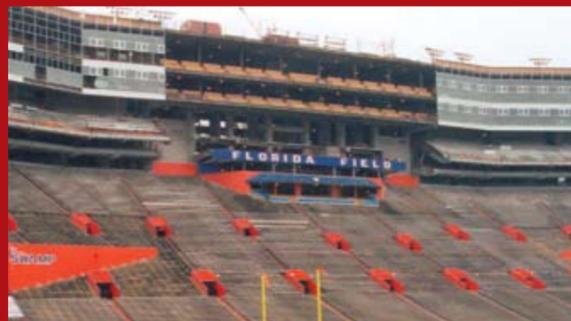
DHG was hired to perform environmental remediation, decommissioning and demolition of this 2,600,000 sq ft plant. The project was completed safely and involved the recycling of 30,000 tons of steel and over 2,000,000 pounds of non-ferrous metals. This facility was a complete automotive assembly plant.



DEMOLITION

SELECTIVE AND INTERIOR DEMOLITION

Through the careful management of experienced and knowledgeable personnel, DHG can perform any type of selective demolition activities in a timely manner. From total gut of a structure down to the structural components, to selective demolition of building components at an operating facility, DHG can provide services safely and with minimal disruption of site activities. Our turnkey service capability allows one company to control both demolition and abatement services which leads to a cost and time effective project.



▲ IVEY'S DEPARTMENT STORE – CHARLOTTE, NC

Selective or interior demolition serves to prepare structures for renovation. DHG can provide selective demolition services from precision removal of building components to complete building strip-outs. DHG provided these services for the conversion of the Ivey's Department Store from retail space to condominium living above retail space in downtown Charlotte, NC.

◀ HYATT HOTEL – ATLANTA, GA

DHG used a crane to rig and hold, while severing a precast concrete lattice awning along the main entrance to the Hyatt Hotel and also maintaining hotel access during the selective demolition operations. DHG also worked in close coordination with city officials on street and sidewalk closures on Peachtree Street in downtown Atlanta.

◀ UNIVERSITY OF FLORIDA – GAINSVILLE, FL

DHG performed selective demolition of this 61,600 sq ft, 7-story structure at the University of Florida Stadium (The Swamp) in Gainesville, Florida. Crews worked 24 hours a day, 7 days a week to meet critical scheduling required for project completion between football seasons.

EMERGENCY SERVICES

DHG has capabilities to respond within hours to a city, municipality or private client or customer's needs in an emergency situation. We have the manpower, equipment and supplies to quickly mobilize and take action to immediately begin the process of cleaning up after a disaster. DHG was chosen as the Lead Demolition Consultant at the World Trade Center site in NY following the 9/11 terrorist attacks. DHG has responded to numerous hurricane cleanups and fires over its 48 years in business. DHG will respond safely and expeditiously as possible to clear the site and allow for new construction to begin. Whether working with emergency response officials, owners, insurance companies or general contractors, DHG stands ready to fulfill any role required even in the most demanding situations.



▲ GROUND ZERO / WORLD TRADE CENTER – NEW YORK CITY, NY

DHG coordinated with over 20 local, state and federal authorities in the cleanup and recovery of the WTC site. DHG personnel arrived onsite on September 14th and worked 24 hours/7 days a week until the demolition work was completed. D. H. Griffin was in charge of all demolition operations at the WTC site.



◀ HARD ROCK CAFE & CASINO – BILOXI, MS

Following Hurricane Katrina, DHG mobilized to begin cleanup and demolition of the heavily damaged Hard Rock Casino in Biloxi, Mississippi. DHG also contracted for removal efforts at President Casino, Grand Casino, Casino Magic, Palace Casino in Biloxi and in Gulfport, the Copa Casino and the Port of Gulfport.

▶ LOWE'S MOTOR SPEEDWAY – CONCORD, NC

DHG was called in on an emergency response basis to remove the debris resulting from the tragic pedestrian bridge collapse at the Lowe's Motor Speedway near Charlotte, NC. The collapse shut down Hwy. 29 – a major thoroughfare. DHG had all debris removed within 24 hours.



DEMOLITION

TANKS AND STACKS

DHG's experience includes the removal of many types of tanks, stacks, towers and silos. Whether dismantled piece by piece and moved by crane or through implosive demolition techniques, DHG has the unique combination of experience, technical expertise, comprehensive safety measures and state-of-the-art equipment to perform any type of demolition.



▲ **COKE PLANT – CHATTANOOGA, TN**
Abatement and demolition at this RCRA Superfund Site included simultaneous implosion of five stacks.



▲ **ARKWRIGHT STACK – MACON, GA**
In July 2003, DHG demolished the largest smokestack on the East Coast during the demolition of the Georgia Power Arkwright Power Generating Plant. The 600' stack was brought down using explosive charges. DHG worked in close coordination with railroad officials to coordinate RR traffic prior to the implosion on this main Norfolk Southern track.

▲ **R.J. REYNOLDS STACK – GREENSBORO, NC**
This stack was "felled" for the R.J. Reynolds Tobacco Company in Greensboro, NC.



▲ **SPARTANBURG, SC**
DHG dismantled two 1-million gallon water tanks for the City of Spartanburg, SC. The tanks were dismantled safely within tight confines in the downtown area.



BRIDGES AND UNIQUE STRUCTURES

Combined with the latest specialized equipment and talented and experienced people, DHG is ready for the challenge of demolishing bridges and unique structures, regardless of the size or complexity of the project. State-of-the-art demolition methods have been used to safely and successfully demolish and remove many landmark structures.

▶ **NC STATE PRESS BOX – RALEIGH, NC**
DHG expertly removed the 10-story West Stands press box and support columns at Carter Finley Stadium. The steel truss system was supported by two poured-in-place concrete towers with two lower floors suspended from the truss. The base of the towers were within 6 feet of the upper elevated seating support bents.



RIVERGATE CONVENTION CENTER



▲ **MAKING WAY FOR THE NEW HARRAH'S CASINO ON CANAL STREET – NEW ORLEANS, LA**
DHG was selected to provide the demolition of this unique reinforced concrete post tension structure. The South Hall section of the building offered 95,900 sq ft of uncolumned space below the barrel vault roof. The adjacent North Hall added another 34,500 sq ft of uncolumned space. It's considered to be the longest thin-shell roof span ever constructed in the world. Each of the 7 columns in the Portico held at least 2,000,000 pounds. This building had to be completely shored because the main slab and two levels of below grade parking had to remain.



▲ **BURLINGTON INDUSTRIES CORPORATE HEADQUARTERS – GREENSBORO, NC**
This 433,000 sq ft exoskeleton structure with crisscrossing steel trusses was successfully imploded in May 2005. The upper floors were hung from the roof trusses, creating a challenge for the safe and successful demolition of the structure. Additional images of this demolition project can be seen on the front and back covers of this brochure.



▲ **ROBERT E. LEE MEMORIAL BRIDGE – RICHMOND, VA**
DHG demolished this 3/4-mile long concrete spandrel arch bridge across the James River in Richmond, Virginia. The bridge dropped in six different blast events.

RECYCLING

Increasingly stringent rules and regulations on construction and demolition waste, diminishing landfill space and depletion of national resources are all reasons for the push for C&D waste recovery. Salvaging materials for reuse can be both an economical and environmentally sound alternate to waste stream disposal. Diverted from the landfill, building materials such as old wood and bricks, cardboard or paper, as well as scrap metal have value. In addition to salvaging used equipment, DHG can salvage building materials for reuse. Today's market is strong for heart pine boards and beams, which can be reused for building materials or cut and used for furniture manufacturing. Baled cardboard or paper is purchased by a paper mill to be used in place of pulp. Recycling or salvaging demo debris not only diverts materials from the landfill, but it also saves energy and the environmental impacts of producing new products from virgin materials.

As a scrap metal recycler, DHG handles products such as iron and steel, nonferrous metals such as copper and aluminum, and precious metals such as platinum, nickel and many other alloys.

DHG has continued to grow in the scrap industry over the years. The company's scrap yard in Greensboro, together with other affiliated scrap yards in NC, SC and TN, combined with scrap recycling from demolition projects produce a combined 1,000,000 tons of recycled ferrous steel per year. Including other scrap yards and brokers throughout the southeast, the DHG scrap network is second to none.

DHG is a member of the Institute of Scrap Recycling Industries, Inc. (ISRI), a national trade association for scrap processors and recyclers. DHG is also a member of the US Green Building Council, which promotes the Leadership in Energy and Environmental Design (LEED) program – encouraging recycling or salvage of demolition and construction debris.

DHG has a large fleet of trucks and containers to service industrial scrap accounts throughout the southeast; enabling prompt service and competitive pricing for scrap materials.



◀ GREENSBORO, NC OPERATION

D.H. Griffin Companies' scrap yard in Greensboro, NC is one of the largest scrap metal recyclers in Central North Carolina. Located adjacent to D.H. Griffin Wrecking Co.'s corporate headquarters, the yard takes all types of ferrous and non-ferrous metals for scrap metal recycling. These scrap materials are prepared and shipped by rail or truck for mill consumption.



◀ DHG is progressive in the area of materials recycling. From metals to concrete, asphalt to wood, recycling and salvaging materials for reuse can be both an economical and environmentally sound alternate to landfill disposal. Shown here – The Fieldcrest Cannon Plant Project is an ongoing LEEDS ND proto-type. During demolition, DHG salvaged over 10 million bricks, crushed 600,000 tons of concrete and block, recycled over 20,000 tons of scrap metal, salvaged over 300,000 board feet of large timbers, 250,000 sq ft of decking, crushed 106,000 tons of asphalt and sold 875 windows for reuse. Most of the crushed concrete and asphalt was used onsite during the reconstruction.

ENVIRONMENTAL

DHG offers a wide range of professional environmental services associated with demolition projects including asbestos and lead abatement, PCB removal, underground storage tank removal, soil remediation and facility decontamination. Offering these turnkey services allows DHG to be more cost effective, efficient and ready to respond to environmental situations that can develop during building renovations or demolition/decommissioning. Whether working in conjunction with a demolition project or contracted independently, DHG can provide the identification, removal and disposal of hazardous materials.



▲ LEAD-BASED PAINT ON STRUCTURES

DHG skilled burners are trained in lead awareness and protected against lead exposure per OSHA 1926.62 regulations, allowing DHG to perform removal of lead painted steel and equipment without requiring costly lead abatement procedures.



▲ ASBESTOS REMOVAL

DHG removed asbestos from the massive cooling towers at the Edwin I. Hatch Nuclear Plant near Baxley, Georgia.



In addition, DHG's in-house environmental affiliate Demolition and Asbestos Removal Inc. (DARI) is a certified Woman-Owned Business Enterprise (WBE) capable of providing minority subcontract work in the following areas:

Asbestos Abatement

- Inspections
- Industrial/Commercial and Municipal Removal and Disposal

Lead Abatement

- Removal/Abatement
- Encasement
- Disposal

Mold Remediation

Specialty Demolition Services

- Interior Demolition/Strip Outs
- Facility Abatement and Demolition

Facility Decontamination/Decommissioning including:

- Decontamination of Structure or Equipment
- Removal of PCB Light Ballasts and Fluorescent Light Bulbs
- Tank Cleaning, Removal and Disposal including above ground storage tanks as well as underground storage tanks.
- Basin Cleaning
- Contaminated Soil Excavation



CONSTRUCTION

D.H. Griffin Construction Company is a full-service construction management and general contracting firm that provides high-quality finished products for our clients. Since our division was formed in 1995, we have served as a trusted builder in the North Carolina and Florida markets. Our project managers and field personnel are experts in commercial, industrial and institutional building. Like our sister division, D.H. Griffin Wrecking Company, we have earned an outstanding reputation throughout the Southeast for excellence in delivering quality and achieving complete customer satisfaction.

As an extension of the D.H. Griffin family, D.H. Griffin Construction Company was founded in 1995 by a partnership between the Griffin Family and Norbert Hector. The company was created to enable D.H. Griffin the ability to provide owners, as well as prospective clients, the capabilities of turn-key construction services.

D.H. Griffin Construction performs over \$100 million in construction work per year and specializes in a team approach to managing construction projects, offering a variety of delivery methods and working closely with the owner and design team. Our team researches, evaluates and compiles all information and cost data concerning site conditions, local trade participation, bid market, utility company involvement, cost history of similar projects, and permit requirements to develop a cost model for your specific project.



CONSTRUCTION EXPERIENCE

Our experience spans a broad range of construction types including:

- Institutional/Educational
- Condominiums/High Rises
- Healthcare
- Commercial
- Government

INTEGRATED MANAGEMENT

Our team brings experience in pre-construction and construction management that offers quality results that can be built within identified budgets and schedules. D.H. Griffin Construction integrates value analysis of products and materials, cost estimating, local subcontractor relationships and scheduling expertise coupled with pre-construction services to help the owner analyze the project's cost, quality level and timing to best make educated decisions about the project.

◀ **PICTURES SHOWN TOP ROW:** (left) Wake Technical Community College, Raleigh, NC 75,000 sq ft Health Sciences Building; (right) NC State University, Raleigh, NC, 60,000 sq ft Toxicology Building.

▼ **PICTURES SHOWN BOTTOM ROW:** (left) Centergate Development at Miramar, FL, 578,000 sq ft, 850-unit apartment complex; (middle) City of Raleigh, 365,000 sq ft Parking Deck A-8, Raleigh, NC; (right) City View at West Church Street, 740,000 sq ft mixed use development combining both retail and residential, Orlando, FL.



SITE DEVELOPMENT

INFRASTRUCTURE & SITE GRADING SERVICES

DHG has expanded its service offering to include site development and grading services with the addition of D.H. Griffin Infrastructure and D.H. Griffin Grading and Crushing. Our infrastructure division offers more than 36 years of experience in the construction of water and sewer systems. D.H. Griffin Grading and Crushing provides diverse site development specialties and expertise in mass excavations, site grading, drainage and erosion control. By combining our diverse site construction services with our expert demolition, hazardous materials handling, dismantlement and scrap recycling capabilities, DHG can provide inclusive services for large commercial or industrial site development including Brownsfields Redevelopment projects.



◀ GOOGLE SITE CLEARING – LENOIR, NC

The 53-acre Google Site being cleared for the Google Server Farm in Lenoir, NC. DHG was responsible for Phase I which involved 600,000 cubic yards of dirt, preparing building pads and installing utility infrastructure for Google's \$600 million investment.



The D.H. Griffin Companies offers diversified site construction services including:

- Structural earthwork and excavations
- Planning and installation of underground utility systems
- Storm drainage systems
- Building pad preparation



◀ NORTH CAROLINA RESEARCH CAMPUS – KANNAPOLIS, NC

Shown is site development work performed by D.H. Griffin Companies on the North Carolina Research Campus in Kannapolis, NC. This development is a massive scientific and economic revitalization project that encompasses the 350-acre former Fieldcrest Cannon Mills plant site. DHG was contracted to provide grading and site development including a 2,000,000+ yd³ cut/fill operation; installation of new water, sewer and electrical utilities; rebuilding of Main Street; and construction of building pads for five new buildings.



OTHER SERVICES

INDUSTRIAL EQUIPMENT INSTALLATION, RELOCATION AND REMOVAL

DHG recently added industrial equipment installation, relocation and removal to its line of turnkey services with the acquisition of Taft Contracting Company's South Building and Equipment Division. With this addition comes a solid reputation for quality workmanship, timely performance and overall safety. D.H. Griffin Contracting Company is a leader in the equipment contracting industry, specializing in moving, erecting, servicing and storing equipment and hi-tech machinery. Our machinery installation expertise enhances our ability to perform work ranging from the setting of a single piece of machinery to a turnkey installation or complete plant shutdown. Our industrial services include:

- Machinery Moving
- Plant Relocation
- Plant Dismantlement
- Single Piece of Equipment to Turnkey Plant Relocation and Setup
- Heavy Rigging
- Millwright Services
- Equipment Transfers
- Hauling / Warehousing
- Miscellaneous Steel Fabrication



▼ DHG Contracting services the automotive, food, chemical, printing and manufacturing industries with skilled expertise backed by years of experience.



USED EQUIPMENT

D.H. Griffin Companies' Used Equipment Sales division can help bring value added services to demolition and dismantlement projects. With our experienced team of buyers and sellers, we can help achieve substantial cost savings through sale of surplus equipment. In many cases, this equipment salvage and resale can offset the cost of plant renovation, closure and/or demolition. Sometimes on certain projects, we can pay you to let us take your facility down based on the value of equipment salvage. Facilities including chemical processing, pulp and paper, food processing, power industry, pharmaceutical and industrial processing plants are examples of facilities where DHG can make a difference in project economics or economic feasibility.



DHG Used Equipment offers a wide variety of used equipment from agitators and stainless steel tanks, to heat exchangers, boilers, pumps, motors and screens for all industries. Our dedicated website allows you to browse through our inventory using over 45 different categories of equipment. Go to www.dhgriffin.com and click on the link to D.H. Griffin Used Equipment.

OTHER SERVICES

D.H. GRIFFIN OF TEXAS, INC.

D.H. Griffin of Texas was formed in 1994 by a partnership between the Griffin family and John Angelina, Sr., President of DHG of Texas, to further provide expert demolition and dismantlement to industries along the Gulf Coast. The service has grown since inception and is capable of handling any industrial or commercial demolition project regardless of size or complexity. DHG of Texas, Inc. is recognized as having one of the best safety records in the State of Texas and throughout the demolition industry. By the end of 2006, DHG of Texas, Inc. had 4,500 days without a lost time accident.



- ▲ **JEFFERSON DAVIS HOSPITAL – HOUSTON, TX**
D.H. Griffin of Texas specializes in both commercial and industrial demolition. Shown above is the implosion of the former Jefferson Davis Hospital in Houston, Texas.
- ◀ **ALABAMA POWER PLANT – CHICKASAW, AL**
D.H. Griffin of Texas and affiliate, Demolition & Asbestos Removal Inc., performed the complete decommissioning of this coal-fired power generation facility located near Mobile, Alabama, including the environmental remediation, demolition and removal of the entire facility.

- ◀ **GEISEMER, LA**
DHG of Texas was contracted to remove a Glycol plant, a TDI plant, a TDA plant, EO 1 and EO 2 plants at the operating BASF facility in Geisemer, Louisiana.



KEY PROJECTS



▲ **CINERGY FIELD**
Cincinnati, Ohio



▲ **AGFA/DuPONT**
Brevard, North Carolina



▲ **FIRST CITIZENS BANK**
Raleigh, North Carolina



▲ **BELK BUILDING/ENTIRE CITY BLOCK**
Charlotte, North Carolina



▲ **WALT DISNEY WORLD**
Orlando, Florida – Demolition of 20,000 Leagues Under the Sea

- ▶ **NASA – CAPE CANAVERAL, FL**
DHG has safely completed the demolition of over 100 structures at the NASA Cape Canaveral site in Florida. Work has involved all aspects of DHG including environmental work, demolition and new construction services. DHG performed a variety of projects on schedule and within budget at this government facility, while working in some of the highest security areas of the NASA facility.

- ▼ **CHURCHILL DOWNS – LOUISVILLE, KY**
Demolition included a 400-foot section in "Millionaire's Row." The demolition was carefully performed by hand next to the 1895 section to protect and preserve the historical structure.



- ◀ **LANDMARK TOWER – FT. WORTH, TX**
DHG of Texas performed the implosion of the massive Ft. Worth's Landmark Tower. At 407 ft, the 30-story building was the tallest ever demolished in Texas and the second tallest building ever imploded in the United States.

OUR PEOPLE



Through experience, hard work and dedication, it is our 1,000-plus employees that set us apart in the industry. The DHG Companies have assembled a staff of experienced management and site personnel both experienced and knowledgeable in their fields, many of which are skilled in multiple areas. This added knowledge and proficiency allows DHG to offer turnkey services that are seamless in execution, efficient and thus more economical.

Our reputation for safety and quality work, combined with our manpower and equipment resources have established DHG as one of the most trusted demolition and site development companies in America.

For over 25 years, DHG has supported local athletic programs by sponsoring sporting events and teams for the youth in our area. DHG also raises money for local charities through its annual DHG Civitan Golf Classic held every Spring. We are very proud to say that in addition to our community support and fundraising efforts, DHG has raised over \$500,000 to benefit the Cystic Fibrosis Foundation through the annual D. H. Griffin Golf Classic held each fall in Greensboro, North Carolina.

DHG Recognized as One of the Top Five Employers in the US

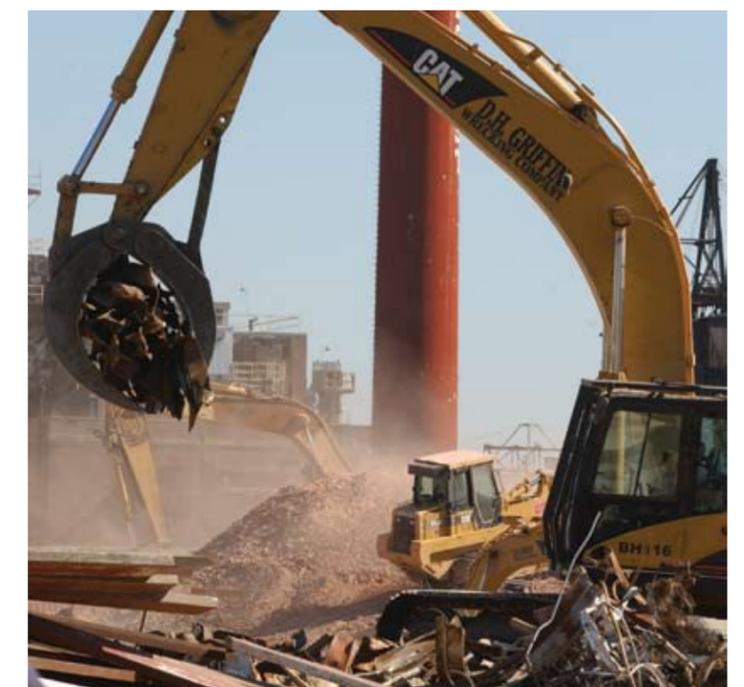
In 2003, DHG was recognized as one of the top five employers in the United States with the awarding of the Freedom Award. The Secretary of Defense Employer Support Freedom Award was instituted in 1996 to publicly recognize American employers who provide exceptional support to their employees who voluntarily serve the nation in the National Guard and Reserve. Each year the National Committee for Employer Support of the Guard and Reserve (ESGR) reviews thousands of nominations. DHG was fortunate to win this award presented by the Assistant Secretary of Defense, and again in the White House by President George W. Bush.



EQUIPMENT

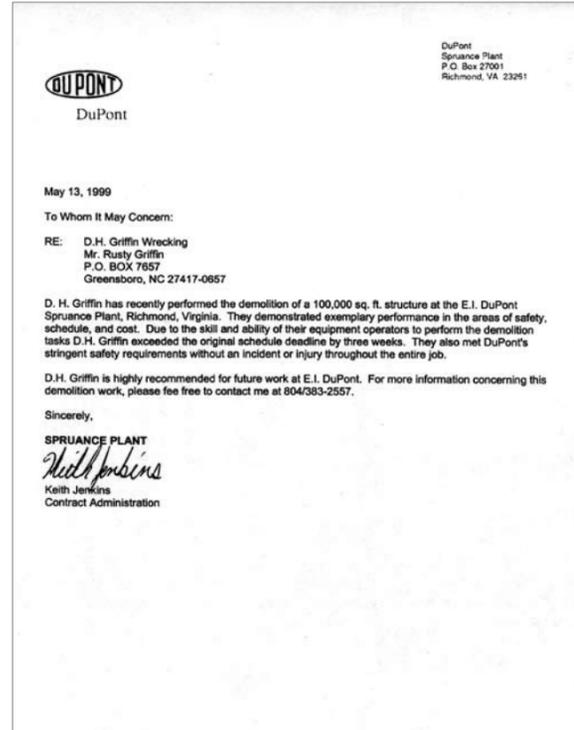
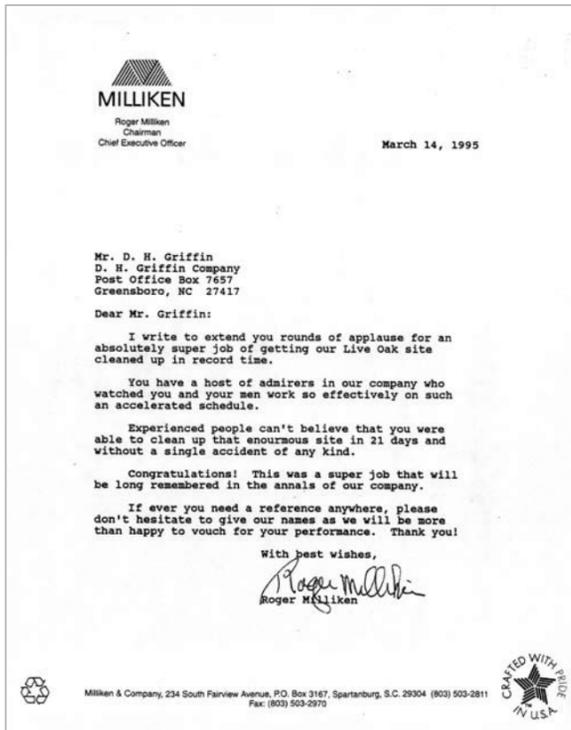
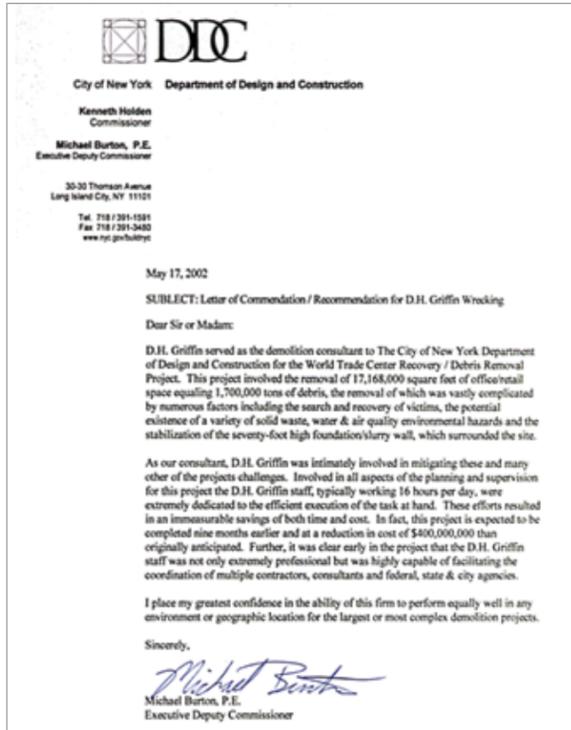


Over the years, the use of the wrecking ball has been replaced with specialized heavy equipment designed just for the demolition industry. Today, DHG's equipment fleet includes precision equipment including shears, long arms, concrete pulverizers and grapples. DHG also has a comprehensive fleet that includes tractor trailers, dump trucks and trailers, and roll-off containers.



RECOMMENDATIONS

The D.H. Griffin Companies have successfully completed over 20,000 projects since forming in 1959. Our experienced personnel, turnkey service offerings and unmatched resources have allowed DHG to perform effectively and proficiently, resulting in customer satisfaction. Below are examples of recommendations made by our clients.



PARTIAL LIST OF CLIENTS

- | | | | |
|-----------------------------------|---------------------------------------|-------------------------------------|--------------------------------------|
| AGFA Corporation | Clemson University | Home Depot | S.T. Wooten Corporation |
| Alabama Power | Cone Mills Corp. | Honeywell | Samet Corporation |
| Alcoa Inc. | Cousins Properties Inc. | Hyatt Hotels and Resort | Skanska USA |
| Army Corps of Engineers | CSX Corporation | International Paper | Solutia, Inc. |
| AT&T | DSM Pharma Chemicals | International Textile Group | S.C. Department of Disabilities |
| Austin Industries | Duke Energy | James Vannoy and Associates | South Carolina Electric and Gas |
| B. L. Harbert International | Duke University | John S. Clark Company | Southern Industrial Contractors Inc. |
| Bank of America | Dyno Nobel Inc. | Kimberly Clark Corporation | Springs Industries, Inc. |
| Barnhill Contracting Company | Eastman Chemical Co. | Koury Corporation | Starmount Corporation |
| BASF Corporation | Elon University | Liggett Group Inc. | State Farm Insurance |
| Bayer Corporation | Emory University | Lincoln Financial Group | SWB |
| BB&T | Faison & Associates Enterprises | Lincoln Harris Company | Sembler Development Company |
| BE&K | Florida Power and Light (FPL) | Lockheed Martin Aircraft | Tennessee Valley Authority |
| Beers Skanska Inc. | Fluor Corporation | Lockwood Greene (now CH2M Hill) | Texaco - Star Enterprises |
| Blaine Construction Corporation | FN Thompson Company | Lorillard Tobacco Company | The Haskell Company |
| BOC Gases, The Linde Group | Freightliner, LLC | Lowe's Home Improvement | Turner Construction |
| Bosche Tools | Furman University | Martin Marietta Materials Inc. | Tyson Foods |
| Bovis Lend Lease | Georgia-Pacific | Mead Westvaco Paper | University of Alabama |
| Bowater Inc. | Georgia Ports Authority | Memphis Housing Authority | University of Georgia |
| Brasfield & Gorrie | Georgia Power | Miami-Dade Housing Authority | University of NC - Charlotte |
| Bridgestone Firestone | Georgia Tech | Michelin USA | University of NC - Chapel Hill |
| Cargill Inc. | Gilbarco Veeder-Root Gasboy | Moses H. Cone Hospital | University of NC - Greensboro |
| Carolinas Health Care System | Gillbane Building Company | Moss and Associates Construction | University of South Carolina |
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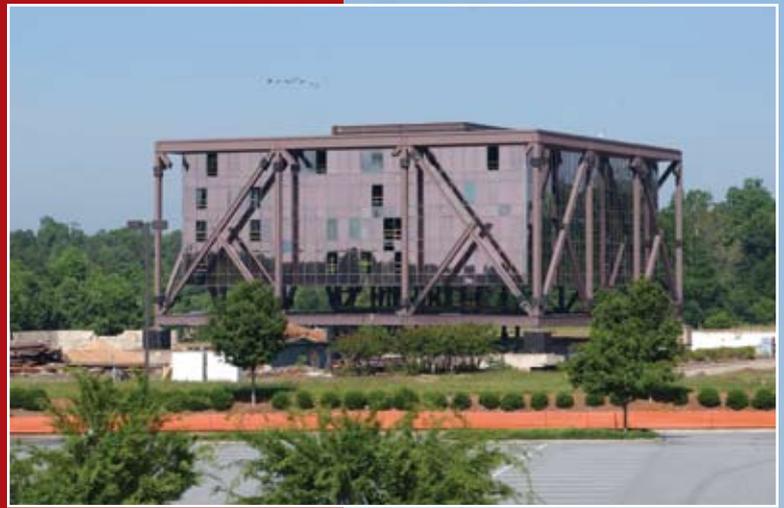


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WCA Waste Corporation
Maintenance Policy
10/30/2007

WCA Waste Corporation
Maintenance Policy

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Document Approval

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1 Policy Statement

1.1 Maintenance Management

Equipment maintenance directly impacts productivity, driver and operator satisfaction, corporate image, safety and environmental compliance, and the financial bottom line. The intent of this policy is to enhance the understanding as well as to communicate essential maintenance principals to all WCA operational locations maintenance personnel, drivers / operators, and management.

1.1.1 Vehicle Maintenance

Maintenance management impacts all aspects of fleet management. Its decisions have the potential to affect not only the financial and safe operation of a fleet, but also the end user's productivity. The Fleet Manager must have a clear understanding of the base expectation to make informed decisions and recommendations. Timely preventive maintenance is the key to keeping Company equipment in good operating condition. Performing preventive maintenance is a requirement of all operating locations making use of such equipment.

1.1.2 Shop Operations

Operating an efficient and effective maintenance facility does not happen by chance. Each operational division must assess their operation to determine optimum staffing levels and advantageous outsourcing opportunities.

1.1.3 Environmental Issues

Environmental regulations touch all Fleet and Fleet Maintenance operations. Environmental regulation requirements ensure not only a clean and healthy environment, but also employee safety. It is the responsibility of all Operations personnel to know and adhere to these ever-changing regulations.

1.1.4 Inventory Management

WCA expenses all parts during the period of purchase. It is for this reason that individual locations be aware that stockpiling parts may negatively affect the overall maintenance costs for the month. A fleet maintenance operation must have professionally managed parts support to operate at peak efficiency and to ensure that undue delays in repairing equipment do not occur.

1.1.5 Benchmarking

Benchmarking staff performance is a key function to maintain productivity and efficient maintenance operations. Benchmarking involves tracking, comparison, and analysis to determine performance status and standards with respect to direct and indirect labor. Tracking the individual effort for standard inspection and or repair functions will also provide the maintenance manager valuable feedback for the review of the maintenance staff's performance.

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1.1.6 Outsourcing

Outsourcing maintenance activities occur in most fleet maintenance operations. The decision to outsource activities depends on numerous factors, but ultimately is determined by what is most effective, efficient and what will maximize unit availability at an acceptable cost.

The policies set forth are minimum compliance standards. Any deviation from these standards must be approved by the corporate office.

2 Responsibilities:

- The director of maintenance is responsible for insuring that WCA policies are defined and followed concerning equipment repair, replacement and services company wide.
- The director of maintenance is responsible for the implementation of power purchasing agreements.
- The General Manager/Operations manager of each operation division is responsible for the condition and safe operation of WCA equipment for their respective location.
- The operational division's maintenance manager or individual identified as "Responsible for Maintenance" of individual locations is responsible for insuring that WCA policies concerning repair and service of equipment are followed
- The operational division's maintenance manager or individual identified as "Responsible for Maintenance" is responsible for scheduling service and repairs of WCA Equipment.
- Operations Managers and the local maintenance staff will coordinate with each other concerning the scheduling of service and repairs.

3 Compliance

3.1 *Environmental Issues*

The Maintenance department is in most cases responsible for compliance with the following environmental requirements and concerns:

- Identification and proper handling and disposal of site generated special or hazardous wastes. This includes, but is not limited to the following: used antifreeze, used oils, used air filters, oil, fuel, hydraulic oil, antifreeze coolant, paint filters, used solvents, used batteries, contaminated absorbent and rags, wash bay grit and sludge, holding tank waste, empty spray cans and paint containers, sandblast grit and debris, and fluorescent bulbs.
- Above and Below Ground Storage Tanks- Requirements may include monthly inspections, training, labeling, leak testing and inventory reconciliation.
- Painting Operations- VOC (Volatile Organic Compounds) air emissions; volume of paint used annually and percentage of VOC.

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- Proper use of refrigerants and associated equipment in servicing motor air conditioning systems.
- Oil Spills/Spill Clean-Up Procedures.
- Washwater Management.
- Storm water/Surface Waste Discharges.
- Sewer System Discharges.
- Drinking Water Standards (if the facility is not using a city water supply).

The above are governed by Federal and State regulations and perhaps local regulations. Each site is to insure that all programs are in compliance.

3.2 Safety and Transportation

Health and Safety requirements, standards and programs are set forth in the Corporate Safety and Loss Control Manual. While all of the items in the Safety and Loss Control Manual have to be addressed, following are specific standards which are especially pertinent to the Maintenance Departments:

- Hazard Communication (including MSDS's and labeling)
- Lockout – Tagout
- Flammable & Combustible Liquids
- Equipment Guarding
- Forklift/Powered Industrial Trucks
- Electrical Safety
- Welding, Cutting, Brazing & Compressed Gas
- Overhead Safety
- Cranes, Hoists/Slings
- Lifting equipment and Jack Stands
- Wheel Chocks
- Fire Extinguisher
- Personal Protective Equipment
- Hearing Conservation
- Respiratory Protection
- Confined Space Entry
- Special Waste Handling
- Facility Inspections
- Fall Protection and Walking/Working Surfaces
- Safe Work Rules
- Contractor & Visitor Safety Program

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Maintenance location minimal file requirements

3.2.1 Equipment Numbering

To facilitate company wide tracking of equipment each piece of WCA equipment will be assigned a unique number. This number will be assigned and controlled from the corporate office. Following the initial fleet inventory each location will receive designated numbers; this number will stay with the equipment until retirement. The following number scheme will be utilized.

Equipment Type	Number Sequence
Side Loader	100000 Through 199999
Commercial Front Loader	200000 Through 259999
Residential Front Loader	260000 Through 299999
Single Drive Rear Loader	300000 Through 359999
Dual Drive Rear Loader	360000 Through 399999
Roll-Off	400000 Through 499999
Recycle	500000 Through 599999
Pick-up	600000 Through 629999
Container Delivery	630000 Through 649999
Semi-Trailer	700000 Through 729999
Roll-Off Pup Trailer	730000 Through 739999
Utility Trailer	740000 Through 749999
Dozer	800000 Through 849999
Compactors	810000 Through 819999
Haul Truck	825000 Through 829999
Excavator & Backhoe	830000 Through 834999
Rubber Tire Loader	835000 Through 839999
Track Loader	840000 Through 859999
Graders & Scraper	846000 Through 846999
Agriculture Tractor	847000 Through 847999
Water Truck	852000 Through 852999
Tipper	870000 Through 879999
Grinder	875000 Through 875999
Crusher	876000 Through 876999
Sort Line / Conveyor	877000 Through 877999
Support Equipment	900000 Through 999999
Containers	YYMMCC0000 – YYMMCC9999 YY – Year MM – Month CC – Cubic Capacity

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3.2.2 Equipment History File

All equipment under WCA's control whether leased, rented or owned requires a maintenance jacket. Each jacket will be labeled with information of the equipment as indicated below:

Information	Off Road	On Road
Site Name	X	X
Local Equip #	X	X
Equipment Type	X	X
Body Style	X	X
Year	X	X
Make	X	X
Model	X	X
VIN / Serial Number	X	X
Axles	X	X
Tire Size - Front	x (rubber tire)	X
Tire Size - Rear	x (rubber tire)	X
Tire Size - Tag	x (rubber tire)	X
TARE		X
GVWR	X	X
Body Year		X
Body Make		X
Body Model		X
Body Serial		X
Capacity		X

The labeled jacket will contain a major repair log and 5 individual folders, one each for the following

- Folder for PM services
- Folder for repair orders
- Folder for warranty invoices
- Folder for oil analysis
- Folder for roadside inspections and vehicle citations.

The facility should also keep a record of major repairs performed on the individual equipment in the jacket folder. This record will give information regarding major component rebuild or replacement to track useful life. It is also a good source for collection of warranty should the major component fail.

Additionally there are generic non equipment folders that should be available for review.

- A folder that contains documents related to
 - Brake inspector certification
 - Air conditioning certification
 - Any individual skill assessment
- Four rotating folders that will be used to retain driver vehicle condition reports. DOT requires that VCRs be retained for 90 days. WCA will retain the current

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month plus the previous three months. Separating the VCRs by month in individual folders will make it easy to meet this requirement. At the beginning of the new month VCRs from the previous fourth month can be discarded and that folder used for the new month collection. VCRs will not be attached to repair orders and archived.

3.3 Retention Periods:

- Keep original Vehicle Condition Reports in the VCR file for 90 days plus current month.
- Keep all required items, except VCR's, in the Repair History File for the life of the vehicle plus 1 year. Repair Orders for the last 12 months must be readily accessible.

4 Repair Facilities

In general all repair facilities should be kept in presentable condition. Used parts disposed of; oil spills cleaned immediately, support equipment in good repair and adjustment, Hoses cables and cords stored when not in use.

- Jacks and jack stand capacity ratings will be evident on the item. Homemade stands will not be used.
- All equipment will be chocked when under repair
- Each location will perform and keep on file a monthly repair facility inspection.

5 Vehicles and Heavy Equipment

5.1 Safety Requirements-Trucks

The following safety items will be present and working on all equipment as appropriate

- Fire extinguisher: 20 lb ABC
- Emergency reflector kit.
- Fork-up warning device (Front Loaders-Year 2000 or Newer).
- Bed up warning device for any tilt body or trailer (Rolloff, Dump Truck, Collection Body)
- Reflective tape (minimum 900 candle power) on the lower horizontal rail or panel on all front loaders, recycle trucks, residential trucks, and roll-offs, and side loaders.
- Boom safety system and warning decals on all boom trucks.
- Warning flashers and amber strobe or rotating lights on the rear of all front loaders, recycle trucks, residential trucks, and side loaders.
- Battery disconnects on all trucks (over 10,000 lbs. GVW).
- Mid-body turn signal lights on all vehicle bodies over 20' long.

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- Body safety stands on all dump/tilt body trucks as installed by the manufacturer.
- A minimum of a 6" independent convex mirror on each side of all commercial vehicles excluding pick-up trucks.
- Sufficient additional mirrors to provide adequate rear and side vision on all trucks.
- An interlock system on all trucks with automatic throttle speed-up devices or outside throttle controls to ensure that throttle speed-up only occurs when the transmission is in neutral and the brakes are applied.
- Roll-off cable guarding (steel mesh at rear window) on all cable type roll-off units.
- Safety latches on all cable hooks.
- Backup alarms on all route trucks and heavy equipment.
- Backup safety system on all front loaders, commercial rear loaders, and single-person residential and recycling trucks.
- An effective seat belt system for the driver and all passengers.
- Retread tires will not be utilized on the steer axle of any vehicle used on public roadways.
- Engine Protection System

5.2 Safety Requirements-Heavy Equipment

In addition to safety devices required by ANSI, USDOT, and OSHA, install, maintain, and ensure the proper function of the following safety devices on heavy equipment:

- Battery disconnect switch.
- Amber strobe or rotating light on top of cab, wired through battery disconnect switch as light will be on whenever disconnect switch is on.
- Backup alarm.
- Fire extinguisher: 20 lb ABC
- Fire suppressant system, automatic over manual, wired such that parked equipment is protected if equipped from the manufacturer.
- Engine protection system.
- An effective seat belt system for the operator.

5.3 Vehicle Appearance

5.3.1 Finish

Paint should have a gloss. Staining should be minor and be in limited areas. Slight fading of paint is acceptable. Body damage should be minor, if any. There should be no visible rust. Wheels should have a uniform appearance and be painted white, unless chrome or aluminum is utilized. Cab and body should have approved WCA colors. Cab interior should be in good condition. Any repairs to the body of a collection unit will be spot primed and painted following repair.

5.3.2 Cleanliness

When possible, the truck exterior shall be free from visible dirt and road film. The exterior shall not have spilled refuse liquids present. The truck exterior shall not have signs of oil, hydraulic fuels or build-up on the cab, body, or frame. The truck cab interior is to be cleaned daily and kept free of cans, bottles, food wrappers, paper and other trash. Periodic cab inspections will be performed by the operations manager or dispatch to ensure compliance with cab cleanliness.

Track equipment will have the track area cleaned on a daily basis at the end of shift or use. This practice will greatly reduce excessive wear and resultant maintenance.

6 Document Specific Requirements

6.1 Vehicle Condition Report (VCR) File

- Drivers must complete and turn in a VCR daily noting any issues with the equipment
- Maintenance will review all noted deficiencies, any deficiency that will jeopardize operator safety or is identified as DOT out of service criteria will require repair prior to releasing the vehicle back to service. All other required repairs will be evaluated and scheduled as appropriate.
- Maintenance is required to sign and date the vehicle copy of the VCR to indicate that the defects noted have been repaired, or if not repaired, that the noted defects will not affect the safe operation, or DOT out of service criteria.
- Maintenance is NOT required to sign VCRs that DO NOT have defects noted.
- Drivers must, as part of their pre trip inspection, review and sign the previous days VCR regardless if the previous day VCR contained defects or not.
- Sites must have a management process to ensure the VCR process is in compliance.

6.2 Repair Orders:

- Use the WCA Vehicle Repair Order form to maintain a history of repairs and track repair costs for each vehicle.
- Accurately complete a Repair Order for every repair. Include the three C's:
 - specific complaint
 - cause of the problem; and
 - the required correction
- Record both the approximate time as well as all parts used for the repair. If the repairs came as the result of PM or roadside inspection, record the document number on the repair order for cross reference.

6.3 Preventative Maintenance Orders

The following PM forms will be used to document inspections, hours and parts used during any equipment service. These forms are available electronically or in tablet format.

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Warranty Log
Maintenance Technician Skills Assessment Form
Brake Maintenance and Inspection Qualification
WCA Maintenance Self evaluation program
Daily truck check list
Weekly tire pressure / depth survey

7 Preventive Maintenance

One of the most important programs pertaining to maintenance is an effective PM program. Equipment will be serviced on a pre - defined time and duration schedule. If equipment is allowed to operate beyond specified intervals, lubricants may breakdown and vital inspections and necessary adjustments are missed. An up-to-date recordkeeping and scheduling system must be maintained.

7.1 Inspector

The PM should be ranked as the highest in order of job importance. It is the best, most efficient and effective method of controlling maintenance expenses and breakdowns. It is for this reason that PMs be performed by individuals that have the knowledge and skill to properly lubricate the equipment, make necessary adjustments, and identify deficiencies and potential problems during the inspection process.

All deficiencies will be noted during the inspection process, any deficiency that will jeopardize operator safety or is identified as DOT out of service criteria will deem the vehicle out of service. All critical deficiencies will be repaired prior to placing the vehicle back in service. All other required repairs will be evaluated and scheduled as appropriate.

To ensure consistent inspections the lead mechanic or maintenance manger is required to physically review at least one recently inspected unit per month to ensure it is being performed adequately and to provide valuable feedback to the technician.

The vehicle/heavy equipment engine and undercarriage is to be pressure washed shortly before a PM is performed to insure that the unit is clean. This practice will allow the technician to readily observe any deficiencies. The unit should be inspected for fluid leaks prior to cleaning.

All equipment with the exception of small engine support, pickups and company cars will have an air Filter Minder installed. Air filters will be maintained as indicated by the filter minder. The practice of renewing or removing an air filter and blowing it out each service is discouraged as it increases the opportunity of dirt getting into the air system which increases the possibility of engine or turbo damage.

Oil analysis is to be used as a tool to evaluate oil and component condition historically. Oil analysis will also be used for drive and hydraulic components to determine the

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method of service for upcoming PMs. For example - filter buggy versus a flush on a hydraulic service.

7.2 Lubricants

The best lubricants that meet or exceed OEM specifications must be used for the specific equipment and environmental/operating conditions. Oil analysis will be utilized to proactively detect potential major component damage. Oil analysis will also be utilized to assess lubricant condition prior to non engine component service. The results of that analysis will determine whether the fluids are suitable for continued use.

Each maintenance location will use hydraulic oil that contains non-foaming, anti wear and corrosion resistance additives. Multi viscosity oil should be used in cold climates.

7.3 Forms

Preventive Maintenance Inspections must be performed properly. WCA PM Forms developed for specific equipment and service levels, intended as checklist guidelines, are to be used.

7.4 Scheduling

PM scheduling may be maintained either electronically in a maintenance software package or spreadsheet, or via a more conventional white board. In any case the information must contain the unit number or other identifying number, the current week ending meter reading, the service level(s), the last reading and date of service as well as the next meter reading and date the service will be due.

7.5 Frequency Criteria

Each location must schedule and complete preventive maintenance services on a timely basis using engine hours/miles and calendar days as the criteria.

- All heavy equipment and support equipment will be equipped with a functioning hour meter. Preventative maintenance will be scheduled on an hour and day basis.
- All vehicles over 1 ton will be equipped with a functioning engine hour meter preventative maintenance will be scheduled on hour and day basis.
- Vehicles under 1 ton as well as company cars will be scheduled on miles.

The following intervals are minimal requirements. The appropriate required forms are to be used on each inspection.

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7.5.1 Heavy Duty Vehicles (Over 1 Ton)

Service Type	Frequency
PM "A"	Every 150 engine hours or 90 calendar days, whichever occurs first.
PM "B"	Every 300 engine hours or 180 calendar days, whichever occurs first.
PM "C"	Every 1200 engine hours or 360 calendar days, whichever occurs first. (Includes service to transmission, differentials, hydraulics and coolant)
PM Annual	DOT certified inspection every 360 days

7.5.2 Light Duty Vehicles (Under 1 Ton)

Service Type	Frequency	Maintenance Type
PM "B"	Every 3,000 miles or 180 calendar days, whichever occurs first.	Grease, Inspect, Oil Change, Filters.
PM "C"	Every 50,000 miles or 360 calendar days, unless otherwise specified by manufacturer.	PM "B" plus service to Drive train, and Coolant.

7.5.3 Trailers (Roll-Off, Transfer, End Dump, Reefer)

Service Type	Frequency
PM "T"	Every 45 calendar days.
PM Annual	DOT certified inspection every 360 days

7.5.4 Heavy Equipment (Compactors, Dozers, Backhoes, Excavators, Scrapers, Graders, Off-Road Dump Trucks, Wheel Loaders, Track Loaders)

Service Type	Frequency
PM "B"	Every 125 engine hours or 90 calendar days, whichever occurs first.
PM "C"	Every 250 engine hours or 180 calendar days, whichever occurs first.
PM "D"	Every 500 engine hours or 360 calendar days, whichever occurs first.
PM "E"	Every 1000 engine hours or 360 calendar days, whichever occurs first.
PM "F"	Every 2000 engine hours or 720 calendar days, whichever occurs first.
PM "G"	Every 5,000 engine hours.

7.5.5 Skid Steers, Ag Tractors, Forklifts

Service Type	Frequency
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PM "B"	Every 100 engine hours or 90 calendar days, whichever occurs first.
PM "C"	Every 200 engine hours or 180 calendar days, whichever occurs first.
PM "D"	Every 600 engine hours or 360 calendar days, whichever occurs first.
PM "E"	Every 1200 engine hours or 720 calendar days, whichever occurs first.
PM "F"	Every 5000 engine hours.

7.5.6 Miscellaneous Support Equipment (Welders, Generators, Compressors)

Service Type	Frequency
PM "A"	Gas: 25 engine hours or 180 days, whichever occurs first. Diesel: 125 engine hours or 180 days, whichever occurs first.
PM "B"	Gas: 100 engine hours or 360 days, whichever occurs first. Diesel: 250 engine hours or 360 days, whichever occurs first.
PM "C"	Gas: 400 engine hours or 720 days, whichever occurs first. Diesel: 1,000 engine hours or 720 days, whichever occurs first.
PM "D"	Gas: 5,000 engine hours. Diesel: 5,000 engine hours.

7.5.7 Recycle Processing Equipment

Service Type	Frequency
PM "A"	Baler: Weekly Conveyors/Crushers/Densifiers/Perforators: Monthly
PM "B"	Baler: Monthly Conveyors/Crushers/Densifiers/Perforators: Semi-Annually
PM "C"	Baler: Annually Conveyors/Crushers/Densifiers/Perforators: Annually

8 Brakes - Standard Maintenance Policy

8.1 Brake Inspection and Maintenance

Any brake inspection or repair will be performed by a technician who meets DOT 396.25 requirements. All brake repairs require a road test to observe the equipment's functional performance. Road tests can only be performed by individuals with a valid CDL license.

8.1.1 Brake Relining and Repairs

- At a minimum when a vehicle requires brakes in any drive position, all brakes in the drive position will be renewed. Steer and Tag axles may be addressed individually, but must be renewed across the axle.
- Only non-asbestos lining is to be used.
- Replace all hardware with heavy duty replacement parts.
- Renew all service brake diaphragms at each reline with neoprene based diaphragms.
- All trucks are to be equipped or retrofitted with automatic slack adjusters.
- Replacement valves will be new and verified as exact replacement to OEM to retain braking effectiveness and timing. Crack pressures will not vary from original manufacturer unless directed from the manufacturer.
- All replacement parts must meet or exceed OEM specifications.

9 Tire Management Program

A tire management Program will be implemented to insure tire life and casing recapability. WCA's tire management consists of the following elements:

- Each maintenance location will obtain a master air gauge. This gauge will not be used for the checking of tires, but to calibrate the mechanic's or tire outside service vendor's working gauge. At a minimum all air gauges will be calibrated against the master on a weekly basis. Mark the working gauge with any difference noted – for example +5 psi – where the working gauge is reading 5 PSI low compared to the master.
- All valve stems will have a flow through valve cap to minimize air loss and to allow easier daily and weekly pressure checks.
- All new and new recap tires will be mounted on reconditioned rims.
- Check toe-in each time new steer tires are installed or as indicated by tire wear and adjust to factory specifications.
- Daily checklist
- Weekly Survey

9.1 Daily Air Pressure Maintenance

- All equipment tires will be gauged daily. Any tire found to be 10 psi or greater (cold) from recommended pressure or 10 psi below any other tire on the same axle (hot) will be pulled and repaired
- Set air pressure standards that will be communicated to both shop personnel and any outsourced service providers
- A tire is considered flat or in need of repair if the following conditions are true
 - 10 psi below standard pressure (cold)
 - 10 psi below any other tire on the same axle (hot)

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9.2 Weekly tire survey

Each maintenance location will perform a weekly air pressure / tire depth survey. The survey will be reviewed to ensure that all units are within WCA standards for tire match. This review will also be used for future replacement planning.

- Tires are flat when they are 10 PSI below the recommended pressure
- Tires will be recapped when they reach 6/32nds depth
- Tires are to match within 2/32nds across drive axle
- Tires are to match within 4/32nds front drive axle to rear drive axle

9.3 Air Pressure

The following table is for reference, tires should always be inflated per the VEHICLE manufacturer's specifications

Tire Size	Recommended Pressure
425/65 R 22.5	120 psi
385/65 R 22.5	120 psi
315/80 R 22.5 - Steer Axle 20 Ply	120 psi
315/80 R 22.5 – Drive Axle 20 Ply	110 psi
11 R 22.5 – Steer Axle 16 Ply	115 psi
11 R 22.5 – Drive Axle 16 Ply	100 psi
11 R 22.5 – Steer Axle 14 Ply	105 psi
11 R 22.5 – Drive Axle 14 Ply	100 psi

10 Hydraulic System Maintenance

10.1 Hydraulic Oils

Each maintenance location will use hydraulic oil that contains non-foaming, anti wear and corrosion resistance additives. Multi viscosity oil should be used in cold climates.

10.2 System Pressures

At no time will the increase of system pressures be allowed to increase factory set compaction. All systems pressures will be checked, compared to manufacture standards, and noted on the hydraulic PM. Repeat tampering will be brought to the attention of the operations manager as well as the corporate maintenance manager.

10.3 Cleanliness

- The hydraulic oil breather cap will be serviced at every “B” PM service
- Track type equipment must have tracks cleaned at the end of each day
- Hydraulic oil samples will be taken at every “B” PM

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- Hydraulic oil will be kept clean by changing the hydraulic filter when necessary or regular system PM service.
- Hydraulic oil cleanliness is measured by an ISO rating. This is determined by either particle count or a “patch” test. The recommended level for refuse hydraulic systems is ISO 17/14 or lower. The maximum level permissible is 19/16.
- Approximately a maximum of 1% total solids and/or ½% water is allowable for filtration. In excess of that, renew oil. The oil should be filtered long enough so that the entire system capacity circulates through the filter pump about twenty (20) times, i.e., about 1-2 hours depending on capacity of the system and filter.
- If the oil and tank are very dirty or whenever a major component fails contaminating the system, i.e., pump blows, cylinder scores and comes apart, the entire hydraulic system will be flushed out, the tank cleaned, filters and strainers cleaned or replaced and hydraulic oil renewed.
- All systems should have inlet strainers in the tank and return or pressure line filters. New units are so specified, old units may have to be retrofitted. All tanks are to be equipped with a shut-off valve.
- Dirt build-up on the outside of the cylinders should be avoided as it can find its way into packings causing leaks and contaminating the hydraulic oil. Packings should be properly adjusted so that there is just a film of oil on cylinder sleeves.
- All hydraulic hoses and lines are to be routed with proper bend radius and secured properly to prevent chafing, damage and premature failure.

10.4 Pressure and Flow Rates

10.4.1 Pressure

- The system pressure is regulated by a pressure relief valve setting. This should be checked each hydraulic PM and set to factory standards. This is done by installing a master gauge (a good quality 0-3000 psi liquid filled gauge) into the system and “bottoming out” simplest hydraulic cylinders (preferable a single acting one such as a tailgate cylinder).
- If there is more than one relief valve in the system, all modes of operation should be checked for proper pressure settings.
- All other hydraulic cylinders should be bottomed out in each direction and pressure checked to see if it reads the same. If any loss is noted, a cylinder is bypassing and there is internal leakage.

10.4.2 Flow Rate

- Flow rate is determined by the size, speed and efficiency of the pump expressed in G.P.M. (gallons per minute). The hydraulic pump speed is determined by the P.T.O. ratio, transmission used and the engine speed. The manufacturer or distributor who set the unit up should provide what is the

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correct engine R.P.M to give the proper pump speed. Some units are equipped with an over speed of flow control to limit unit of flow.

- The hydraulic pump output flow rate should be checked on each hydraulic PM. The accurate way is with a pressure compensated flow tester which reads in G.P.M.
- Test flow at no-load and at rated pressure. No-load test will indicate if there are any restrictions in the suction line. The load test at rated pressure will determine pump efficiency. (Without a tester, flow rate can be checked roughly by timing a cycle at a given engine R.P.M and comparing it with the time of a known standard of a new unit, i.e., time the extend and retract cycle of the ejector cylinder on a unit and compare with the specifications).
- Systems should operate with hydraulic oil temperatures below 180 degrees F.

11 Heavy Equipment

11.1 *Compaction Wheels, Cutters & Seals*

- All clearance on cutter systems should be a ¼” maximum.
- Minimal wheel tip height measured from the wheel surface to top of tip is 4 ½”

11.2 *Major Rebuild*

- Major rebuilds should be considered when the equipment logs between 10,000 and 12,000 hours. This hour range depends on climate, operations and severity of conditions.
- Scheduled major rebuilds will be all inclusive of engine, transmission, differential / planetary gears, hydraulics, sheet metal, this requirement is dependant on recent component repair. Major rebuilds that substantially extend the life of the equipment should be tracked as capitalized costs. Validate the eligibility with your local controller prior to submitting capitalized costs.
- Compliance with PM requirements must be adhered to insure maximum equipment life.

12 Container/Compactor Maintenance Program

12.1 *Content*

There shall be a system to identify units and control the inventory of units.

A regular inspection program has to be followed to check on appearance, condition and safety requirements.

A preventive maintenance inspection program will be performed on all compactors on a regular-scheduled basis.

Maintenance and repair costs shall be documented.

Corporate container specifications shall be followed.

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12.1.1 Container Specifications

- Standard Container Specifications are to be followed. If specific problems or service requirements arise, a variance shall be obtained from Corporate.
- All containers must meet ANSI standards regarding stability.

12.2 Container Identification, inventory and inspection

12.2.1.1 Unit Numbering Standards:

- The number will begin with the year and month the container was put into service followed by container size followed by a four digit sequential number incrementing from the first of the year. The following example illustrates the hundred fiftieth 20 yard container purchased in 2007, put into service October of 2007 “0710200150”
- Numbers will be stamped or welded in a minimum of 3/4” character on the upper left corner while facing the front of the container
- Initial Numbering of inventory will be based on a combination of grading and depreciation schedule as follows.

Grade	Year designation
Excellent	January of the current year
Good	January of the current year minus 4 years
Average	January of the current year minus 8 years
Poor	January of the current year minus 12 years

- Inventory Control – Units placed with customer shall be recorded in routing program for tracking purposes.
- A perpetual inventory record should be maintained to keep track of containers on the yard. The inventory will indicate by container type and size, the number of containers ready to use, the number of containers needing repair, and the number of containers to be scrapped. The information to maintain this program shall be obtained from purchase orders, container delivery and pickup orders, and maintenance reports of scrapped containers.
- There should be a physical inventory taken annually to reconcile perpetual inventory numbers.

12.3 Container Maintenance/Repair

12.3.1 Record Keeping

- Keyed information as well as folders will be grouped by year of container, year and size of container.

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- Charges for a container will be made to a “year/size unit” For example when a container is repaired the repair order would be written to unit 0720 for a 20 yard container purchased in 2007

12.3.2 Inspection Program

- All containers should be surveyed annually:
- Small containers in conjunction with route analysis (i.e. front, side and rear loading containers).
- Large containers as part of driver and supervisor’s responsibilities (i.e. rolloff and compactor containers). This is to be documented on a container condition report.
- Container Condition Report – This form is to be used by the supervisor upon surveying large containers annually. It is also to be completed by a driver whenever container repairs are required. The driver should submit the report to the appropriate staff that handles container maintenance.

12.3.3 Paint and Labeling

- The driver/route supervisor inspection of containers will indicate the need for repaint and or re-labeling of containers. Major rust, peeling or discoloration of a container merits a recondition of the container.
- The local division will allocate the resources to recondition containers at a rate of at least 1% of the total container inventory per month.

12.4 Compactors:

12.4.1 Compactor Identification, inventory and inspection

12.4.1.1 Unit Numbers

- All compactors are to be assigned permanent serial numbers. It is recommended to be at least a five digit number with the first two digits indicating the size (cubic yard capacity) and the last digits being a sequential number denoting the particular unit. It is recommended these serial numbers be welded or stamped onto the unit.
- A master log is to be kept for all WCA owned compactors.

12.4.1.2 Inspection and Maintenance Program

- All WCA owned compactors are to have a PM Service including the safety checklist meeting ANSI standards on a regular schedule. Compactors are to be scheduled according to the usage of the machine.
- All compactors will be serviced at a minimum of once a year or every 25 pulls.

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This is a minimum standard. More frequent inspections may be necessary due to unusual operating conditions.

12.4.1.3 Operational Training

- All personnel, both WCA employees and customers, involved in operating compactors, are to be adequately trained. This is to be properly documented and a copy of the operating instructions given to each.

A confirmation of operating instruction acceptance will be obtained from the customer and retained indefinitely. The confirmation will include the customers printed and signed name, the WCA employee printed and signed name as well as the date of signature. The confirmation should be checked prior to any scheduled service to determine if the customer requires a copy of instructions.

13 Warranty and Recovery

All equipment and most parts purchased by WCA come with a warranty from the manufacturer. This is important to WCA because failure to make proper or timely use of the warranty results in WCA's absorption of unnecessary expense or, lost revenue. This also can result in the manufacturer not being aware of early component failure and causing a delay in initiating corrective action.

The manufacturer's published warranty statement defines the terms and limitations of the manufacturer's obligations. It also contains certain responsibilities of the owners, such as observing specified maintenance requirements, prevention of misuse, neglect and modification of the original product.

There are two ways to apply for warranty. For major components or new vehicle warranty it is preferred to take the vehicle to the manufacturer's authorized dealer or distributor and ask them to perform the work and apply for warranty consideration. The second choice is to perform the work in-house and apply for warranty using the in-house program.

To ensure that major component rebuilds are warranted, only facilities certified by the manufacture to perform rebuilds will be utilized.

To Obtain Warranty at an Authorized Dealer:

- First and foremost, make an appointment.
- Get an estimate if any additional work is to be done.
- Be prepared to back-up a claim request with detailed shop records or any other information that will substantiate normal operation and maintenance.

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- Request a copy of the dealer's repair order to file in the truck history file jacket.

If repairs are done under the in-house program:

- A copy of the repair order will be needed. Do not write warranty labor dollars, just labor hours on repair order.
- Tag and save all old parts including gaskets and o-rings.
- Attach copies of purchase orders, parts invoices or outside repair invoices.
- Include a detailed description of the failure, what you think caused the failure, what you did to correct it and any components that pertain to the repair.
- Date-in-service, serial numbers, component serial numbers, mileage or hour meter readings are required information on in-house claims.
- Make a copy, fax a copy and mail one set of documents to the manufacturer's warranty administrator, immediately. Don't let the claims set. There is usually a 30 day period to submit claims. Send receipt requested or FedEx.
- Log the repair order number, unit number, supplier, date sent and expected recovery on the WARRANTY LOG.
- It is up to WCA to track the warranty claims sent to the vendors. If reimbursement is not received in 30 days, a phone call may be appropriate. In some cases, manufacturers credit parts invoices in lieu of returning money. Again, it is up to WCA to track these credits. These credits and reimbursements are the basis of tracking an incentive program if implemented in the shop.

13.1 Warranty Recovery Incentive Program

WCA supports an incentive program for warranty recovery. The program is intended to motivate and reward shop personnel to capture any and all warranty items. The application of the program will reduce the overall cost by crediting the division for early failure of warrantable components. It is at the site management's discretion to utilize this program or a different type of program.

To ensure that major component rebuilds are warranted, only facilities certified by the manufacture to perform rebuilds will be utilized. **Non-certified rebuilds or warranty will not be eligible for the warranty recovery incentive program.**

The maintenance staff at each site may be eligible for a bonus at the end of each quarter. It is the site manager's discretion on who will qualify for eligibility. This bonus will be a percentage of the total qualified warranty reimbursement for the quarter to be shared equally by all eligible employees. The percentage to be shared will be 10% with a maximum of \$1000 per occurrence and a \$250 maximum per occurrence to any individual. The site manager will resolve any interpretation, questions or issues with the warranty incentive program.

Qualified Warranty

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Reimbursements from the following warranty types are included:

All parts and labor for-

1. Any warranty repair performed by the chassis or body dealer or applicable vendor.
2. Any warranty repair performed in-house and billed to the vendor.
3. The incentive payment is to be submitted and paid on a quarterly basis. The amount must be approved by appropriate management.
4. Parts for warrantable aftermarket components.

Note: Major manufacturer's recalls and campaigns do not qualify. Repeat or second time repairs to a previously warranted component do not qualify. (If component was replaced and fails again, this qualifies as a warranty claim.)

Sample Calculation

Total reimbursement for quarter from all warranties received = \$10,000

Number of eligible employees at site = 5

Bonus % = 10%

$\$10,000 \times 10\% = \$1,000$

Bonus payout \$1,000 divided by 5 = \$200

Bonus payout per eligible employee=\$200

14 Administration and Personnel

WCA has identified appropriate skills and training to perform most maintenance tasks. To insure that technicians possess these skills, WCA has developed a program focused on tasks assigned to each technician level. Job descriptions including duties, qualifications, and required experience have been developed for the following maintenance positions.

The site management may want to utilize a bonus program to encourage the mechanics to obtain their ASE certifications and improve their knowledge and skills. Below is an example of a bonus program:

1. The company will reimburse the employee for registration and testing upon passing each individual test.
2. A bonus of \$250 will be paid for each certification test passed.

15 Information Systems

In the process of fleet management, certain recordkeeping functions must be performed in order to gather and use data. WCA requires records to be compiled on equipment inspections, repairs, maintenance costs, and fuel usage. Reports will be generated that include measures such as cost per hour and be used as a management tool to evaluate and improve maintenance and operational performance.

Computerized Fleet Analysis (CFA) software program, version 6.1 or newer - Phases I, II, are to be utilized for compiling maintenance history and costs. Phase III and IV are highly recommended for parts history and warranty.

16 Attachments

Technician “A”

Position Summary:

Perform any service or repair required by company vehicles, in accordance with all local, state, and federal guidelines in addition to WCA standards. “A” Technicians are the most skilled technicians employed at WCA.

Duties and Responsibilities:

1. Perform any repair or service required on company vehicles
2. Perform all preventive maintenance inspections on company vehicles
3. Diagnose and repair all company vehicle systems
4. Diagnose component failure
5. Diagnose and report vehicle misuse and abuse
6. Complete paperwork associated with repairing vehicles, documenting parts usage, and accounting for applied times
7. Insure that all hard copies of Vehicle Condition Reports are signed off
8. Perform road calls and equipment repairs as necessary
9. Operate forklift and other yard equipment as required
10. May be required to perform welding repairs on company vehicles
11. Perform other maintenance-related work as required by supervisor or foreman
12. Perform work in accordance with WCA/DOT standards for safety
13. Maintain work area in accordance with WCA standards for housekeeping and safety
14. Hazardous waste duties- May be required to handle the following hazardous materials and waste in accordance with Employee Right-To-Know, State, Federal and local requirements:

Oil	Empty Containers	Antifreeze
Oil Filters	Flammable Liquids	Thinners
Batteries	Combustible Liquids	Grease
Paint	Contaminated Rags	Solvents
Diesel Fuel	Compressed Gases	Gasoline

** This list is intended to show ongoing primary duties. Employees may be expected to perform other duties as assigned.

Qualifications:

1. Ability to perform all “C” level technician tasks, 37 “B” level technician tasks and 20 “A” technician tasks (see Skill Assessment Form)
2. Must be A.S.E. brake certified for heavy duty trucks
3. Must have, or obtain within 18 months of becoming an “A” technician, A.S.E. Master Technician Heavy Duty Truck Certification
4. High School Diploma or G.E.D.
5. Basic reading, writing, and spoken English skills
6. Basic computer skills

7. Class B commercial driver's license and valid medical certificate
8. Ability to lift 75 lbs.
9. Ability to work all shifts
10. Ability to pass a medical exam and drug test
11. Sufficient tools to perform duties

Work Experience: At least 5 years of previous Class A repair experience (Identify prior work experience for the position and quantify in number of years).

Technician “B”

Position Summary:

Perform most repairs and services required on company vehicles, in accordance with all local, state, and federal guidelines in addition to WCA standards. Technicians may progress from “B” to “A” technician after meeting training, skill level, and experience requirements.

Duties and Responsibilities:

1. Perform most repairs and services required on company vehicles
2. Complete paperwork associated with repairing vehicles, documenting parts usage, and accounting for applied times
3. Insure that all hard copies of Vehicle Condition Reports are signed off
4. Perform road calls and equipment repairs as necessary
5. Operate forklift and other yard equipment as required
6. May be required to perform welding repairs on company vehicles
7. Perform other maintenance-related work as required by supervisor or foreman
8. Perform work in accordance with WCA/DOT standards for safety
9. Maintain work area in accordance with WCA standards for housekeeping and safety
10. Hazardous waste duties- May be required to handle the following hazardous materials and waste in accordance with Employee Right-To-Know, State, Federal and local requirements:

Oil	Empty Containers	Antifreeze
Oil Filters	Flammable Liquids	Thinners
Batteries	Combustible Liquids	Grease
Paint	Contaminated Rags	Solvents
Diesel Fuel	Compressed Gases	Gasoline

** This list is intended to show ongoing primary duties. Employees may be expected to perform other duties as assigned.

Qualifications:

1. Ability to perform all “C” level technician tasks, 31 “B” level technician tasks (see Skill Assessment Form)
2. Must be A.S.E. brake certified for heavy duty trucks
3. High School Diploma or G.E.D.
4. Basic reading, writing, and spoken English skills
5. Basic computer skills
6. Must obtain Class B commercial driver’s license and valid medical certificate within 12 months of becoming a “B” technician
7. Ability to lift 75 lbs.
8. Ability to work all shifts
9. Ability to pass a medical exam and drug test
10. Sufficient tools to perform duties

Work Experience: At least 3 years of previous Class B repair experience (Identify prior work experience for the position and quantify in number of years).

Technician “C”

Position Summary:

Perform minor repairs and limited preventive maintenance on company vehicles, in accordance with all local, state, and federal guidelines in addition to WCA standards. Technicians may progress from “C” to “B” to “A” technician after meeting training, skill level, and experience requirements.

Duties and Responsibilities:

1. Perform minor repairs and limited preventive maintenance on company vehicles
2. Complete paperwork associated with repairing vehicles, documenting parts usage, and accounting for applied times
3. Insure that all hard copies of Vehicle Condition Reports are signed off
4. Operate forklift and other yard equipment as required
5. Perform other maintenance-related work as required by supervisor or foreman
6. Perform work in accordance with WCA/DOT standards for safety
7. Maintain work area in accordance with WCA standards for housekeeping and safety
8. Hazardous waste duties- May be required to handle the following hazardous materials and waste in accordance with Employee Right-To-Know, State, Federal and local requirements:

Oil	Empty Containers	Antifreeze
Oil Filters	Flammable Liquids	Thinners
Batteries	Combustible Liquids	Grease
Paint	Contaminated Rags	Solvents
Diesel Fuel	Compressed Gases	Gasoline

** This list is intended to show ongoing primary duties. Employees may be expected to perform other duties as assigned.

Qualifications:

1. Ability to perform 9 “C” level technician tasks (see Skill Assessment Form)
2. High School Diploma or G.E.D.
3. Basic reading, writing, and spoken English skills
4. Basic computer skills
5. Must obtain Class B commercial driver’s license and valid medical certificate within 12 months of becoming a “C” technician
6. Ability to lift 75 lbs.
7. Ability to work all shifts
8. Ability to pass a medical exam and drug test
9. Sufficient tools to perform duties

Work Experience: At least 1 year of previous Class C repair experience or equivalent training (Identify prior work experience for the position and quantify in number of years).

Tire Service/Repair

Position Summary:

Maintain and repair all vehicle tires. Tire service workers are responsible for maintaining vehicle tires in accordance with all local, state, and federal guidelines in addition to WCA standards.

Duties and Responsibilities:

1. Repair flats as necessary
2. Remove and replace tires as necessary
3. Perform nightly tire checks for all company vehicles
4. Maintain tires in compliance with WCA tire standards
5. Maintain tire records
6. Complete paperwork associated with repairing vehicles, documenting parts usage, and accounting for applied times
7. Insure that all hard copies of Vehicle Condition Reports are signed off
8. Perform road calls to make tire repairs as necessary
9. Operate forklift and other yard equipment as required
10. Perform other maintenance-related work as required by supervisor or foreman
11. Perform work in accordance with WCA/DOT standards for safety
12. Maintain work area in accordance with WCA standards for housekeeping and safety
13. Hazardous waste duties- May be required to handle the following hazardous materials and waste in accordance with Employee Right-To-Know, State, Federal and local requirements:

Oil	Empty Containers	Antifreeze
Oil Filters	Flammable Liquids	Thinners
Batteries	Combustible Liquids	Grease
Paint	Contaminated Rags	Solvents
Diesel Fuel	Compressed Gases	Gasoline

** This list is intended to show ongoing primary duties. Employees may be expected to perform other duties as assigned.

Qualifications:

1. High School Diploma or G.E.D.
2. Basic reading, writing, and spoken English skills
3. Basic computer skills
4. Must obtain Class B commercial driver's license and valid medical certificate within 12 months of becoming a Tire Service worker
5. Ability to lift 75 lbs. repeatedly
6. Ability to work all shifts
7. Ability to pass a medical exam and drug test

Work Experience: At least 2 years fleet tire maintenance; Bandag experience preferred (Identify prior work experience for the position and quantify in number of years).

Welder

Position Summary:

Perform a variety of welding repairs to company vehicles, fabricating steel parts when needed. Welders are responsible for maintaining vehicles and equipment in accordance with all local, state, and federal guidelines in addition to WCA standards.

Duties and Responsibilities:

1. Perform any welding repairs to company vehicles and equipment
2. Fabricate steel parts
3. Complete paperwork associated with repairing vehicles, documenting parts usage, and accounting for applied times
4. Operate forklift and other yard equipment as required
5. Perform other maintenance-related work as required by supervisor or foreman
6. Perform work in accordance with WCA/DOT standards for safety
7. Maintain work area in accordance with WCA standards for housekeeping and safety
8. Hazardous waste duties- May be required to handle the following hazardous materials and waste in accordance with Employee Right-To-Know, State, Federal and local requirements:

Oil	Empty Containers	Antifreeze
Oil Filters	Flammable Liquids	Thinners
Batteries	Combustible Liquids	Grease
Paint	Contaminated Rags	Solvents
Diesel Fuel	Compressed Gases	Gasoline

** This list is intended to show ongoing primary duties. Employees may be expected to perform other duties as assigned.

Qualifications:

1. Ability to pass a welding test
2. High School Diploma or G.E.D.
3. Basic reading, writing, and spoken English skills
4. Basic computer skills
5. Driver's License
6. Ability to lift 75 lbs.
7. Ability to work all shifts
8. Ability to pass a medical exam and drug test

Work Experience: At least 2 years of welding experience; including Stick, MIG., Oxygen-Acetylene, and Cutting (Identify prior work experience for the position and quantify in number of years).

Brake Maintenance and Inspection Qualification

_____, **TECHNICIAN** at _____,
has been assigned the responsibility of performing brake maintenance and inspections. I understand the brake service or inspection task to be accomplished and can perform the task. I am knowledgeable of and have mastered the methods, procedures, tools and equipment used when performing brake service or inspection.

Qualified inspectors must be capable of performing the assigned brake service or inspection by reason of experience, training or both as follows:

Successfully completed an apprenticeship program sponsored or approved by a State, a Federal agency or labor union, which qualifies the person to perform the assigned brake service or inspection task (including passage of Commercial Driver's License air brake tests in the case of a brake inspection).

Participation in a training program sponsored by a brake or vehicle manufacturer or similar commercial training program designed to train students in brake maintenance and/or inspection.

Experience performing brake maintenance or inspection in a motor carrier maintenance program.

Experience performing brake maintenance or inspection at a commercial garage, fleet leasing company, or similar facility.

Employee's Signature

Date

Supervisor's Signature

Date

(The certificate must be kept in the personnel and/or DOT file)

WCA MAINTENANCE SELF-AUDIT PROGRAM

LOCATION _____ DATE _____

COMPLIANCE CHECKLIST

General

A. Vehicle components certified by manufacturers to Meet Federal safety or emission standards have not been removed, changed or modified to a lesser component that could result in the transfer of liability to the owner? YES NO N/A

B. Tires

1. Current certificate of insurance in the amount \$1,000,000 from retread tire vendor is on file and WCA name additional insured with waiver of subrogation? YES NO N/A
2. No retreads being utilized on steer axles? YES NO N/A
3. All tires are DOT approved as evidenced by the DOT number cured into the sidewall? YES NO N/A

Vehicle Maintenance

A. Vehicle Condition Reports (Review 10% of fleet for one month)

1. Properly filled out daily by driver/operator? YES NO N/A
2. All safety-related items repaired? DOT standards must be met before truck is used again. YES NO N/A
3. VCR's are referenced on Repair Order and signed by mechanic? YES NO N/A

B. History Files and Forms

1. Vehicle Condition Reports in history file? YES NO N/A
2. Repair Orders utilized and properly completed in history file? YES NO N/A
3. PM checklists utilized and properly completed in history file? YES NO N/A
4. Out-of Service Reports YES NO N/A
5. Oil Analysis Reports YES NO N/A

Preventive Maintenance Services

1. All vehicles equipped with operating hour meters? YES NO N/A
2. PM's scheduled utilizing CFA or manual method? YES NO N/A

- | | | | |
|--|------------------------------|-----------------------------|------------------------------|
| 3. PM's being performed as scheduled? | YES <input type="checkbox"/> | NO <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Proper forms being utilized for PM's? | YES <input type="checkbox"/> | NO <input type="checkbox"/> | N/A <input type="checkbox"/> |

Container/Compactor Maintenance

A. Record Keeping

- | | | | |
|---|------------------------------|-----------------------------|------------------------------|
| 1. Master log is maintained for all company-owned compactors? | YES <input type="checkbox"/> | NO <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Compactors have unit number which corresponds to asset number stamped or welded on frame? | YES <input type="checkbox"/> | NO <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 3. Unit files are maintained for each compactor? | YES <input type="checkbox"/> | NO <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Proper PM forms used correctly? | YES <input type="checkbox"/> | NO <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. Files are maintained for each type of container, containing cumulative repair orders documenting repair costs? | YES <input type="checkbox"/> | NO <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 6. Ongoing inventory kept for containers in yard? | YES <input type="checkbox"/> | NO <input type="checkbox"/> | N/A <input type="checkbox"/> |

B. Inspection and PM Program

- | | | | |
|---|------------------------------|-----------------------------|------------------------------|
| 1. Container Condition Reports are used by drivers indicating where repairs are needed? | YES <input type="checkbox"/> | NO <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. There is an ongoing inspection program for containers? | YES <input type="checkbox"/> | NO <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 3. Compactor PM's scheduled and current? | YES <input type="checkbox"/> | NO <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Compactor unit meets ANSI standards? | YES <input type="checkbox"/> | NO <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. New containers are inspected for quality and specifications upon being delivered? | YES <input type="checkbox"/> | NO <input type="checkbox"/> | N/A <input type="checkbox"/> |

PROCEDURES CHECKLIST

Maintenance Personnel/Training

- | | | | |
|--|------------------------------|-----------------------------|------------------------------|
| 1. Adequate staff of mechanics with appropriate skills? | YES <input type="checkbox"/> | NO <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Mechanics have been trained in DOT "Out-of Service" criteria? | YES <input type="checkbox"/> | NO <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 3. Vendor training utilized? | YES <input type="checkbox"/> | NO <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Maintenance training records kept? | YES <input type="checkbox"/> | NO <input type="checkbox"/> | N/A <input type="checkbox"/> |

Maintenance Cost Analysis

- | | | | |
|--|------------------------------|-----------------------------|------------------------------|
| 1. Fuel cost records kept and reviewed monthly? | YES <input type="checkbox"/> | NO <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Purchasing expense records kept, i.e. P.O. log? | YES <input type="checkbox"/> | NO <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 3. Expenses compared to budget? | YES <input type="checkbox"/> | NO <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Are efforts made to recover all warranty possible by recording claims and tracking payment? | YES <input type="checkbox"/> | NO <input type="checkbox"/> | N/A <input type="checkbox"/> |

5. Is vehicle misuse/abuse documented and action taken? YES NO N/A

Tire Programs

1. Tire program implemented? YES NO N/A
2. New tire wear evaluated? YES NO N/A

Vehicle Condition/Appearance

1. Wash program implemented? YES NO N/A
2. Are battery disconnect switches wired to an exterior indicator or clearance light? YES NO N/A
3. Are all heavy duty trucks and heavy equipment equipped with an operating engine protection system? YES NO N/A
4. Does manager/supervisor periodically check quality of PM service being performed? YES NO N/A
5. Random fleet survey conducted and documented? YES NO N/A

Comments: _____

Report Prepared By:

Name

Date

Signature

FLEET SURVEY

Number of units in fleet _____

Number of units surveyed _____

Appearance/Cleanliness/Condition

Cab Exterior	Good <input type="checkbox"/>	Fair <input type="checkbox"/>	Poor <input type="checkbox"/>	N/A <input type="checkbox"/>
Cab Interior	Good <input type="checkbox"/>	Fair <input type="checkbox"/>	Poor <input type="checkbox"/>	N/A <input type="checkbox"/>
Body Exterior	Good <input type="checkbox"/>	Fair <input type="checkbox"/>	Poor <input type="checkbox"/>	N/A <input type="checkbox"/>
Radiator	Good <input type="checkbox"/>	Fair <input type="checkbox"/>	Poor <input type="checkbox"/>	N/A <input type="checkbox"/>
Engine/Transmission	Good <input type="checkbox"/>	Fair <input type="checkbox"/>	Poor <input type="checkbox"/>	N/A <input type="checkbox"/>
Wheels/Undercarriage	Good <input type="checkbox"/>	Fair <input type="checkbox"/>	Poor <input type="checkbox"/>	N/A <input type="checkbox"/>
Signage/Decals	Good <input type="checkbox"/>	Fair <input type="checkbox"/>	Poor <input type="checkbox"/>	N/A <input type="checkbox"/>

Mechanical Items

Brake Adjustment	Good <input type="checkbox"/>	Fair <input type="checkbox"/>	Poor <input type="checkbox"/>	N/A <input type="checkbox"/>
Cables/Chains/Hooks	Good <input type="checkbox"/>	Fair <input type="checkbox"/>	Poor <input type="checkbox"/>	N/A <input type="checkbox"/>
Clutch Adjustment	Good <input type="checkbox"/>	Fair <input type="checkbox"/>	Poor <input type="checkbox"/>	N/A <input type="checkbox"/>
Cutting Edges	Good <input type="checkbox"/>	Fair <input type="checkbox"/>	Poor <input type="checkbox"/>	N/A <input type="checkbox"/>
Fluid Leaks	Good <input type="checkbox"/>	Fair <input type="checkbox"/>	Poor <input type="checkbox"/>	N/A <input type="checkbox"/>
Hopper/Packing Blades	Good <input type="checkbox"/>	Fair <input type="checkbox"/>	Poor <input type="checkbox"/>	N/A <input type="checkbox"/>
Lights/Mirrors	Good <input type="checkbox"/>	Fair <input type="checkbox"/>	Poor <input type="checkbox"/>	N/A <input type="checkbox"/>
Loose bolts, wires, hoses	Good <input type="checkbox"/>	Fair <input type="checkbox"/>	Poor <input type="checkbox"/>	N/A <input type="checkbox"/>
Suspension	Good <input type="checkbox"/>	Fair <input type="checkbox"/>	Poor <input type="checkbox"/>	N/A <input type="checkbox"/>
Tires	Good <input type="checkbox"/>	Fair <input type="checkbox"/>	Poor <input type="checkbox"/>	N/A <input type="checkbox"/>
Other _____	Good <input type="checkbox"/>	Fair <input type="checkbox"/>	Poor <input type="checkbox"/>	N/A <input type="checkbox"/>

Facility Name: _____

Date: _____

ITEM	OK	Needs Attn	N/A
MAINTENANCE AREAS			
A. Sanitation			
1. Are toilets and washing facilities clean and sanitary?			
2. Is hand soap or other similar cleaning agents and warm water provided?			
3. Are hand towels or some other means of drying the hands available?			
4. Are an adequate number of waste disposal containers provided?			
5. Are waste disposal containers emptied as needed?			
6. Are lunchrooms, rest rooms and break rooms kept clean?			
7. Are first aid kits available and maintained? Any items expired?			
8. Are eyewash stations (and safety showers) clean, operable and accessible?			
B. Posters Logs and Data Sheets:			
4. Is Material Safety Data Sheet notebook up-to-date?			
C. Fire Protection, Emergencies and Exit:			
1. Are exterior and interior lights adequate and all in working order?			
2. Are exits and aisles leading to exits visible, clearly marked, kept clean and with a pathway at least 28 inches wide? Exit signs illuminated, if applicable?			
3. Are portable fire extinguishers kept at their designated places at all times (accessible, mounted, charged, pinned and sealed) except during use?			
4. Are reels and cabinets for hose systems conspicuously identified, accessible and used only for fire equipment?			
5. Is the minimum vertical clearance between automatic sprinklers and material below them at least 18 inches (36 inches for bales)?			
6. Are automatic sprinkler fusible links clean, unpainted, and undamaged?			
7. Are "No Smoking" signs posted in required areas: fuel area, painting department, battery charging and storage area, etc., with no sign of cigarette butts in the areas?			
8. Test emergency lighting equipment as required.			
9. Test Fire/Security Detection/Protection devices as required.			
D. Walking/Working Surfaces:			
1. Are floor openings and platforms or workstations 48" or higher guarded by a cover, a guardrail, or equivalent on all sides?			
2. Are grates or covers over floor openings such as floor drains, secured?			
3. Are step risers on stairs uniform from top to bottom?			
4. Are steps on stairs and stairways provided with a surface that renders them slip resistant? Handrails provided?			
5. Are aisles and passageways kept clear and marked as appropriate?			
6. Are wet surfaces cleaned up or covered with non-slip materials?			
7. Are changes of direction or elevations readily identifiable? (painted yellow)			
8. Are aisles and walkways protected from potential hazards of adjacent work areas?			
E. Ladders:			
1. Are portable wood ladders numbered and in good condition with slip proof feet and no cracks, paint or splinters on the rungs?			
2. Are fixed metal ladders painted or treated to resist corrosion and rusting?			
3. Is the fixed ladder's clearance distance at least 36 inches between the nearest permanent object and the centerline of the rungs? Rung spacing 12 inches or less?			
4. Is the fixed ladder's clearance distance at least 7 inches between the backside of the ladder from the center of the rung to the nearest permanent object?			
5. Does the ladder extend 3-1/2 feet above the parapet or landing?			
F. Housekeeping and Personal Protection:			
1. Are closed containers provided for soiled rag disposal?			
2. Are unused portions of service pits and pits not actually in use either covered or protected by guardrails or equivalent?			

Facility Name: _____

Date: _____

ITEM	OK	Needs Attn	N/A
3. Are employees who are exposed to the hazards created by welding, cutting or brazing operations protected by appropriate personal protective equipment?			
4. Are suitable gloves, hearing protection, and protective clothing worn as necessary?			
5. Are appropriate safety glasses, face shields, etc. used while using hand tools or abrasive wheels or equipment which might produce flying materials or be subject to breakage?			
6. Are respirators clean, properly stored, and respirator program in effect?			
G. Cranes, Hoists and Slings:			
1. Is the rated load of the crane, hoists and slings (for each type of hitch) plainly marked on each component?			
2. Are all functional operating mechanisms checked on a daily basis for maladjustment that could interfere with proper operation?			
3. Are lines, tanks, valves, drain pumps and other parts of the air or hydraulic systems inspected daily?			
4. Does rope reeving comply with manufacturer's recommendations?			
5. Is a Chain, Sling and Hoist Inspection program implemented?			
6. Are cranes used only by designated personnel in accordance with their rated load and operation specifications with brakes tested each time a load approaching the rated limit is handled? Does the operator test them?			
7. Is each sling in use free from excessive wear or defects and securely attached to their load when in use?			
Jacks and Jack Stands			
1. All jacks are clearly marked with load capacity			
2. All jacks are free from cracks, leaks or other damage			
3. All jack stands are commercially manufactured and clearly marked with their load capacity			
4. All jack stands are free from cracks, damage or deformity			
5. Adjustable height stands utilize pins or other as delivered locking device. (bolts are not acceptable for this application)			
H. Electrical and Fire Safety:			
1. Are combustible liquids (fuel, lubes, solvents, paints, etc.) stored in a proper manner?			
2. Are flammable liquids contained in approved safety cans and (except aerosol cans) stored in a fire resistant cabinet?			
3. Are electrical circuit breakers (and fuel pump switches) identified and labeled and are outlet boxes in good condition?			
4. Are electric cords, extension cords, and trouble lights are of approved 3-wire ground type and in good condition?			
5. Is pressure washer in good working order? (hoses, vent, and fuel lines)			
6. Are parts washer lid and fusible link in working order?			
7. Are overhead doors and controls in good working order?			
I. Welding, Burning and Brazing:			
1. Are welder cables, clamps and guards in good condition and are torch hoses, regulators and valves equipped with anti-flash back valves?			
2. Are "Hot Work Permits" used or is welding conducted in designated areas, at least 35 feet from combustible materials, spray painting, etc.?			
2. Are fire watch employee(s) required whenever welding or cutting is performed in location where other than a minor fire might develop, and the fire watch maintained for at least a half hour after completion of welding or cutting operations to detect and extinguish possible smoldering fires (at all floor levels that could be exposed to sparks)?			
J. Compressed Gas Cylinders:			
1. Are cylinders legibly marked and labeled to clearly identify the gas contained?			
2. Are oxygen and acetylene (or other fuel) tanks properly stored and secured, separated			

Facility Name: _____

Date: _____

ITEM	OK	Needs Attn	N/A
by 20' or with a 5' high fire resistant wall between oxygen and fuels?			
3. Are cylinders stored in areas that are protected from heat and flame, located at least 25 feet from electrical equipment and people and at least 20 feet from flammable liquids or combustible materials?			
4. Are cylinders transported in a manner to prevent them from creating a hazard by, falling or rolling?			
5. Are all valves closed off before a cylinder is moved, when the cylinder is empty, and at the completion of each job and are valve protectors used when cylinders are not in use?			
K. Compressors and Compressed Air:			
1. Are compressors equipped with pressure relief valves, pressure gauge, and spring-loaded safety valves, a totally enclosed belt drive system, and are air filters installed and maintained on the compressor intake?			
2. Are no valves of any type placed between the air receiver and its' safety valve(s) and is safety valve in good condition? (test the valve's operation)			
3. Are all receivers periodically drained of moisture and oil and are they lubricated in accordance with the manufacturer's recommendations?			
4. Is the inlet of air receivers and piping systems kept free of accumulated oil and carbonaceous materials?			
5. Are air guards used for cleaning equipped with chip guards and operable dead-end pressure regulators of 30 psi, and reduced to less than 10 psi, if used to clean off clothing?			
6. When using compressed air for cleaning, do employees wear personal protective equipment?			
L. Machine Guarding:			
1. Is tire repair equipment in good working order?			
2. Are saws used for ripping, equipped with anti-kick back devices and spreaders?			
3. Are radial arm saws so arranged that the cutting head will gently return to the back of the table when released?			
4. Do fixed grinders have side guards that cover the spindle, nut, and flange and 75% of the wheel diameter, a tool rest adjusted to within 1/8" and a tongue guard adjusted to within 1/4" of wheel?			
5. Before new abrasive wheels are mounted, are they visually inspected and ring tested?			
6. Are splashguards mounted on grinders that use coolant to prevent the coolant reaching employees?			
M. Hand Tools, Power Operated Tools and Equipment:			
1. Are all tools and equipment (both company and employee-owned) in good condition and used with the correct shield, guard, or attachment, recommended by the manufacturer?			
2. Are hand tools such as chisels, punches, wrenches, etc. which are worn, bent or mushroomed during use, reconditioned or replaced as necessary?			
3. Are appropriate handles used on files and similar tools?			
4. Are jacks checked periodically to assure they are in good operating condition?			
5. Are tool cutting edges kept sharp so the tool will move smoothly without binding or skipping?			
6. Are rotating or moving parts of equipment guarded to prevent physical contact?			
7. Are all cord-connected, electrically operated tools and equipment effectively grounded or of the approved double insulated type?			
8. Are portable fans provided with full guards or screens having openings 1/2" or less?			
9. Are ground-fault circuit interrupters provided on all temporary electrical 15 and 20-ampere circuits, used during periods of construction?			
10. Are pneumatic and hydraulic hoses on power-operated tools checked regularly for deterioration or damage?			
OPERATIONS AREAS			

Facility Name: _____

Date: _____

ITEM	OK	Needs Attn	N/A
N. Personal Protection:			
1. Is ventilation system functioning adequately?			
2. Is protective eye and face equipment worn where required and are safety glasses worn over corrective lenses or do corrective lenses conform to ANSI Z-87.1-1968? (Shatter Proof Lenses)			
3. Are hard-hats worn where there is risk of impact and penetration from falling and flying objects and are safety shoes or work boots worn as required?			
4. Are appropriate gloves worn?			
O. Materials Handling and Storage:			
1. Where mechanical handling equipment is used, are there sufficient safe clearances allowed for aisles, at loading docks, through doorways and wherever a turn or passage must be made?			
2. Are aiseways and passageways kept clean and in good repair and are there no obstructions across aiseways that could create a hazard?			
3. Does the storage of material not create a hazard - stacked, blocked, interlocked and limited in height to ensure they are stable and secured against sliding or collapse?			
4. Are storage areas kept free from accumulation of materials that constitute hazards from tripping, fire, explosion or harborage of pests?			
P. Fork Lift - Maintenance and Fueling:			
1. Are all nameplates and markings in place and legible on powered industrial trucks?			
2. Are industrial trucks kept in a clean condition, free of lint, excess oil and grease?			
3. Does each industrial truck(s) have a warning horn, or other device which can be clearly heard above the normal noise in the areas where operated?			
4. Does each industrial truck have a reverse signal alarm audible above the surrounding noise level?			
5. Are the brakes on each industrial truck capable of bringing the vehicle to a complete and safe stop when fully loaded and does the parking brake effectively prevent the vehicle from moving when unattended?			
6. Are industrial trucks when found to be in need of repair, defective, or in any way unsafe taken out of service and repaired by an authorized mechanic using replacement parts that are equal to the original in safety?			
8. Are fuels storage and handling areas (gasoline, diesel or liquefied petroleum gas) clean, free from combustibles and cigarette butts, is there always metal contact between the container and the fuel tank and are fuel tank caps replaced and secured before starting the engine?			
9. Are precautions taken to prevent open flames, sparks or electric arcs (are metallic objects kept away) in battery charging areas?			
Q. Fork Lifts - Operations:			
1. Are industrial truck(s) with internal combustion engine, operated in buildings or enclosed areas, carefully checked to ensure such operations do not cause harmful concentration of dangerous gases or fumes such as carbon monoxide?			
2. Are powered industrial trucks driven by authorized personnel only?			
3. Do personnel stay clear of the elevated portion of any truck, loaded or empty?			
4. Is an examination of industrial trucks made at least daily and after each shift?			
5. Are industrial trucks left in an off position when unattended or when the operator is more than 25 feet from the vehicle?			
6. Are loads only handled within the rated capacity of the truck and is the backrest extension used when necessary to stabilize the load?			
8. Are the brakes of highway trucks set and wheel chocks placed under the rear wheels (lock between dock and ICC bar) while trucks are boarded with powered industrial trucks?			
R. Electrical Safety:			
1. Is each disconnect legibly marked to indicate its purpose?			

Facility Name: _____

Date: _____

ITEM	OK	Needs Attn	N/A
2. Is clear working space in front of an electrical panel maintained at no less than 36”?			
3. Is illumination provided for all working spaces about service equipment, switchboards, panel-boards and motor control centers installed indoors?			
4. Are all live parts of electrical equipment operating at 50 volts or more guarded against accidental contact?			
S. Machine Guarding			
1. Have all hazards from points of operation, ingoing nip points, rotating parts, flying chips, sparks, moving chains, gears, pulleys and belts (within 7 feet of the floor) been guarded?			
2. Are guards securely affixed to the machine or secured elsewhere if attachment to the machine is not possible and is the guard designed so that it does not create an accident hazard in itself?			
3. Are machines in fixed locations securely anchored and kept clean and properly maintained?			
4. If special hand tools are used for placing and removing material, do they protect the operator’s hands?			
5. Are revolving drums, barrels and containers guarded by an enclosure that is interlocked with the drive mechanism, so that revolution cannot occur unless the guard enclosure is in place?			
OTHER FACILITY SPECIFIC			
Inspector Signature	Date		

WCA WASTE CORP (WCAA)

10-Q

Quarterly report pursuant to sections 13 or 15(d)

Filed on 10/29/2010

Filed Period 10/29/2010



THOMSON REUTERS

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**UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549**

FORM 10-Q

Quarterly Report Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934

For the quarterly period ended September 30, 2010

Transition Report Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934

For the transition period from _____ to _____

Commission File Number: 000-50808

WCA Waste Corporation

(Exact name of registrant as specified in its charter)

**Delaware
(State or other jurisdiction
of incorporation or organization)**

**20-0829917
(I.R.S. Employer
Identification No.)**

**One Riverway, Suite 1400
Houston, Texas 77056
(Address of principal executive offices)**

**77056
(Zip Code)**

**(713) 292-2400
(Registrant's telephone number, including area code)**

**N/A
(Former name, former address and former fiscal year,
if changed since last report)**

Indicate by check mark whether the registrant (1) has filed all reports required to be filed by Section 13 or 15(d) of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the registrant was required to file such reports), and (2) has been subject to such filing requirements for the past 90 days. YES NO

Indicate by check mark whether the registrant has submitted electronically and posted on its corporate web site, if any, every Interactive Data File required to be submitted and posted pursuant to Rule 405 of Regulation S-T (§232.405 of this chapter) during the preceding 12 months (or for such shorter period that the registrant was required to submit and post such files). YES NO

Indicate by check mark whether the registrant is a large accelerated filer, an accelerated filer, a non-accelerated filer, or a smaller reporting company. See definition of "large accelerated filer," "accelerated filer" and "smaller reporting company" in Rule 12b-2 of the Exchange Act. (Check one):

Large accelerated filer Accelerated filer Non-accelerated filer Smaller reporting company
(Do not check if a smaller reporting company)

Indicate by check mark whether the registrant is a shell company (as defined in Rule 12b-2 of the Exchange Act). YES NO

As of October 26, 2010, there were 20,504,097 shares of WCA Waste Corporation's common stock, par value \$0.01 per share, outstanding, excluding 1,073,957 shares of treasury stock.

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**RISK FACTORS AND
CAUTIONARY STATEMENT ABOUT FORWARD-LOOKING STATEMENTS**

Some of the statements contained in this report are forward-looking statements within the meaning of Section 27A of the Securities Act of 1933 and Section 21E of the Securities Exchange Act of 1934. From time to time, our public filings, press releases and other communications (such as conference calls and presentations) will contain forward-looking statements. These forward-looking statements can generally be identified as such because the context of the statement will include words such as “may,” “should,” “outlook,” “project,” “intend,” “seek,” “plan,” “believe,” “anticipate,” “expect,” “estimate,” “potential,” “continue,” or “opportunity,” the negatives of these words, or similar words or expressions. Similarly, statements that describe our future plans, objectives or goals are also forward-looking statements.

We caution that forward-looking statements are not guarantees and are subject to known and unknown risks and uncertainties. Since our business, operations and strategies are subject to a number of risks, uncertainties and other factors, actual results may differ materially from those described in the forward-looking statements.

Our business is subject to a number of operational risks and uncertainties that could cause our actual results of operations or our financial condition to differ from any forward-looking statements. These include, but are not limited to, the following:

- prevailing U.S. economic conditions over the last two years and the related decline in construction activity, as well as any future downturns, has reduced and may continue to reduce our volume and/or pricing on our services, resulting in decreases in our revenue, profitability and cash flows;
- increases in the costs of fuel may reduce our operating margins;
- changes in interest rates may affect our profitability;
- we may not be successful in expanding the permitted capacity of our current or future landfills, which could restrict our growth, increase our disposal costs, and reduce our operating margins;
- we are subject to environmental and safety laws, which restrict our operations and increase our costs;
- we may become subject to environmental clean-up costs or litigation that could curtail our business operations and materially decrease our earnings;
- our accruals for landfill closure and post-closure costs may be inadequate, and our earnings would be lower if we are required to pay or accrue additional amounts;
- we may be unable to obtain financial assurances necessary for our operations, which could result in the closure of landfills or the termination of collection contracts;
- our business is capital intensive, requiring ongoing cash outlays that may strain or consume our available capital and force us to sell assets, incur debt, or sell equity on unfavorable terms;
- governmental authorities may enact climate change regulations that could increase our costs to operate;
- increases in the costs of disposal, labor and insurance may reduce our operating margins;
- we may not be able to maintain sufficient insurance coverage to cover the risks associated with our operations, which could result in uninsured losses that would adversely affect our financial condition;

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- our failure to remain competitive with our numerous competitors, some of which have greater resources, could adversely affect our ability to retain existing customers and obtain future business;
- we may lose contracts through competitive bidding, early termination or governmental action, or we may have to substantially lower prices in order to retain certain contracts, any of which would cause our revenue to decline;
- comprehensive waste planning programs and initiatives required by state and local governments may reduce demand for our services, which could adversely affect our waste volumes and the price of our landfill disposal services;
- efforts by labor unions to organize our employees could divert management attention and increase our operating expenses;
- current and proposed laws may restrict our ability to operate across local borders which could affect our manner, cost and feasibility of doing business;
- poor decisions by our regional and local managers could result in the loss of customers or an increase in costs, or adversely affect our ability to obtain future business;
- we are vulnerable to factors affecting our local markets, which could adversely affect our stock price relative to our competitors; and
- seasonal fluctuations will cause our business and results of operations to vary among quarters, which could adversely affect our stock price.

Our future financial performance may also depend on our ability to execute our acquisition strategy, which will be subject to many risks and uncertainties including, but not limited to, the following:

- on December 31, 2009, we consummated the acquisition of the Live Earth Companies with cash and the issuance of our common stock. The acquisition of the Live Earth Companies is subject to various risks;
- we may be unable to identify, complete or integrate future acquisitions, which may harm our prospects;
- we compete for acquisition candidates with other purchasers, some of which have greater financial resources and may be able to offer more favorable terms, thus limiting our ability to grow through acquisitions;
- in connection with financing acquisitions, we may incur additional indebtedness, or may issue additional equity including common stock or preferred stock which would dilute the ownership percentage of existing stockholders;
- businesses that we acquire may have unknown liabilities and require unforeseen capital expenditures, which would adversely affect our financial results;
- rapid growth may strain our management, operational, financial and other resources, which would adversely affect our financial results;
- our acquisitions have resulted and future acquisitions we make may continue to result in significant goodwill and other intangible assets, which may need to be written down if performance is not as expected; and
- we may incur charges and other unforeseen expenses related to acquisitions, which could lower our earnings.

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Our business and the performance of our stock price are subject to risks related to our management, governance and capital structure. They include, but are not limited to, the following:

- our success depends on key members of our senior management, the loss of any of whom could disrupt our customer and business relationships and our operations;
- a controlling interest in our voting stock is held by one fund and a small number of individuals (including management), which when combined with various agreements and rights of the fund, may discourage a change of control transaction and may exert control over our strategic direction;
- provisions in our amended and restated certificate of incorporation, our amended and restated bylaws and Delaware law could preclude a change of control that our stockholders may favor and which could negatively affect our stock price;
- we do not anticipate paying cash dividends on our common stock in the foreseeable future, so you can only realize a return on your investment by selling your shares of our common stock; and
- we may issue preferred stock that has a liquidation or other preference over our common stock without the approval of the holders of our common stock, which may affect those holders rights or the market price of our common stock.

Our business is capital intensive and depends on our ability to generate sufficient cash flow from operations and, from time to time, to access our credit facility or other capital sources, each of which are subject to various risks and uncertainties including, but not limited to, the following:

- adverse capital and credit market conditions may significantly affect our ability to meet liquidity needs, access to capital and cost of capital;
- the inability or failure of any syndicate bank to meet its obligations under our senior credit facility could adversely impact our short-term and/or long-term capital or cash needs by limiting our access to swing-line loans, increasing the cost of issuing letters of credit, or reducing the total capacity available under the revolving credit facility;
- we have a substantial amount of debt which could adversely affect our operations and financial performance; and
- the provisions in our debt instruments impose restrictions on us that may limit the discretion of management in operating our business.

We describe these and other risks in greater detail in the section entitled “Risk Factors” in our annual report on Form 10-K for the year ended December 31, 2009 (sometimes referred to in this report, including the notes to our financial statements, as the “10-K”).

The forward-looking statements included in this report are only made as of the date of this report and we undertake no obligation to publicly update forward-looking statements to reflect subsequent events or circumstances.

PART I • FINANCIAL INFORMATION

ITEM 1. FINANCIAL STATEMENTS.

WCA WASTE CORPORATION
CONDENSED CONSOLIDATED BALANCE SHEETS
(In thousands, except per share data)

	September 30,	December 31,
	2010	2009
	(Unaudited)	
Assets		
Current assets:		
Cash and cash equivalents	\$ 4,105	\$ 4,329
Accounts receivable, net of allowance for doubtful accounts of \$588 (unaudited) and \$318, respectively	26,115	21,767
Deferred tax assets	1,452	1,452
Prepaid expenses and other	3,138	4,575
Total current assets	34,810	32,123
Property and equipment, net of accumulated depreciation and amortization of \$152,678 (unaudited) and \$135,286, respectively	317,759	320,724
Goodwill, net	67,460	65,318
Intangible assets, net	7,196	7,051
Deferred financing costs, net	3,566	3,628
Deferred tax assets	454	2,385
Other assets	160	145
Total assets	\$ 431,405	\$ 431,374
Liabilities and Stockholders' Equity		
Current liabilities:		
Accounts payable	\$ 13,260	\$ 10,013
Accrued liabilities and other	19,455	17,290
Interest rate swap	713	6,489
Note payable	•	1,231
Current maturities of long-term debt	500	500
Total current liabilities	33,928	35,523
Long-term debt, less current maturities and discount	219,059	219,516
Accrued closure and post-closure liabilities	13,921	13,993
Other long-term liabilities	1,815	1,813
Total liabilities	268,723	270,845
Commitments and contingencies		
Stockholders' equity:		
Series A convertible preferred stock, \$0.01 par value per share. Authorized 8,000 shares; issued and outstanding 914 shares and 870 shares, respectively (liquidation preference \$96,006)	9	9
Common stock, \$0.01 par value per share. Authorized 50,000 shares; issued 21,578 shares and 21,121 shares, respectively	216	211
Treasury stock, 1,074 shares and 1,074 shares, respectively	(5,322)	(5,322)
Additional paid-in capital	197,970	193,821
Contingent considerations	3,225	3,225
Retained earnings (deficit)	(33,416)	(31,415)
Total stockholders' equity	162,682	160,529
Total liabilities and stockholders' equity	\$ 431,405	\$ 431,374

The accompanying notes are an integral part of these condensed consolidated financial statements.

WCA WASTE CORPORATION
CONDENSED CONSOLIDATED STATEMENTS OF OPERATIONS
(UNAUDITED)
(In thousands, except per share data)

	Three Months Ended		Nine Months Ended	
	September 30,		September 30,	
	2010	2009	2010	2009
Revenue	\$ 59,279	\$ 49,546	\$ 171,881	\$ 147,910
Expenses:				
Cost of services	42,055	32,786	123,458	97,907
Depreciation and amortization	7,623	6,714	22,682	20,087
General and administrative (including stock-based compensation of \$312, \$438, \$1,038 and \$1,338, respectively)	2,925	3,060	8,743	9,714
Gain on sale of assets	(7)	(46)	(896)	(91)
	<u>52,596</u>	<u>42,514</u>	<u>153,987</u>	<u>127,617</u>
Operating income	<u>6,683</u>	<u>7,032</u>	<u>17,894</u>	<u>20,293</u>
Other income (expense):				
Interest expense, net	(4,811)	(4,511)	(14,190)	(13,525)
Write-off of deferred financing costs	•	•	(184)	•
Impact of interest rate swap	(47)	(905)	(231)	(1,748)
	<u>(4,858)</u>	<u>(5,416)</u>	<u>(14,605)</u>	<u>(15,273)</u>
Income before income taxes	1,825	1,616	3,289	5,020
Income tax provision	(1,042)	(790)	(1,932)	(2,797)
Net income	783	826	1,357	2,223
Accrued payment-in-kind dividend on preferred stock	(1,138)	(1,076)	(3,358)	(3,192)
Net loss available to common stockholders	<u>\$ (355)</u>	<u>\$ (250)</u>	<u>\$ (2,001)</u>	<u>\$ (969)</u>
Net loss available to common stockholders:				
Earnings per share • basic	<u>\$ (0.02)</u>	<u>\$ (0.02)</u>	<u>\$ (0.10)</u>	<u>\$ (0.06)</u>
Earnings per share • diluted	<u>\$ (0.02)</u>	<u>\$ (0.02)</u>	<u>\$ (0.10)</u>	<u>\$ (0.06)</u>
Weighted average shares outstanding • basic	<u>19,635</u>	<u>15,850</u>	<u>19,580</u>	<u>15,801</u>
Weighted average shares outstanding • diluted	<u>19,635</u>	<u>15,850</u>	<u>19,580</u>	<u>15,801</u>

The accompanying notes are an integral part of these condensed consolidated financial statements.

WCA WASTE CORPORATION
CONDENSED CONSOLIDATED STATEMENTS OF CASH FLOWS
(UNAUDITED)
(In thousands)

Nine Months Ended
September 30,
2010 **2009**

Cash flows from operating activities:		
Net income	\$ 1,357	\$ 2,223
Adjustments to reconcile net income to net cash provided by operating activities:		
Depreciation and amortization	22,682	20,087
Non-cash compensation charge	1,038	1,338
Amortization of deferred financing costs	1,011	931
Write-off of deferred financing costs	184	•
Deferred tax provision	1,932	2,797
Accretion expense for closure and post-closure obligations	828	469
Gain on sale of assets	(896)	(91)
Unrealized gain on interest rate swap	(5,776)	(3,429)
Changes in assets and liabilities, net of effects of acquisitions:		
Accounts receivable, net	(4,306)	5,745
Prepaid expenses and other	917	(1,353)
Accounts payable and other liabilities	3,937	2,342
Net cash provided by operating activities	<u>22,908</u>	<u>31,059</u>
Cash flows from investing activities:		
Acquisitions of businesses, net of cash acquired	(3,407)	(3,689)
Proceeds from sale of assets	2,327	146
Capital expenditures	(20,419)	(20,501)
Net cash used in investing activities	<u>(21,499)</u>	<u>(24,044)</u>
Cash flows from financing activities:		
Principal payments on long-term debt	(500)	(167)
Net change in revolving line of credit	•	(117)
Deferred financing costs	(1,133)	(221)
Net cash used in financing activities	<u>(1,633)</u>	<u>(505)</u>
Net change in cash and cash equivalents	(224)	6,510
Cash and cash equivalents at beginning of period	4,329	955
Cash and cash equivalents at end of period	<u>\$ 4,105</u>	<u>\$ 7,465</u>

Supplemental cash flow information:

Interest paid	\$ 9,635	\$ 9,267
Interest rate swap paid	6,103	3,964
Income taxes paid	515	509

The accompanying notes are an integral part of these condensed consolidated financial statements.

WCA WASTE CORPORATION
NOTES TO CONDENSED CONSOLIDATED FINANCIAL STATEMENTS
(UNAUDITED)
(All tables in thousands, except per share data)

1. BASIS OF PRESENTATION AND NEW ACCOUNTING PRONOUNCEMENTS

Basis of Presentation

WCA Waste Corporation (WCA or the Company) is a vertically integrated, non-hazardous solid waste collection and disposal company.

The unaudited condensed consolidated financial statements included herein have been prepared in accordance with generally accepted accounting principles in the United States and pursuant to the rules and regulations of the Securities and Exchange Commission (SEC) for quarterly reports on Form 10-Q. Certain information relating to the Company's organization and footnote disclosures normally included in financial statements prepared in accordance with generally accepted accounting principles (GAAP) has been condensed or omitted pursuant to such rules and regulations. The Company believes that the presentations and disclosures herein are adequate to make the information presented herein not misleading when read in conjunction with its annual report on Form 10-K filed with the SEC on March 9, 2010 which contains the Company's audited consolidated financial statements as of and for the year ended December 31, 2009. The unaudited condensed consolidated financial statements as of September 30, 2010 and for the three and nine months ended September 30, 2010 and 2009 reflect, in the opinion of management, all adjustments, consisting only of normal recurring adjustments, necessary to fairly state the financial position and results of operations for such periods. Certain reclassifications have been made to the prior period financial statements to conform to the current presentation. Please note, however, operating results for interim periods are not necessarily indicative of the results for full years. For the description of the Company's significant accounting policies, see note 1 to Notes to Consolidated Financial Statements included in the annual report on Form 10-K.

In preparing its financial statements, the Company makes numerous estimates and assumptions affecting the accounting for, and recognition and disclosure of, assets, liabilities, stockholders' equity, revenues and expenses. The most difficult, uncertain and subjective estimates and assumptions that the Company makes relate to accounting for landfills, asset impairments, and self-insurance reserves and recoveries. The Company makes estimates and assumptions because some of the information that it uses in accounting, recognition and disclosure depends upon future events and other information cannot be precisely determined based on available data or based on generally accepted methodologies. Actual results could differ materially from the estimates and assumptions that the Company uses in the preparation of its financial statements.

The accompanying unaudited condensed consolidated financial statements include the accounts of WCA Waste Corporation and its majority-owned and controlled subsidiaries after elimination of all material intercompany balances and transactions.

Recent Accounting Pronouncements

From time to time, new accounting pronouncements are issued by the Financial Accounting Standards Board (FASB) or other standard setting bodies that are adopted by the Company as of the specified effective date. Unless otherwise discussed, the Company does not expect that the impact of these recently issued accounting standards that are not yet effective will have a material impact on the Company's financial condition, results of operations or cash flows upon adoption.

In January 2010, the FASB issued Accounting Standards Update 2010-06 (ASU 2010-06), "Fair Value Measurements and Disclosures (Topic 820)•Improving Disclosures about Fair Value Measurements." This update requires an entity to disclose separately the amounts of significant transfers in and out of Level 1 and 2 fair value measurements and to describe the reasons for the transfers. It also requires additional disclosure regarding purchases, sales, issuances and settlements of Level 3 measurements. ASU 2010-06 is effective for interim and annual periods beginning after December 15, 2009, except for the additional disclosure of Level 3 measurements, which is effective for fiscal years beginning after December 15, 2010. The adoption of this standard is not expected to have a material impact on the Company's financial condition, results of operations or cash flows.

2. ACQUISITIONS

The Company completed two acquisitions during the nine months ended September 30, 2010. On August 1, 2010, the Company acquired the customer base of Washita Disposal located near Oklahoma City, Oklahoma. On September 1, 2010, the Company purchased certain residential collection routes and assets from Five JAB Environmental Services, LLC near Houston, Texas. Total consideration of these two acquisitions consisted of \$3.4 million in cash and 20,492 shares of the Company's common stock valued at \$0.1 million.

The purchase price for these transactions has been allocated to the identifiable tangible and intangible assets acquired based on their estimated fair values at the time of acquisitions. The purchase price allocations are considered preliminary until the Company is no longer waiting for information that it has arranged to obtain and that is known to be available or obtainable. The time required to obtain the necessary information will vary with specific acquisitions, however, the final purchase price allocation will not exceed one year from the consummation of the acquisition.

The Company's condensed consolidated financial statements include the results of operations of the acquired businesses from their acquisition date. The acquisitions were not significant within the meaning of Regulation S-X to the Company as a whole.

Based on the preliminary assessments of values for these acquisitions, the Company reflected fixed assets of \$0.5 million, intangible assets of \$0.8 million, goodwill of \$2.5 million and net working capital of \$(0.3) million.

Subsequently, on October 1, 2010, the Company completed two acquisitions. The Company acquired certain assets of Sprint Waste Services, L.P. and DINA Industries, Inc., two collection operations in the greater Houston area. The consideration for the Sprint acquisition was \$3.6 million which included \$3.5 million of cash and \$0.1 million of the Company's common stock. The Company purchased DINA Industries, Inc. for \$0.5 million in cash.

3. STOCK-BASED COMPENSATION

The Company established the 2004 WCA Waste Corporation Incentive Plan which has been amended and restated from time to time to comply with applicable federal law. On September 28, 2010, the stockholders of the Company approved the Fourth Amended and Restated 2004 WCA Waste Corporation Incentive Plan. This amendment (1) increased the Company's common stock authorized for issuance under the plan from 2,250,000 shares to 2,900,000 shares, (2) established an "evergreen" provision to increase the number of shares available for awards and grants on January 1 of each year by the lesser of (i) 500,000 additional shares or (ii) a number of shares such that the total authorized shares under the plan following such increase would be equal to 9% of the fully-diluted common shares issued and outstanding as of December 31 of the preceding year, and (3) made the shares surrendered by participants to satisfy tax withholding obligations available for future issuance. As of September 30, 2010, there were approximately 739,000 remaining shares of the Company's common stock authorized for issuance.

During the three and nine months ended September 30, 2010, 296,484 and 520,444 restricted shares of the Company's common stock were granted to certain of the Company's officers and directors with an aggregate market value of \$1.4 million and \$2.3 million on the grant dates, respectively. The unearned compensation is being amortized to expense on a straight-line basis over the required employment period, or the vesting period, as the restrictions lapse at the end of each anniversary after the date of grant.

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The following table reflects the Company's restricted share activity for the three and nine months ended September 30, 2010:

	Three Months Ended September 30, 2010			Nine Months Ended September 30, 2010		
	Shares	Weighted Average Grant-Date Fair Value	Weighted Average Remaining Contractual Term (years)	Shares	Weighted Average Grant-Date Fair Value	Weighted Average Remaining Contractual Term (years)
Unvested at beginning of period	561	\$ 4.54		638	\$ 5.10	
Granted	296	4.76		520	4.50	
Vested	(1)	7.31		(297)	5.46	
Forfeited	(1)	5.11		(6)	5.45	
Unvested at September 30, 2010	<u>855</u>	<u>\$ 4.61</u>	<u>2.08</u>	<u>855</u>	<u>\$ 4.61</u>	<u>2.08</u>

The Company has not granted any stock options since February 2005. The following table reflects the Company's option activity for the three and nine months ended September 30, 2010:

	Three Months Ended September 30, 2010			Nine Months Ended September 30, 2010		
	Shares	Weighted Average Exercise Price	Weighted Average Remaining Contractual Term (years)	Shares	Weighted Average Exercise Price	Weighted Average Remaining Contractual Term (years)
Outstanding at beginning of period	511	\$ 9.52		525	\$ 9.52	
Grants	•	•		•	•	
Forfeitures	(20)	9.50		(34)	9.50	
Outstanding at September 30, 2010	<u>491</u>	<u>\$ 9.52</u>	<u>3.74</u>	<u>491</u>	<u>\$ 9.52</u>	<u>3.74</u>

As the exercise prices of all outstanding options were greater than the Company's common stock share price as of September 30, 2010, there was no intrinsic value as of September 30, 2010. In addition, no compensation expense remains to be recognized as all stock options outstanding are vested.

4. EARNINGS PER SHARE

Basic earnings (loss) per share is computed by dividing net income (loss) available to common stockholders by the weighted average number of shares of common stock outstanding during the period. Diluted earnings (loss) per share is computed using the treasury stock method for options and restricted shares and the if-converted method for convertible preferred stock and convertible debt.

The detail of the earnings (loss) per share calculations for net loss available to common stockholders for the three and nine months ended September 30, 2010 and 2009 is as follows:

	Three Months Ended September 30,		Nine Months Ended September 30,	
	2010	2009	2010	2009
Numerator:				
Net income	\$ 783	\$ 826	\$ 1,357	\$ 2,223
Accrued payment-in-kind dividend on preferred stock	(1,138)	(1,076)	(3,358)	(3,192)
Net loss available to common stockholders	<u>\$ (355)</u>	<u>\$ (250)</u>	<u>\$ (2,001)</u>	<u>\$ (969)</u>
Denominator:				
Weighted average basic shares outstanding	19,635	15,850	19,580	15,801
Weighted average diluted shares outstanding	19,635	15,850	19,580	15,801
Earnings (loss) per share:				
Basic	\$ (0.02)	\$ (0.02)	\$ (0.10)	\$ (0.06)
Diluted	\$ (0.02)	\$ (0.02)	\$ (0.10)	\$ (0.06)

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Due to their antidilutive effect, the following potential common shares have been excluded from the computation of diluted earnings (loss) per share:

	Three Months Ended September 30,		Nine Months Ended September 30,	
	2010	2009	2010	2009
Stock options	491	534	491	534
Restricted shares	855	652	855	652
Convertible preferred stock	9,519	9,117	9,470	9,014
Convertible debt	154	790	154	790
	<u>11,019</u>	<u>11,093</u>	<u>10,970</u>	<u>10,990</u>

5. LONG-TERM DEBT

Long-term debt consists of the following:

	September 30, December 31,	
	2010	2009
Senior Notes, with interest rate of 9.25%, due in June 2014	\$ 150,000	\$ 150,000
Revolving note payable with financial institutions, variable interest rate based on LIBOR plus a margin (2.89% and 3.24% at September 30, 2010 and December 31, 2009, respectively)	67,500	67,500
Seller note, with two installments of \$500 due on January 15, 2010 and 2011	484	941
Seller convertible notes, with interest rate of 5.5%, due in October 2012	1,575	1,575
	<u>219,559</u>	<u>220,016</u>
Less current maturities	500	500
	<u>\$ 219,059</u>	<u>\$ 219,516</u>

The 9.25% Senior Notes due 2014 are guaranteed by all of the Company's current and future subsidiaries as of September 30, 2010. These guarantees are full, unconditional and joint and several. In addition, the Company has no non-guarantor subsidiaries and no independent assets or operations outside of its ownership of the subsidiaries. There are no restrictions on the subsidiaries to transfer funds through dividends or otherwise. As of September 30, 2010, the fair value of these notes, based on quoted market prices, was approximately \$156 million compared to a carrying amount of \$150 million.

On June 30, 2010, the Company, Comerica Bank, in its capacity as Administrative Agent, together with BBVA Compass Bank as Documentation Agent, and in each of those bank's capacities as Co-Lead Arrangers, along with Regions Bank, in its capacity as Syndication Agent, and certain other lenders, entered into the Twelfth Amendment to Revolving Credit Agreement (the "Amendment") to amend the Revolving Credit Agreement dated July 5, 2006 (the "Credit Agreement"), by and between the Company, Comerica Bank as administrative agent and certain other lenders set forth therein, as previously amended. Regions Bank, Branch Banking and Trust Company, and CoBank have become new participating lenders under the Credit Agreement.

The Amendment extended the term of the Credit Agreement and the revolving credit facility, which would have expired on July 5, 2011, to January 31, 2014. The Amendment also increased the total revolving credit commitments available to the Company from the participating lenders under the Credit Agreement to \$200 million from \$175 million. The Company incurred \$1.0 million of financing costs associated with the Amendment. In addition, the Company wrote off \$0.2 million of deferred financing costs in proportion to reduced commitments from the original participating lenders.

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The Amendment modified some of the pricing terms and conditions of the Credit Agreement; however, such modifications will not significantly increase the Company's borrowing costs at current borrowing levels. In lieu of an unused commitment fee, the Company is required to pay, quarterly in arrears, an annual facility fee in an amount ranging from 0.375% to 0.875% of the total revolving credit commitments of \$200 million available under the Credit Agreement (the "Facility Fee"). The Company is also obligated to pay an annual letter of credit fee in an amount ranging from 2.125% to 2.625% of the letter of credit obligations outstanding under the Credit Agreement (the "L/C Fee"). Any borrowings under the Credit Agreement will bear interest at either (x) the Eurodollar London Interbank Offered Rate ("LIBOR") for the applicable interest period, plus a spread ranging from 2.125% to 2.625% per annum (a "LIBOR Loan") or (y) a base rate equal to the greater of (1) the Federal Funds Rate plus 1%, (2) the Prime Rate as published by Comerica Bank from time to time, or (3) one-month LIBOR plus 1.00%, plus a spread ranging from 1.625% to 2.125% (a "Base Rate Loan"). The Facility Fee, the L/C Fee and the applicable spread on a LIBOR Loan and a Base Rate Loan depends on the Company's Leverage Ratio (as such term is defined in the Credit Agreement as previously amended). From the date of the Amendment until the Company's Compliance Certificate is delivered to the administrative agent for the fiscal quarter ended June 30, 2010, the Facility Fee will be 0.625%, the L/C Fee will be 2.625% and the spreads applicable to LIBOR Loans and Base Rate Loans will be 2.625% and 2.125%, respectively. The Amendment did not result in any material modifications to the representations and warranties, covenants or other terms and provisions of the Credit Agreement.

As of September 30, 2010, there were \$67.5 million outstanding under the Credit Agreement and approximately \$12.6 million in letters of credit that serve as collateral for insurance claims and bonding, leaving \$119.9 million in available capacity. With \$4.1 million cash on hand at September 30, 2010, the total capacity was approximately \$124 million. The carrying amount of our revolving credit facility approximates its fair value based on estimated future cash flows discounted at rates currently quoted. The fair value of our debt is determined as of our balance sheet date and is subject to change.

6. INTEREST RATE SWAP

On July 7, 2006, the Company entered into an interest rate swap agreement effective July 11, 2006, where it agreed to pay a fixed-rate of 5.64% in exchange for three-month floating rate LIBOR that was 5.51% at the time the swap was entered. The Company did not enter into the interest rate swap agreements for trading purposes. The swap agreement was intended to limit the Company's exposure to a rising interest rate environment. This interest rate swap expires on November 1, 2010. At September 30, 2010, the related floating rate was 0.26%. Considering the rates in effect at September 30, 2010, the impact of the swap agreement is estimated to result in a \$0.7 million loss related to the realized portion of the interest rate swap over the next 12 months.

At the time the swap was entered, there was no offsetting floating rate LIBOR debt and therefore no floating rate interest payments were anticipated. As a result, the swap transaction was not designated as a hedging transaction and any changes in the unrealized fair value of the swap are recognized in the statement of operations as a non-cash gain or loss. During the nine months ended September 30, 2010, the Company reflected approximately \$0.2 million net loss related to the impact of interest rate swap in the accompanying condensed consolidated statements of operations. The realized loss portion of this swap was \$1.9 million and \$6.0 million, respectively, and the unrealized gain in the mark to market of the swap was \$1.9 million and \$5.8 million, respectively, for the three and nine months ended September 30, 2010. During the three and nine months ended September 30, 2009, the Company reflected \$0.9 million and \$1.7 million net loss related to the impact of interest rate swap, respectively, in the accompanying condensed consolidated statements of operations. The realized loss portion of this swap was \$1.9 million and \$5.1 million, respectively, and the unrealized gain in the mark to market of the swap was \$1.0 million and \$3.4 million, respectively, for the three and nine months ended September 30, 2009.

7. FAIR VALUE MEASUREMENTS

The following table sets forth the Company's financial assets and liabilities that were accounted for at fair value on a recurring basis as of September 30, 2010 by level within the fair value hierarchy. For assets and liabilities that are measured using quoted prices in active markets, the total fair value is the published market price per unit multiplied by the number of units held without consideration of transaction costs. Assets and liabilities that are measured using significant other observable inputs are primarily valued by reference to quoted prices of similar assets or liabilities in active markets, adjusted for any terms specific to that asset or liability. For all other assets and liabilities for which observable inputs are used, fair value is derived through the use of fair value models, such as a discounted cash flow model or other standard pricing models.

	<u>Quoted Prices in Active Markets for Identical Items (Level 1)</u>	<u>Significant Other Observable Inputs (Level 2)</u>	<u>Significant Unobservable Inputs (Level 3)</u>	<u>Total</u>
Recurring fair value measurements				
Liabilities:				
Interest rate swap	\$	• \$ 713	\$	• \$ 713
Total liabilities	\$	• \$ 713	\$	• \$ 713

8. LANDFILL ACCOUNTING

Capitalized Landfill Costs

At September 30, 2010, the Company owned 25 landfills. Two of these landfills are fully permitted but not constructed and had not yet commenced operations as of September 30, 2010.

Capitalized landfill costs include expenditures for the acquisition of land and related airspace, engineering and permitting costs, cell construction costs and direct site improvement costs. At September 30, 2010, no capitalized interest had been included in capitalized landfill costs, however, in the future interest could be capitalized on landfill construction projects but only during the period the assets are undergoing activities to ready them for their intended use. Capitalized landfill costs are amortized ratably using the units-of-production method over the estimated useful life of the site as airspace of the landfill is consumed. Landfill amortization rates are determined periodically (not less than annually) based on aerial and ground surveys and other density measures and estimates made by the Company's engineers, outside engineers, management and financial personnel.

Total available airspace includes the total of estimated permitted airspace plus an estimate of probable expansion airspace that the Company believes is likely to be permitted. Where the Company believes permit expansions are probable, the expansion airspace, and the projected costs related to developing the expansion airspace are included in the airspace amortization rate calculation. The criteria the Company uses to determine if permit expansion is probable include but are not limited to whether: (i) the Company believes the project has fatal flaws; (ii) the land is owned or controlled by the Company, or under option agreement; (iii) the Company has committed to the expansion; (iv) financial analysis has been completed and the results indicate that the expansion has the prospect of a positive financial and operational impact; (v) personnel are actively working to obtain land use, local and state approvals for an expansion; (vi) the Company believes that the permit is likely to be received; and (vii) the Company believes that the timeframe to complete the permitting is reasonable.

The Company may not be successful in obtaining expansion permits for airspace that has been considered probable. If not successful in obtaining these permits, certain previously capitalized costs will be charged to expense.

[Table of Contents](#)*Closure and Post-Closure Obligations*

The Company has material financial commitments for the costs associated with its future obligations for final closure, which is the closure of a landfill, the capping of the final uncapped areas of a landfill and post-closure maintenance of those facilities, which is generally expected to be for a period between 5 and 30 years depending on type and location.

The impact of changes determined to be changes in estimates, based on an annual update, is accounted for on a prospective basis. The Company's ultimate liability for such costs may increase in the future as a result of changes in estimates, legislation, or regulations.

The following table rolls forward the net landfill assets and closure and post-closure liabilities from December 31, 2009 to September 30, 2010:

	<u>Landfill Assets, Net</u>	<u>Closure and Post-closure Liabilities</u>
December 31, 2009	\$ 218,252	\$ 13,993
Capital expenditures	9,582	•
Amortization expense	(9,600)	•
Obligations incurred and capitalized	530	530
Revisions to estimates of closure and post-closure activities	(1,430)	(1,430)
Interest accretion	•	828
September 30, 2010	<u>\$ 217,334</u>	<u>\$ 13,921</u>

The Company's liabilities for closure and post-closure costs are as follows:

	<u>September 30, 2010</u>	<u>December 31, 2009</u>
Recorded amounts:		
Current portion	\$ •	\$ •
Noncurrent portion	13,921	13,993
Total recorded	<u>\$ 13,921</u>	<u>\$ 13,993</u>

The Company's total anticipated cost for future closure and post-closure activities is \$183.6 million, as measured in current dollars. The Company believes the amount and timing of these activities are reasonably estimable. Where the Company believes that both the amount of a particular closure and post-closure liability and the timing of the payments are reliably determinable, the cost, in current dollars, is inflated 2.5% until expected time of payment and then discounted to present value at the Company's credit-adjusted risk-free rate, which is estimated to be 8.5%. Accretion expense is applied to the closure and post-closure liability based on the effective interest method and is included in cost of services. Had the Company not discounted any portion of its liability based on the amount of landfill airspace utilized to date, the closure and post-closure liability recorded would have been \$39.3 million and \$39.4 million at September 30, 2010 and December 31, 2009, respectively.

9. INCOME TAXES

The Company accounts for income taxes under the asset and liability method, where deferred tax assets and liabilities are recognized for the future tax consequences attributable to differences between the financial statement carrying values of existing assets and liabilities and their respective tax bases based on enacted tax rates. The Company provides a valuation allowance when, based on management's estimates, it is more likely than not that a deferred tax asset will not be realized in future periods. Income tax provision for the nine months ended September 30, 2010 as a percentage of pre-tax income was 58.7% as compared to 55.7% for the nine months ended September 30, 2009. The rate in the current period is based on the Company's anticipated 2010 annual effective income tax rate of 54.6% as compared to 46.1% for the nine months ended September 30, 2009. Such rate differs from the federal statutory rate of 35% due to state income taxes, valuation allowances associated with state net operating loss carryforwards and estimates of non-deductible expenses. In addition to the anticipated 2010 annual effective income tax rate of 54.6%, the Company reflected an additional 4.1% of income taxes in the nine months ended September 30, 2010 for discrete items within the period mainly related to stock-based compensation expense.

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The Company is subject to federal income tax in the United States and to state taxes in the various states in which it operates within the United States. With few exceptions, the Company remains subject to both U.S federal income tax and to state and local income tax examinations by taxing authorities for tax years through 2001. Currently, the Company is not involved in any income tax examinations for any year.

Under the provision of ASC Subtopic 740-10-25, the Company recorded approximately \$1.8 million in other long-term liabilities for unrecognized tax benefits, which was accounted for as a reduction to the January 1, 2007 balance of retained earnings. As of January 1, 2010, the Company had unrecognized tax benefits of \$1.8 million, all of which would have an impact on the annual effective tax rate upon recognition.

The Company recognizes interest and penalties accrued related to unrecognized tax benefits in income tax expense. This is an accounting policy election made by the Company that is a continuation of the Company's historical policy and will continue to be consistently applied in the future. During the nine months ended September 30, 2010, the Company accrued approximately \$1.9 thousand of interest and penalties.

Within the next 12 months, the Company anticipates a reduction of approximately \$26.3 thousand in the balance of unrecognized tax benefits for a tax position related to prior years.

10. STOCKHOLDERS' EQUITY

During the nine months ended September 30, 2010, the Company issued 513,927 restricted shares, net of forfeitures, under the 2004 WCA Waste Corporation Incentive Plan, as amended and restated. These shares vest over periods ranging from one to three years from the grant date. The following table reflects the changes in stockholders' equity from December 31, 2009 to September 30, 2010:

	<u>Preferred Stock</u>	<u>Common Stock</u>	<u>Treasury Stock</u>	<u>Additional Paid-in Capital</u>	<u>Contingent Considerations</u>	<u>Retained Earnings (Deficit)</u>	<u>Total</u>
December 31, 2009	\$ 9	\$ 211	\$ (5,322)	\$ 193,821	\$ 3,225	\$ (31,415)	\$160,529
Net income	•	•	•	•	•	1,357	1,357
Accrued payment-in-kind dividend on preferred stock	•	•	•	3,358	•	(3,358)	•
Issuance of common shares	•	•	•	100	•	•	100
Issuance of restricted shares	•	5	•	(5)	•	•	•
Accretion of unearned compensation	•	•	•	1,023	•	•	1,023
Restricted shares withheld	•	•	•	(327)	•	•	(327)
September 30, 2010	<u>\$ 9</u>	<u>\$ 216</u>	<u>\$ (5,322)</u>	<u>\$ 197,970</u>	<u>\$ 3,225</u>	<u>\$ (33,416)</u>	<u>\$162,682</u>

[Table of Contents](#)*Preferred Stock*

On July 13, 2006, the Company's shareholders approved the issuance of 750,000 shares of convertible preferred stock at \$100.00 per share in the private placement with Ares Corporate Opportunities Fund II L.P. (Ares). The shares were issued on July 27, 2006 and a portion of the net proceeds were used to completely repay the amounts outstanding under the credit facility. Issuance costs, including a 1% discount to Ares and other transaction costs, totaled approximately \$3.1 million. The preferred stock is convertible into shares of the Company's common stock at a price of \$9.60 per share and carries a 5% payment-in-kind (PIK) dividend payable semi-annually.

The preferred shares were convertible into 7,812,500 shares of the Company's common stock on the issuance date and with the effect of the cumulative PIK dividends at the end of five years would be convertible into 10,000,661 shares of common stock. Under the terms of the preferred agreement, under certain circumstances, all five years' worth of cumulative PIK dividends would accelerate and become payable to the preferred holder. The preferred shareholder holds certain preferential rights, including the right to appoint two directors. The Company can force a conversion into its common stock following either (i) the average of the closing price of the common stock for each of 20 consecutive trading days exceeding \$14.40 per share or (ii) a fundamental transaction that Ares does not treat as a liquidation. After the fifth anniversary of issuance, the Company can, at its discretion, redeem for cash equal to the liquidation preference, which is approximately \$96.0 million. After the fifth anniversary of issuance, the Company can pay dividends in cash at its discretion. The original issuance date for the preferred stock is the commitment date for both the preferred stock and the initial five years worth of dividends as the payment of the dividends through in-kind payments is non-discretionary for that initial five-year period. Based on the fair value of the Company's underlying common stock on the issuance date and the stated conversion date, there is no beneficial conversion feature associated with the issuance of the preferred stock.

11. SEGMENT INFORMATION

The Company's operations consist of the collection, transfer, processing and disposal of non-hazardous solid waste. Revenues are generated primarily from the Company's collection operations to residential, commercial and roll-off customers and landfill disposal services. The following table reflects total revenue by source for the three and nine months ended September 30, 2010 and 2009:

	Three Months Ended September 30,		Nine Months Ended September 30,	
	2010	2009	2010	2009
Collection:				
Residential	\$ 13,582	\$ 13,953	\$ 39,891	\$ 41,218
Commercial	6,268	6,307	18,856	18,698
Roll-off	11,561	11,633	33,126	35,402
Total collection	31,411	31,893	91,873	95,318
Disposal	25,905	17,648	74,184	53,203
Less Intercompany	7,704	6,443	21,505	19,212
Disposal, net	18,201	11,205	52,679	33,991
Transfer and other	12,716	9,315	36,149	27,343
Less Intercompany	3,049	2,867	8,820	8,742
Transfer and other, net	9,667	6,448	27,329	18,601
Total revenue	\$ 59,279	\$ 49,546	\$ 171,881	\$ 147,910

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The table below reflects major operating segments (Region I: Kansas, Missouri; Region II: Colorado, Florida, New Mexico, Oklahoma, Texas; Region III: Alabama, Arkansas, North Carolina, South Carolina, Tennessee; Region IV: Massachusetts, Ohio) for the three and nine months ended September 30, 2010 and 2009:

	<u>Region I</u>	<u>Region II</u>	<u>Region III</u>	<u>Region IV</u>	<u>Corporate (1)</u>	<u>Total</u>
Three months ended September 30, 2010:						
Revenue	\$ 12,908	\$ 24,641	\$ 11,757	\$ 9,973	\$ •	\$ 59,279
Depreciation and amortization	1,365	3,334	1,654	1,156	114	7,623
Operating income	1,797	2,239	2,227	253	167	6,683
Capital expenditures	1,934	5,383	1,666	1,185	3	10,171
Capital expenditures (Acquisitions) (2)	•	470	•	•	•	470
Three months ended September 30, 2009:						
Revenue	\$ 13,193	\$ 25,517	\$ 10,836	\$ •	\$ •	\$ 49,546
Depreciation and amortization	1,490	3,236	1,868	•	120	6,714
Operating income (loss)	1,728	4,384	1,139	•	(219)	7,032
Capital expenditures	1,047	2,552	796	•	7	4,402
Capital expenditures (Acquisitions) (2)	•	1,027	•	•	•	1,027
Nine months ended September 30, 2010:						
Revenue	\$ 38,084	\$ 72,413	\$ 33,045	\$ 28,339	\$ •	\$ 171,881
Depreciation and amortization	4,049	9,922	4,987	3,383	341	22,682
Operating income	4,768	6,628	5,882	43	573	17,894
Capital expenditures	2,505	11,614	4,451	1,837	12	20,419
Capital expenditures (Acquisitions) (2)	•	470	•	•	•	470
Nine months ended September 30, 2009:						
Revenue	\$ 38,481	\$ 77,453	\$ 31,976	\$ •	\$ •	\$ 147,910
Depreciation and amortization	4,421	9,736	5,564	•	366	20,087
Operating income (loss)	4,719	13,696	3,077	•	(1,199)	20,293
Capital expenditures	5,602	13,001	1,871	•	27	20,501
Capital expenditures (Acquisitions) (2)	•	1,027	1,872	•	•	2,899
Total assets:						
September 30, 2010	\$ 80,035	\$ 182,153	\$ 100,707	\$ 46,314	\$ 22,196	\$ 431,405
December 31, 2009	81,983	176,913	101,304	45,122	26,052	431,374

- (1) Total assets for Corporate include cash, certain permitted but unopened landfills and corporate airplane.
- (2) Capital expenditures (Acquisitions) represent the fixed assets portion of the purchase prices of acquisitions.

12. COMMITMENTS AND CONTINGENCIES

Legal Proceedings

The Company is a party to various legal proceedings that have arisen in the ordinary course of business. While the results of these matters cannot be predicted with certainty, the Company believes that losses, if any, resulting from the ultimate resolution of these matters will not have a material adverse effect on the Company's consolidated financial position, results of operations or cash flows. However, unfavorable resolution could affect the consolidated financial position, results of operations or cash flows for the quarterly period in which they are resolved.

Other than routine litigation incidental to the Company's business, which is not currently expected to have a material adverse effect upon its financial condition, results of operations or prospects, there are no pending material legal proceedings to which the Company is a party or to which any of its property is subject.

Other Potential Proceedings

In the normal course of business and as a result of the extensive governmental regulation of the solid waste industry, the Company may periodically become subject to various judicial and administrative proceedings involving federal, state or local agencies. In these proceedings, an agency may seek to impose fines on the Company or to revoke or deny renewal of an operating permit it holds. From time to time, the Company may also be subject to actions brought by citizens' groups or adjacent landowners or residents in connection with the permitting and licensing of landfills and transfer stations the Company owns or operates or alleging environmental damage or violations of the permits and licenses pursuant to which the Company operates. Moreover, the Company may become party to various claims and suits pending for alleged damages to persons and property, alleged violations of certain laws and alleged liabilities arising out of matters occurring during the normal operation of a waste management business.

No assurance can be given with respect to the outcome of any such proceedings or the effect such outcomes may have on the Company, or that the Company's insurance coverage would be adequate. The Company is self-insured for a portion of its general liability, workers' compensation and automobile liability. The Company's excess loss limits related to its self-insured portion of general liability, workers' compensation and automobile liability are \$100,000, \$250,000 and \$250,000, respectively. The frequency and amount of claims or incidents could vary significantly from quarter-to-quarter and/or year-to-year, resulting in increased volatility of its costs of services.

13. SUBSEQUENT EVENTS

The Company has evaluated subsequent events through the date the financial statements were issued.

ITEM 2. MANAGEMENT’S DISCUSSION AND ANALYSIS OF FINANCIAL CONDITION AND RESULTS OF OPERATIONS.

The following discussion should be read in conjunction with the unaudited condensed consolidated financial statements and notes thereto included elsewhere in this quarterly report on Form 10-Q. In addition, reference should be made to our audited consolidated financial statements and notes thereto and related “Management’s Discussion and Analysis of Financial Condition and Results of Operations” included in our annual report on Form 10-K for the year ended December 31, 2009 as filed with the SEC on March 9, 2010. The discussion below contains forward-looking statements that involve risks and uncertainties. For additional information regarding some of these risks and uncertainties, please read “Risk Factors and Cautionary Statement About Forward-Looking Statements” included elsewhere in this quarterly report on Form 10-Q. Unless the context requires otherwise, references in this quarterly report on Form 10-Q to “WCA Waste,” “we,” “us” or “our” refer to WCA Waste Corporation on a consolidated basis.

Overview

We are a vertically integrated, non-hazardous solid waste management company providing non-hazardous solid waste collection, transfer, processing, and disposal services in the United States. As of September 30, 2010, we served approximately 340,000 commercial, industrial and residential collection customers and 6,000 landfill and transfer station customers in Alabama, Arkansas, Colorado, Florida, Kansas, Massachusetts, Missouri, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee and Texas. As of September 30, 2010, we owned and/or operated 25 landfills, 26 collection operations and 24 transfer stations/materials recovery facilities (MRFs). Of these facilities, two transfer stations and two landfills are fully permitted but not yet opened, one transfer station is idle, and we operate but do not own three of the transfer stations.

General Review of Results for the Three and Nine Months Ended September 30, 2010

Our operations consist of the collection, transfer, processing and disposal of non-hazardous solid waste. Our revenue is generated primarily from our landfill disposal services and our collection operations provided to residential, commercial and roll-off customers. Internalization refers to the disposal of collected waste into the landfills we own. All collected waste must ultimately be processed or disposed of, with landfills being the main depository for such waste. Generally, the most cost efficient collection services occur within a 35-mile operating radius from the disposal site (up to 100 miles if a transfer station is used). Collection companies that do not own a landfill within such range from their collection routes will usually have to dispose of the waste they collect in landfills owned by third parties. Thus, owning a landfill in a market area provides substantial leverage in the waste management business. Our internalization for the three and nine months ended September 30, 2010 was 73.2% and 71.7%, respectively.

The following table reflects our revenue segmentation (before elimination of intercompany revenue) for the three and nine months ended September 30, 2010 and 2009:

	Three Months Ended September 30,		Nine Months Ended September 30,	
	2010	2009	2010	2009
Collection	44.9%	54.2%	45.4%	54.2%
Disposal	37.0%	30.0%	36.7%	30.3%
Transfer and other	18.1%	15.8%	17.9%	15.5%
Total revenue before intercompany elimination	<u>100.0%</u>	<u>100.0%</u>	<u>100.0%</u>	<u>100.0%</u>

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The following table reflects our total revenue by source for the three and nine months ended September 30, 2010 and 2009 (dollars in thousands):

	Three Months Ended September 30,		Nine Months Ended September 30,	
	2010	2009	2010	2009
Collection:				
Residential	\$ 13,582	\$ 13,953	\$ 39,891	\$ 41,218
Commercial	6,268	6,307	18,856	18,698
Roll-off	11,561	11,633	33,126	35,402
Total collection	31,411	31,893	91,873	95,318
Disposal	25,905	17,648	74,184	53,203
Less Intercompany	7,704	6,443	21,505	19,212
Disposal, net	18,201	11,205	52,679	33,991
Transfer and other	12,716	9,315	36,149	27,343
Less Intercompany	3,049	2,867	8,820	8,742
Transfer and other, net	9,667	6,448	27,329	18,601
Total revenue	\$ 59,279	\$ 49,546	\$ 171,881	\$ 147,910

Please read note 11 to our condensed consolidated financial statements included in Item 1 of this report for certain geographic information related to our operations.

Costs of services include, but are not limited to, labor, fuel and other operating expenses, equipment maintenance, disposal fees paid to third-party disposal facilities, insurance premiums and claims expense, selling expenses, wages and salaries of field personnel located at operating facilities, third-party transportation expense and state and local waste taxes. We are self-insured for up to \$100,000, \$250,000 and \$250,000 of our general liability, workers' compensation and automobile liability per claim, respectively. The frequency and amount of claims or incidents could vary significantly from quarter-to-quarter and/or year-to-year, resulting in increased volatility of our costs of services.

General and administrative expenses include the salaries and benefits of our corporate management, certain centralized reporting, information technology and cash management costs and other overhead costs associated with our corporate office.

Depreciation and amortization expense includes depreciation of fixed assets over their estimated useful lives using the straight-line method and amortization of landfill costs and asset retirement costs based on the consumption of airspace.

All acquisition-related transaction and restructuring costs are expensed as incurred. Acquisition-related costs that were previously capitalized include third-party expenditures related to acquisitions, such as legal, engineering, and accounting expenses, and direct expenditures such as travel costs. Acquisition-related costs also include indirect expenditures, such as salaries, commissions and other corporate services.

After an acquisition is completed, we incur integration expenses related to (i) incorporating newly-acquired truck fleets into our preventative maintenance program, (ii) testing new employees to comply with Department of Transportation regulations, (iii) implementing our safety program, (iv) re-routing trucks and equipment to assure maximization of routing efficiencies and disposal internalization, and (v) converting customers to our billing system. We generally expect that the costs of acquiring and integrating an acquired business will be incurred primarily during the first 12 months after acquisition. Synergies from tuck-in acquisitions can also take as long as 12 months to be realized.

Goodwill represents the excess of the purchase price over the fair value of the net assets of the acquired operations. In allocating the purchase price of an acquired company among its assets, we first assign value to the tangible assets, followed by intangible assets such as covenants not-to-compete, and any remaining amounts are then allocated to goodwill.

Forward-Looking Statements and Non-GAAP Measures

As indicated in “Risk Factors and Cautionary Statement About Forward-Looking Statements” above, this report contains forward-looking statements, all of which are qualified by the risk factors and other statements set forth in that section.

Our management evaluates our performance based on non-GAAP measures, of which the primary performance measure is adjusted EBITDA. EBITDA, as commonly defined, refers to earnings before interest, taxes, depreciation and amortization. Our adjusted EBITDA consists of earnings (net income or loss) available to common stockholders before preferred stock dividend, interest expense (including write-off of deferred financing costs and debt discount), impact of interest rate swap agreements, income tax expense, depreciation and amortization, impairment of goodwill, net loss on early disposition of notes receivable/payable, and merger and acquisition related expenses. We also use these same measures when evaluating potential acquisition candidates.

We believe adjusted EBITDA is useful to an investor in evaluating our operating performance because:

- it is widely used by investors in our industry to measure a company’s operating performance without regard to items such as interest expense, depreciation and amortization, which can vary substantially from company to company depending upon accounting methods and book value of assets, financing methods, capital structure and the method by which assets were acquired;
- it helps investors more meaningfully evaluate and compare the results of our operations from period to period by removing the impact of our capital structure (primarily interest charges from our outstanding debt and the impact of our interest rate swap agreements and payment-in-kind (PIK) dividend) and asset base (primarily depreciation and amortization of our landfills and vehicles) from our operating results; and
- it helps investors identify items that are within our operational control. Depreciation charges, while a component of operating income, are fixed at the time of the asset purchase in accordance with the depreciable lives of the related asset and as such are not a directly controllable period operating charge.

Our management uses adjusted EBITDA:

- as a measure of operating performance because it assists us in comparing our performance on a consistent basis as it removes the impact of our capital structure and asset base from our operating results;
- as one method to estimate a purchase price (often expressed as a multiple of EBITDA or adjusted EBITDA) for solid waste companies we intend to acquire. The appropriate EBITDA or adjusted EBITDA multiple will vary from acquisition to acquisition depending on factors such as the size of the operation, the type of operation, the anticipated growth in the market, the strategic location of the operation in its market as well as other considerations;
- in presentations to our board of directors to enable them to have the same consistent measurement basis of operating performance used by management;
- as a measure for planning and forecasting overall expectations and for evaluating actual results against such expectations;
- in evaluations of field operations since it represents operational performance and takes into account financial measures within the control of the field operating units;
- as a component of incentive cash and stock bonuses paid to our executive officers and other employees;

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- to assess compliance with financial ratios and covenants included in our credit agreements; and
- in communications with investors, lenders, and others, concerning our financial performance.

The following presents a reconciliation of our adjusted EBITDA to net loss available to common stockholders (dollars in thousands):

	Three Months Ended September 30,		Nine Months Ended September 30,	
	2010	2009	2010	2009
Adjusted EBITDA	\$ 14,344	\$ 13,746	\$ 40,748	\$ 40,639
Depreciation and amortization	(7,623)	(6,714)	(22,682)	(20,087)
Merger and acquisition related expenses	(38)	•	(172)	(259)
Interest expense, net	(4,811)	(4,511)	(14,190)	(13,525)
Write-off of deferred financing costs	•	•	(184)	•
Impact of interest rate swap	(47)	(905)	(231)	(1,748)
Income tax provision	(1,042)	(790)	(1,932)	(2,797)
Accrued payment-in-kind dividend on preferred stock	(1,138)	(1,076)	(3,358)	(3,192)
Net loss available to common stockholders	<u>\$ (355)</u>	<u>\$ (250)</u>	<u>\$ (2,001)</u>	<u>\$ (969)</u>

Our adjusted EBITDA, as we define it, may not be comparable to similarly titled measures employed by other companies and is not a measure of performance calculated in accordance with GAAP. Adjusted EBITDA should not be considered in isolation or as substitutes for operating income, net income or loss, cash flows provided by operating, investing and financing activities, or other income or cash flow statement data prepared in accordance with GAAP.

Acquisitions

We continue to seek acquisition opportunities that enable us to effectively leverage our existing infrastructure. In markets where we already own a landfill, we still intend to focus on expanding our presence by acquiring companies that also operate in that market or in adjacent markets (“tuck-in” acquisitions). Tuck-in acquisitions are sought to provide growth in revenue and increase market share and enable disposal internalization and consolidation of duplicative facilities and functions to maximize cost efficiencies and economies of scale. We also continue evaluating opportunistic potential acquisitions outside our existing footprint where we feel we can generate meaningful revenue and EBITDA growth.

Any acquisition we make would be financed by cash on hand and available capacity under our revolving credit facility, and through additional debt, and/or additional equity, including common stock or preferred stock.

Since completing our initial public offering in June 2004 through the nine months ended September 30, 2010, we have completed 39 acquisitions. The purchase price for these acquisitions consisted of approximately \$260.0 million of cash and accrued future payments, \$1.3 million of prepaid airspace, \$6.1 million of convertible debt, a seller note valued at \$0.9 million, \$11.9 million of assumed debt (net of \$0.5 million of debt discount), \$4.4 million of assumed deferred tax liabilities, 5,302,384 shares of our common stock and 2,000,000 contingent earn-out shares, less a note receivable valued at \$7.2 million.

We completed two acquisitions during the nine months ended September 30, 2010. Total consideration for these acquisitions included \$3.4 million of cash and 20,492 shares of our common stock valued at \$0.1 million. Additionally, on October 1, 2010, we acquired certain assets of Sprint Waste Services, L.P. and DINA Industries, Inc., two collection operations in the greater Houston area. The consideration for the Sprint acquisition was \$3.6 million, which included \$3.5 million of cash and \$0.1 million of our common stock. We purchased DINA Industries, Inc. for \$0.5 million in cash. Information concerning our acquisitions may be found in our previously filed periodic and current reports and in note 2 to the condensed consolidated financial statements included in Item 1 of this report.

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The following sets forth additional information regarding our acquisitions since our initial public offering:

Company	Location	Region	Completion Date	Operations
Texas Environmental Waste	Houston, TX	II	July 13, 2004	Collection
Ashley Trash Service	Springfield, MO	I	August 17, 2004	Collection
Power Waste	Birmingham, AL	III	August 31, 2004	Collection
Blount Recycling	Birmingham, AL	III	September 3, 2004	Collection, Landfill & Transfer Station
Translift, Inc.	Little Rock, AR	III	September 17, 2004	Collection
Rural Disposal, Inc.	Willow Springs, MO	I	November 12, 2004	Collection
Trash Away, Inc.	Piedmont, SC	III	November 30, 2004	Collection & Transfer Station
Gecko Investments (Eagle Ridge)	St. Louis, MO	I	January 11, 2005	Collection & Landfill
MRR Southern, LLC	High Point/Raleigh, NC	III	April 1, 2005	Landfill, Transfer Station & MRF
Triangle Environmental	Raleigh, NC	III	May 16, 2005	Collection
Foster Ferguson	El Dorado Springs, MO	I	May 16, 2005	Collection
Triad Waste	High Point, NC	III	May 31, 2005	Collection
Proper Disposal	Chanute, KS	I	May 31, 2005	Collection
Fort Meade Landfill	Fort Meade, FL	II	October 3, 2005	Landfill
Meyer & Gabbert	Sarasota/Arcadia, FL	II	October 3, 2005	Collection, Landfill & Transfer Station
Pendergrass Refuse	Springfield, MO	I	October 4, 2005	Collection
Andy's Hauling	Sarasota, FL	II	October 21, 2005	Collection
Transit Waste	Durango, CO/Bloomfield, NM	II	February 10, 2006	Collection & Landfill
Fort Myers Transfer Station (*)	Fort Myers, FL	II	August 10, 2006	Transfer Station
WCA of St. Lucie, LLC	St. Lucie, FL	II	October 2, 2006	Transfer Station
Sunrise Disposal, LLC	Springfield, MO	I	December 28, 2006	Collection
Southwest Dumpster, Inc. (*)	Fort Myers, FL	II	January 3, 2007	Collection
American Waste, Inc.	Oklahoma City, OK	II	February 21, 2007	Collection & Landfill
Klean Way Disposal, Inc.	Springfield, MO	I	March 30, 2007	Collection
Carpenter Waste Systems, LLC	Oklahoma City, OK	II	May 31, 2007	Collection
Fort Bend Regional Landfill	Houston, TX	II	June 29, 2007	Collection, Landfill & Transfer Station
Big Red Containers, Inc.	Ardmore, OK	II	August 14, 2007	Collection
Roll-Off Rentals	Huntsville, AL	III	September 4, 2007	Collection
Waste Pro Services, LLC	Houston, TX	II	October 1, 2007	Collection
DH Griffin Container Services, LLC	Greensboro, NC	III	October 1, 2007	Collection
DH Griffin Container of Raleigh, LLC	Raleigh, NC	III	October 1, 2007	Collection
Maguire Disposal, Inc.	Oklahoma City, OK	II	January 2, 2008	Collection
Advantage Waste Services	Springfield/Verona, MO	I	October 1, 2008	Collection & Transfer Station
Advanced Waste Services	Houston, TX	II	October 31, 2008	Collection
MRR Southern, LLC	Greensboro, NC	III	January 15, 2009	Transfer Station
Disposal Doctor, Inc.	Houston, TX	II	August 21, 2009	Collection
Live Earth, LLC	Fostoria, OH/Brockton, MA	IV	December 31, 2009	Landfill & Transfer Station
Washita Disposal	Oklahoma City, OK	II	August 1, 2010	Collection
Five JAB Environmental Services, LLC	Houston, TX	II	September 1, 2010	Collection
Sprint Waste Services, L.P.	Houston, TX	II	October 1, 2010	Collection
DINA Industries, Inc.	Houston, TX	II	October 1, 2010	Collection

(*) These assets were exchanged as part of the consideration for the acquisition of Fort Bend Regional Landfill.

Results of Operations

Three Months Ended September 30, 2010 Compared to Three Months Ended September 30, 2009

The following table sets forth the components of operating income (loss) by major operating segments (Region I: Kansas, Missouri; Region II: Colorado, Florida, New Mexico, Oklahoma, Texas; Region III: Alabama, Arkansas, North Carolina, South Carolina, Tennessee; Region IV: Massachusetts, Ohio) for the three months ended September 30, 2010 and 2009 and the changes between the segments for each category (dollars in thousands):

	<u>Region I</u>	<u>Region II</u>	<u>Region III</u>	<u>Region IV</u>	<u>Corporate</u>	<u>Total</u>	<u>% of Revenue</u>
Three months ended September 30, 2010:							
Revenue	\$ 12,908	\$ 24,641	\$ 11,757	\$ 9,973	\$ •	\$ 59,279	100.0
Cost of services	8,872	17,354	7,265	8,564	•	42,055	70.9
Depreciation and amortization	1,365	3,334	1,654	1,156	114	7,623	12.9
General and administrative	874	1,714	618	•	(281)	2,925	4.9
Gain on sale of assets	•	•	(7)	•	•	(7)	(0.0)
Operating income	<u>\$ 1,797</u>	<u>\$ 2,239</u>	<u>\$ 2,227</u>	<u>\$ 253</u>	<u>\$ 167</u>	<u>\$ 6,683</u>	<u>11.3</u>
Three months ended September 30, 2009:							
Revenue	\$ 13,193	\$ 25,517	\$ 10,836	\$ •	\$ •	\$ 49,546	100.0
Cost of services	9,174	16,415	7,197	•	•	32,786	66.2
Depreciation and amortization	1,490	3,236	1,868	•	120	6,714	13.5
General and administrative	801	1,482	678	•	99	3,060	6.2
Gain on sale of assets	•	•	(46)	•	•	(46)	(0.1)
Operating income (loss)	<u>\$ 1,728</u>	<u>\$ 4,384</u>	<u>\$ 1,139</u>	<u>\$ •</u>	<u>\$ (219)</u>	<u>\$ 7,032</u>	<u>14.2</u>
Increase/(decrease) in 2010 compared to 2009:							
Revenue	\$ (285)	\$ (876)	\$ 921	\$ 9,973	\$ •	\$ 9,733	
Cost of services	(302)	939	68	8,564	•	9,269	
Depreciation and amortization	(125)	98	(214)	1,156	(6)	909	
General and administrative	73	232	(60)	•	(380)	(135)	
Gain on sale of assets	•	•	39	•	•	39	
Operating income (loss)	<u>\$ 69</u>	<u>\$ (2,145)</u>	<u>\$ 1,088</u>	<u>\$ 253</u>	<u>\$ (386)</u>	<u>\$ (349)</u>	

Revenue. Total revenue for the three months ended September 30, 2010 increased by 19.6% to \$59.3 million from \$49.5 million for the three months ended September 30, 2009. Our revenue growth was primarily driven by acquisitions. Acquisitions contributed \$11.0 million of the revenue growth while internal volume decreased \$1.7 million, operational price increases contributed \$0.5 million, and pricing from fuel surcharges increased \$0.6 million. In addition, our revenue was negatively impacted by a \$0.7 million loss due to the asset sale of our Jonesboro operations in April 2010. The above table reflects the change in revenue in each operating region. The financial results of completed acquisitions are generally blended with existing operations and do not have separate financial information available, with the exception of newly acquired regions which can be analyzed individually. Region IV was acquired on December 31, 2009 and accounted for \$10.0 million of the revenue increase. The revenue decrease of \$0.9 million in Region II was primarily attributed to volume decreases of \$1.9 million, price decreases of \$0.1 million, partially offset by acquisition growth of \$1.0 million and increases in fuel surcharges of \$0.1 million. The revenue increase of \$0.9 million in Region III was primarily attributed to volume increases of \$0.8 million, price increases of \$0.6 million and increases in fuel surcharges of \$0.2 million, partially offset by Jonesboro divestiture of \$0.7 million.

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Cost of services. Total cost of services for the three months ended September 30, 2010 increased \$9.3 million, or 28.3%, to \$42.1 million from \$32.8 million for the three months ended September 30, 2009. The increase in cost of services was primarily a result of acquisitions. Other factors that led to the increase included higher fuel and labor costs. For acquisitions within our existing markets, the acquired entities are merged into our existing operations, and those results are indistinguishable from the remainder of the operations. Region IV was acquired on December 31, 2009 and accounted for \$8.6 million of the increase in cost of services. Cost of services in Region II increased despite the decrease in revenue primarily due to rising fuel costs in the region, higher labor costs in Texas as well as higher insurance and contract labor costs in Oklahoma.

Overall cost of services increased to 70.9% of revenue for the three months ended September 30, 2010 from 66.2% during the same period last year. Increases in operating costs as a percentage of revenue were primarily attributable to our acquisition of Region IV. Cost of services in this region accounted for 85.9% of its revenue due to higher transportation costs and waste taxes. Other than the impact of Region IV, higher fuel, labor and insurance costs resulted in the increase in cost of services as a percentage of revenue. Diesel fuel costs as a percentage of revenue increased from 5.7% for the three months ended September 30, 2009 to 6.1% for the three months ended September 30, 2010. Other than periodic volatility in fuel prices, inflation has not materially affected our operations.

Depreciation and amortization. Depreciation and amortization expenses for the three months ended September 30, 2010 increased \$0.9 million, or 13.5%, to \$7.6 million from \$6.7 million for the three months ended September 30, 2009. The increase can be attributed to our acquisition of Region IV, partially offset by decreased amortization associated with volume decline in other regions.

The following table sets forth items below operating income in our condensed consolidated statement of operations and as a percentage of revenue for the three months ended September 30, 2010 and 2009 (dollars in thousands):

	Three Months Ended September 30,			
	2010		2009	
Operating income	\$ 6,683	11.3%	\$ 7,032	14.2%
Interest expense, net	(4,811)	(8.1)	(4,511)	(9.1)
Impact on interest rate swap	(47)	(0.1)	(905)	(1.8)
Income tax provision	(1,042)	(1.8)	(790)	(1.6)
Accrued payment-in-kind dividend on preferred stock	(1,138)	(1.9)	(1,076)	(2.2)
Net loss available to common stockholders	<u>\$ (355)</u>	<u>(0.6)%</u>	<u>\$ (250)</u>	<u>(0.5)%</u>

Interest expense, net. Interest expense, net for the three months ended September 30, 2010 increased \$0.3 million, or 6.7%, to \$4.8 million from \$4.5 million for the three months ended September 30, 2009. The increase in interest expense was mainly caused by higher debt balances related to our borrowings to finance acquisitions.

Impact of interest rate swap. The impact of interest rate swap for the three months ended September 30, 2010 was attributable to a \$1.9 million loss related to the realized portion of the interest rate swap we entered into in July 2006 and a \$1.9 million gain related to the unrealized portion in the mark to market of the swap. The impact of interest rate swap for the three months ended September 30, 2009 consisted of a \$1.9 million loss related to the realized portion of the interest rate swap and a \$1.0 million gain related to the unrealized portion in the mark to market of the swap. At the time we entered into the swap, we had no floating rate debt, and therefore no floating rate interest payments were anticipated. As a result, the swap transaction was not designated as a hedging transaction and any changes in the unrealized fair value of the swap will be recognized in the statement of operations. For more information regarding the interest rate swap agreement, please see note 6 to our condensed consolidated financial statements included in Item 1 above and Item 3 "Quantitative and Qualitative Disclosures About Market Risk" below.

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Income tax provision. Income tax provision for the three months ended September 30, 2010 as a percentage of pre-tax income was 57.1% as compared to 48.9% for the three months ended September 30, 2009. The rate in the current year period is based on our anticipated 2010 annual effective income tax rate of 54.6% as compared to 46.1% for the same period in 2009. Such rate differs from the federal statutory rate of 35% due to state income taxes, valuation allowances associated with state net operating loss carryforwards and estimates of non-deductible expenses. In addition to the anticipated 2010 annual effective income tax rate of 54.6%, income taxes during the first nine months of 2010 reflected an additional 4.1% for discrete items mainly related to stock-based compensation expense.

Accrued payment-in-kind dividend on preferred stock. The \$1.1 million and \$1.1 million in accrued PIK dividend on preferred stock relate to the accretion of the 5% PIK dividend on our Series A Convertible Preferred Stock during the three months ended September 30, 2010 and 2009, respectively.

Nine Months Ended September 30, 2010 Compared to Nine Months Ended September 30, 2009

The following table sets forth the components of operating income (loss) by major operating segments (Region I: Kansas, Missouri; Region II: Colorado, Florida, New Mexico, Oklahoma, Texas; Region III: Alabama, Arkansas, North Carolina, South Carolina, Tennessee; Region IV: Massachusetts, Ohio) for the nine months ended September 30, 2010 and 2009 and the changes between the segments for each category (dollars in thousands):

	<u>Region I</u>	<u>Region II</u>	<u>Region III</u>	<u>Region IV</u>	<u>Corporate</u>	<u>Total</u>	<u>% of Revenue</u>
Nine months ended September 30, 2010:							
Revenue	\$ 38,084	\$ 72,413	\$ 33,045	\$ 28,339	\$ •	\$ 171,881	100.0
Cost of services	26,495	50,737	21,313	24,913	•	123,458	71.8
Depreciation and amortization	4,049	9,922	4,987	3,383	341	22,682	13.2
General and administrative	2,622	5,141	1,894	•	(914)	8,743	5.1
(Gain) loss on sale of assets	150	(15)	(1,031)	•	•	(896)	(0.5)
Operating income	<u>\$ 4,768</u>	<u>\$ 6,628</u>	<u>\$ 5,882</u>	<u>\$ 43</u>	<u>\$ 573</u>	<u>\$ 17,894</u>	<u>10.4</u>
Nine months ended September 30, 2009:							
Revenue	\$ 38,481	\$ 77,453	\$ 31,976	\$ •	\$ •	\$ 147,910	100.0
Cost of services	26,967	49,577	21,363	•	•	97,907	66.2
Depreciation and amortization	4,421	9,736	5,564	•	366	20,087	13.6
General and administrative	2,403	4,444	2,034	•	833	9,714	6.6
Gain on sale of assets	(29)	•	(62)	•	•	(91)	(0.1)
Operating income (loss)	<u>\$ 4,719</u>	<u>\$ 13,696</u>	<u>\$ 3,077</u>	<u>\$ •</u>	<u>\$ (1,199)</u>	<u>\$ 20,293</u>	<u>13.7</u>
Increase/(decrease) in 2010 compared to 2009:							
Revenue	\$ (397)	\$ (5,040)	\$ 1,069	\$ 28,339	\$ •	\$ 23,971	
Cost of services	(472)	1,160	(50)	24,913	•	25,551	
Depreciation and amortization	(372)	186	(577)	3,383	(25)	2,595	
General and administrative	219	697	(140)	•	(1,747)	(971)	
(Gain) loss on sale of assets	179	(15)	(969)	•	•	(805)	
Operating income (loss)	<u>\$ 49</u>	<u>\$ (7,068)</u>	<u>\$ 2,805</u>	<u>\$ 43</u>	<u>\$ 1,772</u>	<u>\$ (2,399)</u>	

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Revenue. Total revenue for the nine months ended September 30, 2010 increased \$24.0 million, or 16.2%, to \$171.9 million from \$147.9 million for the nine months ended September 30, 2009. Our revenue growth was primarily driven by acquisitions. Acquisitions contributed \$30.1 million of the revenue growth while internal volume decreased \$3.6 million, operational price decreases contributed \$2.0 million, and pricing from fuel surcharges increased \$0.8 million. In addition, our revenue was negatively impacted by a \$1.3 million loss due to the asset sale of our Jonesboro operations in April 2010 as well as severe weather during January and February of 2010 which significantly affected our collection and disposal revenues in several markets. The above table reflects the change in revenue in each operating region. The financial results of completed acquisitions are generally blended with existing operations and do not have separate financial information available, with the exception of newly acquired regions which can be analyzed individually. Region IV was acquired on December 31, 2009 and accounted for \$28.3 million of the revenue increase. The revenue decrease of \$5.0 million in Region II was primarily attributed to volume decreases of \$4.6 million, price decreases of \$2.0 million, and decreases in fuel surcharges of \$0.1 million, partially offset by acquisition growth of \$1.7 million. The revenue increase of \$1.1 million in Region III was primarily attributed to volume increases of \$2.6 million and increases in fuel surcharges of \$0.3 million, partially offset by price decreases of \$0.5 million and Jonesboro divestiture of \$1.3 million.

Cost of services. Total cost of services for the nine months ended September 30, 2010 increased \$25.6 million, or 26.1%, to \$123.5 million from \$97.9 million for the nine months ended September 30, 2009. The increase in cost of services was primarily a result of acquisitions. Other factors that led to the increase included higher fuel and insurance costs. For acquisitions within our existing markets, the acquired entities are merged into our existing operations, and those results are indistinguishable from the remainder of the operations. Region IV was acquired on December 31, 2009 and accounted for \$24.9 million of the increase in cost of services. Cost of services in Region II increased despite the decrease in revenue primarily due to rising fuel costs in the region, higher labor costs in Texas and higher insurance costs in Oklahoma.

Overall cost of services increased to 71.8% of revenue for the nine months ended September 30, 2010 from 66.2% during the same period last year. Increases in operating costs as a percentage of revenue were primarily attributable to our acquisition of Region IV. Cost of services in this region accounted for 87.9% of its revenue due to integration costs as well as higher transportation costs and waste taxes. Other than the impact of Region IV, higher fuel and insurance costs resulted in the increase in cost of services as a percentage of revenue. Diesel fuel costs as a percentage of revenue increased from 5.3% for the nine months ended September 30, 2009 to 6.1% for the nine months ended September 30, 2010. Other than periodic volatility in fuel prices, inflation has not materially affected our operations.

Depreciation and amortization. Depreciation and amortization expenses for the nine months ended September 30, 2010 increased \$2.6 million, or 12.9%, to \$22.7 million from \$20.1 million for the nine months ended September 30, 2009. The increase can be attributed to our acquisition of Region IV, partially offset by decreased amortization associated with volume decline in other regions.

General and administrative. Total general and administrative expense for the nine months ended September 30, 2010 decreased \$1.0 million, or 10.0%, to \$8.7 million from \$9.7 million for the nine months ended September 30, 2009. The decrease in general and administrative expense was mainly attributable to decreases in payroll-related expenses, legal fees and stock based compensation expenses. Such decrease also resulted in the decrease of overall general and administrative expenses from 6.6% of revenue during the nine months ended September 30, 2009 to 5.1% of revenue during the nine months ended September 30, 2010.

(Gain) loss on sale of assets. (Gain) loss on sale of assets for the nine months ended September 30, 2010 was \$0.8 million primarily due to the sale of assets related to our Jonesboro operations in April 2010.

The following table sets forth items below operating income in our condensed consolidated statement of operations and as a percentage of revenue for the nine months ended September 30, 2010 and 2009 (dollars in thousands):

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	Nine Months Ended September 30,			
	2010		2009	
Operating income	\$ 17,894	10.4%	\$ 20,293	13.7%
Interest expense, net	(14,190)	(8.3)	(13,525)	(9.1)
Write-off of deferred financing costs	(184)	(0.1)	•	•
Impact on interest rate swap	(231)	(0.1)	(1,748)	(1.2)
Income tax provision	(1,932)	(1.1)	(2,797)	(1.9)
Accrued payment-in-kind dividend on preferred stock	(3,358)	(2.0)	(3,192)	(2.2)
Net loss available to common stockholders	<u>\$ (2,001)</u>	<u>(1.2)%</u>	<u>\$ (969)</u>	<u>(0.7)%</u>

Interest expense, net. Interest expense, net for the nine months ended September 30, 2010 increased \$0.7 million, or 4.9%, to \$14.2 million from \$13.5 million for the nine months ended September 30, 2009. The increase in interest expense was mainly caused by higher debt balances related to our borrowings to finance acquisitions.

Write-off of deferred financing costs. The \$0.2 million write-off of deferred financing costs reflects the partial write-off of deferred financing costs associated with our revolving credit facility as a result of an amendment on June 30, 2010, which extended the term of the credit agreement from July 5, 2011 to January 31, 2014 and increased our borrowing capacity from \$175 million to \$200 million under the agreement.

Impact of interest rate swap. The impact of interest rate swap for the nine months ended September 30, 2010 was attributable to a \$6.0 million loss related to the realized portion of the interest rate swap we entered into in July 2006 and a \$5.8 million gain related to the unrealized portion in the mark to market of the swap. The impact of interest rate swap for the nine months ended September 30, 2009 consisted of a \$5.1 million loss related to the realized portion of the interest rate swap and a \$3.4 million gain related to the unrealized portion in the mark to market of the swap. At the time we entered into the swap, we had no floating rate debt, and therefore no floating rate interest payments were anticipated. As a result, the swap transaction was not designated as a hedging transaction and any changes in the unrealized fair value of the swap will be recognized in the statement of operations. For more information regarding the interest rate swap agreement, please see note 6 to our condensed consolidated financial statements included in Item 1 above and Item 3 “Quantitative and Qualitative Disclosures About Market Risk” below.

Income tax provision. Income tax provision for the nine months ended September 30, 2010 as a percentage of pre-tax income was 58.7% as compared to 55.7% for the nine months ended September 30, 2009. The rate in the current year period is based on our anticipated 2010 annual effective income tax rate of 54.6% as compared to 46.1% for the same period in 2009. Such rate differs from the federal statutory rate of 35% due to state income taxes, valuation allowances associated with state net operating loss carryforwards and estimates of non-deductible expenses. In addition to the anticipated 2010 annual effective income tax rate of 54.6%, income taxes during the first nine months of 2010 reflected an additional 4.1% for discrete items mainly related to stock-based compensation expense.

Accrued payment-in-kind dividend on preferred stock. The \$3.4 million and \$3.2 million in accrued PIK dividend on preferred stock relate to the accretion of the 5% PIK dividend on our Series A Convertible Preferred Stock during the nine months ended September 30, 2010 and 2009, respectively.

Liquidity and Capital Resources

Our business and industry is capital intensive, requiring capital for equipment purchases, landfill construction and development, and landfill closure activities in the future. Any acquisitions that we make will also require significant capital. We plan to meet our future capital needs primarily through cash on hand, cash flow from operations and borrowing capacity under our credit facility. Additionally, our acquisitions may use seller notes, equity issuances and debt financings. The availability and level of our financing sources cannot be assured, particularly in light of the current market conditions. Recent disruptions in the credit markets have resulted in greater volatility, less liquidity, widening of credit spreads and more limited availability of financing. In addition, the availability under our credit facility is limited by compliance with certain covenants and ratios. Our inability to obtain funding necessary for our business on acceptable terms would have a material adverse impact on us.

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To address potential credit and liquidity issues, we consider several items. Despite severe weather during January and February of 2010 that significantly impacted our collection and disposal revenues in several markets, our EBITDA has improved since March 2010. Our customer base is broad and diverse with no single customer making up any significant portion of our business. We are not dependent on individual vendors to meet the needs of our operations. Furthermore, we had approximately \$119.9 million in available capacity under our current revolving credit agreement as of September 30, 2010 subject to customary covenant compliance.

A recent amendment to our revolving credit agreement on June 30, 2010 extends the term until January 31, 2014 and increases our borrowing capacity from \$175 million to \$200 million. We routinely evaluate the financial stability of the syndicate banks making up the credit facility. For further information about credit risks, please see "Risk Factors and Cautionary Statement About Forward-Looking Statements" in this report and Item 1A "Risk Factors" below. For further information about our credit facility, please see "Bank Credit Facility" below.

A portion of our capital additions is discretionary, giving us the ability to modify the timing of such expenditures to preserve cash if appropriate in the future. In addition, we have evaluated our insurance carriers and bond providers and have not seen any indication that such providers would be unable to continue to meet their obligations to us or provide coverage to us in the future.

As of September 30, 2010, we had total outstanding long-term debt of approximately \$219.6 million, consisting of \$150 million of senior notes, \$67.5 million outstanding under our credit facilities, and approximately \$2.1 million of various seller notes. This represented a decrease of \$0.4 million over our total debt outstanding as of December 31, 2009. The decrease in outstanding debt since December 31, 2009 was primarily due to the repayment of \$0.5 million on a seller note. As of September 30, 2010, we had \$67.5 million outstanding under the revolving credit facility and approximately \$12.6 million in letters of credit that serve as collateral for insurance claims and bonding, leaving \$119.9 million in available capacity under the facility. With \$4.1 million cash on hand at September 30, 2010, our total capacity was approximately \$124 million.

9.25% Senior Notes Due 2014

The senior notes were issued under an indenture between WCA Waste and The Bank of New York Trust Company, N.A., as Trustee. The indenture contains covenants that, among other things, limit our ability to incur additional indebtedness, make capital expenditures, create liens, sell assets and make dividend and other payments. In addition, the indenture includes financial covenants including a covenant allowing us to incur indebtedness or issue disqualified stock or preferred stock only if the Fixed Charge Coverage Ratio (as defined in the indenture) for the four full fiscal quarters most recently ended prior to issuance would have been at least 2.0 to 1, determined on a pro forma basis, as if the additional indebtedness had been incurred or the disqualified stock or preferred stock had been issued at the beginning of such four-quarter period. The defined terms are set forth in the indenture. As of September 30, 2010, we were in compliance with all covenants under the senior notes indenture.

Bank Credit Facility

On June 30, 2010, we and Comerica Bank, in its capacity as Administrative Agent, together with BBVA Compass Bank as Documentation Agent, and in each of those bank's capacities as Co-Lead Arrangers, along with Regions Bank, in its capacity as Syndication Agent, and certain other lenders, entered into the Twelfth Amendment to Revolving Credit Agreement (the "Amendment") to amend the Revolving Credit Agreement dated July 5, 2006 (the "Credit Agreement"), by and between us, Comerica Bank as administrative agent and certain other lenders set forth therein, as previously amended. Regions Bank, Branch Banking and Trust Company, and CoBank have become new participating lenders under the Credit Agreement.

The Amendment extended the term of the Credit Agreement and the revolving credit facility, which would have expired on July 5, 2011, to January 31, 2014. The Amendment also increased the total revolving credit commitments available to us from the participating lenders under the Credit Agreement to \$200 million from \$175 million. We incurred \$1.0 million of financing costs associated with the Amendment. In addition, we wrote off \$0.2 million of deferred financing costs in proportion to reduced commitments from the original participating lenders.

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The Amendment modified some of the pricing terms and conditions of the Credit Agreement; however, such modifications will not significantly increase our borrowing costs at current borrowing levels. In lieu of an unused commitment fee, we are required to pay, quarterly in arrears, an annual facility fee in an amount ranging from 0.375% to 0.875% of the total revolving credit commitments of \$200 million available under the Credit Agreement (the "Facility Fee"). We are also obligated to pay an annual letter of credit fee in an amount ranging from 2.125% to 2.625% of the letter of credit obligations outstanding under the Credit Agreement (the "L/C Fee"). Any borrowings under the Credit Agreement will bear interest at either (x) the Eurodollar London Interbank Offered Rate ("LIBOR") for the applicable interest period, plus a spread ranging from 2.125% to 2.625% per annum (a "LIBOR Loan") or (y) a base rate equal to the greater of (1) the Federal Funds Rate plus 1%, (2) the Prime Rate as published by Comerica Bank from time to time, or (3) one-month LIBOR plus 1.00%, plus a spread ranging from 1.625% to 2.125% (a "Base Rate Loan"). The Facility Fee, the L/C Fee and the applicable spread on a LIBOR Loan and a Base Rate Loan depends on our Leverage Ratio (as such term is defined in the Credit Agreement as previously amended). From the date of the Amendment until our Compliance Certificate is delivered to the administrative agent for the fiscal quarter ended June 30, 2010, the Facility Fee will be 0.625%, the L/C Fee will be 2.625% and the spreads applicable to LIBOR Loans and Base Rate Loans will be 2.625% and 2.125%, respectively. The Amendment did not result in any material modifications to the representations and warranties, covenants or other terms and provisions of the Credit Agreement.

Our credit facility is subject to various financial and other covenants, including, but not limited to, limitations on debt, consolidations, mergers, and sales of assets. The credit facility also contains financial covenants requiring us to limit leverage (both in terms of senior secured debt and total leverage), maintain specified debt service ratios, limit capital expenditures, and maintain a minimum tangible net worth. Each of the financial covenants incorporates specially defined terms that would not correspond to GAAP or Non-GAAP measures disclosed in this report and that in certain instances are based on determinations and information not derived from or included in our financial statements. The financial covenants include the following:

- our maximum "Leverage Ratio" (as defined in the Credit Agreement) for the trailing 12-month reporting period on each quarterly reporting date is 4.75 to 1.00;
- we maintain a Pro Forma Adjusted EBITDA Debt Service Ratio (as defined in the Credit Agreement) for the trailing 12-month period of not less than 2.25 to 1.00 until maturity;
- our maximum Senior Secured Funded Debt Leverage Ratio (as defined in the Credit Agreement) is 2.50 to 1.00;
- we cannot make any Maintenance Capital Expenditures (as defined in the Credit Agreement) exceeding 15% of our consolidated total revenue as calculated at the end of a fiscal year; and
- we maintain minimum tangible net worth of not less than \$30.0 million as of December 31, 2008, plus, as of the end of each fiscal quarter thereafter, 50% of our after-tax consolidated net income (but excluding any quarterly losses), plus 100% of any increase in our net worth resulting from the net cash proceeds of any future equity offerings.

In February 2010, the definitions of "Pro Forma Adjusted EBITDA" and "Pro Forma Adjusted EBITDA Debt Service Ratio" were amended and "Consolidated Net Interest Expense" was added as a further defined term to the Credit Agreement. The purpose of such definitional modifications and addition are as follows:

- to exclude cash and non-cash income or expense attributable to any interest rate hedging agreement, now existing or which we enter into in the future, from the determination of our compliance with the Leverage Ratio under the terms of the Credit Agreement; and
- to include cash income or expense (but not non-cash items) attributable to any interest rate hedging agreement that we enter into in the future from the determination of our compliance with the Pro Form Adjusted EBITDA Debt Service Ratio under the terms of the Credit Agreement.

As of September 30, 2010, we were in compliance with all covenants under the credit facility.

Preferred Stock

On June 12, 2006, we entered into a privately negotiated Preferred Stock Purchase Agreement with Ares Corporate Opportunities Fund II L.P., which provided for us to issue and sell 750,000 shares of Series A Convertible Preferred Stock, par value \$0.01 per share, to Ares. The purchase price per preferred share was \$100.00, for an aggregate purchase price of \$75 million. The preferred stock is convertible into our common stock, par value \$0.01 per share, at a price of \$9.60 per share and carries a 5% PIK dividend payable semi-annually. We completed the closing of the sale and issuance of the full amount of preferred shares pursuant to the purchase agreement on July 27, 2006. The original issuance date for the preferred stock is the commitment date for both the preferred stock and the initial five years' worth of dividends as the payment of the dividends through in-kind payments is non-discretionary for that initial five-year period. Based on the fair value of our underlying common stock on the issuance date and the stated conversion date, there is no beneficial conversion feature associated with the issuance of the preferred stock.

The preferred shares are immediately convertible at Ares' discretion into 9,603,265 shares of our common stock, which would represent approximately 31.9% of our outstanding common stock on a post-conversion basis as of September 30, 2010. Dividends are solely PIK through July 2011 • that is, they are payable solely by adding the amount of dividends to the stated value of each share. On July 27, 2011, the preferred shares would be convertible into approximately 10,000,661 shares of common stock, which, based on the currently outstanding shares, would represent approximately 32.8% of our outstanding common stock on a post-conversion basis as of September 30, 2010. If the preferred shares are not converted after five years, we have the option to PIK or pay a cash dividend at the rate of 5% per annum. The preferred shares have no stated maturity.

Other material terms of the preferred stock are as follows:

- all dividends that would otherwise be payable through the fifth anniversary of issuance shall automatically be accelerated and paid in kind immediately prior to the occurrence of any of the following acceleration events:
 - liquidation;
 - bankruptcy;
 - closing of a public offering of common stock pursuant to an effective registration statement (except for Form S-4, solely for sales by third parties, or pursuant to Ares' own registration rights agreement);
 - the average of the closing price of our common stock for each of 20 consecutive trading days exceeds \$14.40 per share; and
 - upon a "fundamental transaction," including a "group" (defined in the Securities Exchange Act of 1934, as amended) acquiring more than 35% of outstanding voting rights; replacement of more than one-half of the directors without approval of the existing board of directors; a merger, consolidation, sale of substantially all assets, going-private transaction, tender offer, reclassification, or other transaction that results in the transfer of a majority of voting rights;
- Ares can convert the preferred stock into common stock at any time at a conversion price of \$9.60 per share, with conversion being calculated by taking the stated value (initially \$100.00 per share) plus any amount added to stated value by way of dividends, then dividing by \$9.60 to produce the number of shares of common stock issuable;
- we can force a conversion into common stock following either (i) the average of the closing price of our common stock for each of 20 consecutive trading days exceeding \$14.40 per share or (ii) a fundamental transaction that Ares does not treat as a liquidation;
- after the fifth anniversary of issuance, we can redeem for cash equal to the liquidation preference;

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- after the fifth anniversary of issuance, we can pay dividend in cash at our discretion;
- upon our liquidation, prior to any holder of common stock or other junior securities, Ares shall receive in cash the greater of (i) the stated value plus any amount added by way of dividends (accelerated to include a full five years) or (ii) the amount it would receive if all shares of preferred stock were converted into common stock (calculated to include dividends accelerated to include a full five years);
- Ares can elect to treat any fundamental transaction as a liquidation event, which will entitle Ares to their liquidation preferences. Following such election, in the event that we elect to make any payment such as a dividend or stock repurchase payment to a common shareholder, we will be required to repay Ares the full amount of the liquidation preference associated with the preferred stock. However, if securities of another company are issued as consideration in a fundamental transaction, we have the option of requiring Ares to accept such common shares to satisfy the liquidation preference if shares are then quoted on the Nasdaq Global Market or listed on the New York Stock Exchange. The value of such shares is determined at 98% of the closing price on the trading day preceding the transaction and the shares are freely transferable without legal or contractual restrictions;
- the preferred stock voting as a separate class elects (i) two directors to our board of directors for so long as Ares continues to hold preferred stock representing at least 20% of our "post-conversion equity" (outstanding common stock assuming conversions into common shares of all securities, including the preferred stock and assuming preferred stock dividends accelerated to include a full five years), (ii) one director for so long as it continues to hold at least 10% of post-conversion equity, and (iii) no directors below 10%;
- the preferred stock voting as a separate class must approve (i) any alteration in its powers, preferences or rights, or in the certificate of designation, (ii) creation of any class of stock senior or pari passu with it, (iii) any increase in the authorized shares of preferred stock, and (iv) any dividends or distribution to common stock or any junior securities, except for pro rata dividends on common stock paid in common stock. These protective rights terminate on the first date on which there are outstanding less than 20% of the number of shares of preferred stock outstanding on the date the preferred stock was first issued; and
- except for the election of directors and special approvals described above, the preferred stock votes on all matters and with the common stock on an as-converted basis.

In connection with the issuance and sale of the preferred shares, we also entered into other agreements as contemplated by the purchase agreement, including a stockholder's agreement, a registration rights agreement, and a management rights letter. The purchase agreement, the stockholder's agreement, the registration rights agreement, the management rights letter and the certificate of designation pursuant to which the preferred shares were created, are described in our current report on Form 8-K filed on June 16, 2006.

Contractual Obligations

There were no material changes outside of the ordinary course of our business during the three or nine months ended September 30, 2010 to the other items listed in the Contractual Obligations table included in our annual report on Form 10-K filed with the SEC on March 9, 2010.

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Cash Flows

Net cash provided by operating activities for the nine months ended September 30, 2010 and 2009 was \$22.9 million and \$31.1 million, respectively. The decrease in cash flows from operating activities was primarily due to the changes in net income as well as changes in the components of working capital from period to period. Other items impacting operating cash flows included depreciation and amortization, stock-based compensation, write-off of deferred financing costs, deferred taxes, landfill accretion expense, gain on sale of assets and unrealized gain on interest rate swap, all of which were non-cash expenses.

Net cash used in investing activities consists primarily of cash used for capital expenditures and the acquisition of businesses. Cash used for capital expenditures, including acquisitions, was \$23.8 million and \$24.2 million for the nine months ended September 30, 2010 and 2009, respectively. Acquisitions of businesses and capital expenditures for normal operations accounted for \$0.3 million and \$0.1 million of the decrease over the prior year period, respectively. A \$2.2 million increase in proceeds from sale of assets also contributed to the decrease in net cash used in investing activities.

Net cash used in financing activities for the nine months ended September 30, 2010 and 2009 was \$1.6 million and \$0.5 million, respectively. Net cash used in financing activities mainly includes repayments of debt, repayments in excess of borrowings under our credit facilities, and additional financing costs that have been incurred and capitalized.

Off Balance Sheet Arrangements

We have evaluated off balance sheet arrangements, and have concluded that we do not have any material relationships with unconsolidated entities or financial partnerships that have been established for the purpose of facilitating off balance sheet arrangements. Based on this evaluation we believe that no disclosures relating to off balance sheet arrangements are required.

Critical Accounting Estimates and Assumptions

We make several estimates and assumptions during the course of preparing our financial statements. Since some of the information that we must present depends on future events, it cannot be readily computed based on generally accepted methodologies, or may not be appropriately calculated from available data. Some estimates require us to exercise substantial judgment in making complex estimates and assumptions and, therefore, have the greatest degree of uncertainty. This is especially true with respect to estimates made in accounting for landfills, environmental remediation liabilities and asset impairments. We describe the process of making such estimates in note 8 to the financial statements included in Item 1 of this report and in note 1 (f) to our financial statements in our annual report on Form 10-K for the year ended December 31, 2009. For a description of other significant accounting policies, see note 1 to the financial statements included in Item 1 of this report and in note 1 to our financial statements in our annual report on Form 10-K for the year ended December 31, 2009.

In summary, our landfill accounting policies include the following:

Capitalized Landfill Costs

At September 30, 2010, we owned 25 landfills. Two of these landfills are fully permitted but not constructed and have not yet commenced operations as of September 30, 2010.

Capitalized landfill costs include expenditures for the acquisition of land and related airspace, engineering and permitting costs, cell construction costs and direct site improvement costs. At September 30, 2010, no capitalized interest had been included in capitalized landfill costs, however, in the future interest could be capitalized on landfill construction projects but only during the period the assets are undergoing activities to ready them for their intended use. Capitalized landfill costs are amortized ratably using the units-of-production method over the estimated useful life of the site as airspace of the landfill is consumed. Landfill amortization rates are determined periodically (not less than annually) based on aerial and ground surveys and other density measures and estimates made by our engineers, outside engineers, management and financial personnel.

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Total available airspace includes the total of estimated permitted airspace plus an estimate of probable expansion airspace that we believe is likely to be permitted. Where we believe permit expansions are probable, the expansion airspace, and the projected costs related to developing the expansion airspace are included in the airspace amortization rate calculation. The criteria we use to determine if permit expansion is probable include but, are not limited to, whether:

- we believe that the project has fatal flaws;
- the land is owned or controlled by us, or under option agreement;
- we have committed to the expansion;
- financial analysis has been completed, and the results indicate that the expansion has the prospect of a positive financial and operational impact;
- personnel are actively working to obtain land use, local and state approvals for an expansion of an existing landfill;
- we believe the permit is likely to be received; and
- we believe that the timeframe to complete the permitting is reasonable.

We may be unsuccessful in obtaining expansion permits for airspace that has been considered probable. If unsuccessful in obtaining these permits, the previously capitalized costs will be charged to expense. As of September 30, 2010, we have included 138 million cubic yards of expansion airspace with estimated development costs of approximately \$102.3 million in our calculation of the rates used for the amortization of landfill costs.

Closure and Post-Closure Obligations

We have material financial commitments for the costs associated with our future obligations for final closure, which is the closure of the landfill, the capping of the final uncapped areas of a landfill and post-closure maintenance of those facilities, which is generally expected to be for a period between 5 and 30 years depending on type and location.

Standards related to accounting for obligations associated with the retirement of long-lived assets and the associated asset retirement costs require that we record closure and post-closure obligations as follows:

- Landfill closure and post-closure liabilities are calculated by estimating the total obligation in current dollars. Cost estimates equate the costs of third parties performing the work. Any portion of the estimates which are based on activities being performed internally are increased to reflect a profit margin a third party would receive to perform the same activity. This profit margin will be taken to income once the work is performed internally.
- The total obligation is carried at the net present value of future cash flows, which is calculated by inflating the obligation based upon the expected date of the expenditure using an inflation rate and discounting the inflated total to its present value using a discount rate. The discount rate represents our credit-adjusted risk-free rate. The resulting closure and post-closure obligation is recorded as an increase in this liability as airspace is consumed.
- Accretion expense is calculated based on the discount rate and is charged to cost of services and increases the related closure and post-closure obligation. This expense will generally be less during the early portion of a landfill's operating life and increase thereafter.

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The following table sets forth the rates we used for the amortization of landfill costs and the accrual of closure and post-closure costs for the nine months ended September 30, 2010 and the year ended December 31, 2009:

	<u>Nine Months Ended September 30,</u>	<u>Year Ended December 31,</u>
	<u>2010</u>	<u>2009</u>
Number of landfills owned	25	25
Landfill depletion and amortization expense (in thousands)	\$ 9,600	\$ 9,680
Accretion expense (in thousands)	828	628
	\$ 10,428	\$ 10,308
Airspace consumed (in thousands of cubic yards)	4,682	4,933
Depletion, amortization, accretion, closure and post-closure costs per cubic yard of airspace consumed	\$ 2.23	\$ 2.09

The impact of changes determined to be changes in estimates, based on an annual update, is accounted for on a prospective basis. Our ultimate liability for such costs may increase in the future as a result of changes in estimates, legislation, or regulations.

ITEM 3. QUANTITATIVE AND QUALITATIVE DISCLOSURES ABOUT MARKET RISK.

In the normal course of business, we are exposed to market risk, including changes in interest rates. We use interest rate swap agreements to manage a portion of our risks related to interest rates. We entered into a swap agreement effective July 11, 2006, where we agreed to pay a fixed-rate of 5.64% in exchange for three-month floating rate LIBOR that was 5.51% at the time the swap was entered. At September 30, 2010, the related floating rate was 0.26%. The intention of this swap agreement is to limit our exposure to a rising rate interest environment. For the nine months ended September 30, 2010, the net difference between the fixed amount we paid and the floating amount we received was \$6.0 million. Considering the rates in effect at September 30, 2010, the impact of the swap agreement is estimated to result in a \$0.7 million loss related to the realized portion of the interest rate swap over the next 12 months. This interest rate swap expires on November 1, 2010, which will improve annual cash flow by approximately \$6.7 million based on 2010 results. At the time we entered into the swap, we had no floating rate LIBOR debt and therefore no floating rate interest payments were anticipated. As a result, the swap transaction was not designated as a hedging transaction. Accordingly, any changes in the unrealized fair value of the swap are recognized in the statement of operations. We did not enter into the interest rate swap agreements for trading purposes.

As of September 30, 2010 and December 31, 2009, we had no debt outstanding that bears interest at variable or floating rates when our interest rate swap was taken into consideration. With the placement of the swap agreement, we bear exposure to, and are primarily affected by, changes in LIBOR rates on \$132.5 million. A 100 basis point increase in LIBOR interest rates would result in swap income of approximately \$1.3 million annually while a 100 basis point decrease in interest rates would result in \$1.3 million in swap expense, in addition to any mark-to-market effect on the fair value of the swap.

Our financial instruments that are potentially sensitive to changes in interest rates also include our 9.25% senior notes. As of September 30, 2010, the fair value of these notes, based on quoted market prices, was approximately \$156 million compared to a carrying amount of \$150 million.

ITEM 4. CONTROLS AND PROCEDURES.

We carried out an evaluation, under the supervision and with the participation of our management, including our Chief Executive Officer and Chief Financial Officer, of the effectiveness of the design and operation of our disclosure controls and procedures as of September 30, 2010. Based upon that evaluation, our Chief Executive Officer and Chief Financial Officer concluded that our disclosure controls and procedures were effective as of September 30, 2010 in ensuring that the information required to be disclosed by us (including our consolidated subsidiaries) in the reports that we file or submit under the Securities Exchange Act of 1934, as amended, is recorded, processed, summarized and reported, within the time periods specified in the Securities and Exchange Commission rules and forms; and is accumulated and communicated to our management, including our Chief Executive Officer and Chief Financial Officer, as appropriate to allow timely decisions regarding required disclosure.

Based on an evaluation, under the supervision and with the participation of our management, including our Chief Executive Officer and Chief Financial Officer, there has been no change in our internal control over financial reporting that occurred during our last fiscal quarter, that has materially affected, or that is reasonably likely to materially affect, our internal control over financial reporting.

PART II • OTHER INFORMATION

ITEM 1. LEGAL PROCEEDINGS.

Please read note 12 to our unaudited condensed consolidated financial statements included in Part I, Item 1 of this quarterly report on Form 10-Q for information regarding our legal proceedings.

ITEM 1A. RISK FACTORS.

There have been no significant changes in our risk factors since December 31, 2009. For a detailed discussion of our risk factors, please read Item 1A “Risk Factors,” in our annual report on Form 10-K for the year ended December 31, 2009.

ITEM 2. UNREGISTERED SALES OF EQUITY SECURITIES AND USE OF PROCEEDS.

- (a) None.
- (b) Not applicable.
- (c)

Period	(a) Total number of shares (or units) purchased	(b) Average price paid per share (or unit)	(c) Total number of shares (or units) purchased as part of publicly announced plans or programs	(d) Maximum number (or approximate dollar value) of shares (or units) that may yet be purchased under the plans or programs
July 1 – July 31, 2010	•	•	•	•
August 1 – August 31, 2010	274(1) \$	4.96	•	•
September 1 – September 30, 2010	•	•	•	•
Total	274(1) \$	4.96	•	•

- (1) Represents shares of our common stock surrendered to satisfy minimum tax withholding obligations on the vesting of restricted stock.

ITEM 3. DEFAULTS UPON SENIOR SECURITIES.

None.

ITEM 4. RESERVED.

ITEM 5. OTHER INFORMATION.

None.

ITEM 6. EXHIBITS.

- 10.1 Twelfth Amendment to Revolving Credit Agreement, dated June 30, 2010, among WCA Waste Corporation and Comerica Bank (incorporated by reference to Exhibit 10.1 to the registrant's Form 8-K (File No. 000-50808) filed with the SEC on July 6, 2010).
- 10.2 Fourth Amended and Restated 2004 WCA Waste Corporation Incentive Plan, effective September 28, 2010 (incorporated by reference to Exhibit 10.1 to the registrant's Form 8-K (File No. 000-50808) filed with the SEC on September 28, 2010).
- 12.1* Statement regarding computation of ratio of earnings to fixed charges for the nine months ended September 30, 2010.
- 31.1* Rule 13a-14(a)/15d-14(a) Certification of Chief Executive Officer.
- 31.2* Rule 13a-14(a)/15d-14(a) Certification of Chief Financial Officer.
- 32.1* Section 1350 Certification of Chief Executive Officer.
- 32.2* Section 1350 Certification of Chief Financial Officer.

* Filed herewith.

The registrant hereby undertakes, pursuant to Regulation S-K, Item 601(b), paragraph (4)(iii)(A), to furnish to the Securities and Exchange Commission upon request all constituent instruments defining the rights of holders of long-term debt of the registrant and its consolidated subsidiaries not filed herewith for the reason that the total amount of securities authorized under any of such instruments does not exceed 10% of the registrant's total consolidated assets.

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned, thereunto duly authorized.

WCA WASTE CORPORATION

By: /s/ CHARLES A. CASALINOVA
Charles A. Casalino
Senior Vice President and Chief Financial Officer
(Principal Financial Officer)

By: /s/ JOSEPH J. SCARANO, JR.
Joseph J. Scarano, Jr.
Vice President and Controller
(Principal Accounting Officer)

Date: October 29, 2010

EXHIBIT INDEX

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EXHIBIT 12.1

Ratio of Earnings to Fixed Charges

	Year Ended December 31,					Nine Months Ended
	2005	2006	2007	2008	2009	September 30,
	(Dollars in Thousands)					2010
Income (Loss) from Continuing Operations	\$ 3,468	\$ 3,020	\$ 2,922	\$ (27,763)	\$ 1,008	\$ 1,357
Plus: Income Taxes	2,248	2,313	2,343	(13,737)	2,958	1,932
Fixed Charges	<u>10,676</u>	<u>17,093</u>	<u>18,259</u>	<u>19,594</u>	<u>18,794</u>	<u>15,200</u>
Earnings Available for Fixed Charges	16,392	22,426	23,524	(21,906)	22,760	18,489
Fixed Charges:						
Interest Expense	10,273	16,687	17,837	18,918	18,083	14,206
Estimate Portion of Rental Expense Equivalent to Interest	403	406	422	676	711	994
Total Fixed Charges	<u>10,676</u>	<u>17,093</u>	<u>18,259</u>	<u>19,594</u>	<u>18,794</u>	<u>15,200</u>
Ratio of Earnings to Fixed Charges	<u>1.5</u>	<u>1.3</u>	<u>1.3</u>	<u>-1.1</u>	<u>1.2</u>	<u>1.2</u>
Calculation of Rental Expense Equivalent to Interest						
Rental Expense	1,209	1,217	1,265	2,028	2,132	2,982
Estimated % Equivalent to Interest	33.3%	33.3%	33.3%	33.3%	33.3%	33.3%
Estimate Portion of Rental Expense Equivalent to Interest	<u>403</u>	<u>406</u>	<u>422</u>	<u>676</u>	<u>711</u>	<u>994</u>

CERTIFICATION

I, Tom J. Fatjo, Jr., certify that:

1. I have reviewed this Quarterly Report on Form 10-Q of WCA Waste Corporation;
2. Based on my knowledge, this report does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements made, in light of the circumstances under which such statements were made, not misleading with respect to the period covered by this report;
3. Based on my knowledge, the financial statements, and other financial information included in this report, fairly present in all material respects the financial condition, results of operations and cash flows of the registrant as of, and for, the periods presented in this report;
4. The registrant's other certifying officer and I are responsible for establishing and maintaining disclosure controls and procedures (as defined in Exchange Act Rules 13a-15(e) and 15d-15(e)) and internal control over financial reporting (as defined in Exchange Act Rules 13a-15(f) and 15d-15(f)) for the registrant and have:
 - (a) Designed such disclosure controls and procedures, or caused such disclosure controls and procedures to be designed under our supervision, to ensure that material information relating to the registrant, including its consolidated subsidiaries, is made known to us by others within those entities, particularly during the period in which this report is being prepared;
 - (b) Designed such internal control over financial reporting, or caused such internal control over financial reporting to be designed under our supervision, to provide reasonable assurance regarding the reliability of financial reporting and the preparation of financial statements for external purposes in accordance with generally accepted accounting principles;
 - (c) Evaluated the effectiveness of the registrant's disclosure controls and procedures and presented in this report our conclusions about the effectiveness of the disclosure controls and procedures, as of the end of the period covered by this report based on such evaluation; and
 - (d) Disclosed in this report any change in the registrant's internal control over financial reporting that occurred during the registrant's most recent fiscal quarter (the registrant's fourth fiscal quarter in the case of an annual report) that has materially affected, or is reasonably likely to materially affect, the registrant's internal control over financial reporting; and
5. The registrant's other certifying officer and I have disclosed, based on our most recent evaluation of internal control over financial reporting, to the registrant's auditors and the audit committee of the registrant's board of directors (or persons performing the equivalent functions):
 - (a) All significant deficiencies and material weaknesses in the design or operation of internal control over financial reporting which are reasonably likely to adversely affect the registrant's ability to record, process, summarize and report financial information; and
 - (b) Any fraud, whether or not material, that involves management or other employees who have a significant role in the registrant's internal control over financial reporting.

Date: October 29, 2010

/s/ Tom J. Fatjo, Jr.
Tom J. Fatjo, Jr.
Chief Executive Officer

CERTIFICATION

I, Charles A. Casalino, certify that:

1. I have reviewed this Quarterly Report on Form 10-Q of WCA Waste Corporation;
2. Based on my knowledge, this report does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements made, in light of the circumstances under which such statements were made, not misleading with respect to the period covered by this report;
3. Based on my knowledge, the financial statements, and other financial information included in this report, fairly present in all material respects the financial condition, results of operations and cash flows of the registrant as of, and for, the periods presented in this report;
4. The registrant's other certifying officer and I are responsible for establishing and maintaining disclosure controls and procedures (as defined in Exchange Act Rules 13a-15(e) and 15d-15(e)) and internal control over financial reporting (as defined in Exchange Act Rules 13a-15(f) and 15d-15(f)) for the registrant and have:
 - (a) Designed such disclosure controls and procedures, or caused such disclosure controls and procedures to be designed under our supervision, to ensure that material information relating to the registrant, including its consolidated subsidiaries, is made known to us by others within those entities, particularly during the period in which this report is being prepared;
 - (b) Designed such internal control over financial reporting, or caused such internal control over financial reporting to be designed under our supervision, to provide reasonable assurance regarding the reliability of financial reporting and the preparation of financial statements for external purposes in accordance with generally accepted accounting principles;
 - (c) Evaluated the effectiveness of the registrant's disclosure controls and procedures and presented in this report our conclusions about the effectiveness of the disclosure controls and procedures, as of the end of the period covered by this report based on such evaluation; and
 - (d) Disclosed in this report any change in the registrant's internal control over financial reporting that occurred during the registrant's most recent fiscal quarter (the registrant's fourth fiscal quarter in the case of an annual report) that has materially affected, or is reasonably likely to materially affect, the registrant's internal control over financial reporting; and
5. The registrant's other certifying officer and I have disclosed, based on our most recent evaluation of internal control over financial reporting, to the registrant's auditors and the audit committee of the registrant's board of directors (or persons performing the equivalent functions):
 - (a) All significant deficiencies and material weaknesses in the design or operation of internal control over financial reporting which are reasonably likely to adversely affect the registrant's ability to record, process, summarize and report financial information; and
 - (b) Any fraud, whether or not material, that involves management or other employees who have a significant role in the registrant's internal control over financial reporting.

Date: October 29, 2010

/s/ Charles A. Casalino
Charles A. Casalino
Chief Financial Officer

**Certification Pursuant to
18 U.S.C. Section 1350,
As Adopted Pursuant to
Section 906 of the Sarbanes-Oxley Act of 2002**

In connection with the Quarterly Report of WCA Waste Corporation (the "Company") on Form 10-Q for the quarterly period ended September 30, 2010, as filed with the Securities and Exchange Commission on the date hereof (the "Report"), I, Tom J. Fatjo, Jr., Chief Executive Officer of the Company, certify, pursuant to 18 U.S.C. Section 1350, as adopted pursuant to Section 906 of the Sarbanes-Oxley Act of 2002, that:

- (1) The Report fully complies with the requirements of Section 13(a) or 15(d), as applicable, of the Securities Exchange Act of 1934; and
- (2) The information contained in the Report fairly presents, in all material respects, the financial condition and results of operations of the Company.

/s/ Tom J. Fatjo, Jr.

Tom J. Fatjo, Jr.
Chief Executive Officer
October 29, 2010

The foregoing certification shall not be deemed "filed" for purposes of Section 18 of the Exchange Act or otherwise subject to the liability of that section. Such certification will not be deemed to be incorporated by reference into any filing under the Securities Act or the Exchange Act, except to the extent that the registrant specifically incorporates it by reference.

**Certification Pursuant to
18 U.S.C. Section 1350,
As Adopted Pursuant to
Section 906 of the Sarbanes-Oxley Act of 2002**

In connection with the Quarterly Report of WCA Waste Corporation (the "Company") on Form 10-Q for the quarterly period ended September 30, 2010, as filed with the Securities and Exchange Commission on the date hereof (the "Report"), I, Charles A. Casalinova, Chief Financial Officer of the Company, certify, pursuant to 18 U.S.C. Section 1350, as adopted pursuant to Section 906 of the Sarbanes-Oxley Act of 2002, that:

- (1) The Report fully complies with the requirements of Section 13(a) or 15(d), as applicable, of the Securities Exchange Act of 1934; and
- (2) The information contained in the Report fairly presents, in all material respects, the financial condition and results of operations of the Company.

/s/ Charles A. Casalinova

Charles A. Casalinova
Chief Financial Officer
October 29, 2010

The foregoing certification shall not be deemed "filed" for purposes of Section 18 of the Exchange Act or otherwise subject to the liability of that section. Such certification will not be deemed to be incorporated by reference into any filing under the Securities Act or the Exchange Act, except to the extent that the registrant specifically incorporates it by reference.

Safety and Loss Control Manual

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- Employee Safety Rules
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- Accident Investigations and Procedures
- Record Keeping
- Substance Abuse Policy

General Code of Safe Work Practices

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- Maintenance (Building, Shop, Tools and Equipment)
 - Environmental Controls*
 - Machine Guarding*
 - Compressors and Compressed Air*
 - Hoists and Auxiliary Equipment*
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 - Ladders*
 - Portable Power Tools*
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- Fall Protection
- Fire Prevention
- Hazard Communication (Hazcom)
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- Observation Form

Attachments

- DOT Accident Register
- Safety Meeting Record
- Jack Inspection
- Crane Inspection
- Supervisor Accident/Injury Report

INTRODUCTION

The following is WCA Waste Corporation's written plan for Injury and Illness Prevention. Please read it carefully. While no plan can guarantee an accident free work place or anticipate every workplace hazard, following the safety procedures set forth in this manual will significantly reduce the risk of danger to you, your co-workers, our customers and the general public. Every employer is required to provide a safe and healthful workplace. WCA Waste Corporation is committed to fulfilling this requirement. A safe and healthful work place is one of our highest priorities.

Federal, State and Local Law, as well as Company Policy, make the safety and health of our employees the first consideration in operating our business. Safety and health in our business must be a part of every operation, and every employee's responsibility at all levels. It is the intent of WCA Waste Corporation to comply with applicable local, state and federal safety requirements or appropriate industry standards. To do this, we must constantly be aware of conditions in all work areas that can produce or lead to injuries. No employee is required to work at a job known to be unsafe or dangerous to his or her health. Your cooperation in detecting hazards, reporting dangerous conditions and controlling workplace hazards is a condition of employment. Inform your supervisor immediately of any situation beyond your ability or authority to correct. Employees will not be disciplined or suffer any retaliation for reporting a safety violation in good faith.

The personal safety and health of each employee of WCA Waste Corporation is of primary importance. While management will provide mechanical and physical protection required for personal safety and health, our employees must bear primary responsibility for working safely. A little common sense and caution can prevent most accidents from occurring.

WCA Waste Corporation maintains a safety and health program conforming to the best practices of our field. To be successful, such a program must embody proper attitudes towards injury and illness prevention on the part of supervisors and employees. It requires the cooperation in all safety and health matters, not only of the employer and employee, but also between the employee and all coworkers. Only through such a cooperative effort can a safety program in the best interest of all be established and preserved. Safety is no accident; think safety and the job will be safer.

SAFETY AND OCCUPATIONAL HEALTH POLICY

It is the policy of WCA Waste Corporation that accident prevention shall be considered of primary importance in all phases of operation and administration. It is the intention of WCA Waste Corporation to provide safe and healthy working conditions and to establish and insist upon safe practices at all times by all employees.

The prevention of accidents is an objective affecting all levels of our company and its operations. It is, therefore, a basic requirement that each supervisor make the safety of all employees an integral part of his or her regular management function. It is equally the duty of each employee to accept and follow established safety and health regulations and procedures.

Every effort will be made to provide adequate training to employees. However, if an employee is ever in doubt about how to do a job or task safely, it is his or her duty to ask a qualified person for assistance. Employees are expected to assist management in accident prevention activities. Unsafe conditions must be reported immediately. Fellow employees that need help should be assisted. Everyone is responsible for the housekeeping duties that pertain to their jobs.

Every injury that occurs on the job, even a slight cut or strain, must be reported to management as soon as possible. Under no circumstances, except emergency trips to the hospital, should an employee leave the work site without reporting an injury. When you have an accident, everyone is hurt. Please work safely. Safety is everyone's business.

WCA Waste Corporation and the employees thereof have the responsibility and intend to comply with applicable local, state and federal safety requirements or appropriate industry standards. We believe there is nothing more important than the safety of our employees, customers and the general public.

Tom J. Fatjo, Jr.
Chairman of the Board & CEO

Jerome M. Kruszka
President & COO

ASSIGNMENT OF RESPONSIBILITY

Each Employee is responsible for ensuring that he or she conducts all assigned tasks in a safe, responsible manner. To assist each Employee, the Company will ...

- Maintain an active progressive safety plan, in which all employees will participate in order to promote safety awareness and safe work practices on and off-the-job;
- Provide, within reason, a work environment in which identified occupational hazards are controlled when eliminations are not feasible.
- Require that all employees follow established safety rules and job safe work practices.
- Delegates authority to its Site Managers and safety personnel to expedite and facilitate the application of the Safety Program.
- Review and update this Manual as needed when new rules and regulations are set forth that materially impact workplace safety.

SITE MANAGERS WILL...

- Be responsible and accountable for a superior level of safety performance in their facilities.
- Educate and train employees regarding on and off-the-job hazards.
- Institute work practices which reflect safe and efficient means for accomplishing assigned tasks.
- Be responsible for actively supporting the WCA Waste Corporation Safety Program. Supervisors will be held accountable for the safety performance of their area of responsibility.
- Teach each employee the hazards of the job and how to avoid and/or control them.
- Impart to each employee that the violation of established safety rules **WILL** not be tolerated.
- Take prompt corrective action whenever unsafe acts or unsafe conditions are observed or reported by employees.
- Provide needed safety equipment or other protective devices for assigned tasks as required.
- Conduct regular safety inspections of his/her area of responsibility. Submit a written report to your manager upon completion of the inspection.

- Instill positive safety awareness in each employee through personal safety contacts.
- Report and investigate all accidents. Determine the cause of the accident and implement corrective actions that will prevent recurrence in a timely manner.
- Provide continuing safety training sessions to all new employees and/or transferred employees.
- Conduct and/or participate in safety meetings and be informed on each portion of the Safety Program and related safety issues.
- Enforce good housekeeping practices.
- Observe and enforce proper use of required personal protective equipment.
- Ensure that all employees are informed of the Safety Program and that a copy of the written safety rules is issued to each employee.
- Provide leadership in Safety Program planning and/or revisions.
- Ensure that all employees are participating effectively in the Safety Program.
- Review all major accidents (Loss Time Cases, Restricted and/or Light Duty Cases, Medical Treatment Cases and Fatalities) with each employee in your area of responsibility.
- Obtain and/or render prompt first-aid to injured employees.

SAFETY COORDINATOR WILL...

- Coordinate safety activities. Keep and analyze accident records and trends and keep management informed of same.
- Conduct safety educational programs for supervisory personnel.
- Coordinate departmental safety interest and motivational programs.
- Serve on the Executive Safety Committee as Secretary.
- Evaluate all OSHA (Occupational Safety and Health Administration) recordable case investigations.
- Assist in scheduled facility inspections.
- Periodically attend scheduled safety meetings.

- Provide safety orientations to all new employees.
- Audit departments, sections and units in order to determine compliance with all required safety rules, policies and procedures. Submit findings to the Executive Safety Committee.
- Assist in establishing procedures and guidelines for the Safety Program(s), and keep them updated.
- Develop safety recommendations for specific operations.
- Attend meetings and conferences through accredited organizations considered advantageous to your professional development.
- Attend training schools and/or seminars that provide current methods and/or systems training in accident prevention and safety development.
- Investigate accidents, as considered necessary by management.

EMPLOYEES WILL...

- Be expected to review the Safety Program, read and follow the safety rules.
- Support and participate in the Safety Program.
- Be expected to perform their jobs in the safest manner prescribed.
- Be encouraged to report workplace hazards, and make suggestions for control and/or elimination.
- Be expected to conduct themselves in a way that enhances their personal safety and that of their fellow workers.
- Work according to good safety practices as instructed, discussed or posted by supervision.
- Keep the work area and/or job site clean and organized.
- Refrain from engaging in horseplay. Unsafe acts by you or others may be the cause of a serious injury.
- Request and use personal protective equipment provided for specific tasks.
- Report ALL injuries and /or accidents to your immediate supervisor on the day of occurrence, even if you deem them to be minor.

- Refrain from taking shortcuts in your work practices. Violation of established safety rules will not be tolerated.
- Attend all safety meetings and take an active part in the discussions.
- Not start any work under conditions not believed to be safe without first calling these conditions immediately to the attention of the supervisor in charge.

NOTE: If a facility does not have any one of the positions named above, the responsibility will fall on the Site Manager.

ACCIDENT PREVENTION POLICY

Each employee has a personal responsibility to prevent accidents. You have a responsibility to your family, to your fellow workers and to the Company. You will be expected to observe safe practice rules and instructions relating to the efficient handling of your work.

Your responsibilities include the following:

- Incorporate safety into every job procedure. No job is done efficiently unless it has been done safely.
- Know and obey safe practice rules.
- Know that disciplinary action may result from a violation of the safety rules.
- Report all injuries/accidents immediately, no matter how slight the injury/accident may be.
- Caution fellow workers when they perform unsafe acts.
- Don't take chances.
- Ask questions when there is any doubt concerning safety.
- Don't tamper with anything you do not understand.
- Report all unsafe conditions or equipment to your supervisor immediately.

It is the policy of WCA Waste Corporation to provide a safe and clean workplace and to maintain sound operating practices. Concentrated efforts shall produce safe working conditions and result in efficient, productive operations. Safeguarding the health and welfare of our employees cannot be stressed too strongly.

Accident prevention is the responsibility of all of us. Department heads and supervisors at all levels shall be responsible for continuous efforts directed toward the prevention of accidents. Employees are responsible for performing their jobs in a safe manner.

The observance of safe and clean work practices, coupled with ongoing compliance of all established safety standards and codes, will reduce accidents and make our Company a better place to work.

TRAINING, SAFETY MEETINGS & SAFETY COMMITTEES

TRAINING

Employee safety training is another requirement of an effective injury and illness prevention program. It is one of the most important elements. While Waste Corporation believes in skills training, we also want to emphasize safety training. Such training is designed to enable employees to learn their jobs properly, bring new ideas to the workplace, reinforce existing safety policies and put the injury and illness prevention program into action.

All employees will be trained, prior to assuming their position, on all required subjects as dictated by local, state or federal regulations and the correct work procedures to follow, use of required personal safety equipment and where to get assistance when needed. Documentation of training will be placed in each employee file. Each session should include site-specific information. Training is one of the most important elements of any injury and illness prevention program.

The following courses are mandatory for all employees:

Hazcom ("Right to Know")	OSHA 29 CFR 1910.1200 (h)
Emergency Preparedness (Action) Plan	OSHA 29 CFR 1910.38(A)(B)
Company Substance Abuse Policy	

The following courses are mandatory for Supervisors, Drivers, Operators, Helpers, Sorters and Shop personnel:

Personal Protective Equipment ("PPE")	OSHA 29 CFR 1910.132 (f)
Lockout / Tagout	OSHA 29 CFR 1910.147 (c)(7)
Bloodborne Pathogens	OSHA 29 CFR 1910.1030 (g) (2)
Hearing Conservation	OSHA 29 CFR 1910.95 (k) (1)
Fire Extinguisher	OSHA 29 CFR 1910.157 (g)

The following courses are mandatory for applicable employees:

Forklift Training	OSHA 29 CFR 1910.178 (1) & 1919.147 (1)
First Aid & CPR	OSHA 29 CFR 1910.151
Asbestos / Respiratory Protection	OSHA 29 CFR 1910.151
	OSHA 29 CFR 1910.120
	OSHA 29 CFR 1910.134
	OSHA 29 CFR 19 10. 1001
	OSHA 40 CFR 61, 100-199, 763 (E)
	OSHA 49 CFR 171-177

JOB TRAINING

Every employee will have on the job training. Drivers, operators, mechanics and helpers will work with their lead employee/supervisor for a minimum of three days of observation and training. He/She will then be observed from time to time over the next two days by his supervisor.

PERIODIC TRAINING

The Periodic Training will be incorporated in the monthly safety meetings. The format will be to review, in language understandable to every employee, new practices, procedures, rules and regulations.). Whenever a new practice or procedure is introduced into the workplace, it will be thoroughly reviewed for safety. A refresher course will be given on each of the subjects, as described in the Training Section herein, each year.

Documentation will be accomplished by passing around a sign-up sheet for each employee to sign. It will be placed in the Safety Meeting/Periodic Training file. This sheet will include notes/subject of the training. Employee attendance is mandatory and is compensable unless part of an official state-approved training program or pre-employment requirement.

SAFETY MEETINGS

WCA Waste Corporation requires monthly Safety Meeting at all of their facilities. It is the responsibility of the Site Manager, or his designee as shown above, to train employees and hold the monthly Safety Meetings. A sign-up sheet will be passed around each meeting showing the topic and outline and each employees signature along with their social security number. This sheet will be placed in the Safety Meetings/Periodic Training file. Employee attendance is mandatory and is compensable unless part of an official state approved training program or pre-employment requirement.

The format of most meetings will be to review portions of the content of this manual, special work site hazards, serious concealed dangers, injuries/accidents, new practices, procedures, rules/regulations, and an open discussion on safety with regards to their worksite. Prior to introducing a new practice or procedure into the workplace, it will be thoroughly reviewed for safety at the next Safety Meeting.

Teaching safety is a two-way street. WCA Waste Corporation can preach safety, but only employees can practice safety. Safety education requires employee participation.

NOTE: See the attached forms for Safety Meeting Record.

SAFETY COMMITTEES

It is recommended that each facility have a Safety Review Committee and that at least one member from each department serve on the committee. Committee members should be voted upon by each department. In cases where the facility has fewer than 25 employees, the attendees at each Safety Meeting may be used. The committee will conduct regular meetings, keep minutes

and make regular inspections of machinery, equipment, appliances and working conditions. Any conditions found unsafe by the Safety Committee shall be corrected or repaired immediately. The best method to establish a safer workplace is to study past accidents and worker compensation complaints. By focusing on past injuries, WCA Waste Corporation hopes to avoid similar problems in the future. They will also review accidents to determine methods to eliminate causes. The Safety Committee will not determine preventability. The Management team will determine preventability within 48 hours of an incident.

EMPLOYEE SAFETY RULES

Safety is a cooperative undertaking requiring an ever-present safety consciousness on the part of every employee. If an employee is injured, positive action must be taken promptly to see that the employee receives adequate treatment. No one likes to see a fellow employee injured by an accident. Therefore, all operations must be planned to prevent accidents. To carry out this policy, the following rules will apply:

1. All employees shall follow the safe practices and rules contained in this manual, our Employee Handbook, and such other rules and practices communicated on the job. All employees shall report all unsafe conditions or practices to the proper authority, including the supervision on the project.
2. The Site Manager shall be responsible for implementing these policies by insisting that employees observe and obey all rules and regulations necessary to maintain a safe work place and safe work habits and practices.
3. Good housekeeping must be practiced at all times in the work area. Clean up all waste and eliminate any dangers in the work area.
4. Suitable clothing and footwear must be worn at all times. Personal protection equipment will be worn as designated in the Personal Protection Equipment section herein, and whenever needed.
5. All employees will participate in a safety meeting conducted by their supervisor once every month.
6. Being under the influence of, possessing, or using alcoholic beverages or controlled substances on Company property or during working time is prohibited.
7. Horseplay, scuffling, and other acts which tend to have an adverse influence on safety or well-being of other employees is prohibited.
8. Work shall be well planned and supervised to avoid injuries in the handling of heavy materials and while using equipment.
9. No one shall be permitted to work while the employee's ability or alertness is so impaired by fatigue, illness, or other causes that it might expose the employee or others to injury.

10. Employees should be alert to see that all guards and other protective devices are in proper places and adjusted, and shall report deficiencies promptly to the Site Manager.
11. Employees shall not handle or tamper with any electrical equipment, machinery, or air or water lines in a manner not within the scope of their duties, unless they have received specific instructions.
12. All injuries should be reported to the Site Manager/Supervisor so that arrangements can be made for medical or first aid treatment.
13. When lifting heavy objects, use the large muscles of the leg instead of the smaller muscles of the back.
14. Do not throw things, especially material and equipment. Dispose of all waste properly and carefully. Bend all exposed nails so they do not hurt anyone removing the waste.
15. Do not wear shoes with thin or torn soles.

These rules set out basic procedures to minimize workplace hazards. Employees are expected to perform their work in a proper manner and to familiarize themselves with the regulations, which pertain to their jobs. Employees will be expected to abide by all regulations and instructions, which may be prescribed from time to time. As always, each Employee must also use his/her common sense.

SAFETY EQUIPMENT

Proper safety equipment is necessary for our employee's protection. The Company provides protective equipment, which meets ANSI standards. Use all safe guards, safety appliances, or devices available and comply with all regulations that may concern or affect our employees safety.

Certain jobs require standard safety apparel and appliances for the protection of our employees. Supervisor should be made aware of the requirements and furnish employees with the necessary *ANSI* approved protective appliances. These items shall be worn and effectively maintained as a condition of our employee's continued employment and part of our mutual obligation to comply with the Occupational Safety and Health Act.

Safety goggles, glasses and face shields shall correspond to the degree of hazard, i.e., chemical splashes, welding flashes, impact hazard, dust, etc. Do not alter an approved appliance.

Rubber gloves and rubber aprons shall be worn when working with acids, caustics or other corrosive materials

Specified footwear must be worn. No jewelry shall be worn around power equipment.

Hearing protection appliances (ANSI approved muffs or plugs) shall be worn by all employees working within any area identified as having excess noise levels.

Wear all protective clothing properly - all snaps and traps fastened, cuffs not cut or rolled.

HOUSEKEEPING

Good housekeeping not only improves the appearance of the work place, it also helps prevent fires, accidents and personal injuries. Clean work benches, machines, lockers and floors also enable our employees to maintain a high standard of quality in our work.

Do not leave tools, scrap, or materials piled on the floor where someone may stumble over them, or overhead where there is danger of them falling. When piling material, be careful not to exceed a safe height. Do not pile anything in front of or against fire fighting apparatus, electrical equipment or drinking fountains.

FIRST AID

It is every employee's responsibility to know the locations of the first aid stations that have been placed throughout the facility. Instructions for use of first aid equipment are located at each station. In the event of an emergency, contact the manager or a supervisor-who is trained in first aid. Supervisors and employees who are trained in first aid have a first aid emblem on their hard hat or uniform.

FACILITY INSPECTIONS

INSPECTIONS

A facility inspection (see attached), which will include the examination of records and work place safety, will occur each and every 3 months or quarterly, when conditions change, or when a new process or procedure is implemented. These inspections will be placed in the Facility Inspection file and maintained in that file for five (5) years. It is suggested that an employee shares in this inspection. Inspections should note all defects found and indicate corrective action taken.

These inspections will also be conducted by a corporate representative once per year, which will include a comparison of past facility inspections.

Inspections serve two basic functions:

1. To maintain a safe work environment and control the unsafe action of people.
2. To maintain operational profitability. Management inspections can be used to measure the supervisor's performance.

Reason for inspections are:

- To check the results against safety objectives;
- To re-awaken interest in safety;
- To reevaluate safety by example;
- To detect and reactivate unfinished business;
- To collect data for safety meetings;
- To note and act upon unsafe behavioral trends;
- To improve safety standards;
- To check new facilities; To solicit the supervisor's help;
- To spot unsafe acts and unsafe conditions;

Scheduled safety inspections should in no way relieve the supervisory force of its inherent responsibility for continuous surveillance of the workers, equipment, work environment and productivity.

FACILITY INSPECTION FORM

ITEM	OK	Needs Attn	N/A
GENERAL FACILITY			
A. Sanitation			
1. Are toilets and washing facilities clean and sanitary?			
2. Is hand soap or other similar cleaning agent and warm water provided?			
3. Are hand towels or some other means of drying the hands available?			
4. Are an adequate number of waste disposal containers provided?			
5. Are waste disposal containers covered or emptied daily?			
6. Are lunchrooms, rest rooms and break rooms kept clean?			
7. Are first aid kits available and maintained? Any items expired?			
8. Are eyewash stations (and safety showers) clean, operable and accessible?			
B. Posters Logs and Data Sheets:			
1. Company rules and regulatory required postings up. Bulletin board kept current?			
2. (Job Safety and Health Protection, Employees Rights and Responsibilities, Employee's Rights and Responsibilities, Hearing Conservation Standard)			
3. Is the injury record (OSHA 200 log) maintained up to date with copies at satellite facilities,			
4. Are DOT accidents recorded on a DOT Accident Register?			
5. Is Material Safety Data Sheet notebook up-to-date?			
C. Fire Protection, Emergencies and Exist:			
1. Are exterior and interior lights adequate and all in working order?			
2. Are exits and aisles leading to exits visible, clearly marked, kept clean and with a pathway at least 28 inches wide? Exit signs illuminated?			
3. Are portable fire extinguishers kept at their designated places at all times (accessible, mounted, charged, pinned and sealed) except during use?			
4. Are reels and cabinets for hose systems conspicuously identified, accessible and used only for fire equipment?			
5. Is the minimum vertical clearance between automatic sprinklers and material below them at least 18 inches (36 inches for bales)?			
6. Are automatic sprinkler fusible links clean, unpainted, and undamaged?			
7. Are "No Smoking" signs posted in required areas: fuel area, painting department, battery charging and storage area, etc., with no sign of cigarette butts in the areas?			
8. Test emergency lighting equipment as required.			
9. Test Fire/Security Detection/Protection devices as required.			
D. Walking/Working Surfaces:			
1. Are floor openings and platforms or workstations 48" or higher guarded by a cover, a guardrail, or equivalent on all side?			
2. Are grates or covers over floor openings such as floor drains, secured?			
3. Are step risers on stairs uniform from top to bottom?			
4. Are steps on stairs and stairways provided with a surface that renders them slip resistant? Handrails provided?			
5. Are aisles and passageways kept clear and marked as appropriate?			
6. Are wet surfaces cleaned up or covered with non-slip materials?			
7. Are changes of direction or elevations readily identifiable? (painted yellow)			
8. Are aisles and walkways protected form potential hazards of adjacent work areas?			
E. Ladders:			
1. Are portable wood ladders numbered and in good condition with slip proof feet and no cracks, paint or splinters on the rungs?			
2. Are fixed metal ladders painted or treated to resist corrosion and rusting?			
3. Is the fixed ladder's clearance distance at least 36 inches between the nearest permanent object and the centerline of the rungs? Rung spacing 12 inches or less?			

ITEM	OK	Needs Attn	N/A
4. Is the fixed ladder's clearance distance at least 7 inches between the backside of the ladder from the center of the rung to the nearest permanent object?			
5. Does the ladder extend 3-1/2 feet above the parapet or landing?			
MAINTENANCE AREAS			
F. Housekeeping and Personal Protection:			
1. Are closed containers provided for soiled rag disposal?			
2. Are unused portions of service pits and pits not actually in use either covered or protected by guardrails or equivalent?			
3. Are employees who are exposed to the hazards created by welding, cutting or brazing operations protected by appropriate personal protective equipment?			
4. Are suitable gloves, hearing protection, and protective clothing worn as necessary?			
5. Are appropriate safety glasses, face shields, etc. used while using hand tools or abrasive wheels or equipment which might produce flying materials or be subject to breakage?			
6. Are respirators clean, properly stored, and respirator program in effect?			
G. Cranes, Hoists and Slings:			
1. Is the rated load of the crane, hoists and slings (for each type of hitch) plainly marked on each component?			
2. Are all functional operating mechanisms checked on a daily basis for maladjustment that could interfere with proper operation?			
3. Are lines, tanks, valves, drain pumps and other parts of the air or hydraulic systems inspected daily?			
4. Does rope reeving comply with manufacturer's recommendations?			
5. Is a Chain, Sling and Hoist Inspection program implemented?			
6. Are cranes used only by designated personnel in accordance with their rated load and operation specifications with brakes tested each time a load approaching the rated limit is handled? Does the operator test them?			
7. Is each sling in use free from excessive wear or defects and securely attached to their load when in use?			
H. Electrical and Fire Safety:			
1. Are combustible liquids (fuel, lubes, solvents, paints, etc.) stored in a proper manner/			
2. Are flammable liquids contained in approved safety cans and (except aerosol cans) stored in a fire resistant cabinet?			
3. Are Class I liquids dispensed into containers after the nozzle and container are electrically grounded?			
4. Are electrical circuit breakers (and fuel pump switches) identified and labeled and are outlet boxes in good condition?			
5. Are electric cords, extension cords, and trouble lights are of approved 3-wire ground type and in good condition?			
6. Is pressure washer in good working order? (hoses, vent and fuel lines)			
7. Are parts washer lid and fusible link in working order?			
8. Are overhead doors and controls in good working order?			
I. Welding, Burning and Brazing:			
1. Are welder cables, clamps and guards in good condition and are torch hoses, regulators and valves equipped with anti-flash back valves?			
2. Are "Hot Work Permits" used or is welding conducted in designated areas, at least 35 feet from combustible materials, spray painting, etc.?			

ITEM	OK	Needs Attn	N/A
3. Are fire watch employee(s) required whenever welding or cutting is performed in location where other than a minor fire might develop, and the fire watch maintained for at least a half hour after completion of welding or cutting operations to detect and extinguish possible smoldering fires (at all floor levels that could be exposed to sparks)?			
J. Compressed Gas Cylinders:			
1. Are cylinders legibly marked and labeled to clearly identify the gas contained?			
2. Are oxygen and acetylene (or other fuel) tanks properly stored and secured, separated by 20' or with a 5' high fire resistant wall between oxygen and fuels?			
3. Are cylinders stored in areas that are protected from heat and flame, located at least 25 feet from electrical equipment and people and at least 20 feet from flammable liquids or combustible materials?			
4. Are cylinders transported in a manner to prevent them from creating a hazard by, falling or rolling?			
5. Are all valves closed off before a cylinder is moved, when the cylinder is empty, and at the completion of each job and are valve protectors used when cylinders are not in use?			
K. Compressors and Compressed Air:			
1. Are compressors equipped with pressure relief valves, pressure gauge, and spring-loaded safety valves, a totally enclosed belt drive system, and are air filters installed and maintained on the compressor intake?			
2. Are no valves of any type placed between the air receiver and it's safety valve(s) and is safety valve in good condition? (test the valve's operation)			
3. Are all receivers periodically drained of moisture and oil and are they lubricated in accordance with the manufacturer's recommendations?			
4. Is the inlet of air receivers and piping systems kept free of accumulated oil and carbonaceous materials?			
5. Are air guards used for cleaning equipped with chip guards and operable dead-end pressure regulators of 30 psi, and reduced to less than 10 psi, if used to clean off clothing?			
6. When using compressed air for cleaning, do employees wear protective chip guarding and personal protective equipment?			
7. Are safety chains or other suitable locking devices used at couplings of high-pressure hose lines where a connection failure would cause a hazard?			
8. When compressed air is used with abrasive blast cleaning equipment, is the operating valve the type that must be held open manually?			
L. Machine Guarding:			
1. Is tire repair equipment in good working order?			
2. Are saws used for ripping, equipped with anti-kick back devices and spreaders?			
3. Are radial arm saws so arranged that the cutting head will gently return to the back of the table when released?			
4. Do fixed grinders have side guards that cover the spindle, nut, and flange and 75% of the wheel diameter, a tool rest adjusted to within 1/8" and a tongue guard adjusted to within 1/4" of wheel?			
5. Before new abrasive wheels are mounted, are they visually inspected and ring tested?			
6. Are splashguards mounted on grinders that use coolant to prevent the coolant reaching employees?			
M. Hand Tools, Power Operated Tools and Equipment:			
1. Are all tools and equipment (both company and employee-owned) in good condition and used with the correct shield, guard, or attachment, recommended by the manufacturer?			
2. Are hand tools such as chisels, punches, wrenches, etc. which are worn, bent or			

ITEM	OK	Needs Attn	N/A
mushroomed during use, reconditioned or replaced as necessary?			
3. Are appropriate handles used on files and similar tools?			
4. Are jacks checked periodically to assure they are in good operating condition?			
5. Are tool cutting edges kept sharp so the tool will move smoothly without binding or skipping?			
6. Are rotating or moving parts of equipment guarded to prevent physical contact?			
7. Are all cord-connected, electrically operated tools and equipment effectively grounded or of the approved double insulated type?			
8. Are portable fans provided with full guards or screens having openings 1/2" or less?			
9. Are ground-fault circuit interrupters provided on all temporary electrical 15 and 20-ampere circuits, used during periods of construction?			
10. Are pneumatic and hydraulic hoses on power-operated tools checked regularly for deterioration or damage?			
OPERATIONS AREAS			
N. Personal Protection:			
1. Is ventilation system functioning adequately (Static pressure drop at the exhaust ducts leading from the equipment should be checked periodically to assure satisfactory operation)			
2. Is protective eye and face equipment worn where required and are safety glasses worn over corrective lenses or do corrective lenses conform to ANSI Z-87.1-1968?			
3. Are hard-hats worn where there is risk of impact and penetration from falling and flying objects and are safety shoes or work boots worn as required?			
4. Are appropriate gloves worn (with forearm protection on commingle sort lines)?			
O. Materials Handling and Storage:			
1. Where mechanical handling equipment is used, are there sufficient safe clearances allowed for aisles, at loading docks, through doorways and wherever a turn or passage must be made?			
2. Are aiseways and passageways kept clean and in good repair and are there no obstructions across aiseways that could create a hazard?			
3. Does the storage of material not create a hazard - stacked, blocked, interlocked and limited in height to ensure they are stable and secured against sliding or collapse?			
4. Are storage areas kept free from accumulation of materials that constitute hazards from tripping, fire, explosion or harborage of pests?			
P. Powered Industrial Trucks - Maintenance and Fueling:			
1. Are all nameplates and markings in place and legible on powered industrial trucks?			
2. Are industrial trucks kept in a clean condition, free of lint, excess oil and grease?			
3. Is directional lighting provided on each industrial truck(s)?			
4. Does each industrial truck(s) have a warning horn, or other device which can be clearly heard above the normal noise in the areas where operated?			
5. Does each industrial truck have a reverse signal alarm audible above the surrounding noise level?			
6. Are the brakes on each industrial truck capable of bringing the vehicle to a complete and safe stop when fully loaded and does the parking brake effectively prevent the vehicle from moving when unattended?			
7. Are industrial trucks when found to be in need of repair, defective, or in any way unsafe taken out of service and repaired by an authorized mechanic using replacement parts that are equal to the original in safety?			
8. Are fuels storage and handling areas (gasoline, diesel or liquefied petroleum gas) clean, free from combustibles and cigarette butts, is there always metal contact between the container and the fuel tank and are fuel tank caps replaced and secured			

ITEM	OK	Needs Attn	N/A
before starting the engine?			
9. Are precautions taken to prevent open flames, sparks or electric arcs (are metallic objects kept away) in battery charging areas?			
Q. Powered Industrial Trucks - Operations:			
1. Are industrial truck(s) with internal combustion engine, operated in buildings or enclosed areas, carefully checked to ensure such operations do not cause harmful concentration of dangerous gases or fumes such as carbon monoxide?			
2. Are powered industrial trucks driven by authorized personnel only?			
3. Do personnel stay clear of the elevated portion of any truck, loaded or empty?			
4. Is an examination of industrial trucks made at least daily and after each shift?			
5. Are industrial trucks left in an off position when unattended or when the operator is more than 25 feet from the vehicle?			
6. Are loads only handled within the rated capacity of the truck and is the backrest extension used when necessary to stabilize the load?			
7. Are industrial trucks operated at safe speeds and stopped with the horn sounded at cross aisles and other locations where vision is obstructed?			
8. Are the brakes of highway trucks set and wheel chocks placed under the rear wheels (lock between dock and ICC bar) while trucks are boarded with powered industrial trucks?			
9. Are fixed jacks used to support a semi-trailer during loading and unloading when the trailer is not coupled to a tractor?			
10. Is positive protection used to prevent railcars and from being moved when dock boards or bridge plates are in position?			
R. Electrical Safety:			
1. Is each disconnect legibly marked to indicate its purpose?			
2. Is clear working space in front of an electrical panel maintained at no less than 36"?			
3. Is illumination provided for all working spaces about service equipment, switchboards, panel-boards and motor control centers installed indoors?			
4. Are all live parts of electrical equipment operating at 50 volts or more guarded against accidental contact?			
S. Machine Guarding			
1. Have all hazards from points of operation, ingoing nip points, rotating parts, flying chips, sparks, moving chains, gears, pulleys and belts (within 7 feet of the floor) been guarded?			
2. Are guards securely affixed to the machine or secured elsewhere if attachment to the machine is not possible and is the guard designed so that it does not create an accident hazard in itself?			
3. Are machines in fixed locations securely anchored and kept clean and properly maintained?			
4. If special hand tools are used for placing and removing material, do they protect the operator's hands?			
5. Are revolving drums, barrels and containers guarded by an enclosure that is interlocked with the drive mechanism, so that revolution cannot occur unless the guard enclosure is in place?			
OTHER FACILITY SPECIFIC ITEMS			
Signature / Title	Date		

ACCIDENT PROCEDURES

INJURY & VEHICLE ACCIDENT INVESTIGATIONS

A primary tool used by WCA Waste Corporation to identify the areas responsible for accidents is a thorough and properly completed accident investigation. The results of each investigation will be reduced to writing and submitted for review by management and Safety Review Committee if applicable and, if the accident resulted in serious injury, to Company attorneys. If the accident resulted in serious injury, the procedure will be directed by the attorneys to provide the most reliable evidence or description legally permissible. All investigations pursuant to the directions of legal counsel will be protected by all applicable privileges, if any. The attorney will provide more detail on this topic during the investigation.

Every job division will have on site at least one camera, preferably either a video or a sixty second type, with enough film to take pictures immediately after any occurrence.

A written report should be prepared from notes and diagrams made at the scene, or a portable dictaphone will be used to record direct eyewitness statements as near to the actual time of observation as possible. All statements should include the time and date given, and the town or county where the statement was made. If the statement is intended to be used in court proceedings, a suitable jury is required, otherwise, a simple statement that the description is sworn to be true under penalty of perjury with the date, place and time should be included. All pictures should be similarly identified. Let people know on tape that they are being recorded. Also, make sure that the names and addresses and day and evening phone numbers of all eye witnesses are noted or recorded.

If a formal police report or other official investigation is conducted by any government agency, get the name and badge number of the official, or a business card, and find out when a copy of the official report will be available to the public. If you are requested to make a statement, you have the right to have the Company lawyer attend your statement at no cost.

A satisfactory accident report will answer the following questions:

1. What happened? The investigation report should begin by describing the accident, the injury sustained, the eyewitnesses, the date, time and location of the incident and the date and time of the report. Remember: who, what, when, where and how are the questions that the report must answer.
2. Why did the accident occur? The ultimate cause of the accident may not be known for several days after all the data is analyzed. However, if an obvious cause suggests itself, include your conclusions as a hypothesis at the time you give your information to the person in charge of the investigation.
3. What should be done? Once a report determines the cause of the accident, it should suggest a method for avoiding future accidents of a similar character. This is a decision by the Site

Safety Coordinator, Supervisor or Site Manager. Once a solution has been adopted, it is everyone's responsibility to implement it.

4. What has been done? A follow up report will be issued after a reasonable amount of time to determine if the suggested solution was implemented, and if so, whether the likelihood of accident has been reduced.

NOTE: See the attached forms for Accident Investigation.

RECORD KEEPING

WCA Waste Corporation maintains the following records:

- Employee Training
- Safety Meeting Report
- Facility Inspection Report
- OSHA 300 Log (29 CFR 1904.1 thru 22)
- Employer's Report of Occupational Injury and Illness Quarterly Summary
- Hazard Identification and Abatement
- Accident Investigation
- Safety Review Committee Meeting Report
- DOT Accident Register (49 CFR 390.15 b)
- Employee Asbestos Related Records
- Material Safety Data Sheets (MSDS) (29 CFR 1910.1200 (g) (1))
- Chemical Inventory List (29 CFR 1910.1200)

These records will be maintained by the Site Manager or Site Safety Coordinator for a period of five (5) years, with the exception of the "Employee Asbestos Related Records" which will be maintained for the entire duration of employment plus 30 years.

INJURIES & ILLNESSES - OSHA (29 CFR 1904.1 thru 22)

A written report will be maintained on each accident, injury or on-the-job illness requiring medical treatment and deemed recordable as stated in (OSHA 1904.12 c). A record of each such recordable injury or illness is recorded on OSHA Log and Summary of Occupational Injuries Form 300 according to its instructions. The OSHA Log 300 is to be completed by February 1. The Log for the previous calendar year shall be posted no later than February 1, and shall remain in place until March 1. The Occupational and Safety Health Act of 1970 Section 17 (g) provides that "Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment, for not more than 6 months or both."

DEFINITIONS.

"Recordable occupational injuries or illnesses" (29 CFR 1904.12 c) are any occupational injuries or illnesses, which result in:

- 1) Fatalities, regardless of the time between the injury and death, or the length of the illness; or
- 2) Lost workday cases, other than fatalities, that result in lost workdays; or
- 3) Nonfatal cases without lost workdays, which result in transfer to another job or termination of employment, or require medical treatment (other

than first aid) or involve: loss of consciousness or restriction of work or motion. This category also includes any diagnosed occupational illnesses, which are reported to the employer but are not classified as fatalities or lost workday cases.

"Medical treatment" includes treatment administered by physician or by registered professional personnel under the standing orders of a physician. Medical treatment does not include first aid treatment even though provided by a physician or registered professional personnel.

"First Aid" is any one-time treatment, and any follow-up visit for the purpose of observation, of minor scratches, cuts, burns, splinters, and so forth, which do not ordinarily require medical care. Such one-time treatment, and follow up visit for the purpose of observation, is considered first aid even though provided by a physician or registered professional personnel.

"Lost workdays": The number of days (consecutive or not) after, but not including, the day of injury or illness during which the employee would have worked but could not do so; that is, could not perform all or any part of his normal assignment during all or any part of the workday or shift, because of the occupational injury or illness.

FATALITY OR MULTIPLE HOSPITALIZATION INCIDENTS - OSH4 (29 CFR 1904.8)

(a) Within eight (8) hours after the death of any employee from a work-related incident or the inpatient hospitalization of three or more employees as a result of a work-related incident, the employer of any employees so affected shall orally report the fatality/multiple hospitalization by telephone or in person to the Area Office of the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, that is nearest to the site of the incident, or by using the OSHA toll-free central telephone number.

(b) This requirement applies to each such fatality or hospitalization of three or more employees, which occurs within thirty (30) days of an incident.

(c) Exception: If the employer does not learn of a reportable incident at the time it occurs and the incident would otherwise be reportable under paragraphs (a) and (b) of this section, the employer shall make the report within 8 hours of the time the incident is reported to any agent or employee of the employer.

(d) Each report required by this section shall relate the following information: Establishment name, location of incident, time of the incident, number of fatalities or hospitalized employees, contact person, phone number, and a brief description of the incident.

VEHICLE ACCIDENTS - DOT (49 CFR 382.303 Post-Accident Testing)

(a) As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each employer shall test for alcohol and controlled substances for each surviving driver:

- (1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; OR
- (2) Who receives a citation under State or Local law for a moving traffic violation arising from the accident, if the accident involved:
 - (i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; OR
 - (ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

(b)(1) **Alcohol Tests.** If a test required by this section is not administered within two hours following the accident, the employer shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this section is not administered within eight hours following the accident, the employer shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FHWA upon request of the Associate Administrator.

(2) N/A

(3) Records of alcohol tests that could not be completed in eight hours shall be submitted to the FHWA at the following address: Attn: Alcohol Testing Program, Office of Motor Carrier Research and Standards (HCS-1), Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590.

(4) **Controlled Substance Test.** If a test required by this section is not administered within 32 hours following the accident, the employer shall cease attempts to administer a controlled substances test, and prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FHWA upon request of the Associate Administrator.

For the remainder of 382.303, see the Federal Motor Carrier Safety Regulations.

ACCIDENT REGISTER - DOT (49 CFR 390.15 b)

This rule applies to interstate commerce transporting property or passengers as stated below. If your facility should fall within this regulation, you must maintain an Accident Register.

§390.3 General applicability.

- a. The rules in Subchapter B of this chapter are applicable to all employers, employees, and commercial motor vehicles, which transport property or passengers in interstate commerce.
- b. (See Regulations)
- c. (See Regulations)
- d. Additional requirements. (See Regulations).
- e. Knowledge of and compliance with the regulations (See Regulations)
- f. Exceptions (See Regulations)

NOTE: See the attached forms for DOT Accident Register.

§390.5 Definitions.

Accident means -

(1) Except as provided in paragraph (2) of this definition, an occurrence involving a commercial motor vehicle operating on a public road in interstate or intrastate commerce which results in:

- (i) A fatality;
- (ii) Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
- (iii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

(2) The term accident does not include:

- (i) An occurrence involving only boarding and alighting from a stationary motor vehicle; or
- (ii) An occurrence involving only the loading or unloading of cargo; or
- (iii) An occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle (as defined in 571.3 of this title) by a motor carrier and is not transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with 177.823 of this title.

§390.15 Assistance in investigations and special studies.

(a) A motor carrier shall make all records and information pertaining to an accident available to an authorized representative or special agent of the Federal Highway Administration upon request or as part of any inquiry within such time as the request or inquiry may specify. A motor

carrier shall give an authorized representative of the Federal Highway Administration all reasonable assistance in the investigation of any accident including providing a full, true and correct answer to any question of the inquiry.

(b) Motor carriers shall maintain for a period of one year after an accident occurs, an accident register containing at least the following information:

- (1) A list of accidents containing for each accident:
 - (i) Date of accident,
 - (ii) City or town in which or most near where the accident occurred and the State in which the accident occurred,
 - (iii) Driver name,
 - (iv) Number of injuries,
 - (v) Number of fatalities, and
 - (vi) Whether hazardous materials, other than fuel spilled from the fuel tanks of motor vehicles involved in the accident, were released.
- (2) Copies of all accident reports required by State or other governmental entities or insurers.

DRUGS, ALCOHOL AND OTHER PROHIBITED ITEMS

Introduction

It is this Company's intention to comply fully with 49 CFR Part 40 et seq. U.S. Department of Transportation Procedures for Transportation Workplace Drug and Alcohol Testing Programs effective August 1, 2001 as well as 49 CFR Part 382 et seq. of the Federal Motor Carrier Safety Administration's Controlled Substances and Alcohol Use and Testing Rule effective August 17, 2001. These Regulations will be available for inspection and review by contacting the Designated Employer Representative (DER) for this Company.

49 CFR Part 40 and 382, to be implemented together, govern the drug and alcohol testing and program requirements for CDL drivers/operators as explained in the foregoing Regulations and hereafter in this Policy. As the Department of Transportation's Regulations are amended and official guidance/interpretations are published, this Policy shall be deemed to be automatically amended, without the need for redrafting, to reflect and be consistent with those amendments, official guidance/interpretations. In such case, this Company reserves the right to apply the amended requirements upon their effective date without giving prior notice to drivers and/or applicants, unless such notice is required by the Department of Transportation or another applicable law. Authority for program changes made in the future as a result of official guidance or interpretations from the Department of Transportation may be requested from this Company's Designated Employer Representative (DER).

49 CFR Part 382.109 preempts any state or local law, rule, regulation, or order to the extent that compliance with both the State or local requirement of 382 is not possible; or compliance with the State or local requirement is an obstacle to the accomplishment and execution of any of the regulatory requirements. Provisions of State criminal law that impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees, employers, or the general public are not preempted.

To the extent that any part of this Policy is inconsistent with federal or state law, such law will control over the Policy solely with respect to the inconsistent provision and shall have no effect on the remainder of the Policy.

I. GENERAL

A. Policy and Purpose

1. Employer has a long-standing commitment to maintain the highest standards for employee safety and health. The use of controlled substances or the misuse of alcohol by employees is contrary to these high standards. Employer also has an obligation to its employees, clients, customers and to the general public to provide a safe workplace. Employer is vitally concerned with those situations where the use of illegal drugs, the illegal use of legal drugs, and/or alcohol misuse seriously interferes with any person's health and job performance and the Employer's business

operations and is a hazard to safety and welfare of other employees and the public at large.

2. The U. S. Department of Transportation (DOT) and the U.S. DOT Federal Motor Carrier Safety Administration (FMCSA) have each published regulations at 49 CFR Part 40 and 49 CFR Part 382 which are read together and are directly applicable to individuals in certain safety sensitive positions, as defined in the Regulations. These regulations establish minimum content and procedural standards for Drug and Alcohol Testing Programs. This policy and program is being implemented in accordance with Employer's legal obligations in consideration of the DOT's mandatory Drug and Alcohol Testing requirements.
3. The Controlled Substances and Alcohol Use and Testing Policy and Procedures contained herein sets forth the DOT and FMCSA requirements from 49 CFR Parts 382 and 40. Appendix D attached hereto, reflects Employer's organization specific discretionary policies and disciplinary consequences. Appendix E attached hereto, documents Employer's election regarding the 49 CFR Part 382 Voluntary Self-Identification Program made discretionary to Employer.

B. Applicability

1. FMCSA regulations apply to every person and to all employers of such persons who operate a commercial motor vehicle in commerce in any State, and is subject to:
 - (1) The commercial driver's license requirements
 - (2) The Licencia Federal de Conductor (Mexico) requirements; or
 - (3) The commercial drivers license requirements of the Canadian National Safety Code
2. An employer who employs himself/herself as a driver must comply with both the requirements that apply to employers under Part 382 and the requirements that apply to drivers under Part 382. An employer who employs only himself/herself as a driver must implement a random alcohol and controlled substances testing program of two or more covered employees in the random selection pool.
3. Applicants seeking positions as drivers or to be transferred to a safety- sensitive position are also subject to the FMCSA requirements. Applicants are considered employees within the meaning of 49 CFR Parts 382 and 40.
4. The categories of drivers subject to these policies and procedures are included in Appendix A attached hereto.

5. The following employers and their drivers do not have to comply with Part 382:
 - (1) Those required to comply with the alcohol and/or controlled substances testing requirements of the Federal Transit Administration alcohol and controlled substances testing regulations
 - (2) Those who a State must waive from the requirements of Part 383. These individuals include active duty military personnel; members of the reserves; and members of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-time national guard training and national guard military technicians (civilians who are required to wear military uniforms), and active duty U.S. Coast guard personnel; or
 - (3) Those who a State has, at its discretion, exempted from the requirements of Part 383 of the FMCSA such as:
 - (i) Operators of a farm vehicle which is
 - (A) Controlled and operated by a farmer;
 - (B) Used to transport either agricultural products, farm machinery, farm supplies, or both to or from a farm;
 - (C) Not used in the operations of a common or contract motor carrier; and
 - (D) Used within 241 kilometers (150) miles of the farmer's farm
 - (ii) Firefighters or other persons who operate commercial motor vehicles which are necessary for the preservation of life or property or the execution of emergency governmental functions, are equipped with audible and visual signals, and are not subject to normal traffic regulation.

C. Testing Procedures

1. Alcohol and controlled substances testing shall be conducted in accordance with the procedures set forth in the DOT regulations 49 CFR Parts 40 as amended and interpreted by official guidance from time to time.
2. 49 CFR Part 40 is available for review upon request to the Designated Employer Representative (DER). The regulation contains the procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver.

D. Definitions

“Accident” - means an occurrence involving a commercial motor vehicle operating on a highway (highway means any road, street, or way, whether on public or private property, open to public travel. “Open to public travel” means that the road section is available, except during scheduled periods, extreme weather or emergency conditions, passable by four - wheel standard

passenger cars and open to the general public for use without restrictive gates, prohibitive signs, or regulation other than restrictions based on size, weight, or class or registration. Toll plazas of public toll roads are not considered restrictive gates.) which results in:

- a. A fatality;
- b. Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
- c. One or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

Note: The term accident does not include an occurrence involving only the boarding and alighting from a stationary motor vehicle; or an occurrence involving only the loading or unloading of cargo.

“Actual Knowledge” - for the purpose of Subpart B of Part 382, means actual knowledge by an employer that a driver has used alcohol or controlled substances based on the employer's direct observation of the employee, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances or an employee's admission of alcohol or controlled substance use, except as provided in Section 382.121. Direct observation as used in this definition means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion under Section 382.307.

“Adulterated specimen” A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine. If a specimen is reported by the laboratory to the Medical Review Officer to have been adulterated or substituted, the Medical Review Officer will offer the donor/employee/applicant the right to have his or her split specimen tested. If the Medical Review Officer reports that the donor/employee/applicant has a verified adulterated test result, it is considered a refusal to take a drug test. A refusal to take a drug test results in consequences specified under DOT Agency regulations for violation of those DOT agency regulations. The Company's disciplinary policy and consequences for a positive test for refusal to submit to testing also applies.

“Alcohol” - the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

“Alcohol concentration (or content)” - means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this part.

“Alcohol use” - means the drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.

“Breath Alcohol Technician (BAT)” - an individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT).

“Commerce” - means

- (1) Any trade, traffic or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, including a place outside of the United States; and
- (2) Trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation described in paragraph (1) of this definition.

“Commercial motor vehicle” - a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle-

- (1) Has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- (2) Has a gross vehicle weight rating of 26,001 or more pounds; or
- (3) Is designed to transport 16 or more passengers, including the driver; or
- (4) Is of any size and is used in the transportation of hazardous materials requiring placards.

“Confirmation (or confirmatory) drug test” - means a second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or drug metabolite.

“Confirmation test” - for alcohol testing means a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substances testing, means a second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or drug metabolite.

“Confirmation (or confirmatory) validity test” - means a second test performed on a urine specimen to further support a validity test result. Validity testing determines whether a specimen is adulterated or substituted. An adulterated specimen means that a) a specimen contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine. A substituted specimen means that the specimen's creatinine and specific gravity values are so diminished that they are not consistent with human urine.

“Confirmed drug test” - means that a confirmation test result is received by an MRO from a laboratory.

“Consortium/Third Party Administrator” (C/TPA) - means a service agent that provides or coordinates one or more drug and/or alcohol testing services to DOT-regulated employers. C/TPAs typically provide or coordinate the provision of a number of such services and perform administrative tasks concerning the operation of the employers' drug and alcohol testing programs. This term includes, but is not limited to, groups of employers who join together to administer, as a single entity, the DOT drug and alcohol testing programs of its members (e.g.; having a combined random testing pool.) C/TPAs are not “employers” for purposes of 382 of the FMCSA Regulations.

“Chain of custody” - the procedure used to document the handling of the urine specimen from the time the employee gives the specimen to the collector until the specimen is destroyed. This procedure uses the Federal Custody and Control Form (CCF).

“Designated Employer Representative” - (DER) is an individual identified by the employer as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove employees from safety-sensitive duties and make required decisions in the testing and evaluation processes. The individual must be an employee of the company. Service agents cannot serve as DERs.

“Dilute specimen” - A specimen with creatinine and specific gravity values that are lower than expected for human urine. If a specimen is reported by the laboratory to the Medical Review Officer as a dilute negative, the employer may require the donor/employee/applicant to submit to another unobserved collection immediately. The result from the second collection will become the test of record. A third or further collection is not permitted. Each type test and donor, employee or applicant category will be treated the same under this policy. Note that a dilute specimen may possibly be due to: 1) a medical condition; 2) the donor normally consumes large amounts of fluid; or 3) the donor hydrated in an attempt to reduce the level of detection on a drug test.

The foregoing notwithstanding, effective May 28, 2003, when the MRO gets a report from the laboratory that the creatinine level in a specimen is greater than or equal to 5 mg/dL, the MRO will report the specimen to the employer as “dilute”, just as if the creatinine concentration were greater than or equal to 5 but less than 20 mg/dL (and also negative or positive, as provided in 49 CFR Part 40.155).

When the MRO gets a report from the laboratory that the creatinine level in a specimen is 2 mg/dL or above but less than or equal to 5 mg/dL, the MRO will report the test as dilute and must also direct the employer to require the employee to undergo an immediate recollection under direct observation. The employer must ensure that this recollection takes place. This procedure for specimens in the 2-5 mg/dL creatinine concentration range will ensure that people who may naturally produce low creatinine levels will not be reported to employers as having substituted their specimens.

“Disabling damage” – means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

- (1) Inclusions – Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.
- (2) Exclusions –
 - (i) Damage which can be remedied temporarily at the scene of the accident without special tools or parts.
 - (ii) Tire disablement without other damage even if no spare tire is available.
 - (iii) Headlight or taillight damage.
 - (iv) Damage to turn signals, horn or windshield wipers which make them inoperative.

“DOT Agency” - means an agency (or “operating administration”) of the United States Department of Transportation administering regulations requiring alcohol and/or drug testing (14 CFR parts 61,63, 65, 121, and 135; 49 CFR Parts 199, 219, 382, and 655), in accordance with part 40 of this title.

“Driver” - means any person who operates a commercial motor vehicle. This includes, but is not limited to: Full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors.

“Drugs” - The drugs for which tests are required under 49 CFR Part 40 and 49 CFR Part 382 FMCSA Regulation are marijuana, cocaine, amphetamines, phencyclidine (PCP), and opiates.

“Employee” - any person who is designated in a DOT agency regulation such as that of the FMCSA as subject to drug testing and/or alcohol testing. **The term includes individuals currently performing safety-sensitive functions designated in DOT agency regulations and applicants for employment subject to pre-employment testing.** For purposes of drug testing, the term employee has the same meaning as the term “donor”.

“Employer” - means a person or entity employing one or more employees (including an individual who is self-employed) that is subject to DOT agency regulations requiring compliance with this part. The term, as used in this part, means the entity responsible for overall implementation of DOT drug and alcohol program requirements, including individuals employed by the entity who take personnel actions resulting from violations of this part and any applicable DOT agency regulations. Service agents are not employers for the purposes of this part.

“Evidential Breath Testing device (EBT)” - a device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath at the .02 and .04 alcohol concentrations, placed on NHTSA’s “Conforming Product’s List of Evidential Breath Measurement Devices” (CPL) and identified on the CPL as conforming with the model specifications available from NHTSA’s Traffic Safety Program.

“Licensed medical practitioner” - means a person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.

“Medical Review Officer (MRO)” - a licensed physician (medical doctor or doctor of osteopathy) qualified to act as an MRO under 49 CFR Part 40 by possessing the required (a) credentials, (b) basic knowledge, and (c) receiving qualification training meeting the requirements of 40 CFR Part 40.

“Performing (a safety-sensitive function)” - any period in which the driver is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

“Refuse to submit (to an alcohol or controlled substance test) means that the driver” -

- (1) fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a C/TPA (see Section 40.61 (a) of this title);
- (2) fails to remain at the testing site until the testing process is complete. Provided, that the employee who leaves the testing site before the testing process commences (see Section 40.63 (c) of this title) a pre-employment test is not deemed to have refused to test;
- (3) fails to provide a urine specimen for any drug test required by this part or DOT agency regulations. Provided, that an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences (see Section 40.63 (c) of this title) for a pre-employment test is not deemed to have refused to test;
- (4) in the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of a specimen (see Sections 40.67 (l) and 40.60 (g) of this title);
- (5) fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure (see Section 40.193 (d) (2) of this title);
- (6) fails or declines to take a second test the employer or collector has directed the driver to take;
- (7) fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER under Section 40.193 (d) of this title. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;
- (8) fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or
- (9) is reported by the MRO as having a verified adulterated or substituted test result.

“Safety-sensitive function” - any of those on-duty functions set forth in 395.2 *On-Duty time*, paragraphs (1) through (7) as listed below:

- (1) All time at a carrier or shipper plant, terminal, facility, or other property, waiting to be dispatched, unless the covered person has been relieved from duty by the employer.
- (2) All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations (FMCSR's), or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at anytime.
- (3) All time spent at the driving controls of a commercial motor vehicle.
- (4) All time, other than driving time, spent on or in a commercial motor vehicle (except for time spent resting in the sleeper berth).
- (5) All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
- (6) All time spent performing the covered persons requirements associated with an accident.
- (7) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

“SAMHSA Certified Laboratory” - Substance Abuse and Mental Health Services accredited drug-testing laboratories (laboratories were formerly accredited by NIDA). SAMHSA inspects and regulates such laboratories.

“Screening test (or initial test)” - (1) in drug testing, a test to eliminate “negative” urine specimens from further analysis or to identify a specimen that requires additional testing for the presence of drugs. (2) in alcohol testing, an

analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.

“Substance Abuse Professional” (SAP) - a person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare. To be qualified to act as a SAP under the DOT program, the SAP must be a licensed physician (Doctor of Medicine or Osteopathy), a licensed or certified social worker, a licensed or certified psychologist, a licensed or certified Employee Assistance Professional, or a drug and alcohol counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAS) or by the International Certification Reciprocity Consortium/Alcohol and Drug Abuse (ICRC). The SAP must also be knowledgeable about and have clinical experience in controlled substances, abuse disorders, including knowledge of the SAP function as it relates to employer interests in safety-sensitive duties. The SAP must also be knowledgeable about Part 40, the current SAP guideline, the DOT agency regulations applicable to the employer for whom the SAP evaluates employees and the SAP must keep current on any changes to these materials. Qualification training and continuing education requirements are also required.

“Substituted Test” - A substituted specimen is a specimen with creatinine and specific gravity values that are so diminished as that they are not consistent with human urine. **Effective May 28, 2003 when the MRO receives a report from the laboratory that the creatinine level in a specimen is less than 2 mg/dL or is “creatinine not detected”, the MRO will report the specimen to the employer as “substituted”.** If a specimen is reported to the Medical Review Officer to have been substituted, the Medical Review Officer will offer the donor/employee/applicant the right to have his or her split specimen tested. If the specimen is determined to have been substituted, the Medical Review Officer will also advise the donor/employee/applicant of specific additional procedural steps that may be taken by the donor/employee/applicant to challenge the result. If the Medical Review Officer reports that the donor/employee/applicant has a verified substituted test result, it is considered a refusal to take a drug test. A refusal to take a drug test results in the consequences specified under the DOT Agency regulations for violation of those DOT agency regulations. The company's disciplinary policy and consequences for a positive test for refusal to submit to testing also applies.

“ Verified Test “ - A drug test result or validity testing result from an HHS-certified laboratory that has undergone review and final determination by the MRO.

E. Employer Responsibilities

1. Designated Employer Representative (DER) - Appendix B attached hereto, contains the name, address, and telephone number of the employer's various responsible parties. The DER and other Employer designated individuals shall be responsible for the implementation and management of the Employer's controlled substance and alcohol use and testing policy and procedures which complies with DOT and FMCSA regulations 49 CFR Parts 382 and 40. The DER in coordination with the company's third-party program administrator shall be responsible for providing oversight and evaluation on the Employer's program: providing guidance and counseling; reviewing of all discipline applied under the Employer's policy and procedures for consistency and conformance to human resources policies and procedures; scheduling for types of testing; maintaining a secured file system on all alcohol and controlled substance test results; and overseeing the referral of employees for evaluation and treatment. The Employer shall ensure that all drivers are aware of the provisions and coverage of the Employer's controlled substance and alcohol use and testing policy and procedures.
2. Supervisor(s) or Employer Official - Employer designated individuals responsible

for determining whether reasonable suspicion exists to require a driver to undergo controlled substances and/or alcohol testing; based on physical, behavioral, speech, and performance indicators of probable alcohol misuse and/or use of controlled substances. These designated individuals must be trained in accordance with Part 382 and may not conduct the alcohol test on the driver.

3. Driver(s) - Each driver has the responsibility to be knowledgeable of the requirements of the Employer's policy and procedures and to fully comply with the provisions thereof.
4. Notice of Test(s) - Before performing each alcohol or controlled substances test under this part, the Employer must notify the driver that the alcohol or controlled substances test is required by the FMCSA Regulations. The Employer must not falsely represent that a test is required under 49 CFR Part 382. The Employer must not require the driver to sign consent to test form because the testing is required by federal law and implementing.
5. Testing Procedures - Each employer must ensure that all alcohol or controlled substances testing conducted under this part complies with the procedures set forth in 49 CFR Part 40.
6. Penalties - Any employer or driver who violates the requirements of 49 CFR Part 382 shall be subject to civil and/or criminal penalty provisions of 49 U.S.C, 521 (b). In addition, any employer or driver who violates the requirements of 49 CFR Part 40 shall be subject to the civil and/or criminal penalty provisions of 49 U.S.C. 521 (b).

F. Notification

1. The Employer's Controlled Substances and Alcohol Use and Testing Policy and procedures shall be included with the appropriate company material provided to drivers. The Employer's Policy will be posted in prominent locations that are readily accessible to all drivers. All drivers will be provided a complete copy of the company's policy and procedures, and information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem; and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, and referral.

G. Implementation

All domestic-domiciled employers must implement the requirements of this part on the date the employer begins commercial motor vehicle operations. All foreign-domiciled employers must implement the requirements of 49 CFR Part 382 on the date the employer begins commercial motor vehicle operations in the United States.

1. The Employer hereby implements the Department of Transportation, Federal Motor Carrier Safety Administration's Controlled Substances and Alcohol Use and Testing regulations as set forth in 49 CFR Part 382; and the Department of Transportation, Procedures for Transportation Workplace Drug and Alcohol Testing Programs as set forth in 49 CFR Part 40.
2. The privacy and confidentiality of all drivers subject to these policy and procedures must be maintained at all times.
3. All domestic-domiciled employers must implement the requirements of this part on the date the employer begins commercial motor vehicle operations. All foreign-domiciled employers must implement the requirements of 49 CFR Part 382 on the date the employer begins commercial motor vehicle operations in the United States. Implementation of this Employer's Controlled Substances and Alcohol Use And Testing Policy and Procedures is or was effective on January 2000.

II. PROHIBITIONS

A. Prohibited Conduct

The following alcohol and drug abuse-related activities are prohibited by the Federal Motor Carrier Safety Administration's Controlled Substances and Alcohol Use and Testing Rules for drivers/operators of commercial motor vehicles:

1. Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.02 or greater.
2. Being on duty or operating a commercial motor vehicle (CMV) while the driver possesses alcohol or illegal drugs, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.
3. Using alcohol or illegal drugs while performing safety-sensitive functions.
4. When required to take a post-accident alcohol test, using alcohol within eight hours following the accident or prior to undergoing a post-accident test, whichever comes first.
5. Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion or follow-up testing requirements.
6. Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the driver uses alcohol and/or any controlled substance except when instructed by a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV. The Company may require a driver to inform the Company of any therapeutic drug use.

7. Reporting for duty, remaining on duty or performing a safety-sensitive function, if the driver tests positive for alcohol and/or controlled substances.

If the Company has actual knowledge that a driver is using alcohol while performing safety-sensitive functions, the Company will not permit the driver to perform or continue to perform safety-sensitive functions. 49 CFR 382.205

If the Company has actual knowledge that a driver has used a controlled substance, the Company will not permit the driver to perform or continue to perform a safety sensitive function. 49 CFR 382.213 (b)

B. Consequences of Prohibited Conduct

Covered drivers who are known to have engaged in prohibited conduct, with regard to alcohol misuse or use of controlled substances, are subject to the following consequences:

1. Shall not be permitted to perform safety-sensitive functions.
2. Shall be advised by the employer of the resources available to them in evaluating and resolving problems associated with the misuse of alcohol or use of controlled substances.
3. Shall be evaluated by a substance abuse professional (SAP) who shall determine what assistance, intervention or assistance is required for the driver associated with alcohol misuse and/or controlled substances use.
4. Before returning to duty requiring performance of a safety-sensitive function, he/she shall undergo a return-to-duty alcohol test with a result indicating a breath alcohol level of less than 0.02 if the conduct involved alcohol, or a controlled substance test with a verified negative result if the conduct involved controlled substance use. It must be the start of the driver's next regularly scheduled duty period but not less than 24 hours following the administration of a test before an employee driver may be returned to a safety-sensitive function after an alcohol test result indicating a breath alcohol level of 0.02 but less than 0.04. The Company will not take any action against a driver solely on test results showing an alcohol concentration less than 0.04.
5. In addition, each driver must be re-evaluated by a SAP to determine that the driver has followed the rehabilitation program prescribed.
6. Drivers shall also be subject to unannounced follow-up alcohol and controlled substance testing. The number and frequency of such follow-up testing shall be as directed by the SAP, and consist of at least six tests in the first 12 months.

III. TYPES OF TESTING REQUIRED

The Federal Motor Carrier Safety Administration has established regulations requiring drivers of commercial motor vehicles to be tested for use of controlled substances and the misuse of alcohol. The following are the types of tests required:

- Pre-employment Testing
- Random Testing
- Reasonable Suspicion Testing
- Post-Accident Testing
- Return-to-Duty Testing
- Follow-up Testing

Before performing each alcohol or controlled substances test under this part, The Company will notify the driver that the alcohol or controlled substances test is required by 49 CFR Part 382 of the Federal Motor Carrier Safety Administration Regulations (FMCSA) at 49 CFR Part 382.113. The Company will not falsely represent that a test is required under this part. The Company is not permitted to require the driver to sign a consent form because the testing is required by federal law and regulation.

A. Pre-Employment Testing

1. Prior to the first time a covered person performs safety-sensitive functions, he/she must submit to and pass testing for controlled substances. Employer may conduct pre-employment alcohol testing provided the procedures in 49 CFR Part 40 are followed.
2. The Company will not allow a covered person to perform a safety-sensitive function unless the Company has received a controlled substance test result from the Medical Review Officer (MRO) indicating a verified negative result.

EXCEPTIONS

The Company may, but is not required to, conduct pre-employment alcohol testing. If the Company does conduct such testing it will fully comply with the requirements of 49 CFR 382.401.

These requirements are as follows:

- (1) It must conduct a pre-employment alcohol test before the first performance of safety-sensitive functions by every new employee (whether a new employee or someone who has transferred to a position involving the performance of safety-sensitive functions).
- (2) It must treat all safety-sensitive employees performing safety-sensitive functions the same for the purposes of pre-employment alcohol testing (i.e.; it must not test some covered employees and not others).
- (3) It must conduct the pre-employment tests after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment

- alcohol test.
- (4) It must conduct all pre-employment alcohol tests using the alcohol testing procedures of 49 CFR Part 40.
 - (5) It must not allow a covered employee to begin performing safety-sensitive functions unless the result of the employee's test indicates an alcohol concentration of less than 0.04.

In addition, the employer must ensure that no prior employer has a record of violations of any DOT alcohol misuse rules for that person in the previous 6 months.

The Company is not required to administer a pre-employment controlled substance test if the following conditions are met:

- Driver has participated in a controlled substance testing program that meets the requirements of 49 CFR Part 382 within the previous 30 days; and
- While participating in that program, either was tested for controlled substances in the previous 6 months from date of application with the employer or participated in the random controlled testing program 12 months from the date of application with the employer.
- The Company ensures that no prior employer of the driver is aware of violation of DOT agency controlled substances rule within the previous 6 months.

In order to exercise either of the foregoing exceptions listed above, the Company will obtain and retain verification information from the driver's prior program(s) in accordance with 49 CFR Part 382.301 (c) (1).

If the Company uses a covered person more than once a year, but does not employ that individual, the Company will assure itself at least once every 6 months that the driver participates in an alcohol and drug testing program which meets the requirements of this rule.

B. Post-accident Testing

As soon as practicable following an accident involving a commercial motor vehicle, the Company will test each surviving covered person for alcohol and controlled substances when either:

- the accident involved a fatality; or
- he/she receives a citation under state or local law for a moving traffic violation arising from the accident.

For the purpose of this rule an accident is defined as an incident involving a commercial motor vehicle in which there is either a fatality, an injury treated away from the scene, or a vehicle is required to be towed from the scene.

When a required controlled substances test has not been administered within a reasonable time frame following the accident, the following actions shall be taken:

<u>Time Elapsed</u>	<u>Action Required</u>
2 hours	If the covered person(s) has not submitted to an alcohol test at this time, the employer shall prepare and maintain on file a record stating the reason a test was not promptly administered.
8 hours	Cease attempts to administer alcohol test, and prepare and maintain record described above.
32 hours	If the covered person(s) has not submitted to a controlled substance test at this time, the employer shall cease attempts to administer the test, and prepare and maintain the record described above.

IMPORTANT NOTE:

Nothing in this document should be construed as to require the delay of necessary medical attention for injured people following an accident, or to prohibit a covered person from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

Driver Responsibility:

A person who is subject to post-accident testing must remain available, or the Company may consider he/she to have refused to submit to testing. Persons subject to post-accident testing must refrain from consuming alcohol for 8 hours following the accident, or until he/she submits to an alcohol test.

Company Responsibility:

The Company shall provide necessary post-accident information, procedures and instructions, prior to the driver operating a commercial motor vehicle, so that he/she will be able to comply with the requirements of this rule.

FMCSA recognizes post-accident tests conducted by Federal, State, and local officials as meeting the requirements of this rule under the following conditions:

- The official must have independent authority to conduct the test;
- Test must conform to federal, state, or local requirements;
- Alcohol test require blood or breath sample; and
- Controlled substances tests require urine sample.

C. Random Testing

1. Drivers performing safety-sensitive functions will be tested for alcohol at a minimum annual rate of ten (10%) of the average number of driver positions, and at a minimum annual rate of fifty percent (50%) for controlled substances testing.
2. Random selection shall be performed independently by Employer's Consortium/Third Party Administrator (C/TPA) utilizing a computer based scientifically valid method of selection.
The selection process shall give each driver an equal chance of being selected each time a selection is made.
3. Employer shall conduct a minimum of four (4) selections annually, spread reasonably throughout the calendar year.
4. Each driver selected for testing shall be tested within the selection period.
5. Upon notification of selection for controlled substances and/or alcohol testing each driver shall proceed immediately to the designated testing site.
6. A driver shall only be tested for alcohol while the driver is performing safety sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.
7. An employer who employs only himself/herself as a driver, must implement an Alcohol and Controlled Substances Testing Program that includes more persons than himself/herself as covered employees in the random testing pool; i.e. a consortium.

D. Reasonable Suspicion Testing

1. The company will require a driver to submit to an alcohol and/or controlled substances test(s) when it has reasonable suspicion to believe the driver has violated the provisions of this policy and procedures related to prohibited conduct.
2. A supervisor's determination that reasonable suspicion exists to require an alcohol or controlled substances test(s) must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors. Observations may include indications of the chronic and withdrawal effects of controlled substances.
3. Supervisors or company officials making observations for alcohol and controlled substances reasonable suspicion testing shall be provided at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. Supervisor training shall cover the physical,

behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

4. Reasonable cause testing for alcohol shall occur only if the observations are made during, just preceding, or just after a driver's workday.
5. If a reasonable suspicion alcohol test is not administered within two hours following determination of reasonable suspicion, the supervisor shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered.
6. If a reasonable suspicion alcohol test is not administered within eight hours following determination of reasonable suspicion, the company shall cease attempts to administer an alcohol test and shall state in the record the reasons for not completing the tests.
7. The supervisor or company official shall make a written report of observations leading to reasonable suspicion testing. The documentation shall be prepared and signed by the supervisor or company official within 24 hours of the observed behavior or before the results of the tests are released, whichever is earlier.

E. Return-to-duty testing

1. The company shall ensure that before a driver returns to duty to perform a safety sensitive function, after engaging in prohibited conduct concerning alcohol, the driver shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02.
2. The company shall ensure that before a driver returns to duty to perform a safety sensitive function, after engaging in prohibited conduct concerning controlled substances, the driver shall undergo a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances use.
3. The driver must comply with the SAP's recommended provisions in order to be considered eligible to return-to-duty.

F. Follow-up testing

1. Following a determination that a driver is in need of assistance in resolving problems associated with alcohol and/or use of controlled substances, the driver will be subject to unannounced follow-up alcohol and/or controlled substances testing as directed by a substance abuse professional (SAP).

2. Follow-up alcohol testing shall be conducted only when the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing safety-sensitive functions.

IV. TEST RESULTS REPORTING, RECORDKEEPING, AND CONFIDENTIALITY

A. Retention of Records

1. General requirements

- a. The Employer shall maintain all alcohol and controlled substances testing information including test results and other appropriate records in a secure location with controlled access.
- b. The DER shall maintain a secured file system that will contain the alcohol and controlled substances testing records. Files shall be maintained as confidential. Employee files shall be handled on a strict “need to know” basis.

2. Period of retention of records

- a. The following records shall be maintained by the company or its designated agent for a period of five years:
 - i. Records of alcohol test results with results indicating an alcohol concentration of 0.02 or greater.
 - ii. Records of verified positive controlled substances test results.
 - iii. Documentation of refusal to take a required alcohol or controlled substances tests.
 - iv. Driver evaluations and referrals.
 - v. Calibration documentation for evidential breath testing (EBT) equipment.
 - vi. Records related to the administration of the alcohol and controlled substances testing programs; and
 - vii. A copy of each annual calendar year summary report.
- b. Records related to the alcohol and controlled substances collection process (except calibration of EBT equipment) and training shall be maintained for a

minimum of two years.

- c. Records of negative and canceled controlled substances and alcohol test results with a concentration of less than 0.02 shall be maintained for a minimum of one-year.

3. The following specific types of records shall be maintained:

a. Records related to the collection process:

- i. Collection logbooks, if used;
- ii. Documents related to the random selection process;
- iii. Calibration documentation for EBT devices;
- iv. Documentation of Breath Alcohol Training (BAT);
- v. Documentation related to determination for reasonable suspicion testing;
- vi. Documents related to decisions for post-accident testing;
- vii. Documents verifying existence of a medical explanation of the inability of a driver to provide adequate breath or urine specimen for testing; and
- viii. Consolidated annual calendar year-end summaries.

b. Records related to a driver's test results:

- i. The employer's copy of the alcohol test form, including the results of the test;
- ii. The employer's copy of the controlled substances test chain of custody and control form;
- iii. Documents sent by the medical review officer to the employer;
- iv. Documents related to the refusal of any driver to submit to an alcohol or controlled substances test; and
- v. Documents presented by a driver to dispute the result of an alcohol or controlled substances test;
- vi. Records generated in connection with verifications of prior employers' alcohol or controlled substances test results.
- vii. Records pertaining to a determination by a substance abuse professional concerning a driver's need for assistance; and
- viii. Records concerning a driver's compliance with recommendations of the substance abuse professional.

c. Records related to evaluations

- i. Records pertaining to a determination by a substance abuse professional concerning a driver's need for assistance; and
- ii. Records concerning a driver's compliance with recommendations of the substance abuse professional.

- d. Records related to education and training
 - i. Material on alcohol misuse and controlled substances use awareness, including a copy of the company's policy and procedures;
 - ii. Documentation of providing each driver with information related to alcohol misuse and controlled substances misuse, training, and referral; including the driver's signed receipt for educational materials and a copy of the company's controlled substances and alcohol use and testing policy and procedures;
 - iii. Documentation of training to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for alcohol and/or controlled substances testing based on reasonable suspicion; and
 - iv. Certification that training conducted complies with the training requirements required by the DOT.

- e. Records related to drug testing:
 - i. Agreements with collection site facilities, laboratories, medical review officers, and/or third-party program administrator.
 - ii. Name and positions of officials and their role in the company's alcohol and controlled substances testing program(s);
 - iii. Laboratory statistical summaries; and
 - iv. The company's controlled substances and alcohol use and testing policy and procedures.

- f. Location of records
 - i. All records shall be maintained at the company's principal place of business and shall be made available for inspection at the company's principal place of business after a request has been made by an authorized representative of the FMCSA.

B. Management Information System (MIS) Reporting

If requested by DOT, Employer shall prepare an annual calendar year summary of the results of its alcohol and controlled substances testing programs performed under FMCSA requirements, and submit such information by March 15 of the following year.

C. Access to facilities and records

- 1. Except as provided by law or expressly authorized by DOT and FMCSA

regulations, the company shall not release driver information unless directed by the specific, written consent of a driver authorizing release of the information to an identified person.

2. Upon written request to the DER, a driver may obtain copies of any records pertaining to the driver's alcohol or controlled substances tests.
3. Employer shall permit access to all facilities and records related to controlled substances and alcohol testing when requested by the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the employer or any of its drivers.
4. Records shall be made available to a subsequent employer upon receipt of a written request from the driver.

D. Medical Review Officer Notifications

Medical review officers shall report the results of controlled substances tests to employers in accordance with the requirements of 49 CFR Part 40. 49 CFR Part 40 is available for review from Employer's DER.

E. Employer notification

1. The Employer shall notify a driver (applicant) of the results of a pre-employment controlled substance test, if the driver requests such results in writing within 60 calendar days of being notified of the disposition of the employment applicant.
2. The Employer shall notify a driver of results of random, reasonable suspicion and post-accident tests for controlled substances if the test results are positive. The company will also inform the driver which controlled substances were verified as positive.
3. The DER or a designated Employer official shall make reasonable efforts to contact and request each driver to contact and discuss results of a controlled substances test, if the medical review officer has been unable to contact the driver.
4. The DER manager or designated Employer official shall immediately notify the medical review officer that the driver has been notified to contact the medical review officer.

F. Release of Test Information by Previous Employers

1. After obtaining the driver's written consent, the Company must check on the

drug and alcohol testing record of employees it is intending to use to perform safety-sensitive duties. This requirement applies to new employee drivers and employee drivers who transfer into a safety-sensitive position.

2. The Company will request from DOT-regulated employers who have employed the driver for any period during the three years before the date of the driver employee's application or transfer the following information:
 - (1) Alcohol tests with a result of 0.04 or higher alcohol concentration;
 - (2) Verified positive drug tests;
 - (3) Refusals to be tested (including verified adulterated or substituted drug test results)
 - (4) Other violations of DOT agency drug and alcohol testing regulations; and
 - (5) With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of the DOT return- to- duty requirements (including follow-up tests). If the previous employer does not have information about the return-to- duty process, the employee driver must provide this information to the Company.
3. **The information obtained from a previous employer includes any drug or alcohol test information obtained from previous employers under 49 CFR Part 40 or other applicable DOT agency regulations.**
4. **The Company may not use an employee to perform safety-sensitive functions after 30 days from the date on which the employee first performed safety-sensitive functions unless it has obtained or made and documented a good faith effort to obtain all of the foregoing information.**
5. The Company must ask the employee driver whether he or she tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee applied for, but did not obtain, safety sensitive transportation work covered by any DOT agency drug and alcohol testing rules during the past three years. If the employee admits that he or she had a positive test or a refusal to test, the Company must not and will not use the employee to perform safety-sensitive functions unless and until the employee documents successful completion of the return-to-duty process. The Company's Disciplinary Policies and the Company's Discretionary Policies on this subject, if any, will also apply.
6. The Company must not and will not use a covered person to perform safety-sensitive functions if the Company obtains information indicating the he/she has tested positive for controlled substances, tested at or above 0.04 breath alcohol concentration, or refused to test; unless the Company has evidence the driver has been evaluated by a substance abuse professional, completed the required assistance, intervention or treatment required, passed a return-to-duty test, and been subject to follow-up testing.

V. ALCOHOL MISUSE AND CONTROLLED SUBSTANCES USE INFORMATION, TRAINING, AND REFERRAL

A. General Information and Employee Education

1. Prior to the start of alcohol and controlled substances testing under this policy and procedures and to each driver subsequently hired or transferred into a position requiring driving a commercial motor vehicle, a copy of this policy and procedures and additional information materials will be provided.
2. Information provided to drivers will include material concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem; and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation and referral.
3. The Employer's policy and procedures and informational materials provided to drivers will also be made available to representatives of various employee organizations.
4. Supervisors or designated employer officials shall ensure that each driver is required to sign a statement certifying that he or she has received a copy of the company's controlled substances and alcohol use and testing policy and procedures and related informational materials. The signed statements shall be maintained by the Employer.

B. Training for Supervisors

1. All of Employer's supervisors and personnel designated to determine whether reasonable suspicion exists to require a driver to undergo testing for alcohol misuse and/or controlled substances use shall receive at least 60 minutes of training on alcohol misuse and receive at least 60 minutes of training on controlled substances use.
2. Training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. Recurrent training for supervisory personnel is not required.

C. SAP Referral, Evaluation and Treatment

1. The Employer shall advise each driver, who has been engaged in prohibited conduct under these policy and procedures, of resources available to the driver in evaluating

and resolving problems associated with the misuse of alcohol and use of controlled substances, including the names, addresses, and telephone numbers of substance abuse professionals (SAPs) and counseling and treatment programs, (Appendix B attached hereto).

2. A driver who has been engaged in prohibited conduct under this policy and procedures will not return to duty in a safety-sensitive function until the driver undergoes a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 if the conduct involved alcohol, or a controlled substances test with a verified negative result if the conduct involved a controlled substance. Employer's Discretionary Policies and Disciplinary Consequences must be considered as outlined in Appendix D attached hereto.

In addition, each driver shall be evaluated a second time by a substance abuse professional (SAP) to determine that rehabilitation prescribed has been properly followed, and shall be subject to unannounced follow-up alcohol and controlled substances testing as directed by the substance abuse professional (SAP).

3. Employer must provide to each employee (including an applicant or new employee) who violates a DOT drug and alcohol regulation a listing of SAPs readily available to the employee and acceptable to you, with names, addresses, and telephone numbers. Employer cannot charge the employee any fee for compiling or providing this list. Employer may provide the list itself or through its C/TPA or other service agent.
4. Employer must comply with all requirements of 49 CFR Part 40 Subpart regarding Substance Abuse Professionals and the Return -to -Duty Process. 49 CFR Part 40 is available for review from Employer's DER.

Appendix A

CATEGORIES OF DRIVERS

A driver is considered to be performing a safety-sensitive function during any period in which the driver is actually performing, ready to perform or immediately available to perform any safety-sensitive function. The FMCSA defines the following functions as safety sensitive:

1. All time at a carrier or shipper plant, terminal, facility, or other property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.
2. All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations (FMCSRs), or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
3. All time spent at the driving controls of a commercial motor vehicle.
4. All time, other than driving time, spent on or in a commercial motor vehicle (except for time spent resting in the sleeper berth).
5. All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
6. All time spent performing the driver requirements associated with an accident.
7. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

APPENDIX B

Responsible Parties

Designated Employer Representative (DER)

Name: Robert Bartee - Director of Safety

Tel: 713-292-2400

C/TPA

Name: Choicepoint

MEDICAL REVIEW OFFICER (MRO)

Medical review of drug test results will be provided by below listed MRO under contract with Choicepoint.

Name: Dr. Stuart B. Hoffman-FACP

SAMHSA CERTIFIED LABORATORY

Certified laboratory testing will be provided by the below listed laboratory under contract with Employer's C/TPA

Name: Choicepoint MRO Services

SUBSTANCE ABUSE PROFESSIONALS (SAP)

Name: Contact WCA Corporate Office

Tel: 713-292-2400

APPENDIX C

DRIVER INFORMATION

Eleven Educational Elements of Employee Training

- A. Each employer must distribute educational material that explains requirements of Part 382 and the employer's policy and procedures to all current and new drivers before starting program and to each driver subsequently hired or transferred into a position requiring driving a commercial motor vehicle.
- B. Provide written notice to representatives of employee organizations of the availability of the information.

Required Content: The materials to be made available to must include detailed discussion of the following:

1. Identity of person designated by the employer to answer driver questions about the materials.
 2. Categories of drivers subject to the regulations.
 3. Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the work day the driver is required to be in compliance.
 4. Specific information on prohibited driver conduct.
 5. Circumstances that will trigger a test; including post accident testing.
 6. Procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver, including post-accident information, procedures and instructions.
 7. Requirement that driver must submit to testing as per Part 382.
 8. An explanation as to what constitutes refusal to submit to alcohol or controlled substances test and the attendant consequences.
 9. Consequences for violations including removal from safety sensitive positions and referral for treatment.
 10. Consequences for alcohol results of 0.02 but less than 0.04.
 11. Information about effects on health, work, personal life; signs and symptoms of an alcohol or controlled substances problem (the driver's or co-worker's; available methods of intervening when an alcohol or controlled substances problem is suspected, including confrontation, and referral to any employee assistance program or referral to management.
- C. Any other information under independent company authority.
 - D. Original certificate of receipt of above information.

Appendix D

Employer's Discretionary Policies and Disciplinary Consequences (Based on Employer's Independent Authority)

DISCIPLINARY POLICIES

The policy of this Company as it relates to substance abuse by drivers performing safety-sensitive functions is as follows: (These policies are not governed by DOT/FMCSA regulations, but are developed and enforced solely by the Company.)

- 1. Any covered person who refuses an FMCSA mandated alcohol and /or drug test will be subject to all appropriate Company disciplinary procedures, up to and including disqualification and/or termination of employment by the Company.**
- 2. Any covered person who registers an alcohol concentration of 0.04 on any test administered by or for The Company, or who tests positive for prohibited substances, or who engages in other alcohol misuse or substance abuse will be removed from safety sensitive functions and will be referred to a Substance Abuse Professional (SAP) and will be subject to Company disciplinary action up to and including disqualification and/or termination of employment by the Company.**
- 3. Any covered person who registers an alcohol concentration of 0.02-0.039 on an FMCSA -mandated test will be removed from safety sensitive functions, and will be subject to all appropriate disciplinary procedures up to and including termination of employment. Any covered person who twice registers an alcohol concentration of 0.02-0.039 on FHWA-mandated tests will be referred for evaluation and treatment, and will be subject to Company disciplinary action up to and including disqualification and/or termination of employment.**
- 4. Persons who lose their qualification as a driver and/or who are terminated for failure to comply with this Company Substance Abuse Policy, will be referred to a Substance Abuse Professional.**

DISCRETIONARY POLICIES

- 1. The Company authorizes ChoicePoint to act as an intermediary in the transmission of testing information as permitted by 49 CFR Part 40.349 and Appendix F to Part 40 in connection with our Controlled Substances and Alcohol Testing Program.**
- 2. The Company authorizes its testing laboratory to conduct validity testing, as it deems appropriate.**

3. In the event of a substituted specimen laboratory report all subsequent procedures set forth in 49 CFR Part 40 will be followed.

4. Split sample testing will be done in all situations authorized by 49 CFR Part 40 in accordance with all procedures established for such testing.

5. Financial responsibility for the costs involved in split sample testing will be the responsibility of the:

- employee/donor
- employer/company

6. The following actions will be taken by the Company if a laboratory reports a negative dilute test result (see Definitions if explanation of a negative dilute test result is needed) to the MRO and employer:

<u>Type of Test</u>	<u>Corresponding Action</u>	
pre-employment test	<input checked="" type="checkbox"/> test of record	<input type="checkbox"/> require second test/test of record
random test	<input checked="" type="checkbox"/> test of record	<input type="checkbox"/> require second test/test of record
reasonable suspicion test	<input checked="" type="checkbox"/> test of record	<input type="checkbox"/> require second test/test of record
post-accident test	<input checked="" type="checkbox"/> test of record	<input type="checkbox"/> require second test/test of record
return-to-duty test	<input checked="" type="checkbox"/> test of record	<input type="checkbox"/> require second test/test of record
follow-up test	<input checked="" type="checkbox"/> test of record	<input type="checkbox"/> require second test/test of record

Refusal to submit to a second test requested by Employer is considered a refusal to submit and is treated as a positive test.

7. Past drug and alcohol record requests will be made on all new applicants including current employees upon conditional offer to transfer to a safety sensitive position covered by 49 CFR Part 40 and Part 40 CFR 382 in accordance with all procedures set forth in 49 CFR Part 40.25.

8. Payment for any required SAP evaluations will be the responsibility of the

- employee /driver
- employer/company

9. Payment for the assistance, education and treatment required by the SAP upon evaluation will be the responsibility of the

- employee/driver
- employer/company

10. The Company requires does not require the driver to inform the Company of therapeutic drug use.

PROGRAM ADMINISTRATION

The Company has contracted with ChoicePoint, Inc. Nashville, TN to assist in the administration of the Company's Controlled Substances Alcohol Use and Testing Program. In this capacity, ChoicePoint is authorized to administer the DOT drug and alcohol testing program with the Company.

Appendix E
EMPLOYER
SELF-IDENTIFICATION POLICY ADDENDUM

Employer has elected to adopt the FMCSA Employer Voluntary Self-Identification Policy as set forth in 49 CFR Part 382.112.

Yes No

The Employer encourages drivers who recognize that they may have a problem with drugs and/or alcohol to seek assistance for resolving that problem before they have a DOT violation due to a positive test result or because they engaged in other DOT prohibited conduct.

A driver who admits to a drug and/or alcohol problem will not have a DOT violation. He/she will be given an opportunity to obtain a chemical use assessment from the Employer's Employee Assistance Program (EAP). Prior to the assessment, however, the Employer will require the driver to sign a release of information that will enable the Employer's DER to receive the results of the assessment, and to receive subsequent reports related to the assessment, and the driver's successful completion of all recommendations for assistance.

The following conditions must apply to the driver's self-admission:

- The driver's admission cannot be made during his/her on-duty time. It must occur prior to the driver's reporting for duty on any particular day.
- The driver's admission cannot be made in an attempt to avoid a required DOT drug test.
- Under 49 CFR Part 382.121, DOT requires the Employer to remove the driver from safety-sensitive functions, including driving.
- When the Employer is satisfied that the driver has complied with the EAP's recommendations for assistance, the Employer will return the driver to safety-sensitive functions, provided that:
 - Prior to returning to safety-sensitive functions, the driver will be required to provide a negative drug and/or alcohol test result, and
 - After being returned to safety-sensitive function, the driver will be subject to follow-up non-DOT testing, as permissible by the Employer's policy for non-DOT drug and alcohol testing, under the laws of this state.
- A driver who self-identifies under this policy, and who then fails to comply with the EAP's recommendations will be considered to have engaged in conduct prohibited by the DOT in 49 CFR Part 382, Subpart B, and will not be permitted to return to safety-sensitive function until he/she has successfully complied with the SAP return-to-duty process.

The Employer will adhere to the following terms, in accordance with 49 CFR Part 382.121;

- The Employer will take no adverse action against a driver who admits to drug and/or alcohol use under the terms above.
- A driver who self-identifies under this program will be given reasonable time to obtain the required assessment and assistance. Under independent authority, the Employer requires the assessment process to be initiated within three (3) days of the driver's disclosure.
- A driver who complies with all requirements, and who complies satisfactorily with the EAP's recommendations for assistance, will be permitted to return to safety-sensitive functions.
- A driver who cooperates and successfully complies with this program will not be considered to have had a DOT violation of prohibited conduct under 49 CFR Part 382, Subpart B.

Appendix F

Checklist for Drug Test

In accordance with your prospective employer's Federally Mandated Workplace Drug and Alcohol Testing Program, you are required to submit to drug testing by urinalysis and alcohol testing if required under the Federal Motor Carrier Safety Administration Regulations, 49 CFR Part 382. In order that we carry out this testing procedure as smoothly as possible, please read carefully the instructions given below:

- ___ A verified positive drug test will disqualify applicant from a "covered" position and the offer of hire into a covered position will be automatically withdrawn as per Company Policy. After a verified positive drug test the SAP process must be completed before the applicant can be again considered for any other DOT covered position elsewhere.
- ___ **SPECIFIC DRUGS YOU ARE BEING TESTED FOR ARE: MARIJUANA, COCAINE, PHENCYCLIDINE (PCP), AMPHETAMINES AND OPIATES OR A METABOLITE OF THESE DRUGS.**
- ___ Present required photo identification to Collector at the Collection Site assigned.
- ___ Remove unnecessary outer garments, coats, jackets, hats, as well as personal belongings, briefcases, etc. You will be asked to empty your pockets as required by 49 CFR Part 40. Collector will not permit you to retain any contents that may adulterate or otherwise contaminate your specimen. You may keep your wallet.
- ___ When instructed by the Collector wash and dry your hands.
- ___ When instructed by Collector complete the Custody and Control Form and follow all subsequent instructions precisely.
- ___ Please make certain that you observe and participate in the entire collection process. **DO NOT TURN YOUR BACK ON THE COLLECTOR AT ANY TIME AND KEEP YOUR SPECIMEN IN FULL SIGHT UNTIL YOU HAVE INITIALED AND DATED THE BOTTLE LABELS ON THE SPECIMEN BOTTLES/CONTAINERS.**
- ___ If you are unable to provide 45 ml of urine, your specimen will be discarded and the Collector will instruct you to drink no more than 40 ounces of fluid during a period of up to three hours and expect you to provide a complete sample using a new collection container. If you are still unable to provide a specimen of 45 ml, the insufficient specimen will be discarded, the testing discontinued, and your prospective employer's Designated Employer Representative (DER) notified. The Medical Review Officer will then refer you for a medical evaluation to develop pertinent information concerning whether your inability to provide a specimen is genuine or constitutes a refusal to test. The MRO's conclusion will be reported to your prospective employer in writing.
- ___ If your insufficient specimen does not come within the proper temperature range, the Collector may request that you submit to subsequent collection attempts under direct observation by a same sex Collector or Observer.
- ___ Verify that the temperature of your specimen was accurately recorded.
- ___ Continue to follow the Collector's instructions. Please read and sign all statements certifying that the specimens in the primary (A Bottle) and split (B Bottle) are indeed yours.

Received by Applicant: _____
Sign and print name

Today's Date

Appendix G

DRUG & ALCOHOL TEST RESULTS, TREATMENT RECORDS AND REFUSAL TO TEST HISTORY

DOT SAFETY SENSITIVE APPLICANT/CANDIDATE CONSENT

Please Print

Applicant Name: _____ Soc. Sec # _____ - _____ - _____
(last) (first) (MI)

Address: _____ Phone: _____
Street City State ZIP Area Code

APPLICANT: List previous DOT employers for the last three (3) years with the most recent first. Complete address and phone **are required**. Print Legibly Please.

Previous Employer: _____ Dates: _____ To _____
(Legal Business Name)

Employer's Address: _____ Employer's Phone: _____
Area Code

Previous Employer: _____ Dates: _____ To _____
(Legal Business Name)

Employer's Address: _____ Employer's Phone: _____
Area Code

Previous Employer: _____ Dates: _____ To _____
(Legal Business Name)

Employer's Address: _____ Employer's Phone: _____
Area Code

Previous Employer: _____ Dates: _____ To _____
(Legal Business Name)

Employer's Address: _____ Employer's Phone: _____
Area Code

Previous Employer: _____ Dates: _____ To _____
(Legal Business Name)

Employer's Address: _____ Employer's Phone: _____
Area Code

I, (print name) _____ authorize my above listed previous employers to disclose

to _____ the results of any drug test, evidential breath or saliva alcohol test, refusals to test including verified adulteration or substitutions, and treatment records (to determine compliance with 49 CFR Part 40.25) performed upon myself within the last three (3) years as required under Federal Requirement 49 CFR Part 40.25. I further agree to hold harmless any previous employers as listed in addition to the foregoing prospective employer, it's Directors, employees, agents or volunteers for any damages, loss of employment, or any negative outcome that may result from such disclosure. This consent is subject to revocation at any time. However, such revocation does not apply to disclosures made prior to notice. This authorization expires without express revocation 60 DAYS from the date that appears below. I understand I have the right to inspect and copy any written information disclosed.

Signature of Applicant: _____

Dated this _____ day of _____ 20_____.

**DRUG & ALCOHOL TEST RESULTS, TREATMENT RECORDS
AND REFUSAL TO TEST HISTORY**

**RESPONSES TO QUESTIONS
REQUIRED BY 49 CFR PART 40.25**

APPLICANT: Please circle yes or no on the side of this form in response to the following questions as required by 49 CFR Part 40.25. Have you in the last three years:

- | | | |
|-----------------|----|---|
| Yes / No | 1. | had any DOT required alcohol tests with a result of 0.04 or higher alcohol concentration? |
| Yes / No | 2. | had any verified positive DOT required drug tests? |
| Yes / No | 3. | refused to be tested (including having a verified adulterated or substituted sample)? |
| Yes / No | 4. | had any other violation of DOT agency drug or alcohol testing regulations? |
| Yes / No | 5. | if you violated a DOT drug and/or alcohol regulation did you successfully complete DOT return to duty requirements (including follow up tests)? |

Please answer the following questions as required by 49 CFR Part 40.25 by circling yes or no at the side of the question.

In the past three years:

- | | | |
|-----------------|----|--|
| Yes / No | 1. | Were there any situations in which you tested positive on a pre-employment test for a DOT employer that did not hire you? |
| Yes / No | 2. | Where there any situations in which you refused to submit (including positives by adulteration or substitution) to a pre-employment test for a DOT employer that did not hire you? |
-

I certify that my responses to the above questions are true:

Applicant's Signature: _____

Date signed _____

Please forward with "Consent and Release of Drug & Alcohol Test Results, Treatment Results, Treatment Records and Refusal to Test History" form to prospective employer.

Date: _____

REQUEST AND CONSENT FOR RELEASE OF TEST RECORDS

DRUG & ALCOHOL TEST RESULTS, TREATMENT RECORDS AND REFUSAL TO TEST HISTORY

Attn: _____

Fax: _____

DEAR PREVIOUS EMPLOYER:

A signed release for the disclosure of confidential information as required by 49 CFR Part 40.25 has been sent to you. Prospective Employer is requesting you to provide the following information to _____ on your previous employee who is a DOT safety-sensitive covered employee applicant or candidate. The information requested must be provided immediately upon your review of your former employee's written request.

NAME: _____

SSN: _____

DATE OF APPLICATION _____

Please fill in and fax or mail to the foregoing prospective employer. Thank you for your help.

Was DEPARTMENT OF TRANSPORTATION (DOT) - **NON-DOT or NON-Federally Mandated** drug/alcohol testing required? Yes No Circle correct response.

STEP 1 Please circle yes or no on the side of the question asked.

1. had any alcohol tests with a result of 0.04 or higher alcohol concentration? Yes No
2. had any verified positive drug tests? Yes No
3. refused to be tested (including having a verified adulterated or substituted sample)? Yes No
4. had any other violations of DOT agency drug or alcohol testing regulations? Yes No

Request and Consent for Release of Test Records- Continued

Applicant name: _____

**ANY POSITIVE HISTORY COMPLETE STEP 2 & 3 --
ALL NEGATIVE HISTORY COMPLETE STEP 3**

STEP 2

If the employee violated a DOT drug or alcohol regulation:

Indicate the violation: _____ Date of violation: _____

Was there any treatment services provided? Yes _____ No _____.

If so, please list the Chemical Dependency/Substance Abuse Professional's information:

NAME: _____ PHONE: _____
Area Code

ADDRESS: _____
Complete Address

PLEASE FORWARD ANY POSITIVE TEST RESULTS AND TREATMENT RECORDS

STEP 3

Completed by: _____ **Title:** _____

Dated: _____

If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this telecopy is strictly prohibited by law. Please notify us by telephone and destroy the documents received in error. This information has been disclosed to you from records protected by federal confidentiality rules (42 CFR PART 2). These federal rules prohibit you from making any further disclosure. The federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient. (52 FR 21809, June 9, 1987; 52 FR 41997, November 2, 1987)

Information requested by _____

Prospective Employer

Address: _____

Fax Number: _____

GENERAL FIRE SAFETY (29 CFR 1910.155 thru 165)

We do not require employees to help fight any fires; employees will only be allowed to participate after executing a mutual release of liability agreement between the Company and the employee. Unless an employee has been specially trained and assigned to fight a fire, in the event of fire, every employee must exit the facility immediately, in a safe manner.

All fire doors and shutters must be maintained in good operating condition. Fire doors and shutters should be unobstructed and protected against obstructions, including their counterweights. Fire door and shutter fusible links must be in place. All automatic sprinkler water control valves, if any, air and water pressures should be checked routinely. The maintenance of automatic sprinkler systems is assigned to the Site Manager. Sprinkler heads should be protected by metal guards if they could possibly be exposed to damage. Proper clearance must be maintained below sprinkler heads.

Portable fire extinguishers are provided in adequate number and type and are located throughout the facility. Fire extinguishers are mounted in readily accessible locations. Fire extinguishers are recharged regularly and the date of last inspection noted on their tags. All employees are periodically instructed in the use of extinguishers and fire protection procedures. Notify the management immediately of any damage to fire protection equipment.

COMBUSTIBLE MATERIALS

All combustible scrap, debris and waste materials (oily rags, etc.) must be stored in covered metal receptacles and removed from the work site promptly. Proper storage to minimize the risk of fire, including spontaneous combustion must be practiced. Only approved containers and tanks are to be used for the storage and handling of flammable and combustible liquids. All connections on drums and combustible liquid piping, vapor and liquid must be kept tight. All flammable liquids should be kept in closed containers when not in use (e.g., parts-cleaning tanks, pans, etc.).

Bulk drums of flammable liquids must be grounded and bonded to containers during dispensing. Storage rooms for flammable and combustible liquids must have explosion-proof lights. Storage rooms for flammable and combustible liquids should have mechanical or gravity ventilation. Liquefied petroleum gas must be stored, handled and used in accordance with safe practices and standards.

No smoking signs must be posted on liquefied petroleum gas tanks. Liquefied petroleum storage tanks should be guarded to prevent damage from vehicles. All solvent wastes and flammable liquids should be kept in fire-resistant, covered containers until they are removed from the work site.

Vacuuming should be used whenever possible rather than blowing or sweeping combustible dust. Fire separators should be placed between containers of combustibles or flammables when stacked one upon another to assure their support and stability. Fuel gas cylinders and oxygen cylinders must be separated by distance, fire resistant barriers, etc., while in storage.

FIRE EXTINGUISHERS (29 CFR 1910.155 thru 165)

29 CFR 1910.155 (c) (8), (9) & (10) Fire extinguishers are selected for the types of materials and placed in areas where they are to be used. These fire extinguishers are classified as follows:

Class A	Ordinary combustible materials such as paper, wood, cloth, and some rubber and plastic materials.
Class B	Flammable or combustible liquids, flammable gases, grease and similar materials, and some rubber and plastic materials.
Class C	Energized-electrical equipment where safety to the employee requires the use of electrically nonconductive extinguishing media.

29 CFR 1910.157 (c) General requirements.

- (1) The employer shall provide portable fire extinguishers and shall mount, locate and identify them so that they are readily accessible to employees without subjecting the employees to possible injury.

All extinguishers must be serviced, maintained and tagged at intervals not to exceed one year. Extinguishers should be placed free from obstructions or blockage. All extinguishers must be fully charged and in their designated places unless in use.

29 CFR 1910.158 (g) Training and Education,

Where sprinkler systems are permanently installed, are the nozzle heads arranged so that water will not be sprayed into operating electrical switch boards and equipment. Check to see that heads have not been bent or twisted from their original position.

"NO SMOKING" rules will be enforced in areas involving storage and use of hazardous materials. "NO SMOKING" signs have been posted where appropriate in areas where flammable or combustible materials are used and/or stored. Safety cans must be used for dispensing flammable or combustible liquids at point of use. All spills of flammable or combustible liquids must be cleaned up promptly.

Storage tanks should be adequately vented to prevent the development of excessive vacuum or pressure as a result of filling, emptying, or atmosphere temperature changes. Storage tanks are equipped with emergency venting that will relieve excessive internal pressure caused by fire exposure.

29 CFR 1910.106 (d) - Container (Fire Proof Cabinet) and Portable Tank Storage

(1)(i) This only applies to the storage of flammable or combustible liquids in drums or other containers (including flammable aerosols) not exceeding 60 gallons individual capacity and those portable tanks not exceeding 660 gallons individual capacity.

(ii) Exceptions

(c) Flammable or combustible paints, oils, varnishes, and similar mixtures used for painting or maintenance when not kept for a period in excess of 30 days.

(3)(ii) Cabinets shall be labeled in conspicuous lettering, "Flammable - Keep Fire Away".

29 CFR 1910.106 (d) (7) Fire Control (Fire Extinguishers)

(i) Extinguishers. Suitable fire control devices, such as small hose or portable fire extinguishers, shall be available at locations where flammable or combustible liquids are stored.

(b) At least one portable fire extinguisher having a rating of not less than 12-B units must be located not less than 10 feet, nor more than 25 feet from any Class I or Class 11 liquid storage area located outside of a storage room but inside a building.

29 CFR 1910.106 (g) (3) (iii) Emergency power cutoff.

A clearly identified and easily accessible switch(es) or a circuit breaker(s) shall be provided at a location remote from dispensing devices, including remote pumping systems, to shut off the power to all dispensing devices in the event of an emergency.

WORK/AREA - GENERAL

Fire extinguishers must remain accessible at all times. Means of egress should be kept unblocked, well-lighted and unlocked during work hours. Excessive combustibles (paper) may not be stored in the work areas.

Aisles and hallways must be kept clear at all times. respond to a fire or other emergency. Work places are to be kept free of debris, floor storage and electrical cords.

Adequate aisle space is to be maintained. File cabinet drawers should be opened one at a time and closed when work is finished.

Proper lifting techniques are to be used by employees to avoid over exertion and strain when carrying loads. No alcohol or any intoxicating substance may be consumed prior to or during work.

MAINTENANCE (Building, Shop, Tools, and Equipment)

ENVIRONMENTAL CONTROLS

All employees must be aware of the hazards involved when working with chemicals and the remedies that need to be used when an accident does occur. A training program will give instructions on how to handle the chemical being used and first aid to be applied to victims of chemical exposure. First aid and caution signs will be conspicuously posted so as to alert individuals on a constant basis. Charts identifying the chemicals utilized in the workplace, their symptoms and effects must also be posted. The workers must know what the acceptable level of exposure to a chemical is and what safety systems must be in place when working with a chemical. Staff should also be aware of new chemical products which may be available that are less harmful, and they must ensure that facilities are adequately ventilated when using chemicals on the premises.

Spray painting operations done in spray rooms or booths must be equipped with an appropriate exhaust system. Periodic inspections must be made of the booth and noted on an inspection tag posted on the booth.

If welding is done, the welder should be certified. In the area of operation where the welding is taking place, the welder must be aware of ventilation available, the type of respirator that can be used in the area, and if exposure time or other means will suffice as a safe and adequate measure when welding as to the fumes that will be emitted. Welders would also be supplied with protective clothing and a flash shield during welding operations.

When forklifts and other vehicles are used in buildings or other enclosed areas, carbon monoxide levels must be kept below maximum acceptable concentration.

Noise levels also present a potential hazard. Noise levels within a facility must be at acceptable levels and if not, steps must be taken to reduce the level using recommended engineering controls.

When fibrous materials such as asbestos are being handled, the necessary precautions must be taken to protect the employee from the material. The material must be labeled, along with signs conspicuously posted that these materials are being used in the area. Employees should be aware of effective methods used to prevent emission of airborne asbestos fibers, silica dust and other similar hazardous materials. Some of the recommended methods of controlling the emission of these materials are by using water and vacuuming, rather than blowing and sweeping, the materials.

Machinery such as grinders, saws and other tools that produce a fine airborne dust must be vented to an industrial collector or central exhaust system. In any ventilation system the system should be designed and operated at an airflow and volume necessary for proper application and effectiveness. In the design of the ventilation system the ducts and belts must be free of obstructions and slippage.

As with all operations, there must be written standards on the procedures for the equipment, description of the job task, usage of the protective equipment provided, such as the selection and use of respirators, and when they are needed.

Any water that is provided to an employee throughout the facility should be clearly identified as to whether it is for drinking, washing or cooking. All restrooms must be kept clean and sanitary.

Employees should be screened before taking positions that may expose them to hazards they are not physically capable of handling. An employee who takes an assignment which requires physical labor must be trained to lift heavy loads properly so as not to damage themselves physically. If the work assignment involves dealing with equipment that produces ultra-violet radiation, the employee must be properly protected or given the correct protective clothing. An employee posted to an assignment on a roadway where there is heavy traffic must be given the designated protective clothing (bright colored traffic orange warning vest) and safety training regarding the hazards of this job.

MACHINE GUARDING

Before operating any machine, every employee must have completed a training program on safe methods of machine operations. It is the primary purpose of supervision to ensure that employees are following safe machine operating procedures. There will be a regular program of safety inspection of machinery and equipment.

All machinery and equipment must be kept clean and properly maintained. There must be sufficient clearance provided around and between machines to allow for safe operations, set up, servicing, material handling and waste removal.

All equipment and machinery should be securely placed, and anchored when necessary, to prevent tipping or other movement that could result in personal injury. Most of the time, machinery should be bolted to the floor to prevent falling during an earthquake, and the electrical cord to the machinery fixed with a breaker or other shut-off device to stop power in case of machine movement.

There must be a power shut-off switch within reach of the operator's position at each machine. Electrical power to each machine shall be capable of being locked out for maintenance, repair or security. The non-current carrying metal parts of electrically operated machines must be bonded and grounded.

The foot-operated switches are guarded and/or arranged to prevent accidental actuation by personnel or falling objects. All manually operated valves and switches controlling the operation of equipment and machines must be clearly identified and readily accessible.

All EMERGENCY stop buttons are colored RED. All the pulleys and belts which are within 7 feet of the floor or working level are properly guarded. All moving chains and gears must be properly guarded. All splash guards mounted on machines that use coolant must be positioned to prevent coolant from splashing the employees.

The supervisor will instruct every employee in the work area on the methods provided to protect the operator and other employees in the machine area from hazards created by the operation of a machine, such as nip points, rotating parts, flying chips and sparks. The machinery guards must be secure and arranged so they do not present a hazard. All special hand tools used for placing and removing material must protect the operator's hands. All revolving drums, barrels and containers should be guarded by an enclosure that is interlocked with the drive mechanisms, so that revolution cannot occur unless the guard enclosure is in place. All arbors and mandrels must have firm and secure bearings and be free of play. A protective mechanism has been installed to prevent machines from automatically starting when power is restored after a power failure or shutdown. Machines should be constructed so as to be free from excessive vibration when the size tool is mounted and run at full speed. If the machinery is cleaned with compressed air, the air must be pressure controlled and personal protective equipment or other safeguards used to protect operators and other workers from eye and bodily injury. All fan blades should be protected by a guard having openings no larger than 1/2 inch when operation within 7 feet of the floor.

Saws used for ripping equipment must be installed with anti-kickback devices and spreaders. All radial arm saws must be arranged so that the cutting head will gently return to the back of the table when released.

COMPRESSORS AND COMPRESSED AIR

All compressors must be equipped with pressure relief valves and pressure gauges. All compressor air intakes must be installed and equipped to ensure that only clean, uncontaminated air enters the compressor. Every air receiver must be provided with a drain pipe and valve at the lowest point for the removal of accumulated oil and water. Compressed air receivers must be periodically drained of moisture and oil. All safety valves shall be tested frequently and at regular intervals to determine whether they are in good operating condition. The inlet of air receivers and piping systems must be kept free of accumulated oil and carbonaceous materials.

HOISTS AND AUXILLARY EQUIPMENT

Every overhead electrical hoist shall be equipped with a limit device to stop the hook travel at its highest and lowest points of safe travel. Check these limits without a load to ensure the device is working correctly. Each hoist should automatically stop and hold any load up to 125 percent of its rated load if its actuating force is removed. Check this periodically under controlled conditions. Make sure that the rated load of each hoist is legibly marked and visible to the operator. Stops should be provided at the safe limits of travel for trolley hoists.

The controls of hoists should be plainly marked to indicate direction of travel or motion. Every cage-controlled hoist must be equipped with an effective warning device. Close-fitting guards or other suitable devices should be installed on hoists to assure hoist ropes will be maintained in the sheave grooves.

All hoist chains or ropes must be of sufficient length to handle the full range of movement for the application, while maintaining two full wraps on the drum at all times. All nip points or contact points between hoist ropes and sheaves which are permanently located within 7 feet of the floor, ground or working platform must be guarded. It is prohibited to use chains or rope slings that are kinked or twisted.

The operator should avoid carrying loads over people. Only employees who have been trained in the proper use of hoists are allowed to operate them.

The rated load of the hoist should be clearly marked on each side.

WALKWAYS / AISLES

All aisles and passageways must be kept clear. Also, aisles and passageways should be clearly marked. Wet surfaces must be covered with non-slip material and all holes properly covered or marked with warning guards. All spills must be cleaned up immediately, and a caution sign placed on all wet or drying surfaces.

In cases of passageways used by forklifts, trucks or other machinery, use a separate aisle for walking, if available. If no separately marked aisle is available, use extreme caution. Remember, walking in a passageway used by machinery is like walking in the middle of a street used by cars: You may have the right of way, but the heavier vehicle can't always see you and can't always stop in time. The key to moving around in such circumstances is to stop, look and listen and then to move when there is no danger. Make eye contact with the drivers of moving vehicles so that you know that they know you are there.

Equipment must be properly stored so that sharp edges do not protrude into walkways. Changes in elevations must be clearly marked, as must passageways near dangerous operations like welding, machinery operation or painting. If there is a low ceiling, a warning sign must be posted. If the walkway or stairway is more than thirty inches above the floor or ground, it must have a guardrail.

Covers and/or guardrails shall be provided to protect personnel from the hazards of open pits, tanks, vats, ditches, etc.

If an employee is aware of any breach of these standards, please inform

MEANS OF EGRESS/ EXITS

- (1) Exit marking.
- (2) Exits shall be marked by a readily visible sign. Access to exits shall be marked by readily visible signs in all cases where the exit or way to reach it is not immediately visible to the occupants.
- (3) Any door, passage, or stairway which is neither an exit nor a way of exit access, and which is so located or arranged as to be likely to be mistaken for an exit, shall be identified by a sign reading "Not an Exit" or similar designation, or shall be identified by a sign indicating its actual character, such as "To Basement," "Storeroom," "linen Closet," or the like.

(4) A sign reading "Exit," or similar designation, with an arrow indicating the directions, shall be placed in every location where the direction of travel to reach the nearest exit is not immediately apparent.

(5) Every exit sign shall be suitably illuminated by a reliable light source giving a value of not less than 5 foot candles on the illuminated surface. Artificial lights giving illumination to exit signs other than the internally illuminated types shall have screens, discs, or lenses of not less than 25 square inches area made of translucent material to show red or other specified designating color on the side of the approach.

TOOL MAINTENANCE

Faulty or improperly used hand tools are a safety hazard. All employees shall be responsible for ensuring that tools and equipment (both company and employee-owned) used by them or other employees at their workplace are in good condition. Hand tools such as chisels, punches, etc., which develop mushroom heads during use, must be reconditioned or replaced as necessary. Broken or fractured handles on hammers, axes and similar equipment must be replaced promptly. Worn or bent wrenches should be replaced regularly. Appropriate handles must be used on files and similar tools.

Appropriate safety glasses, face shields, etc., must be worn while using hand tools or equipment which might produce flying materials or be subject to breakage. Eye and face protection must be worn when driving in tempered spuds or nails.

Check your tools often for wear or defect. Jacks must be checked periodically to assure they are in good operating condition. Tool handles must be wedged tightly into the heads of tools. Tool cutting edges should be kept sharp enough so the tool will move smoothly without binding or skipping. When not in use, tools should be stored in a dry, secure location.

LADDERS

Check ladders each and every time before you climb. Ladders should be maintained in good condition: joints between steps and side rails should be tight; hardware and fittings securely attached; and movable parts operating freely without binding or undue play. Non-slip safety feet are provided on each ladder. Ladder rungs and steps should be free of grease and oil. Employees are prohibited from using ladders that are broken, missing steps, rungs, or cleats, or that have broken side rails or other faulty equipment.

It is prohibited to place a ladder in front of doors opening toward the ladder except when the door is blocked open, locked or guarded. It is prohibited to place ladders on boxes, barrels, or other unstable bases to obtain additional height. Face the ladder when ascending or descending.

Be careful when you climb a ladder. Do not use the top step of ordinary stepladders as a step. When portable rung ladders are used to gain access to elevated platforms, roofs, etc., the ladder must always extend at least 3 feet above the elevated surface.

It is required that when portable rung or cleat type ladders are used, the base must be so placed that slipping will not occur, unless it is lashed or otherwise held in place.

All portable metal ladders must be legibly marked with signs reading "CAUTION" - "Do Not Use Around Electrical Equipment." Employees are prohibited from using ladders as braces, skids, gin poles, or for other than their intended purposes. Only adjust extension ladders while standing at a base (not while standing on the ladder or from a position above the ladder). Metal ladders should be inspected for tears and signs of corrosion. Rungs of ladders should be uniformly spaced at 12 inches, center to center.

PORTABLE POWER TOOLS

Portable power tools pose a special danger to employees because they are deceptively small and light, yet they can do great bodily harm if used improperly or poorly maintained. These rules apply to all power tools, but are especially important when handling portable saws, drills, impact wrenches, and power screw drives.

Check your equipment before you use it. All grinders, saws and similar equipment should be equipped with appropriate safety guards. Power tools should not be used without the correct shield, guard, or attachment, recommended by the manufacturer.

Portable circular saws must be equipped with guards above and below the base shoe. Circular saw guards should be checked periodically and before each use to assure they are not wedged up, thus leaving the lower portion of the blade unguarded.

All rotating or moving parts of equipment should be guarded to prevent physical contact. All cord-connected, electrically-operated tools and equipment should be effectively grounded or of the approved double insulated type. Effective guards must be in place over belts, pulleys, chains, sprockets, on equipment such as concrete mixers, air compressors, etc. If portable fans are provided, they must be equipped with full guards or screens having openings ½ inch or less.

Do not attempt to lift heavy objects without proper equipment. Hoisting equipment will be made available for lifting heavy objects, with hoist ratings and characteristics appropriate for the task.

Power tools are either battery operated or wired. If battery operated, don't under-estimate their power. A small electric drill or power screw driver can cause a severe injury if it lands in the wrong place. While not usually a shock hazard, the battery pack contains toxic chemicals and does emit a low voltage electric current. Don't drop or incinerate the battery pack, or a tool with a self contained power source.

Hard wired equipment can be portable or fixed. Typically used with extension cords, the more powerful hard wired equipment presents a double safety problem: the actual equipment plus its electrical power source. Ground-fault circuit interrupters must be provided on all temporary electrical 15 to 20 ampere circuits used during periods of construction. Pneumatic and hydraulic hoses on power-operated tools should be checked regularly for deterioration or damage.

ABRASIVE WHEEL EQUIPMENT GRINDERS

The work rest used should be kept adjusted to within 1/8 inch of the wheel. The adjustable tongue on the top side of the grinder should be kept adjusted to within 1/4 inch of the wheel. The

side guards should cover the spindle, nut and flange and 75 percent of the wheel diameter. Bench and pedestal grinders should be permanently mounted. Goggles or face shields should always be worn when grinding. The maximum RPM rating of each abrasive wheel should be compatible with the RPM rating of the grinder motor. Fixed or permanently mounted grinders must be connected to their electrical supply system with metallic conduit or by other permanent wiring method.

Each grinder should have an individual on and off control switch. The switch should be easily accessible anytime you operate the machine. Each electrically operated grinder should be effectively grounded. Do not defeat the grounding mechanism, especially by using non-three prong plug adapters.

Note the method by which new abrasive wheels are mounted. Visually inspect and ring test new abrasive wheels.

The dust collectors and powered exhausts provided on grinders must be used in operations that produce large amounts of dust. The splash guards mounted on grinders that use a coolant should be mounted so that no one is ever splashed with the coolant.

The work area around a grinder must be kept clean at all times. It is your responsibility as operator of any machine to ensure the necessary safety precautions are taken before using the machine.

FIRSTAID KITS

First-aid kits and required contents are maintained in a serviceable condition. Unit-type kits have all items in the first-aid kit individually wrapped, sealed, and packaged in comparable sized packages. The commercial or cabinet-type kits do not require all items to be individually wrapped and sealed, but only those which must be kept sterile. Items such as scissors, tweezers, tubes of ointments with caps, or rolls of adhesive tape, need not be individually wrapped, sealed, or disposed of after a single use or application. Individual packaging and sealing shall be required only for those items which must be kept sterile in a first-aid kit.

WORK ENVIRONMENT - GENERAL

Work sites must be clean and orderly. Work surfaces must be kept dry or appropriate means taken to assure the surfaces are slip-resistant. Spills must be cleaned up immediately. All combustible scrap, debris and waste must be stored safely and removed promptly. Combustible dust must be cleaned up with a vacuum system to prevent the dust from going into suspension. The accumulated combustible dust must be removed routinely. Metallic or conductive dust must be prevented from entering or accumulating on or around electrical enclosures or equipment.

Waste containers must be covered. Oily and paint soaked rags are combustible and should be discarded in sealable metal containers only. Paint spray booths, dip tanks and paint areas must be cleaned regularly.

All oil and gas fired devices should be equipped with flame failure controls that will prevent flow of fuel if pilots or main burners are not working. Ask your supervisor where these controls are located.

Make sure all pits and floor openings are either covered or otherwise guarded.

VEHICLE MAINTENANCE

Work safely when repairing vehicles. Where tires are mounted and/or inflated on drop center wheels, a safe practice procedure must be posted and enforced. Where tires are mounted and/or inflated on wheels with split rims and/or retainer rings, a safe practice procedure must be posted and enforced. Each tire inflation hose must have a clip-on chuck with at least 24 inches of hose between the chuck and an in-line hand valve and gauge. The tire inflation control valve should automatically shut off the air flow when the valve is released. A tire restraining device such as a cage, rack or other effective means must be used while inflating tires mounted on split rims, or rims using retainer rings.

Employees are strictly forbidden from taking a position directly over or in front of a tire while it's being inflated. Proper lifting techniques must be used by employees to avoid over-exertion when lifting packages.

FLOOR JACKS

(i) The operator shall make sure that the jack used has a rating sufficient to lift and sustain the load. (ii) The rated load shall be legibly and permanently marked in a prominent location on the jack by casting, stamping, or other suitable means.

NOTE: See the attached forms for Jack Inspection.

CLEANLINESS

All work sites must be clean and orderly. All work surfaces must be kept dry or appropriate means taken to assure that surfaces are slip-resistant. All spill materials or liquids should be cleaned up immediately and combustible scrap, debris and waste stored safely and removed from the work site promptly.

Any accumulations of combustible dust must be routinely removed from elevated surfaces including the overhead structure of buildings. Combustible dust should be cleaned up with a vacuum system to prevent the dust going into suspension. Metallic or conductive dust must be prevented from entering or accumulating on or around electrical enclosures or equipment.

Covered metal waste cans are provided for oily and paint-soaked waste. Use them. All oil and gas fired devices must be equipped with flame failure controls that will prevent flow of fuel if pilots or main burners are not working.

Paint spray booths, dip tanks, etc., must be cleaned regularly. Washing facilities are provided, so wash your hands after handling materials.

SPRAYBOOTHS

WCA Waste Corporation will not use any flammables or combustibles in spray booths.

EYE WASH STATION

Eye wash stations must have a continuous flow of 15 minutes.

(c) Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use.

WELDING, CUTTING AND BRAZING

Only authorized and trained personnel are permitted to use welding, cutting or brazing equipment. All operators must have a copy of the appropriate operating instructions and are directed to follow them.

Compressed gas cylinders should be regularly examined for obvious signs of defects, deep rusting, or leakage. Use care in handling and storing cylinders, safety valves, relief valves and the like, to prevent damage. Precaution must be taken to prevent mixture of air or oxygen with flammable gases, except at a burner or in a standard torch. Only approved apparatus (torches, regulators, pressure-reducing valves, acetylene generators, manifolds) may be used.

Cylinders must be kept away from sources of heat. It is prohibited to use cylinders as rollers or supports. Empty cylinders must be appropriately marked, their valves closed and valve-protection caps on. Oxygen and Acetylene (fuel-gas) cylinders must be kept 20 feet apart and secured.

Signs reading: DANGER - NO SMOKING, MATCHES, OR OPEN LIGHTS, or equivalent must be posted. Cylinders, cylinder valves, couplings, regulators, hoses and apparatus must be kept free of oily or greasy substances. Care must be taken not to drop or strike cylinders.

Unless secured on special trucks, all regulators must be removed and valve-protection caps put in place before moving cylinders. All cylinders without fixed hand wheels must have keys, handles, or non-adjustable wrenches on stem valves when in service. Liquefied gases must be stored and shipped valve-end up with valve covers in place. Before a regulator is removed, the valve must be closed and gas released from the regulator. All employees are instructed never to crack a fuel-gas cylinder valve near sources of ignition. Red is used to identify the acetylene (and other fuel-gas) hose, green for oxygen hose, and black for inert gas and air hose. All pressure-reducing regulators must be used only for the gas and pressures for which they are intended.

The open circuit (No Load) voltage of arc welding and cutting machines must be as low as possible and not in excess of the recommended limits. Under wet conditions, automatic controls for reducing no-load voltage must be used. Grounding of the machine frame and safety ground connections of portable machines must be checked periodically. Electrodes must be removed

from the holders when not in use. All electric power to the welder must be shut off when no one is in attendance.

Suitable fire extinguishing equipment must be available for immediate use before starting to ignite the welding torch. The welder is strictly forbidden to coil or loop welding electrode cable around his/her body.

All wet welding machines must be thoroughly dried and tested before being used. All work and electrode lead cables must be frequently inspected for wear and damage, and replaced when needed. All connecting cable lengths must have adequate insulation. When the object to be welded cannot be moved and fire hazards cannot be removed, shields must be used to confine heat, sparks and slag.

Fire watchers will be assigned when welding or cutting is performed in locations where a serious fire might develop. All combustible floors must be kept wet, covered by damp sand, or protected by fire resistant shields. When floors are wet down, personnel should be protected from possible electrical shock.

When welding is done on metal walls, precautions must be taken to protect combustibles on the other side. Before hot work is begun, used drums, barrels, tanks and other containers must be so thoroughly cleaned that no substances remain that could explode, ignite or produce toxic vapors. It is required that eye protection helmets, hand shields and goggles meet appropriate standards.

Employees exposed to the hazards created by welding, cutting or brazing operations must be protected with personal protective equipment and clothing. Check for adequate ventilation where welding or cutting is performed. When working in confined spaces, environmental monitoring tests should be taken and means provided for quick removal of welders in case of emergency.

MISCELLANEOUS

TRANSPORTING EMPLOYEES AND MATERIALS

When transporting employees or materials, they must have an operator's license for that classification of vehicle and be certified or trained in the operation of that vehicle. For a safety program to be effective, they must also have knowledge of First Aid courses and safety equipment, as well as the vehicle and how it operates.

As employees are transported by truck, provisions must be provided to prevent their falling from the vehicle. Vehicles should be in good working condition, inspected on a regular basis and must be equipped with lamps, brakes, horns, mirrors, windshields and turn signals in good working order. If the vehicle transports numerous individuals it must be equipped with handrails, steps, stirrups or similar devices, placed and arranged so that employees can safely mount or dismount.

Safety measures to ensure passenger safety should be observed. When cutting tools with sharp edges are carried in the passenger compartment, they must be placed in closed boxes or secured

containers. Carrying flares and two reflective type flares and a fire extinguisher must be part of the standard emergency equipment carried in the vehicle at all times.

HAZARDOUS SUBSTANCES COMMUNICATION

When hazardous substances are used in the workplace, a hazard communication program dealing with Material Safety Data Sheets (MSDS), labeling and employee training will be in operation. MSDS materials will be readily available for each hazardous substance used. A training program plus regular question and answer sessions on dealing with hazardous materials will be given to keep employees informed.

The program will include an explanation of what an MSDS is and how to use and obtain one; MSDS contents for each hazardous substance or class of substances; explanation of the "Right to Know"; identification of where employees can see the employer's written hazard communication program and where hazardous substances are present in their work area; the health hazards of substances in the work area, how to detect their presence, and specific protective measures to be used; as well as informing them of hazards of no-routine tasks and unlabeled pipes.

ELECTRICAL

The workplace will be aware of the OSHA Electrical Safety Orders and will comply with the same.

Employees will be required to report any hazard to life or property that is observed in connection with a job, electrical equipment or lines. Employees will be expected to make preliminary inspections or appropriate tests to determine conditions before starting work. When equipment or lines are to be serviced, maintained or adjusted, employees must be aware of open switches. Lockouts must be tagged whenever possible.

Equipment such as electrical tools or appliance must be grounded or of the double insulated type. Extension cords being used must have a grounding conductor. The workplace supervisor must be aware if multiple plug adapters are prohibited.

If ground-fault circuit interrupters are installed on each temporary 15 or 20 ampere, 120 volt AC circuit at locations where construction, demolition, modifications, alterations or excavations are being performed, temporary circuits must be protected by suitable disconnecting switches or plug connectors with permanent wiring at the junction.

Electricians must be aware of the following:

- Exposed wiring and cords with frayed or deteriorated insulation must be repaired or replaced.
- Flexible cords and cables must be free of splices or taps.
- Clamps or other securing means must be provided on flexible cords or cables at plugs, receptacles, tools, and equipment. The cord jacket must be held securely in place.

- All cord, cable and raceway connections must be intact and secure.
- In wet or damp locations, electrical tools and equipment must be appropriate for the use or location, or otherwise protected.
- The location of electrical power lines and cables (overhead, underground, under floor, other side of walls) must be determined before digging, drilling or similar work is begun.
- All metal measuring tapes, ropes, hand lines or similar devices with metallic thread woven into the fabric are prohibited for use where they could come in contact with energized parts of equipment or circuit conductors.
- The use of metal ladders is prohibited in areas where the ladder or the person using the ladder could come in contact with energized parts of equipment, fixtures or conductors.
- All disconnecting switches and circuit breakers must be labeled to indicate their use or equipment served.
- A means for disconnecting equipment must always be opened before fuses are replaced.
- All interior wiring systems must include provisions for grounding metal parts or electrical raceways, equipment and enclosures.
- All electrical raceways and enclosures must be fastened securely in place.
- All energized parts of electrical circuits and equipment must be guarded against accidental contact by approved cabinets or enclosures.
- Sufficient access and working space will be provided and maintained around all electrical equipment to permit ready and safe operations and maintenance.
- All unused openings (including conduit knockouts) in electrical enclosures and fittings must be closed with appropriate covers, plugs or plates.
- Electrical enclosures such as switches, receptacles, and junction boxes must be provided with tight fitting covers or plates.
- Disconnecting switches for electrical motors in excess of two horsepower must be capable of opening the circuit when the motor is in a stalled condition without exploding. (Switches must be horsepower rated equal to or in excess of the motor hp rating.)
- Low voltage protection must be provided in the control device of motor driven machines or equipment which could cause injury from inadvertent starting.

- A motor disconnecting switch or circuit breaker must be located within sight of the motor control device.
- Motors:
 - a) must be located within sight of their controller;
 - b) must have their controller disconnecting means capable of being locked in the open position;
 - c) or must have separate disconnecting means installed in the circuit within sight of the motor.
- A controller for a motor in excess of two horsepower must be rated equal to but not in excess of the motor it services.
- Employees who regularly work on or around energized electrical equipment or lines will be instructed in cardiopulmonary resuscitation (CPR) methods.
- Employees will be trained on how to work on energized lines or equipment over 600 volts.

SAFETY POSTERS

WCA Waste Corporation is required to post certain employment related information. The required information is maintained in the office where employees can find the following required posters:

- Various state and federal orders regulating the Wages, Hours and Working Conditions certain industries.
- Pay Day Notice
- Anti-Discrimination Poster
- Equal Employment Opportunity is the Law (EEOC form)
- OSHA Safety and Health Protection on the Job
- Notice of Workers Compensation Carrier
- Notice to Employees: "Unemployment Insurance and Disability Insurance"
- Access to Medical and Exposure Records
- Notice to Employees: "Time Off to Vote"

In addition to the above listed notices, a copy of this injury prevention program, a log and summary of Occupational Injuries and Illnesses, a copy of WCA Waste Corporation's code of Safe Work Practices and a Fire Prevention and Evacuation Plan will be posted.

Material Safety Data Sheets for WCA Waste Corporation's premises are available on the office bulletin board. When employees are required to work on the premises of any other employer, such as a service call or installation situation, the job site will maintain a collection of Material Safety Data Sheets that describe any hazards unique to that site. Check with the other employer's job site.

In addition to these required safety postings, emergency numbers are to be posted.

In most cases of real emergency call 911. State your name, the nature of the emergency, and exact location of the injury. Answer all questions completely. Do NOT use 911 for routine calls to police or fire departments.

LICENSES AND PERMITS

In addition to other postings required by law, WCA Waste Corporation maintains a copy of all necessary business licenses, permits, and notices required by the National Labor Relations Board or other governmental bodies, notices of citations during abatement periods, and other required information which are posted during the appropriate times.

DRIVING

Drive Safely. If vehicles are used during the workday, seat belts and shoulder harnesses are to be worn at all times. Vehicles must be locked when unattended to avoid criminal misconduct. Do not exceed the speed limit. Vehicles must be parked in legal spaces and must not obstruct traffic. Defensive driving must be practiced by all employees. Employees should park their vehicles in well lighted areas at/or near entrances to avoid criminal misconduct.

DOT (Department of Transportation) - GENERAL

HOURS OF SERVICE

- Adverse Driving Conditions: A driver who encounters adverse driving conditions and because of these conditions cannot safely complete the run within the 10 hour maximum driving period may be permitted to drive an additional two hours in order to complete that run. Such adverse conditions could not have been apparent, on the basis of information known at the time the run began (or it is a violation).
- Emergency Conditions: In the case of an emergency, a driver may complete his/her run without being in violation of the hours of service, if such a run could have reasonably been completed absent the emergency.
- 100 Air-Mile Radius Driver Exemption: A driver is exempt from completing a record of duty status" (driver's log) if:
 1. The driver operates within a 100 mile radius of the normal work reporting location.
 2. Returns to the work reporting location and is released within 12 consecutive hours on duty.
 3. At least 8 consecutive hours off duty separate each 12 hours on duty.
 4. The driver does not exceed 11 hours maximum driving time following 8 consecutive hours off duty.
 5. The Company maintains and retains accurate and true time records for a 6 month period; showing reporting time, total hours and release time.
- Maximum Driving and On-Duty Time: The Company shall not permit or require any driver to drive, nor shall any such driver drive:
 1. More than 11 hours following 8 consecutive hours off duty.
 2. For any period after having been on duty 15 hours following 8 consecutive hours off duty.

The Company shall not permit or require a driver to drive for any period after:

1. Having been on duty 60 hours in 7 consecutive days if the Company does not operate every day of the week.
2. Having been on duty 70 hours in any period of 8 consecutive days if the Company operates every day of the week. Under this situation the drivers are required to utilize a driver's log.

INSPECTION, REPAIR, AND MAINTENANCE

Required maintenance records for vehicles controlled for 30 consecutive days or more, the Company must maintain the following records for each vehicle:

1. Proper identification including serial number, make, year, tire sizes, etc.;

2. A means to identify the nature and date of various inspections and maintenance to be performed;
3. A record of inspection, repairs and maintenance indicating their date and nature;
4. A lubrication record; and
5. A record of all other tests performed.

The records required above shall be retained where the vehicle is either housed or maintained for a period of one (1) year and six (6) months after the vehicle leaves the district's control.

VEHICLE CONDITION REPORT (VCR)

WCA Waste Corporation requires its drivers to report, and every driver shall prepare a report in writing at the completion of each day's work on each vehicle operated (see our maintenance forms for a VCR). The report must identify the vehicle and list any defects discovered by the driver which could affect the safe operation of the vehicle or result in its mechanical breakdown. If no defects are discovered, the driver shall so indicate. In all instances the driver must sign the VCR. If a driver operates more than one vehicle during the day, a report must be prepared for each vehicle.

Prior to operating a motor vehicle the maintenance department shall effect repairs of any items listed on the VCR that would likely affect the safe operation of the vehicle.

Maintenance will certify (sign-off) on the VCR that the defects has been corrected or that they are not necessary for the safe operation of the vehicle.

Maintenance will retain the original copy of each VCR and the certification of repairs for at least 3 months from the date the report was prepared.

DRIVER QUALIFICATION FILE

DQ FILE (Driver Qualification File)

Prior to hiring a driver, a DQ File must be filed out completely, as follows:

- Application for employment (391.21): A minimum ten year employment/driving history should be listed with names, addresses and reasons for leaving. You are required (391.23) to investigate the driver's employment for at least the past three (3) years, by mail, fax or phone and notation made of these to be placed in their file.
- Motor Vehicle Report (MVR): MVR's must be obtained before an individual is allowed to operate a company vehicle. This must be done each and every year. An unsatisfactory MVR includes, but not limited to:
 1. Driving while under the influence of alcohol or drugs.
 2. Speeding in excess of 20 mph over the speed limit.
 3. A suspended or revoked license.

4. Three or more moving violations in the past three (3) years.
- Previous Employer Drug and Alcohol Tests Results: We are required to secure this information from a previous employer(s). Previous employers are required to provide this information to the applicant's prospective employer on request. For us to provide this information we would need the former employee to sign a authorization form (Form DOT-3).
 - Annual Review of Driving Records: Each year you must request a MVR on each Driver and review his accident record.
 - Record of Violations: Each driver must fill this out noting all violations within the previous 12 months. This must be done prior to the Annual Review of Driving Records.
 - Road Test and Certification: We must give a road test to the applicant and the person giving the test must complete the form.
 - Physical Qualifications: A person is not permitted to drive a commercial motor vehicle unless they are physically qualified, which is performed by a physician in accordance to this regulation.
 - Certificate of Physical Examination: The physician, if the individual passes, will fill out a certificate card which is to be given to the driver. The driver must carry this at all times.
 - Drive Statement of On-Duty Hours: Motor carriers when using a driver for the first time shall obtain from the driver a signed statement giving the total time on-duty during the immediately preceding 7 days and time at which such driver was last relieved from duty prior to beginning work for such carrier.
 - Driver Certification for Other Compensated Work: When employed by a motor carrier, a driver must report to the carrier all on-duty time including time working for other employers.
 - Certificate of Compliance: Each driver shall sign a form to verify that they 1) have only one license, 2) will notify their employer of any and all traffic violation convictions, and 3) provide accurate information to their employer.
 - Retention of Files: This file must be retained for as long as the driver is employed plus three (3) years.

NOTE: You may obtain these folders from J. J. Keller and Associates (1-800-843-3174 x2352)

CONTROLLED SUBSTANCES / ALCOHOL USE AND TESTING

CONTROLLED SUBSTANCES/ALCOHOL USE AND TESTING (382)

Random drug= 50% and alcohol= 10% of the drivers is required each year. If a supervisor has reasonable suspicion as stated in Subpart B of Part 382 you can send the driver in for test. Consequences for violation (382.501-505), except as provided in Subpart F, of alcohol and controlled substances rule is the immediate removal of the employee from performing any safety sensitive function.