November 5, 2010 103-82514

Mr. Anthony Tripp
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

RE: LIQUID ENVIRONMENTALSOLUTIONS FACILITY
1640 TALLEYRAND AVENUE
JACKSONVILLE, FLORIDA
USED OIL PERMIT NO. 72815-HO-009, FLD 981 928 484
RCRA TANK CLOSURE AND SOLID WASTE MANAGEMENT UNITS
CONFIRMATORY SAMPLING PLAN
DATED AUGUST 5, 2010

Dear Mr. Tripp:

On behalf of Liquid Environmental Solutions (LES), Golder Associates Inc. (Golder) is pleased to provide the following responses to the Florida Department of Environmental Protection's (FDEP's) comments concerning the RCRA Tank Closure and Solid Waste Management Units Confirmatory Sampling Plan at the above referenced site. Each response follows the original FDEP comment provided in bold text below. When all of the comments are resolved a final work plan will be submitted reflecting the agreed-upon changes.

Comment 1: **Please add EPA I.D. Number and Facility permit Number on RCRA Tank Closure and Confirmatory Sampling Plan Cover page and Cover Letter.**

Response 1: *The EPA I.D. Number and Facility Permit Number will be included on the cover page and the cover letter in the revised work plan.*

Comment 2: **RCRA Tank Closure Report Title and Report Cover Letter Title should be the same. Please review and revise as appropriate.**

Response 2: *The titles will be corrected in the revised work plan.*

Comment 3: **Section 1.0 Introduction, 1.1 Background, Second Paragraph, Second Sentence, and Page 1: The closure plan for the facility addressed and approved in 2007 by FDEP is only appropriate for Used Oil tanks, not for the hazardous waste tanks. For hazardous waste tanks, the closure plan was addressed in the Permit Application dated December 16, 1991 (Refer to the existing permit Part V-Closure Conditions 2). Please review and revise as appropriate.**

Response 3: *The text will be revised to indicate that the closure plan approved by FDEP in 2007 was for the used oil tanks and not the hazardous waste tanks. It is understood that closure of the hazardous waste tanks have different requirements and those requirements are reflected in the body of the work plan.*

Comment 4: **Section 1.0 Introduction, 1.2 General Scope, Second Paragraph, and Page 3: The text incorrectly states that DEP required IWS to maintain FA as a former owner, Until LES (new owner) establishes one. Please review the paragraph and revise as appropriate.**

Response 4: *The text will be revised to indicate that IWS has financial assurance in place with the FDEP ($77,000) for the RCRA-regulated tanks/issues and LES has financial assurance for closure related to the used oil tanks and other equipment covered by the used oil processors permit. This arrangement was approved by Edgar Echevarria of the FDEP. If LES establishes financial assurance for closure of the RCRA-regulated tanks, then, at that time, IWS will no longer have to maintain financial insurance unless corrective action is required.*

Comment 5: **Sub-Section 2.1 Ground Water, Page 4; Appendix A, Laboratory Analytical Results: The presented analytical results appear to be below groundwater cleanup target levels (GCTLs) for MBTE and Benzene. However, the presented wells are not identified in the current permit site map of in the application. These wells are approximately 20 years old and of unknown construction and condition (e.g. siltation problems, integrity, screened interval, depth, etc.). These issues we have also discussed in out June 10, 2010 meeting in Tallahassee. Please review and revise the report as appropriate.**

Response 5: *The two monitoring wells were presented in Figure 2 of the current sampling plan report. One well (MW-1) is located on the west side of the property (upgradient of facility operations) and the second well (MW-2) is located adjacent and to the east (downgradient) of Tank 6. As described in Section 3.0 of the closure plan, if monitoring well MW-2 is determined to be of proper construction for monitoring purposes and sufficient for closure, with respect to groundwater, then a groundwater sample will be collected from this well. IWS and LES understand that the well may need to be inspected to determine screen interval and integrity and may need to be developed prior to sample collection, if appropriate. If necessary, a replacement well will be installed in close proximity to MW-2 for the purpose of completing closure. However, at this time MW-1 is not required to demonstrate clean closure of the tanks. It might be used later for other purposes.*

Comment **6:** **Section 3.0 Tank Closure Plan: The tanks should be emptied, especially, sludge's should be removed and the entire tank system including associated piping and equipment must be flushed. All soil and GW sampling must include constituents of all waste and material the facility may have managed over the years and not only DO18. As an alternate, the sampling proposed in this section (page 5) may be appropriate as long as the list of metals is expanded to include all priority pollutant metals and not just the four listed. Please review the Section and revise as appropriate.**

Response 6: *It was discussed and agreed upon in the June 21, 2010 meeting with FDEP, that the seven cone-bottom tanks (Tanks 81 through 87) and all associated piping would not need to be emptied and cleaned since these tank systems have been used for processing petroleum contact water and used oil that is virtually no different than the wastewater that was originally designated a hazardous waste based on toxicity due to the concentration of benzene. It does not make sense to empty and decontaminate the tank systems only to place them back in use to process liquids containing benzene and other constituents that are very likely identical to the wastewater designated (and subsequently exempted) a hazardous waste. Given that Tank 6 is in contact with the concrete foundation of the containment area, the tank has been emptied, cleaned, and inspected for integrity as discussed in Section 2.2 of the closure plan.*

As indicated above, the eight RCRA Tanks to be closed have only processed petroleum contact wastewater and/or used oil since they were placed in service. These tanks were only classified as containing hazardous waste due to benzene in the liquids from some sources, such as water decanted from the bottom of bulk petroleum storage tanks. No other hazardous waste constituent has been identified in the waste streams that the

facility processes. Additionally, the waste streams processed by the facility are not typically associated with heavy metals other than lead. Table C of Chapter 62-770 F.A.C. (used as a reference in the sampling plan) indicates the potential constituents that the FDEP believes could be found in a used oil waste stream. Golder believes that the current list of constituents of concern is sufficient to evaluate whether a release of the former RCRA-regulated wastes at the site and that expanding the list of constituents to include the priority pollutant metals is not warranted.

Comment 7: **Section 4.1 Constituents of Concern, and Page 6: The sampling list should be same as the list on Page 5 with expanded metals list. Please revise as appropriate.**

Response 7: *The RCRA Facility Assessment (RFA) issued by the EPA on December 10, 1993 specifically states samples collected as part of confirmatory sampling associated with RCRA solid waste management units (SWMUs) or areas of concern (AOC) should be analyzed for volatile organic compounds (VOCs) and total recoverable petroleum hydrocarbons (TRPHs). Additionally, given that the facility has only stored and/or treated petroleum based compounds since that time, the constituents listed in the RFA are appropriate for the confirmatory sampling plan. In the event that TRPH concentrations are elevated, additional samples for analysis of semi-volatile organic compounds (SVOCs) might be warranted. Additional samples can be collected and held at the laboratory for that purpose. However, analyzing all samples for SVOCs and priority pollutant metals is cost prohibitive and would not indicate releases associated with the regulated tanks beyond that indicated by results of the proposed list of analyses.*

Comment 8: **The existing permit states that the closure shall meet the requirements of 40 CFR-Part 264.197 and Subpart G to close the HW tanks not Chapter 62-770, Florida Administrative Code, which is not a RCRA regulation. Closure of these tanks must meet these RCRA requirements. Revise appropriately.**

Response 8: *Agreed. Chapter 6-770 F.A.C. was referenced to indicate FDEP's list of constituents for petroleum products and petroleum contact water, which are the only wastes that the facility has processed. Ultimately, the petroleum cleanup program is under the RCRA umbrella; therefore, relying on sample analyses requirements under that program is not inconsistent with the RCRA program.*

Comment 9: **Site Map, Figure 2: Sampling Plan is not addressed for hazardous Waste Tanks 81 through 87. Facility must propose Soil Boring locations for these tanks and address in Section 4.0 Confirmatory Sampling Plan and include Constituents of Concern and Methodology.**

Response 9: *During both the February 9, 2010 and June 21, 2010 meetings with FDEP, it was discussed and agreed that soil sampling directly under or in the vicinity of the seven cone-bottom tanks (Tanks 81 through 87) was not necessary, given that these tanks are not in contact with the containment area foundation concrete. It was agreed that one boring located outside the tertiary containment to the north would be sufficient for closure of these tanks. One boring is positioned to the north of these tanks on the outside of the tertiary containment (see Figure 2 of the report).*

Comment 10: **Sub-Section 4.6, SWMU 11 F-Tertiary Containment, Second Paragraph, Second Sentence, Page 8: Please correct the meeting date from "February 8, 2010" to "February 9, 2010" with FDEP.**

Response 10: *The meeting date will be corrected from February 8, 2010, to February 9, 2010, in the revised work plan.*

Comment 11: Sub-Section 4.6, SWMU 11-F-Tertiary containment, and Page 8: A sampling location should be added to the south of the containment system near tanks 7 and 9.

Response 11: The southern edge of the tertiary containment near Tanks 7 and 9 is concrete block wall that is several feet thick and installing a boring within the wall would not be feasible. Additionally, the containment wall is immediately adjacent to the property line and obtaining access to the adjacent property would be problematic. The sample locations indicated on Figure 2 of the report should be sufficient to determine if a discharge has occurred from this SWMU.

Comment 12: Sub-Section 4.7, SWMU 21-Underground oil/Wastewater Pipeline System, and Page 8: DEP does not agree with the request and approach, rather we recommend not combining SWMU 11F and SWMU 21 into one SWMU or area of concern (AOC).

Response 12: If the SWMUs are not combined into one SWMU or AOC, then the sample locations as presented in Figure 2 will suffice to determine if a release has occurred from either SWMU 11F or SWMU 21.

Comment 13: Site Map, Figure 2, Hazardous Tank No. 6: Facility proposed only two (2) soil boring locations. DEP recommends adding another soil boring along the west side of the tank also.

Response 13: An additional boring will be included on the west side of Tank 6 in the revised work plan.

Comment 14: Site Map, Figure 2, SWMU 4 (Baffle Tank): Facility proposed only three (30) soil boring locations. DEP recommends adding another soil boring along the west side of SWMU 4 also.

Response 14: The west side of SWMU 4 is inaccessible to drilling equipment. The closest point in which a boring could be installed to the west of SWMU 4 is approximately 30 feet away. A sample collected from this far away from the SWMU would not be indicative of conditions at the SWMU and would not indicate if a release had occurred from the SWMU.

Comment 15: Site Map, Figure 2, SWMU 4, Baffle Tank 8: Please identify the location of Baffle Tank 8 on Site Map, and Figure 2.

Response 15: Baffle Tank 8 was removed from the site in the mid 1990s.

Comment 16: The revised closure plan shall include soil sampling at different depths at the perimeter of secondary containment and other locations, as necessary, and groundwater sampling. The analytical parameters should include all waste and waste constituents that may have been handled at this facility over the years.

Response 16: Soil sampling methodology is described in Section 4.2 of the report. The methodology includes collecting soil samples from multiple depths to the water table. Sampling methods will comply with the State's Standard Operating Procedures (SOPs) for collection of soil sampling.

Comment 17: Closure Schedule: This section is not included in this closure plan. Please review and add a Section to include the closure schedule to start to finish not more than 180 days that the closure activities and closure report can be accomplished.

Response 17: *A closure schedule will be included in the revised work plan. A summary of the proposed closure schedule as follows, and commences with approval of the final work plan:*

a. *Weeks 1 through 5 – Collect samples as described in the plan*
b. *Week 8 – Receive laboratory results of sample analyses and order SVOCs analyses, if warranted*
c. *Week 11 – Receive additional laboratory report*
d. *Weeks 9 through 17 – Prepare and submit a combined Closure and Confirmatory Sampling Report.*

Comment 18: **Closure Cost Estimate: Please update or revise the closure cost estimates to complete RCRA closure activities on existing oily wastewater storage tanks at the facility. All estimates should be based upon the cost for third party to perform the closure activities as required by 40 CFR Part 264.142. "Third party" has been defined in the regulations as a party other than the parent or subsidiary of the owner or operator. The estimates should also include the Hazardous and Solid Waste Amendments of 1984 (HSWA) Units or also called Solid Waste management Units (SWMUs).**

Response 18: *A closure cost estimate will be included in the revised report. It is estimated that it will cost approximately $25,000 to complete the scope of work as described in the current closure/sampling plan.*

If you have any questions or require additional information, please do not hesitate to call us at (904) 363-3430.

Sincerely,

GOLDER ASSOCIATES INC.

Kirk A. Blevins, CHMM
Project Scientist and Geochemist

James P. Oliveros, PG
Senior Consultant and Principal

cc: Patrick Reilly – Liquid Environmental Solutions, Inc.
Ashwin Patel – Florida Department of Environmental Protection - Jacksonville
Tommy Dudley – Industrial Water Services, Inc.
Karen Knight – U.S. Environmental Protection Agency

KAB/ams

FN: G:\Projects\103\103-82\103-82514\LES Response to Comments.docx