



FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor
Carlos Lopez-Cantera
Lt. Governor
Noah Valenstein
Secretary

November 19, 2018

Mr. Edward Maylon
General Manager
Water Recovery, LLC
1819 Albert Street
Jacksonville, FL 32202
emaylon@wrijax.com

Subject: **Revised Site Rehabilitation Completion Order (SRCO)**
with Controls
DLAC/WRI, LLC
1819 Albert Street
Jacksonville, FL 32202
FLD 101 877 876
Petroleum Site ID 168506799
Permit No: 79677-HH-011

Dear Mr. Maylon:

1. This revised SRCO is being issued to record site rehabilitation completion at Petroleum Restoration Program Site 168506799, discharge date July 15, 1994. This release was in Waste Management Area 1 (WMA 1) which encompassed the various Solid Waste Management Unit 7 tanks described below. Notation of site rehabilitation completion for this discharge was inadvertently missing from the May 2016 SRCO for DLAC/WRI.

At the Department's request, DLAC/WRI re-summarized the remedial activities in WMA 1 in a Site Rehabilitation Completion Report dated September 18, 2017, prepared by Golder Associates, to support revision of the 2016 SRCO.

No other changes have been made to the May 2016 SRCO content and language below. Public notice of the closure under RCRA occurred on March 21, 2016.

2. The Department of Environmental Protection, RCRA Program and Permitting Section has reviewed the Site Rehabilitation Completion Report and the No Further Action (NFA) Proposal Addendum, dated June 10, 2015, that was prepared by Golder Associates for the DLAC/WRI, LLC facility located at 1819 Albert Street, Jacksonville, Duval County, Florida. The following Solid Waste

Management Units (SWMUs) are addressed and comprise the contaminated sites located on the Albert Street parcel property owned by DLAC/WRI, and facility-wide groundwater contamination. These SWMUs are hereafter referred to as the “Albert Street Sites” for the purposes of this SRCO.

- (a) SWMU 2A – 23,750-gallon AST (Tank 1)
 - (b) SWMU 2B – 23,750-gallon AST (Tank 2)
 - (c) SWMU 2C – 23,750-gallon AST (Tank 3)
 - (d) SWMU 2H – 9,000-gallon Process Holding Tank (Tank 9)
 - (e) SWMU 5 – 4-ft Diameter, 3.3-ft Open-Top AST, Sludge-Drying
 - (f) SWMU 6 – Container Storage Area, 55-gallon Drums
 - (g) SWMU 7A – 20,500-gallon Sludge Thickening Tank (Tank 15)
 - (h) SWMU 7B – 20,500-gallon Haz Waste Treatment Tank (Tank 16)
 - (i) SWMU 7C – 19,000-gallon Haz Wastewater Receiving Tank (Tank 17)
 - (j) SWMU 7D – 19,000-gallon Haz Wastewater Treatment Tank w/Aerator (Tank 18)
 - (k) SWMU 7E – 19,000-gallon Haz Wastewater Treatment Tank w/Aerator (Tank 19)
 - (l) SWMU 7F – 450-gallon Oil/Water Separator Tank (S1A)
 - (m) SWMU 7H – 9,700-gallon Conical Tank
3. Maps showing the location of the DLAC/WRI, LLC facility and the former location of the “contaminated sites” for which this Order is being issued are attached as Exhibits 1 and 2.
4. The contamination was discovered in 1997 during closure of a hazardous waste storage and treatment facility. Groundwater contamination originally consisted of petroleum hydrocarbons, volatile organic compounds, vanadium and arsenic. Soil contamination consisted of petroleum hydrocarbon compounds. The discharge resulted from historic releases during operation of the facility.
5. Permit No. 79677-HH-011 (hereinafter “*the Permit*”) was executed by the Department on September 26, 2013 to address, among other things, the contamination at the Albert Street Sites.
6. The NFA Proposal is supported by earlier submittals prepared pursuant to the Permit, including, but not limited to:
- (a) RCRA Facility Assessment Report for EnviroTech Southeast, Inc., FDER (1995);
 - (b) EnviroTech Southeast, Inc. Groundwater Remediation System, Influent and Effluent Sampling and Analysis, Pro-Line Engineering Corp (1997);
 - (c) Site Rehabilitation and Completion Report and No Further Action Proposal, Golder Associates (2014);
 - (d) Site Rehabilitation and Completion Report and No Further Action with Controls Proposal Addendum, Golder Associates (2015); and,
 - (e) Declaration of Restrictive Covenant (groundwater) for Albert Street and

Bryan Street portions of facility, FDEP (2015).

7. Based on the documentation submitted with the proposal for NFA with Controls and the above-referenced documents, the Department has reasonable assurance that DLAC/WRI, LLC has met the criteria in Chapters 62-730 and 62-780, Florida Administrative Code (F.A.C.) and has met the terms of the Permit, including the commitments set forth in the technical submittals with respect to the recordation of institutional controls.
8. The technical submittals indicate that acceptable Alternative Groundwater Cleanup Target Levels (AGCTLs) have been established in accordance with Chapter 62-780, F.A.C. and achieved for groundwater contaminants remaining at the Albert Street Sites, in conjunction with appropriate institutional controls. The attached table, (Exhibit 3), incorporated by reference herein, includes information regarding the contaminants, the affected media, and the applicable AGCTLs for the Albert Street Sites that are the subject of this Order.
9. Therefore, DLAC/WRI, LLC has satisfied the site rehabilitation requirements for the above-referenced Albert Street Sites and is released from any further obligation to conduct site rehabilitation at the Albert Street Sites except as set forth below. Exhibit 4 is a table listing the corrective action status of all SWMUs/ and AOCs pertaining to DLAC/WRI, LLC.
10. A Declaration of Restrictive Covenant was recorded by DLAC/WRI, LLC on December 16, 2015, in Official Record Book 17400, Page 545, Public Records of Duval County, Florida, and is attached and incorporated by reference as Exhibit 5.
11. Failure to meet the following requirements will result in the revocation of this Order:
 - (a) DLAC/WRI, LLC is required to properly abandon all monitoring wells within 60 days of receipt of this Order. The monitoring wells must be plugged and abandoned in accordance with the requirements of Rule 62-532.500(4), F.A.C.
 - (b) The Real Property Owner of the above-referenced contaminated site must comply with the provisions contained within the Declaration of Restrictive Covenant (Exhibit 5) filed prior to the execution of this Order.
 - (c) If the Real Property Owner of the above-referenced contaminated site proposes to remove the institutional controls or engineering controls, the Real Property Owner shall obtain prior written approval from the Department. The removal of the controls shall be accompanied by the immediate resumption of site rehabilitation or implementation of other approved controls, unless it is demonstrated to the Department that the criteria of subsection 62-780.680(1),

F.A.C., are met.

12. In accordance with Section 376.30701(4), F.S., upon completion of site rehabilitation, additional site rehabilitation is not required unless it is demonstrated that:
 - (a) Fraud was committed in demonstrating site conditions or completion of site rehabilitation;
 - (b) New information confirms the existence of an area of previously unknown contamination which exceeds the site-specific rehabilitation levels established in accordance with subsection (2) [of Section 376.30701, F.S.], or which otherwise poses the threat of real and substantial harm to public health, safety, or the environment;
 - (c) The remediation efforts failed to achieve the site rehabilitation criteria established under this Section [376.30701, F.S.];
 - (d) The level of risk is increased beyond the acceptable risk established under subsection (2) [of Section 376.30701, F.S.] due to substantial changes in exposure conditions, such as a change in land use from nonresidential to residential use. Any person who changes the land use of the site, thereby causing the level of risk to increase beyond the acceptable risk level, may be required by the department to undertake additional remediation measures to ensure that human health, public safety, and the environment are protected consistent with this section; or
 - (e) A new discharge of pollutants or hazardous substances occurs at the site subsequent to the issuance of a "No Further Action" order or a "Site Rehabilitation Completion" order [*i.e.*, this Order] associated with the original contamination being addressed pursuant to this Section [376.30701, F.S.]
13. Any party to this Order has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Agency Clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days after this Order becomes final. This Order is final and effective as of the date it is filed with the Clerk (see Filing and Acknowledgment on the last page of this Order).
14. DLAC/WRI, LLC has met the terms of Permit No. 79677-HH-011 for No Further Action with Controls at all SWMUs and or AOCs, and upon issuance of a final and effective order as described in Condition #12, the Permit No. 79677- HH-011 is terminated.

Mr. Edward Maylon
November 19, 2018

Sincerely,



Kimberly A. Walker, Program Administrator
Permitting and Compliance Assistance Program
2600 Blair Stone Road, MS 4560
Tallahassee, FL 32399-2400

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.



Clerk (or Deputy Clerk)

November 19, 2018

Date

Enclosures:

- Exhibit 1 – Historical Facility SWMU/AOC Map
- Exhibit 2 – Current Facility Site Plan Map
- Exhibit 3 – Alternative GCTLs Table
- Exhibit 4 – List of SWMUs/AOCs
- Exhibit 5 – Final Declaration of Restrictive Covenant

cc:

Brian Bastek, EPA Region 4 – bastek.brian@epa.gov
Natasha Lampkin, DEP Headquarters – Natasha.Lampkin@floridadep.gov
Grace Rivera, DEP Headquarters – Grace.Rivera@floridadep.gov
Ashwin B. Patel, DEP Northeast District – ashwin.patel@dep.state.fl.us
Amanda Kimball, WRI – akimball@wrijax.com
Kirk Blevins, SCS Engineers – Kblevins@scsengineers.com

NOTICE OF RIGHTS

1. If you dispute any issue of material fact raised by this permit modification, you have the right to a formal administrative hearing pursuant to Sections 120.569 and 120.57(1), Florida Statutes (F.S.). At a formal hearing, you will have the opportunity to be represented by counsel, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing office's recommended order.
2. If you do not dispute any issue of material fact raised by this permit modification, you have the right to an informal administrative proceeding pursuant to Sections 120.569 and 120.57(2), F.S. If an informal proceeding is held, you will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Department's Order, or to present a written statement challenging the grounds upon which the Department is justifying its proposed action.
3. If you desire a formal hearing or an informal proceeding, you must file a written "Petition for Administrative Proceeding" within 21 days of receipt of this Order. The petition must be in the form required by Rule 28-106.201(2) Florida Administrative Code (F.A.C.) A petition is "filed" when it is received by the Department's **Agency Clerk**, Office of General Counsel, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000 or agency_clerk@dep.state.fl.us.
4. You will waive the right to a formal hearing or an informal proceeding if a Petition is not filed with the Department within 21 days of the date you receive this permit modification. If you file a written request for extension of time within the time limit and show good cause for an extension, the Department may extend the time by issuing another written order.
5. Mediation is not available in the context of this Order.
6. A party who is adversely affected by this Order when it becomes Final is entitled to Judicial Review pursuant to Section 120.68, F.S. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Agency Clerk, Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000, and a second copy, accompanied by filing fees prescribed by law, with the First District Court of Appeal or with the District Court of Appeal in the Appellate District where the party resides. The Notice of Appeal must be filed within 30 days of rendition of the Order to be reviewed. The Order is rendered on the date it becomes Final. The Order becomes Final on the letterhead date, unless a Petition for formal hearing or informal proceeding is filed as outlined in this notice.

Judicial Review

When this Determination becomes final, any party to this Decision has the right to seek judicial review of this Decision pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Department clerk in the Office of the General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000. The Notice of Appeal must be received by the Department clerk within 30 days from the date at the top of the first page of this Decision. Simultaneously with filing a Notice of Appeal with the Department, the party must file a copy of the Notice of Appeal with the applicable filing fees, with the appropriate District Court of Appeal.

Exhibit 1

(Historical SWMU/AOC Map)

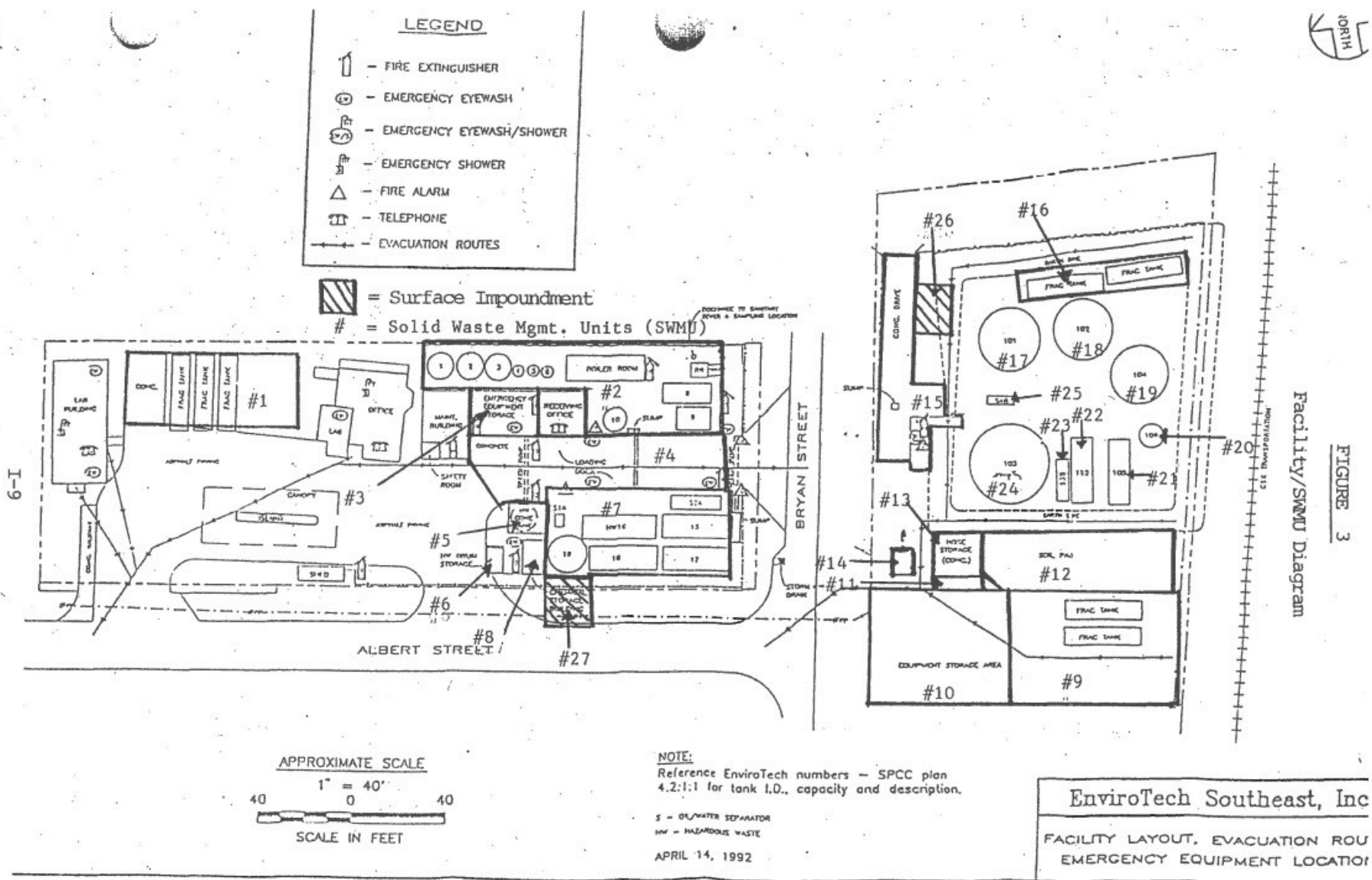


Exhibit 2

Current Facility Site Plan (Figure 3 – SRCR & NFAC Proposal, Golder Associates, June 10, 2015)

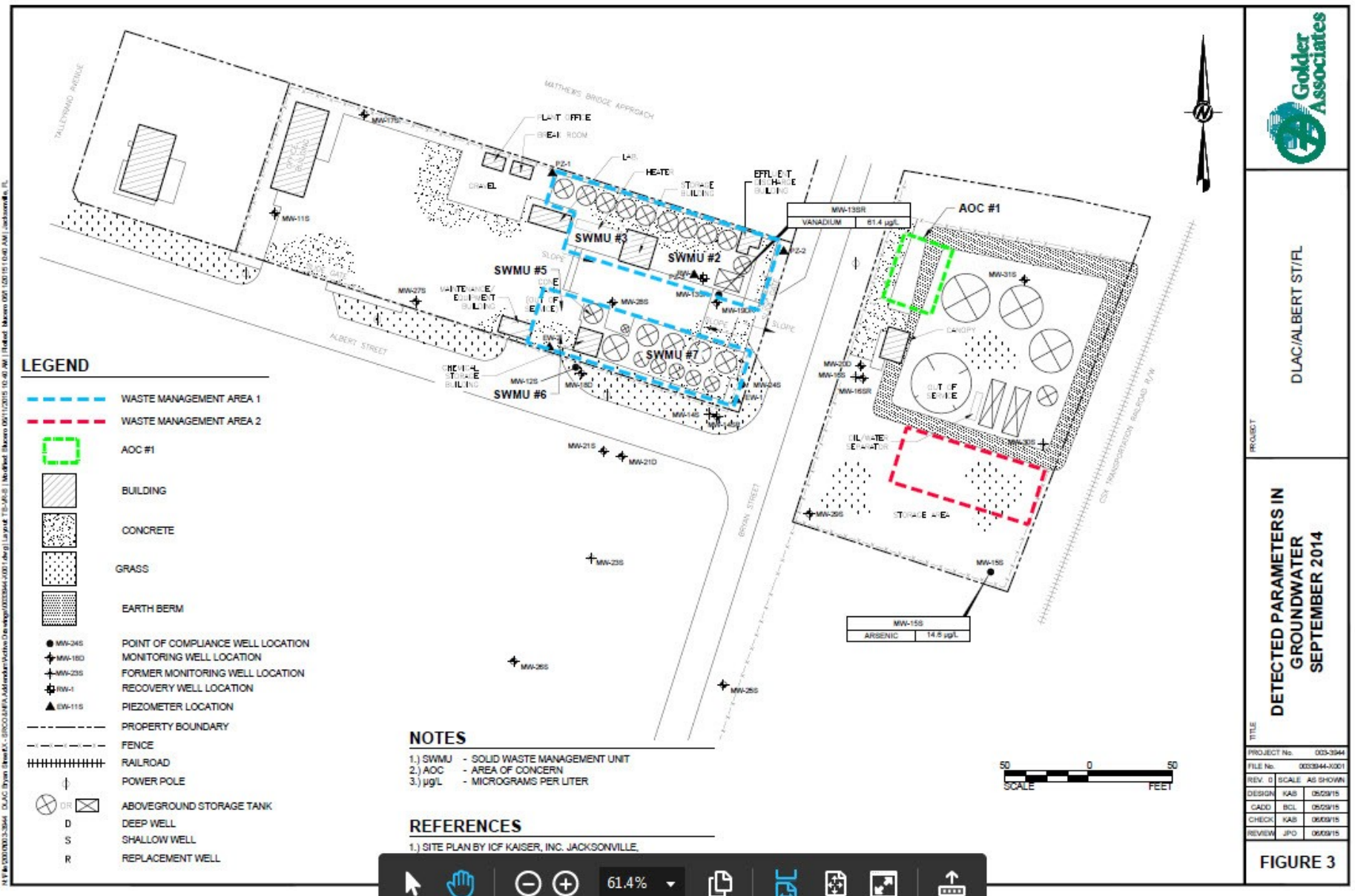


Exhibit 3**Alternative Groundwater Cleanup Target Levels (AGCTLs)**

Contaminant	GCTL (µg/L)	Monitoring Well Name	Well Location at DLAC/WRI	Alternate GCTL (µg/L)
Vanadium	49	MW-13SR	1819 Albert Street, WMA 1	90
Arsenic	10	MW-15S	Across from 1819 Albert Street, on East side of Bryan Street near RR Tracks	25

Exhibit 4**Summary of Solid Waste Management Units (SWMUs) and Areas of Concern (AOC)**

A.1 List of SWMUs / AOCs requiring Confirmatory Sampling				
SWMU/AOC Number/Letter	SWMU/AOC Name	SWMU/AOC Comment and Basis for Determination	Dates of Operation	Potentially Affected Media
There are no units identified as requiring Confirmatory Sampling at this time pursuant to this permit.				

A.2 List of SWMUs / AOCs requiring a Site Assessment (a/k/a RCRA Facility Investigation [RFI]) or a Risk Assessment				
SWMU/AOC Number/Letter	SWMU/AOC Name	SWMU/AOC Comment and Basis for Determination	Dates of Operation	Potentially Affected Media
There are no units identified at this time as requiring a Site or Risk Assessment.				

A.3 List of SWMUs / AOCs requiring a Remedial Action Plan or Natural Attenuation with Monitoring Plan (a/k/a RCRA Corrective Measures Study [CMS])				
SWMU/AOC Number/Letter	SWMU/AOC Name	SWMU/AOC Comment and Basis for Determination	Dates of Operation	Potentially Affected Media
There are no units identified at this time requiring a Remedial Action Plan or a Natural Attenuation with Monitoring Plan.				

A.4 List of SWMUs / AOCs implementing a Remedial Action Plan or Natural Attenuation Monitoring Plan (a/k/a Corrective Measures Implementation [CMI])				
SWMU/AOC Number/Letter	SWMU/AOC Name	SWMU/AOC Comment and Basis for Determination	Dates of Operation	Potentially Affected Media
There are no units identified at this time undergoing a Remedial Action Plan or a Natural Attenuation with Monitoring Plan.				

A.5 List of SWMUs / AOCs at which Site Rehabilitation Completion Determinations With Controls have been made				
SWMU/AOC Number/Letter	SWMU/AOC Name	Unit Comment and Basis for NFA	Dates of Operation	Potentially Affected Media
SWMU 1	Five 10,000 gallon Frac Tanks storing waste oil prior to recycling (west of SWMU 2)	VSI recommended soil sampling on December 18, 1992; DRC for Soil-Commercial / Industrial use implemented	Unknown	Soil
SWMU 2A	23,750 gallon Above ground Storage Tank (Tank 1)	“Pump and Treat” remediation system; DRC for GW Recorded on December 16, 2015	March 1986-April 1992	Groundwater
SWMU 2B	23,750 gallon Above ground Storage Tank (Tank 2)	“Pump and Treat” remediation system; DRC for GW Recorded on December 16, 2015	March 1986-April 1992	Groundwater
SWMU 2C	23,750 gallon Above ground Storage Tank (Tank 3)	“Pump and Treat” remediation system; DRC for GW Recorded on December 16, 2015	March 1986-April 1992	Groundwater
SWMU 2H	9000 gallon Process Oil Holding Tank (Tank 9)	“Pump and Treat” remediation system; DRC for GW Recorded on December 16, 2015	March 1986-April 1992	Groundwater
SWMU 5	4 foot diameter, 3.3 foot high, open-top Aboveground Sludge Drying Tank	“Pump and Treat” remediation system; DRC for GW Recorded on December 16, 2015	March 1986-April 1992	Groundwater
SWMU 6	Container Storage Area, 55-gallon Drums	“Pump and Treat” remediation system; DRC for GW Recorded on December 16, 2015	March 1986-April 1992	Groundwater

A.5 List of SWMUs / AOCs at which Site Rehabilitation Completion Determinations With Controls have been made				
SWMU/AOC Number/Letter	SWMU/AOC Name	Unit Comment and Basis for NFA	Dates of Operation	Potentially Affected Media
SWMU 7A	20,500 gallon Sludge Thickening Tank (Tank 15)	“Pump and Treat” remediation system; DRC for GW Recorded on December 16, 2015	March 1986	Groundwater
SWMU 7B	20,500 gallon Hazardous Wastewater Treatment Tank (Tank 16)	“Pump and Treat” remediation system; DRC for GW Recorded on December 16, 2015	March 1986	Groundwater
SWMU 7C	19,000 gallon Hazardous Wastewater Receiving Tank (Tank 17)	“Pump and Treat” remediation system; DRC for GW Recorded on December 16, 2015	March 1986	Groundwater
SWMU 7D	19,000 gallon Hazardous Wastewater Treatment Tank With Aeration (Tank 18)	“Pump and Treat” remediation system; DRC for GW Recorded on December 16, 2015	March 1986	Groundwater
SWMU 7E	19,000 gallon Hazardous Wastewater Treatment Tank With Aeration (Tank 19)	“Pump and Treat” remediation system; DRC for GW Recorded on December 16, 2015	March 1986	Groundwater
SWMU 7F	450 gallon Oil/Water Separator (Tank S1A)	“Pump and Treat” remediation system; DRC for GW Recorded on December 16, 2015	March 1986	Groundwater
SWMU 7G	49,500 gallon AST Used for Non-Haz Wastewater Treatment (Tank #19)	NFA for soils recommended in RFA, December 18, 1993; DRC for GW Recorded on December 16, 2015	October 1990 - Unknown	Soil & Groundwater
SWMU 7H	9700 gallon conical tank	“Pump and Treat” remediation system; DRC for GW Recorded on December 16, 2015	March 1986	Groundwater

A.5 List of SWMUs / AOCs at which Site Rehabilitation Completion Determinations With Controls have been made				
SWMU/AOC Number/Letter	SWMU/AOC Name	Unit Comment and Basis for NFA	Dates of Operation	Potentially Affected Media
SWMU 9	Equipment Storage Area (east side)	Source Removal Report, October 15, 2007; DRC for Soil-Commercial / Industrial use implemented August 27, 2008.	Unknown	Soil
SWMU 10	Equipment Storage Area (west side)	Source Removal Report, October 15, 2007; DRC for Soil-Commercial / Industrial use implemented August 27, 2008.	Unknown	Soil
SWMU 12	Soil Pad, Concrete Containment Area and Sump	DRC for Soil-Commercial / Industrial use implemented August 27, 2008.	October 1990 - Present	Soil
SWMU 16	Frac Tanks, (2) 10,000 gallon (North of Oil Storage Area)	DRC for Soil-Commercial / Industrial use implemented August 27, 2008.	Unknown	Soil
SWMU 17	Tank #101, 130,000 gallon AST for In-Process Oil	DRC for Soil-Commercial / Industrial use implemented August 27, 2008.	Unknown	Soil
SWMU 18	Tank #104, 159,000 gallon AST for In-Process Oil	DRC for Soil-Commercial / Industrial use implemented August 27, 2008.	Unknown	Soil
SWMU 19	Tank #102, 130,000 gallon AST for In-Process Oil	DRC for Soil-Commercial / Industrial use implemented August 27, 2008.	Unknown	Soil
SWMU 20	Tank #106, 11,000 gallon AST, Out-of-Service During VSI	DRC for Soil-Commercial / Industrial use implemented August 27, 2008.	Unknown	Soil

A.5 List of SWMUs / AOCs at which Site Rehabilitation Completion Determinations With Controls have been made				
SWMU/AOC Number/Letter	SWMU/AOC Name	Unit Comment and Basis for NFA	Dates of Operation	Potentially Affected Media
SWMU 21	Tank #105, 15,000 gallon AST, Waste Oil	DRC for Soil-Commercial / Industrial use implemented August 27, 2008.	Unknown	Soil
SWMU 22	Tank #112, 15,000 gallon AST, Waste Oil	DRC for Soil-Commercial / Industrial use implemented August 27, 2008.	Unknown	Soil
SWMU 23	Tank #S3B, 3,000 gallon Oil-Water Separator Tank	DRC for Soil-Commercial / Industrial use implemented August 27, 2008.	Unknown	Soil
SWMU 24	Tank #103, 215,900 gallon AST, Waste Oil	DRC for Soil-Commercial / Industrial use implemented August 27, 2008.	Unknown	Soil
SWMU 25	Tank #S4B, 1,000 gallon Oil-Water Separator Tank	DRC for Soil-Commercial / Industrial use implemented August 27, 2008.	Unknown	Soil
SWMU 26	Surface Impoundment	Several Incidental Spills During Storm Events - Normal Facility Operations; NFA for soils recommended during VSI and RFA, December 18, 1993;DRC for Soil-Commercial / Industrial use implemented August 27, 2008.	Unknown	Soil

A.5 List of SWMUs / AOCs at which Site Rehabilitation Completion Determinations With Controls have been made				
SWMU/AOC Number/Letter	SWMU/AOC Name	Unit Comment and Basis for NFA	Dates of Operation	Potentially Affected Media
SWMU 27	Surface Impoundment, near Tank #19	August 1991 spill; confirmatory sampling yielded NFA for soils during VSI and RFA, December 18, 1993;DRC for Soil-Commercial / Industrial use implemented August 27, 2008.	Unknown	Soil
AOC 1	Used Oil Spill	DRC for Soil-Commercial / Industrial use implemented September 2, 2008; DRC for GW Recorded on December 16, 2015	Unknown	Soil & Groundwater

A.6 List of SWMUs / AOCs at which Site Rehabilitation Completion Determinations Without Controls have been made				
SWMU/AOC Number/Letter	SWMU/AOC Name	Unit Comment and Basis for NFA	Dates of Operation	Potentially Affected Media
There are no units identified at this time at which Site Rehabilitation Completion Determinations Without Controls have been made.				

A.7 List of SWMUs / AOCs where No Further Action Determinations have been made based on no suspected or confirmed contamination (i.e. not 'contaminated sites' as Defined by 62-780 F.A.C.)			
SWMU/AOC Number/Letter	SWMU/AOC Name	Unit Comment and Basis for NFA	Dates of Operation
SWMU 2D	3000 gallon Air Stripper Column (Tank 4)	VSI and RFA noted no history or evidence of release(s)	March 1986-April 1992
SWMU 2E	4000 gallon Tank (Tank 5)	VSI and RFA noted no history or evidence of release(s)	March 1986

A.7 List of SWMUs / AOCs where No Further Action Determinations have been made based on no suspected or confirmed contamination (i.e. not 'contaminated sites' as Defined by 62-780 F.A.C.)			
SWMU/AOC Number/Letter	SWMU/AOC Name	Unit Comment and Basis for NFA	Dates of Operation
SWMU 2F	4000 gallon Diesel Supply Tank (Tank 6)	VSI and RFA noted no history or evidence of release(s)	March 1986
SWMU 2G	6000 gallon Oil Treatment Tank (Tank 8)	VSI and RFA noted no history or evidence of release(s)	March 1986
SWMU 2I	9000 gallon Stormwater Receiving Tank	VSI and RFA noted no history or evidence of release(s).	March 1986
SWMU 3	Emergency Equipment Storage Area	VSI and RFA noted no history or evidence of release(s)	Unknown
SWMU 4	Loading Dock	VSI and RFA recommended soil sampling due to cracks in concrete; analysis proved no contamination.	Unknown
SWMU 8	Chemical Storage Building, metal	NFA for soils recommended during VSI and RFA, December 18, 1993	Unknown
SWMU 11	Red AST	NFA for soils recommended during VSI and RFA, December 18, 1993;DRC for Soil-Commercial / Industrial use implemented August 27, 2008.	Unknown
SWMU 13	Hose Storage Area	NFA for soils recommended during VSI and RFA, December 18, 1993;DRC for Soil-Commercial / Industrial use implemented August 27, 2008.	Unknown
SWMU 14	Solid Waste Dumpster	NFA for soils recommended during VSI and RFA, December 18, 1993;DRC for Soil-Commercial / Industrial use implemented August 27, 2008.	Unknown



FLORIDA DEPARTMENT OF Environmental Protection

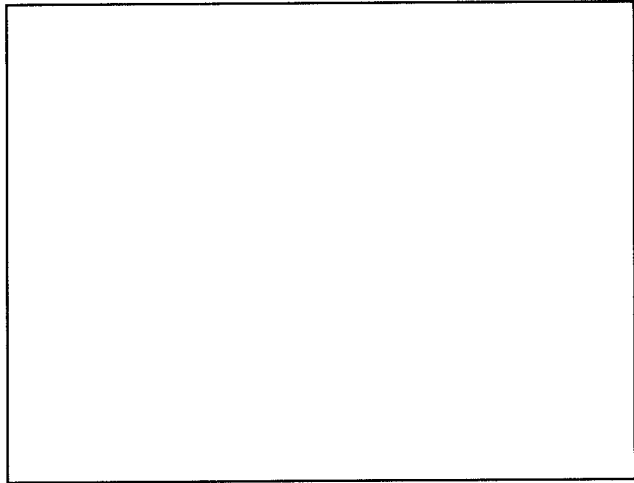
Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor
Carlos Lopez-Cantera
Lt. Governor
Noah Valenstein
Secretary

A.7 List of SWMUs / AOCs where No Further Action Determinations have been made based on no suspected or confirmed contamination (<i>i.e.</i> not 'contaminated sites' as Defined by 62-780 F.A.C.)			
SWMU/AOC Number/Letter	SWMU/AOC Name	Unit Comment and Basis for NFA	Dates of Operation
SWMU 15	Loading Dock	NFA for soils recommended during VSI and RFA, December 18, 1993;DRC for Soil-Commercial / Industrial use implemented August 27, 2008.	Unknown

Exhibit 5

Final Declaration of Restrictive Covenant



This instrument prepared by:
William L. Finger
Finger, Nelson & Maguire, PLLC
1650 Margaret Street
Suite 302, #258
Jacksonville, FL 32204

**DECLARATION OF RESTRICTIVE COVENANT AND
JOINDER AND CONSENT OF TENANT AND SUBTENANT**

THIS DECLARATION OF RESTRICTIVE COVENANT (hereinafter
"Declaration") is by DLAC/WRI, L.L.C., a Florida limited liability company
(hereinafter "GRANTOR"), and the Florida Department of Environmental
Protection (hereinafter "FDEP").

RECITALS

A. GRANTOR is the fee simple owner of that certain real property situated in
the County of Duval, State of Florida, more particularly described in Exhibit "A"
attached hereto and made a part hereof (hereinafter the "Property");

B. The FDEP Facility Identification Number for the Property is FLD 101 877
876. The facility name at the time of this Declaration is DLAC/WRI Albert Street
Site. This Declaration addresses discharges that were reported to the FDEP on
or about May 1992.

C. The discharge of industrial wastewater containing hazardous wastes on the Property is documented in the following reports that are incorporated by reference:

1. Interim Measures/Corrective Action Plan, dated June 24, 2002, prepared by Golder Associates.
2. Source Removal Report, dated October 15, 2007, prepared by Golder Associates.
3. Groundwater Monitoring Reports from 2004 through June 13, 2014, prepared by Golder Associates.

D. The reports noted in Recital C set forth the nature and extent of the contamination described in Recital C that is located on the Property. These reports confirm that contaminated groundwater as defined by Chapter 62-780, Florida Administrative Code (F.A.C.), exists on the Property. Also, these reports document that the groundwater contamination does not extend beyond the Property boundary, that the extent of the groundwater contamination does not exceed 1/4 acre, and the groundwater contamination is not migrating.

E. It is the intent that the restrictions in this Declaration reduce or eliminate the risk of exposure of users or occupants of the Property and the environment to the contaminants and to reduce or eliminate the threat of migration of the contaminants.

F. FDEP has agreed to issue a Site Rehabilitation Completion Order with Conditions (hereinafter "Order") upon recordation of this Declaration. FDEP can unilaterally revoke the Order if the conditions of this Declaration or of the Order are not met. Additionally, if concentrations increase above the levels approved in the Order, or if a subsequent discharge occurs at the Property, FDEP may require site rehabilitation to reduce concentrations of contamination to the levels allowed by the applicable FDEP rules. The Order relating to FDEP Site # FLD 101 877 876 can be found by contacting the appropriate FDEP district office or Tallahassee program area.

G. GRANTOR deems it desirable and in the best interest of all present and future owners of the Property that an Order be obtained and that the Property be held subject to certain restrictions, all of which are more particularly hereinafter set forth.

NOW, THEREFORE, to induce FDEP to issue the Order and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the undersigned parties, GRANTOR agrees as follows:

1. The foregoing recitals are true and correct and are incorporated herein by reference.

2. GRANTOR hereby imposes the following restrictions and requirements:

a. There shall be no use of the groundwater under the Property. There shall be no drilling for water conducted on the Property, nor shall any wells be installed on the Property, other than monitoring wells pre-approved in writing by FDEP's Division of Waste Management (DWM), in addition to any authorizations required by the Division of Water Resource Management and the Water Management Districts. Additionally, there shall be no storm water swales, storm water detention or retention facilities, or ditches on the Property. For any dewatering activities, a plan approved by FDEP's DWM must be in place to address and ensure the appropriate handling, treatment, and disposal of any extracted groundwater that may be contaminated.

3. In the remaining paragraphs, all references to "GRANTOR" and "FDEP" shall also mean and refer to their respective successors and assigns.

4. For the purpose of monitoring the restrictions contained herein, FDEP is hereby granted a right of entry upon and access to the Property at reasonable times and with reasonable notice to GRANTOR.

5. It is the intention of GRANTOR that this Declaration shall touch and concern the Property, run with the land and with the title to the Property, and shall apply to and be binding upon and inure to the benefit of GRANTOR and FDEP, and to any and all parties hereafter having any right, title or interest in the Property or any part thereof. FDEP may enforce the terms and conditions of this Declaration by injunctive relief and other appropriate available legal remedies. Any forbearance on behalf of FDEP to exercise its right in the event of the failure of GRANTOR to comply with the provisions of this Declaration shall not be deemed or construed to be a waiver of FDEP's rights hereunder. This Declaration shall continue in perpetuity, unless otherwise modified in writing by GRANTOR and FDEP as provided in paragraph 7 hereof. These restrictions may also be enforced in a court of competent jurisdiction by any other person, firm, corporation, or governmental agency that is substantially benefited by these restrictions. If GRANTOR does not or will not be able to comply with any or all of the provisions of this Declaration, GRANTOR shall notify FDEP in writing within three (3) calendar days. Additionally, GRANTOR shall notify FDEP thirty (30) days prior to any conveyance or sale, granting or transferring the Property or portion thereof, to any heirs, successors, assigns or grantees, including, without limitation, the conveyance of any security interest in said Property.

6. In order to ensure the perpetual nature of this Declaration, GRANTOR shall reference these restrictions in any subsequent lease or deed of conveyance, including the recording book and page of record of this Declaration. Furthermore, prior to the entry into a landlord-tenant relationship with respect to the Property, GRANTOR agrees to notify in writing all proposed tenants of the

Property of the existence and contents of this Declaration of Restrictive Covenant.

7. This Declaration is binding until a release of covenant is executed by FDEP Secretary (or designee) and is recorded in the public records of the county in which the land is located. To receive prior approval from FDEP to remove any requirement herein, cleanup target levels established pursuant to Florida Statutes and FDEP rules must be achieved. This Declaration may be modified in writing only. Any subsequent amendment must be executed by both GRANTOR and FDEP and be recorded by GRANTOR as an amendment hereto.

8. If any provision of this Declaration is held to be invalid by any court of competent jurisdiction, the invalidity of that provision shall not affect the validity of any other provisions of the Declaration. All such other provisions shall continue unimpaired in full force and effect.

9. GRANTOR covenants and represents that on the date of execution of this Declaration that GRANTOR is seized of the Property in fee simple and has good right to create, establish, and impose this restrictive covenant on the use of the Property. GRANTOR also covenants and warrants that the Property is free and clear of any and all liens, mortgages, or encumbrances that could impair GRANTOR'S rights to impose the restrictive covenant described in this Declaration.

SIGNATURES ON FOLLOWING PAGES

IN WITNESS WHEREOF, DLAC/WRI, L.L.C. has executed this instrument, this 13 day of NOVEMBER, 2015.

GRANTOR
DLAC/WRI, L.L.C., a Florida Limited
Liability Company

By: [Signature]
Name: Carlton Dixon
Title: Managing Member
Full Mailing Address:
1819 Albert Street
Jacksonville, FL 32202

Signed, sealed and delivered in the presence of:

[Signature] Date: 11/13/15
Witness
Print Name: Shauna Winkler

[Signature] Date: 11/13/15
Witness
Print Name: GREG REYNOLDS

STATE OF Florida)
COUNTY OF Duval)

The foregoing instrument was acknowledged before me this 13 day of Nov, 2015, by Carlton Dixon.

Personally Known _____ OR Produced Identification ✓
Type of Identification Produced Drivers License

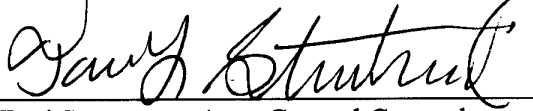
[Signature]
Signature of Notary Public



AMANDA KIMBALL
MY COMMISSION # FF 178395
EXPIRES: November 20, 2018
Bonded Thru Budget Notary Services

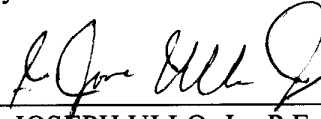
FLORIDA DEPARTMENT OF
ENVIRONMENTAL
PROTECTION

Approved as to form by:



Toni Sturtevant, Asst. General Counsel
Office of General Counsel

By:



F. JOSEPH ULLO, Jr., P.E.,
Director

Dept. of Environmental Protection
Division of Waste Management
2600 Blairstone Road
Tallahassee, FL 32399-2400

Signed, sealed, and delivered in
in the presence of:



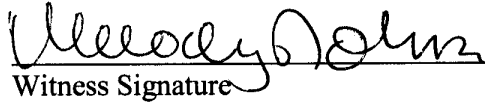
Witness Signature

Cheryl Stafford

Printed Name

12/7/15

Date



Witness Signature

Melody Johnson

Printed Name

12/7/15

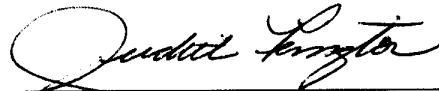
Date

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 7th day of DECEMBER,
2015, by F. JOSEPH ULLO, who is personally known to me.



JUDITH PENNINGTON
MY COMMISSION # FF 215917
EXPIRES: March 31, 2019
Bonded Thru Budget Notary Services



Notary Public, State of Florida at Large

EXHIBIT "A"
LEGAL DESCRIPTION

Parcel A (Real Estate Tax ID# 131147-0000□)

The West 50 feet of Lot 1, Block 3, J.D. Parkers Subdivision of East Jacksonville (also known as Fairfield), according to plat thereof recorded in Plat Book Q, Page 704, former public records of Duval County, Florida (except part in State Road right-of-way).

Parcel B (Real Estate Tax ID# 131148-0000)

The East 50 feet of the West 100 feet of Lot 1 (less any portion deeded to the State of Florida), Lot 7 and that part of Lot 8 lying West of the Atlantic Coast Line Railroad right of way, in Block 3 of Parker's Subdivision of East Jacksonville, known as Fairfield, according to plat recorded in Deed Book Q, Page 704 of the former public records of Duval County, Florida, and the North Half of the South Half of Albert Street, running from Bryan Street to A.C.L. Railway which is adjoining to Lot 1 and part of Lot 2 (West of A.C.L. Railway) Block 4, Parker's Subdivision.

Parcel C (Real Estate Tax ID# 131163-0000)

Lots 6, 7 and 8, Block 6, Parker's Subdivision, according to plat thereof, recorded in Plat Book Q, Page 704, of the former public records of Duval County, Florida.

Parcel D (Real Estate Tax ID# 131149-0000)

Beginning at a point on the South side of Hill Street 100 feet East of the Southeast corner of River and Hill Streets in the City of Jacksonville, and running thence Southerly parallel with River Street 105 feet, running thence Easterly parallel with Hill Street 44.7 feet, running thence Northeasterly to a point on the South side of Hill Street 150 feet Easterly from Southeast corner of Hill and River Streets, running thence Westerly along South side of Hill Street 50 feet to point of beginning. EXCEPTING therefrom the following described property which has been heretofore conveyed to the State of Florida:□That part of the East 5 feet of Lot 1 and of Lot 2 lying West of the A.C.L. Railroad, Block 3, Parker's Subdivision of East Jacksonville according to plat recorded in Deed Book Q, Page 704 of the former public records of Duval County, Florida, described as follows:□Begin at a point on the South side of Hill Street 100 feet East of the Northwest corner of said Lot 1; run thence Southerly and parallel with the West line of said Lot 1, 28.41 feet; run thence North 89 degrees 54 minutes 20 seconds East to the right of way line of the A.C.L. railroad; run thence Northerly 22.2 feet along said right of way line to the North line of said Lot 2; run thence Westerly to point of beginning.

JOINDER AND CONSENT OF TENANT

KNOW ALL MEN BY THESE PRESENTS:

THAT 1819 ALBERT STREET, LLC, a Florida limited liability company, successor by conversion to Water Recovery, Inc., a Florida corporation, whose mailing address is 1819 Albert Street, Jacksonville, Florida 32202 (hereinafter "Tenant"), hereby certifies that it is a tenant, under that certain Short Form of Lease recorded in Official Records Book 10918, page 1229 of the current public records of Duval County Florida (hereinafter "Tenancy"), which encumbers the property described on Exhibit "A" attached hereto and incorporated herein, owned by DLAC/WRI, L.L.C. (hereinafter "Owner"). The Tenant hereby joins in and consents to the granting of the Declaration of Restrictive Covenant by the Owner to the Florida Department of Environmental Protection and agrees that the Tenant of the Tenancy joins in and consents to the above referenced Declaration of Restrictive Covenant.

IN WITNESS WHEREOF, this Joinder and Consent is executed by the undersigned this 16th day of Nov, 2015.

SIGNATURE ON FOLLOWING PAGE

TENANT:

1819 Albert Street, LLC
 a Florida Limited Liability Company
 By and through WR Realty, LLC,
 It's Managing Member

Brian J. House
 Name: BRIAN J. HOUSE
 Managing Member

WITNESSES:

Terri Levesque
 Print Name: Terri Levesque
[Signature]
 Print Name: JOHANNA MEGNIA

STATE OF MA
 COUNTY OF Norfolk

The forgoing instrument was acknowledged before me this 17 day of November 2015, by Brian House, on behalf of 1819 Albert Street, LLC by and through WR Realty, LLC, managing member of 1819 Albert Street, LLC, who is personally known to me or who produced a MA Driver's License as identification.

Jane Lee Graham
 Notary Public, State of MA

Printed Notary Name JANE LEE GRAHAM
 Commission No. _____
 My Commission Expires: May 23, 2019

EXHIBIT "A"
LEGAL DESCRIPTION

Parcel A (Real Estate Tax ID# 131147-0000□)

The West 50 feet of Lot 1, Block 3, J.D. Parkers Subdivision of East Jacksonville (also known as Fairfield), according to plat thereof recorded in Plat Book Q, Page 704, former public records of Duval County, Florida (except part in State Road right-of-way).

Parcel B (Real Estate Tax ID# 131148-0000)

The East 50 feet of the West 100 feet of Lot 1 (less any portion deeded to the State of Florida), Lot 7 and that part of Lot 8 lying West of the Atlantic Coast Line Railroad right of way, in Block 3 of Parker's Subdivision of East Jacksonville, known as Fairfield, according to plat recorded in Deed Book Q, Page 704 of the former public records of Duval County, Florida, and the North Half of the South Half of Albert Street, running from Bryan Street to A.C.L. Railway which is adjoining to Lot 1 and part of Lot 2 (West of A.C.L. Railway) Block 4, Parker's Subdivision.

Parcel C (Real Estate Tax ID# 131163-0000)

Lots 6, 7 and 8, Block 6, Parker's Subdivision, according to plat thereof, recorded in Plat Book Q, Page 704, of the former public records of Duval County, Florida.

JOINDER AND CONSENT OF SUBTENANT**KNOW ALL MEN BY THESE PRESENTS:**

THAT WATER RECOVERY, LLC, a Delaware limited liability company, whose mailing address is 1819 Albert Street, Jacksonville, Florida 32202 (hereinafter "Subtenant"), hereby certifies that it is a subtenant, under that certain Short Form of Sublease recorded in Official Records Book 15120, page 663 of the current public records of Duval County Florida (hereinafter "Tenancy"), which encumbers the property described on Exhibit "A" attached hereto and incorporated herein, owned by DLAC/WRI, L.L.C. (hereinafter "Owner"). The Subtenant hereby joins in and consents to the granting of the Declaration of Restrictive Covenant by the Owner to the Florida Department of Environmental Protection and agrees that the Subtenant of the Tenancy joins in and consents to the above referenced Declaration of Restrictive Covenant.

IN WITNESS WHEREOF, this Joinder and Consent is executed by the undersigned this 16th day of Nov, 2015.

SIGNATURE ON FOLLOWING PAGE

SUBTENANT:

Water Recovery, LLC
 a Delaware Limited Liability Company
 By and through Moran Environmental
 Recovery, LLC,
 It's Managing Member

Brian J. House
 Name: BRIAN J. HOUSE
 Managing Member

WITNESSES:

Terri Louesque
 Print Name: Terri Louesque
[Signature]
 Print Name: ORVILLE C. NIA

STATE OF MA
 COUNTY OF Norfolk

The forgoing instrument was acknowledged before me this 17 day of November 2015, by Brian House, on behalf of Water Recovery, LLC by and through Moran Environmental Recovery, LLC, managing member of Water Recovery, LLC, who is personally known to me or who produced a _____ Driver's License as identification.

Jamet Lee Graham
 Notary Public, State of MA

Printed Notary Name JAMET LEE GRAHAM
 Commission No. _____
 My Commission Expires: May 23, 2019

EXHIBIT "A"
LEGAL DESCRIPTION

Parcel A (Real Estate Tax ID# 131147-0000□)

The West 50 feet of Lot 1, Block 3, J.D. Parkers Subdivision of East Jacksonville (also known as Fairfield), according to plat thereof recorded in Plat Book Q, Page 704, former public records of Duval County, Florida (except part in State Road right-of-way).

Parcel B (Real Estate Tax ID# 131148-0000)

The East 50 feet of the West 100 feet of Lot 1 (less any portion deeded to the State of Florida), Lot 7 and that part of Lot 8 lying West of the Atlantic Coast Line Railroad right of way, in Block 3 of Parker's Subdivision of East Jacksonville, known as Fairfield, according to plat recorded in Deed Book Q, Page 704 of the former public records of Duval County, Florida, and the North Half of the South Half of Albert Street, running from Bryan Street to A.C.L. Railway which is adjoining to Lot 1 and part of Lot 2 (West of A.C.L. Railway) Block 4, Parker's Subdivision.

Parcel C (Real Estate Tax ID# 131163-0000)

Lots 6, 7 and 8, Block 6, Parker's Subdivision, according to plat thereof, recorded in Plat Book Q, Page 704, of the former public records of Duval County, Florida.