

Memorandum

Florida Department of Environmental Protection

SOUTHWEST DISTRICT ENFORCEMENT COVER MEMO

TO: [Signature] Gary S. Colecchio, District Director

THROUGH: Whe William Kutash, Waste Program Administrator
[Signature] James Dregne, Hazardous Waste Program Manager ^{10/13}

FROM: [Signature] Elizabeth Knauss, HW Enforcement Coordinator

DATE: October 18, 2011

File Name: Aqua Clean Environmental Co., Inc.
Florida Recycling Solutions, Inc.

Inspection Date 8/31/2011

Program: Hazardous Waste

County: Polk

Type of Document: Warning Letter

REQUESTED ACTION: Signature

DESCRIPTION OF VIOLATIONS: Failure to conduct hazardous waste determinations and receipt of misidentified hazardous materials due to inadequate waste profiling forms and procedures

Unlabeled used oil tanks

STATUS OF PENALTY ASSESSMENT: Pending

PENALTY:

Amount: \$ Pending

Costs & Expenses: \$

Total: \$



Florida Department of Environmental Protection

Southwest District
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926
Telephone: 813-632-7600

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

October 21, 2011

Mr. W.D. Miller
Aqua Clean Environmental Co., Inc.
and Florida Recycling Solutions, Inc.
3210 Whitten Rd.
Lakeland, FL 33811

Re: Aqua Clean Environmental Co., Inc.
Florida Recycling Solutions, Inc.
FLR000034033
Warning Letter #WL11-0026HW53SWD
Polk County

Dear Mr. Miller:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. A hazardous waste program field inspection conducted on August 31, 2011 indicates that violations of Florida Statutes and Rules may exist at the above referenced facility. Department of Environmental Protection personnel made observations described in the attached inspection report. The report lists a summary of alleged violations of Department Rules.

Sections 403.161 and 403.727, Florida Statutes (F.S.) provide that it is a violation to fail to comply with rules adopted by the Department. The activities observed during the Department's field inspection and any other activities at your facility that may be contributing to violations of Florida Statutes or Department Rules should cease.

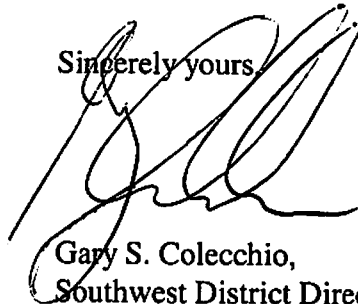
You are requested to contact Elizabeth Knauss at (813)632-7600, extension 383 within 15 days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), F.S. If after further investigation

the Department's preliminary findings are verified, this matter may be resolved through the entry of a Consent Order which will include a compliance schedule, an appropriate penalty, and reimbursement of the Department's costs and expenses. In accordance with the United States Environmental Protection Agency's (EPA) RCRA Civil Penalty Policy of 2003, the penalties which could be assessed in hazardous waste cases are up to \$37,500 per day per violation.

If this investigation confirms that your facility is significantly out of compliance, and the case is not resolved through timely entry of a Consent Order, under the Department's agreement with the EPA, a formal referral for judicial action must be made to the Department's Office of General Counsel. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely yours,



Gary S. Colecchio,
Southwest District Director
Florida Department of Environmental Protection

GSC/ebk

Attachment

cc: Glen Perrigan, HWR Section (Glen.Perrigan@dep.state.fl.us)
Bheem Kothur, HWR Section (Bheem.Kothur@dep.state.fl.us)
Laurie DiGaetano, USEPA Region IV (Benton-DiGaetano.Laurie@epa.gov)
Richard Ruede, City of Lakeland (Richard.Ruede@lakelandgov.net)
Andrea Stermer, Polk County (andreastermer@polk-county.net)