

RECEIVED
SEP 24 1997

Department of Environmental Protection,
SOUTHWEST DISTRICT
BY _____



September 17, 1997

Department of Environmental Protection
3804 Coconut Palm Drive
Tampa, Florida 33619

Attn: Mr. William Kutash
Administrator
Division of Waste Management

Ref: Response to warning letter #186862

Dear Mr. Kutash,

This correspondence shall constitute the 15 day response required by the warning letter.

We appreciate The Department pointing out deficiencies in our tank labeling. The first two alleged violations on page three of your report are now corrected (please review the enclosed photographs).

We have been in contact with Mr. Callahan of the Polk County Health Dept., Stationary Tanks Program regarding registration of tanks 6&7. The registration process will take substantially longer than thirty days and we are working on the matter. The third alleged violation is in the process of being addressed with the Polk County Stationary Tanks Program.

Page two, paragraph three contains an error regarding our process. The numbers on the tanks are the opposite of the way they are in the Department's inspection report. We do unload PCW wastewater into the sump for the purpose of visual inspection on inbound loads. It is also correct that we have the ability to pump PCW directly into Tanks 4 or 5. The water from the sump is, immediately after inspection, pumped to either Tank 4 or 5.

Aqua Clean does not have plans to take "sludge from off-site for solidification". We therefore do not have a need to contact the Department's Solid Waste Section regarding permitting.

Aqua Clean did not violate its procedures because the orange oil on site was not accepted for treatment as a waste. Rather, the orange oil on site was to be used as a cleaner. It arrived a couple

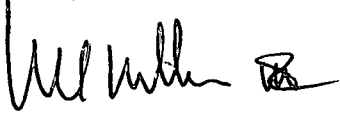
C:\OFFICE\WPWIN\WPDOCS\DEP0997.WPD

of hours prior to the Department's inspection and had not yet been labeled as a cleaner. We have never taken waste orange oil for disposal or treatment in our facility. I personally viewed every drum from that shipment being processed and there was no orange oil processed.

We have been advised that terpenes have 19 congeners making it impossible to find a standard and reliable test to isolate orange oil. Terpenes appear in juices and many other natural materials and are therefore not unique to orange oil. Because the tests are inclusive and inapplicable to Aqua Clean's operation we do not believe there is any benefit to Terpene testing.

We trust this letter answers all of the Departments questions and comments. If there are further questions please contact the writer or Ron Noble at Fowler, White, Gillen, Boggs, Villareal & Banker, P.A.

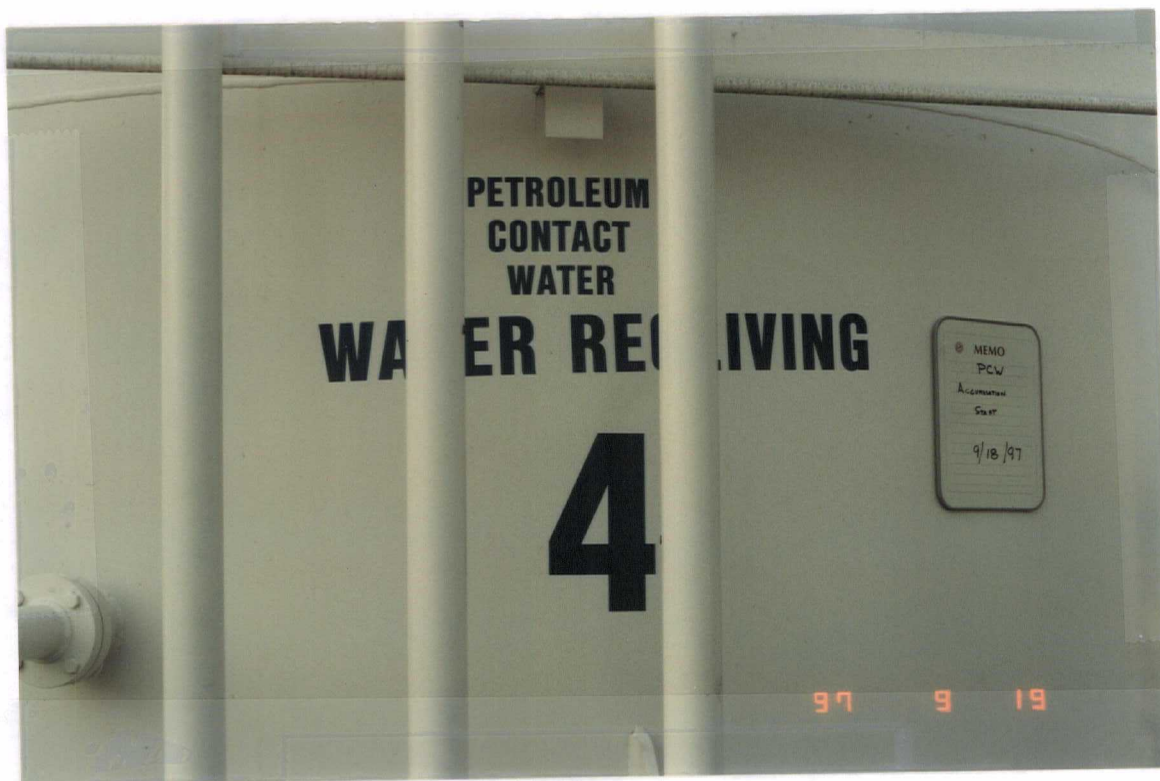
Sincerely,

A handwritten signature in black ink, appearing to read 'W. D. Miller III', followed by a small, stylized mark.

W. D. Miller III, P.E.
General Manager

cc: Gilbert T. Dembeck, FDEP

Ronald H. Noble, Fowler, White, Gillen, Boggs, Villareal & Banker, P.A.





Exit

Storage Tank Registration

Facility ID: 9800103

Name: AQUA CLEAN ENVIRONMENTAL CO

AQUA CLEAN ENVIRONMENTAL CO INC (ID #
W D MILLER
3210 WHITTEN RD

LAKELAND , FL 33811-

Construction

C
K
N

Piping

A
B
D
G

Monitoring

D
M

Effective Date: 02/98

Install

Updated

| Added | Tank ID | T/V/D | A/U | Gallons | Date | Content | Status | Date | RepTnk |
|-------|---------|-------|-----|---------|-------|---------|---------|-----------|--------|
| 02/98 | 6 | TANK | A | 3000 | 07/97 | X 07/97 | U 07/97 | 09-FEB-98 | |
| 02/98 | 7 | TANK | A | 9200 | 07/97 | X 07/97 | U 07/97 | 09-FEB-98 | |

Count: *0

<Replace>



Lawton Chiles
Governor

James T. Howell, M.D., M.P.H.
Secretary

FACSIMILE TRANSMITTAL

Polk CHD facsimile telephone: (941) 534-0245
or SunCom 549-0245

TO: NANCY EVANS
Dep. S.W. Tanks Program

FROM: Charles Callahan Stationary Tank Program

If there are any problems with the transmission of this facsimile, please contact the Polk County Stationary Pollutant Storage Tank Inspection Program at (941) 533-3398, extension 140 (SunCom 531-1140).

Comments: Please look over Documentation
and let know if you agree

Total number of pages (including cover page) 6

POLK COUNTY HEALTH DEPARTMENT

Daniel O. Haight, MD
Director

ENVIRONMENTAL ENGINEERING DIVISION
STATIONARY TANKS INSPECTION PROGRAM
2090 East Clower Street, Bartow, FL 33830-6741
Phone (941) 533-3398 / SC 531-1501 / Fax (941) 534-0245

Lynn M. Sweeney, MD, MPH
Assistant Director

| ROUTING AND TRANSMITTAL SLIP | | |
|--|---|--|
| 1 TO (NAME, OFFICE SYMBOL OR LOCATION) <i>NANCY EVANS</i> <i>Dep S.W. Dist</i> | | 2 |
| 3 | | 4 |
| ACTION | | |
| <input type="checkbox"/> Information | <input type="checkbox"/> For Approval | <input type="checkbox"/> Signature |
| <input type="checkbox"/> Answer- Your Signature | <input type="checkbox"/> Copy to me | <input type="checkbox"/> Answer- My Signature |
| <input type="checkbox"/> Please See Me | <input type="checkbox"/> Comment | <input checked="" type="checkbox"/> Necessary Action |
| <input type="checkbox"/> Note and Return | <input type="checkbox"/> Note and Pass On | <input type="checkbox"/> Per Conversation |
| <input type="checkbox"/> Per Request | <input type="checkbox"/> Coordination | <input type="checkbox"/> File |
| REMARKS (USE REVERSE SIDE IF NECESSARY) <i>Nancy!</i> <i>These tanks seem to be</i> <i>regulated. Please look over</i> <i>documentation and let me</i> <i>know if you agree. Gilbert</i> <i>Dembek is familiar with</i> <i>the facility. Thanks</i> | | |
| FROM (NAME, OFFICE SYMBOL OR LOCATION) <i>Charles</i> | | DATE <i>9/5/97</i> PHONE <i>941 537 9388 X13</i> |

COMPLAINT # CM 251-97DATE 9/2/97TYPE OF COMPLAINT: AIR D & F GW SW IW DW
PW TANKS ODOR NOISE HW (RCRA)COMPLAINANT: GILBERT DEMBECK TELEPHONE: SC 542-6100 x39ADDRESS: 3804 COCONUT PALM DRIVE Free waste FD.CITY: TAMPA ZIP: 33619 COUNTY: HILLS*COMPLAINT RECEIVED BY: Newberg VIA: PhoneNATURE OF COMPLAINT: TANKS REGULATED? Registration
Required?Industrial Complex South of Publix Warehouse Co. Line Rd.
LOCATION OF COMPLAINT & DIRECTIONS TO COMPLAINT AREA:AQUA CLEAN ENVIRONMENTAL CO., INC. P.O. Box 718
3210 WHITTEN RD., LAKE LAND Lakeland
W.D. (DEE) MILLER TEL: 941-644-0665 3380

INVESTIGATION PROCEDURE & FINDINGS:

Facility Receives Petroleum Contaminated Water (NON HAZARDOUS)
The water flows into a Holding Area and then is pumped
into an Oil Water Separator. The water is then
treated (BIO) and discharged into the City of
Lakeland Sewer System (Sanitary). The petroleum
products flow from the separator into two Ast
Tanks (One - waste oil (sludge), One - light petro products).
The two Ast Tanks (approx 6,000 gallons) store the
gas and oil for approx 6 mos. and a company
(Example Hoto) will remove the product and haul to a
recycle facility. (Continued other side)
A Remediation Flow Diagram
and a letter from Dep concerning permit
permitting is attached for additional information.

CONCLUSION/ACTION: Storage Tanks Registration Question
Referred TO NANCY EVANS for FINAL decision to
Register AND Conduct Compliance Inspection.

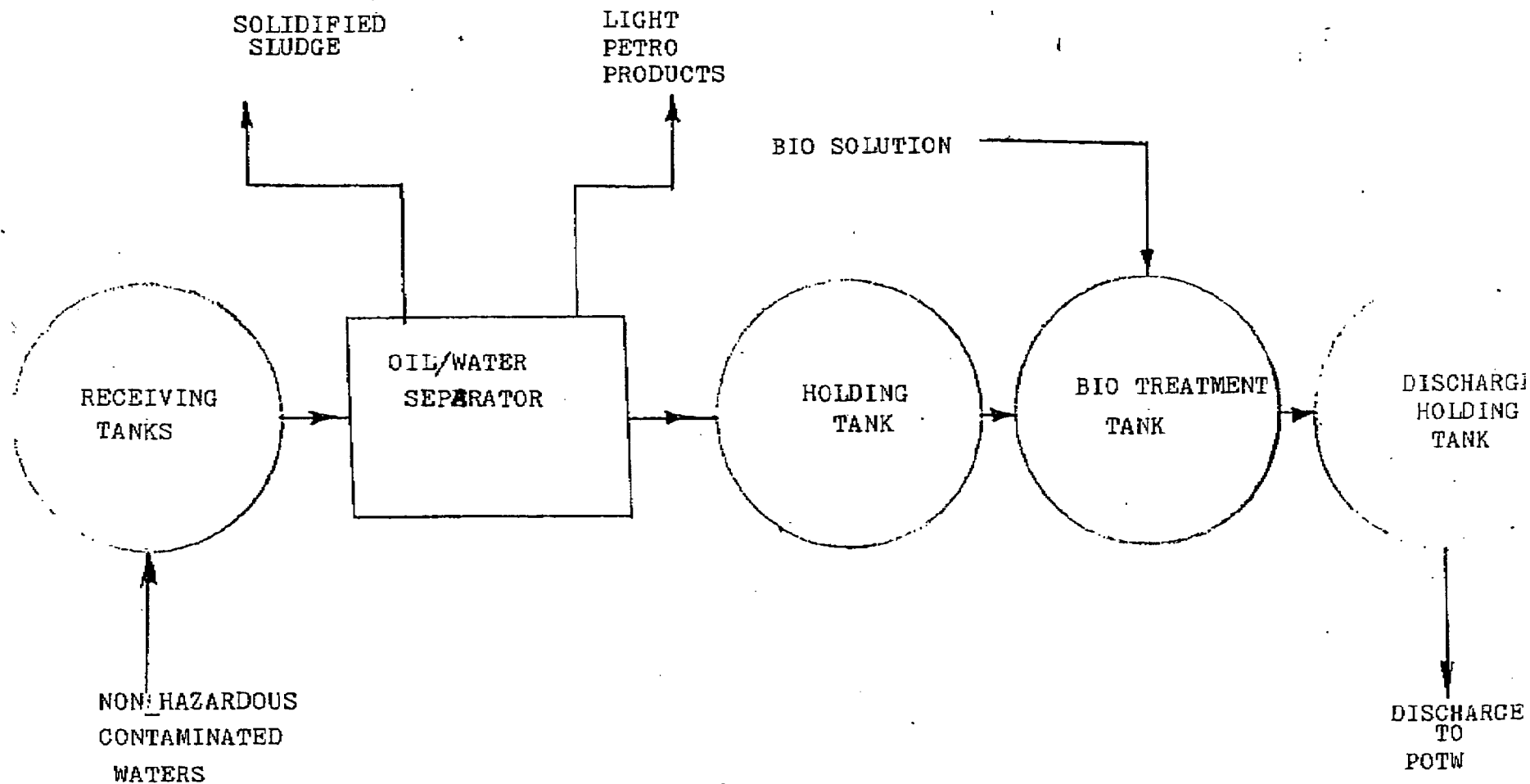
INVESTIGATION DATES: 9/4/97

TIME SPENT: FIELD 2 hours OFFICE: 1 hour TOTAL HOURS 3

INVESTIGATED BY: Charles Callahan

INVESTIGATION CLOSED: DATE:

INFORMATION REFERRED TO: Dep NANCY EVANS DATE: 9/5/97
TAMPA SW

SIMPLIFIED FLOW DIAGRAM FOR REMEDIATION



Department of Environmental Protection

Lawton Chiles
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Virginia B. Wetherell
Secretary

April 18, 1997

Mr. Ron H. Noble
Fowler, White, Gillen, Boggs, Villareal and Banker, P.A.
Post Office Box 1438
Tampa, Florida 33601

Dear Mr. Noble:

Thank you for your March 26 letter asking for clarification on permitting Petroleum Contact Water (PCW) Recovery Facilities under Chapter 62-740, Florida Administrative Code (F.A.C.).

----- If your client operates a facility as a PCW Recovery Facility in compliance with the management standards contained in Chapter 62-740, F.A.C., as set forth and explained in your letter, the facility would not be required to obtain a permit from the Department of Environmental Protection.

If your client only accepts PCW (as defined in Rule 62-740.030, F.A.C.) from producers who have determined to recover product from the PCW then the PCW is not a solid waste (and therefore not a hazardous waste) and no hazardous waste permitting requirements apply to the receiving facility for the storage of the PCW (however, there are additional requirements on the tanks and containers used to manage the PCW). If the PCW Recovery Facility is hard-piped to a POTW permitted under the Clean Water Act then the PCW Recovery Facility is also exempt from hazardous waste permitting requirements.

I hope this response satisfies your inquiry. If you need additional information please let me know.

Sincerely,

Raoul Clarke, Administrator
Hazardous Waste Management Section

RC/rc

cc: Satish Kastury
William Kutash



Environmental Co., Inc.

W. D. (DEE) MILLER III, PE
General Manager

P.O. Box 7183 - Lakeland, Florida 33807

Phone (941) 644-0665
Fax (941) 646-1880

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Printed on recycled paper.

FOWLER, WHITE, GILLEN, BOGGS, VILLAREAL AND BANKER, P.A.

ATTORNEYS AT LAW

TAMPA -- ST. PETERSBURG -- CLEARWATER

FT. MYERS -- TALLAHASSEE

CABLE - FOWHITE
TELEX 92778501 EAST KENNEDY BLVD.
TAMPA, FLORIDA 33602
POST OFFICE BOX 1438
TAMPA, FLORIDA 33601TELECOPIER
(813) 229-8313

(813) 229-7411

March 26, 1997

VIA TELECOPY (904) 921-8061

Mr. Raoul Clarke
Environmental Administrator
Hazardous Waste Management Section
Florida Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400

| | | | |
|-------------------|--------------|---------|--------------|
| Post-it® Fax Note | | 7871 | |
| To | BETH KNAUSS | Date | APR 1 1997 |
| Co./Dept. | | From | WASTE |
| Phone # | | Co. | Raoul Clarke |
| Fax # | 813 744 6125 | Phone # | |
| | | Fax # | |

RE: Petroleum Contact Water Recovery Facility Permitting Requirements

Dear Mr. Clarke:

Thank you again for taking the time to discuss with my office the potential permitting requirements for Petroleum Contact Water ("PCW") Recovery Facilities. As we discussed, we have reviewed the permitting requirements and applicable exemptions for PCW Recovery Facilities set forth at Section 62-740.300, Florida Administrative Code. This firm represents a client who is interested in operating at PCW Recovery Facility in Polk County, and prior to placing the facility into operation, we want to ensure we are very clear regarding potential permitting requirements applicable to this facility.

Based upon our review of the potential permitting requirements under Chapter 62-740 for PCW Recovery Facilities and the applicable exemptions under Chapter 62-730, Florida Administrative Code, we do not believe a permit from the Department is required for the operation of this PCW Recovery Facility, however, we want to confirm this issue with your office.

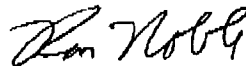
Based upon our previous discussions, you indicated that no permit is required under 62-740 so long as the PCW Recovery Facility is hard-piped to a publicly owned treatment works ("POTW"). As background information, our client will service generators of PCW who desire to recover "product" from PCW as that term is defined in Chapter 376, Florida Statutes. The PCW Recovery Facility will be hard-piped to the City of Lakeland POTW such that all effluent after the PCW is

Mr. Raoul Clarke
March 26, 1997
Page 2

processed, and product is recovered, would be discharged directly to the POTW system. In addition, the PCW Recovery Facility will comply with all storage, record keeping and other requirements set forth in Chapter 62-740, Florida Administrative Code.

The purpose of this correspondence is to request written clarification from the Department that a PCW Recovery Facility operated as set forth above does not require a permit from the Department under Chapter 62-740, Florida Administrative Code. I want to thank you in advance for your assistance and cooperation in providing this written clarification. In the interim, please do not hesitate to contact me should you have any questions or concerns regarding the above matters or if you require any additional information.

Sincerely yours,



Ron H. Noble

RIN/2797



Department of Environmental Protection

Lawton Chiles
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Virginia B. Wecherell
Secretary

April 18, 1997

Mr. Ron H. Noble
Fowler, White, Gillen, Boggs, Villarcab and Banker, P.A.
Post Office Box 1438
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I hope this response satisfies your inquiry. If you need additional information please let me know.

Sincerely,

Raoul Clarke, Administrator
Hazardous Waste Management Section

RC/rc

cc: Satish Kastury
William Kutash

AQUA CLEAN ENVIRONMENTALCO., INC.
P. O. Box 7183 Lakeland, Fl. 33807

Phone 941 644-0665
Fax 941 646-1880

FAX COVER SHEET

No. Of pages including cover page 2

ATTENTION GILBERT DEMBECK

SORRY THIS IS LATE ; HARD COPY DID NOT GET HERE
UNTIL THIS PM.

THE MATERIAL LEFT THE SITE AT ABOUT 3:30 PM 8/27/97
BACK TO T & R

08/28/97 14
01/18/1997 11

94164 90

AQUA CLEAN

PAGE 02

PHOSLAB

Phone 941-682-5897

806 W. Beacon Road • Lakeland, Florida 33803

Fax 941-683-3279

Client: Aqua Clean Environmental Co., Inc.
P. O. Box 7183
Lakeland, Florida 33807

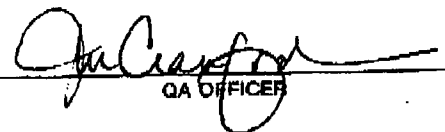
Attn: Mr. Dee Miller
P.O. #:
Project: Citrus Acid
Reference:

Sampled By: JN
Sample Date: 08-27-97
Date Received: 08-27-97
Analysis Date: 08-27-97
Analyzed By: GJF/JMC

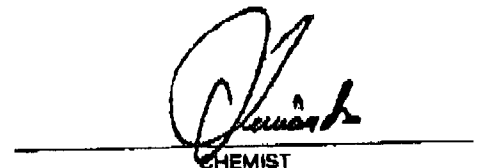
CERTIFICATE OF ANALYSIS

FLASHPOINT
EPA METHOD 1010

| | |
|--------------|----|
| Sample ID: | QC |
| Plastic Drum | 47 |
| Steel Drum | 45 |


QA OFFICER

FDER QA/C #870308G


CHEMIST

I N T E R O F F I C E M E M O R A N D U M

Date: 28-Aug-1997 07:59am EST
From: Beth Knauss TPA
KNAUSS_B
Dept: Southwest District Office
Tel No: 813/744-6100
SUNCOM: 542-6100 Ext. 383

TO: Raoul Clarke TAL
TO: Gilbert Dembeck TPA

(CLARKE_R@A1@DER)
(DEMBECK_G)

Subject: Re: PCW

*Bethm I not ignoring you on the PCW question you asked last week--I'm
*waiting to talk with Mike Redig a bit about it. I have a letter from
*an attorney and it refers to their client in Lakeland but does not
say
*who the company is (i.e. Aquaclean). The letter says Lakeland has a
*POTW and your note seemed to indicate that Lakeland was a private
*treatment facility--can you clarify that? I'll be getting back with
*you soon on this.
*
*Raoul

Gil inspected the facility yesterday. They had a letter in their file from you dated 4/18/97 to Ron Noble of Fowler White saying that they did not need a permit. I would like to see their letter to you, since they handle both PCW and miscellaneous waste waters such as car wash waste water, oil/water separator pumpings, and other industrial waste waters. He does not require an analysis before accepting the waste. He does require the generator to fill out a waste profile.

You state in your letter "If the PCW Recovery Facility is hard-piped to a POTW permitted under the Clean Water Act then the PCW Recovery Facility is also exempt from hazardous waste permitting requirements."
I'm not sure I agree. This seems to imply he can receive hazardous waste without a permit.

He does not transport any material himself. He has 2 tanks of recovered material, both labeled "product." He said that one contains "used oil" and the other contains "gasoline". Really the tanks both contain material skimmed from his oil/water separator. He has not disposed of any "product" yet, so we will be asking for a HW determination.

INVOICE



Environmental Co., Inc.

AQUA CLEAN
Environmental Co., Inc.
3210 Whitten Road
Lakeland, FL 33811
Phone (914) 644-0665
Fax (914) 646-1880

SOLD TO:

SHIP TO:

1 A A DRUM
3210 U.S. HWY 92 E.

AQUA CLEAN
LAKELAND, FLORIDA

PLANT CITY FL 33566

PLEASE
REMIT
TO

AQUA CLEAN
Environmental Co., Inc.
P.O. Box 7183
Lakeland, FL 33807

TAX EXEMPT #

VIA

TRD

-TERMS: NET 30 DAYS: F.O.B. OUR PLANT
1 1/2% FINANCE CHARGE (18% ANNUAL RATE)
WILL BE APPLIED ON PAST DUE ACCOUNTS.

INVOICE
NUMBER

INVOICE
DATE

PAGE
NUMBER

CUSTOMER
NUMBER

CUSTOMER P.O.
NUMBER

CUSTOMER P.O.
DATE

OUR JOB
NUMBER

SALES
REP.

| QUANTITY | | ITEM DESCRIPTION | UNITS | UNIT PRICE | EXTENSION |
|--|----------|----------------------------|---------|------------|------------|
| ORDERED | SHIPPED | | | | |
| 400.0000 | 400.0000 | DISPOSAL OF VARIOUS JUNCES | 6015 | 1.1000 | 6616.50 |
| <div> <div>PD</div> <div>check # 8959</div> </div> | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| NON-TAXABLE | TAXABLE | SALES TAX | FREIGHT | OTHER | AMOUNT DUE |
| | | | | | |

NO GOOD MAY BE RETURNED FOR CREDIT WITHOUT WRITTEN CONSENT OF THE COMPANY

FILE COPY

MATERIAL DATA CERTIFICATION SHEET

AQUA CLEAN ENVIRONMENTAL CO., INC.
PO BOX 7183
LAKELAND, FL 33807
PHONE (941) 644-0665 FAX (941) 646-1880

GENERATOR INFORMATION

Generator Name: T-R Drum
Address: 3910 U.S. HWY 92 E.
City: Plant City State: FL Zip: 33566
Contact: Thomas, Randy, Jennifer
Phone: (813) 751-4255 Fax: 719-6137

BILLING INFORMATION

Bill To: T-R Drum
Address: P.O. Box 119
City: Plant City State: FL Zip: 33566
Billing Contact: Jennifer
Phone: (813) 751-4255 Fax: 719-6137

TRANSPORTATION INFORMATION

Transporter: _____

| | | |
|-------------------------|--|---|
| Estimated Total Gallons | Shipping Container | Shipping Frequency |
| _____ | <input checked="" type="checkbox"/> Drum | <input type="checkbox"/> One Time <input type="checkbox"/> Weekly |
| Actual Total Gallons | <input type="checkbox"/> Tanker | <input type="checkbox"/> Monthly <input type="checkbox"/> Yearly |
| 400 <u>800</u> | <input type="checkbox"/> Other _____ | <input type="checkbox"/> Other _____ |

DOT Shipping Name _____

MATERIAL COMPOSITION

| Component | Concentration |
|-------------------|---------------|
| <u>Orange oil</u> | _____% |
| _____ | _____% |
| _____ | _____% |

WASTE PROCESSING INFORMATION

Provide a detailed description of the process that the waste is generated from. Include suspected and known contaminants. _____

Non-hazard

MATERIAL INFORMATION

Flashpoint ☐ Exact _____ ☐ <140 ☐ 140-200 ☐ >200
pH ☐ Exact _____ ☐ <2 ☐ 2-5 ☐ 5-9 ☐ 9-12.5 ☐ >12.5
Specific Gravity ☐ Exact _____ ☐ <0.8 ☐ 0.8-1.0 ☐ 1.0 ☐ 1-1.2 ☐ >1.2
Reactive ☐ Yes ☐ No
% Liquid _____ % Solid _____ % Sludge _____
Phases ☐ Single ☐ Double ☐ Multi
Viscosity ☐ Thin ☐ Moderate ☐ Thick
Odor ☐ None ☐ Mild ☐ Strong
Color/Appearance _____

Specify if any of the contaminants appear below. Attach all MSDS and current analyses.

| Contaminants | Amount Present (mg/l) | Contaminants | Amount Present (mg/l) |
|----------------------|-----------------------|---------------------------|-----------------------|
| Arsenic | _____ | Chloromethane | _____ |
| Cadmium | _____ | 1,2-Dichlorobenzene | _____ |
| Chromium | _____ | 1,4-Dichlorobenzene | _____ |
| Copper | _____ | Ethyl Benzene | _____ |
| Cyanide | _____ | Methyl Chloride | _____ |
| Lead | _____ | Methyl Ethyl Ketone | _____ |
| Mercury | _____ | Methylene Chloride | _____ |
| Molybdenum | _____ | Naphthalene | _____ |
| Nickel | _____ | 1,1,2,2-Tetrachloroethane | _____ |
| Selenium | _____ | Tetrachloroethylene | _____ |
| Silver | _____ | Toluene | _____ |
| Zinc | _____ | 1,2,4-Trichlorobenzene | _____ |
| Benzene | _____ | 1,1,1-Trichlorobenzene | _____ |
| Carbon Tetrachloride | _____ | 1,1,2-Trichloroethane | _____ |
| Chlorobenzene | _____ | Trichloroethylene | _____ |
| Chloroethane | _____ | Vinyl Chloride | _____ |

CERTIFICATION

Are any pesticides, herbicides or dioxins present? ☐ Yes ☒ No
Are any biotoxic components present in the material? (such as cyanide, chlorine, etc.)
☐ Yes ☒ No
Are any PCBs present in the material? ☐ Yes ☒ No
Is there more than one fuel present? ☐ Yes ☒ No
Does the material meet the definition of a hazardous waste according to 40CFR Part 261?
☐ Yes ☒ No

GENERATOR'S CERTIFICATION

I hereby certify that the above description, as well as any other information provided to Aqua Clean Environmental, is complete and accurate to the best of my knowledge and ability. I certify that the above described material is the specified material as defined by the above conditions. If my material is found not to be the specified material as defined by any of the above conditions, I am liable for any and all penalties and fines assessed against or expenses, costs (including legal fees), or other damages incurred by Aqua Clean Environmental.

Authorized Signature _____

Printed Name _____

Title _____

Date _____

8-25-97

I N T E R O F F I C E M E M O R A N D U M

Date: 21-Aug-1997 04:35pm EST
From: Beth Knauss TPA
KNAUSS_B
Dept: Southwest District Office
Tel No: 813/744-6100
SUNCOM: 542-6100 Ext. 383

TO: Raoul Clarke TAL (CLARKE_R@A1@DER)

CC: Gilbert Dembeck TPA (DEMBECK_G)

Subject: Aqua Clean Environmental Company, Inc.

This is a new facility that is soliciting PCW locally. Have you heard of them?

Gil got a copy of their pretreatment permit with the city of Lakeland. They do not have either a RCRA or used oil processor permit, and they are not publically owned.

As I understand it, since they accept off site waste they are not RCRA permit exempt.

Therefore they are not allowed to accept PCW per 62-740.300 until they either get a used oil or RCRA permit. Do you agree? Or do you think that 261.6.(c)(2) applies, allowing them to accept PCW but not manifested hazardous waste water?

Some of their effluent limits exceed RCRA TCLP standards, but that's another issue.



City of Lakeland

Wastewater Operations Division
1825 Glendale Street
Lakeland, Florida 33803
(941) 499-8277
FAX (941) 682-0978
TDD 499-8333

**CITY OF LAKELAND, FLORIDA
PUBLIC WORKS DEPARTMENT
WASTEWATER OPERATIONS DIVISION**

RECEIVED
AUG 20 1997
D E P

WASTEWATER DISCHARGE PERMIT No. 1041

In accordance with the provisions set forth in the Chapter 102 of the City of Lakeland Code as amended, and any or all applicable pretreatment regulations, standards, or requirements under federal, state or local law, including any such regulations, standards, requirements, or laws that may become effective during the term of this permit, is hereby authorized to discharge wastewater into the City of Lakeland's sanitary sewer system in accordance with effluent limitation, monitoring requirements, and other conditions set forth in Section 1 through 4 herein. This Wastewater Discharge Permit is granted solely to the following Permittee:

Company Name: *Aqua Clean Environmental Company, Inc.*
Division Name (If Applicable):

Mailing Address: *P.O. Box 7183
Lakeland, Florida 33807*

Facility Address (If Different): *3210 Whitten Road
Lakeland, Florida 33811*

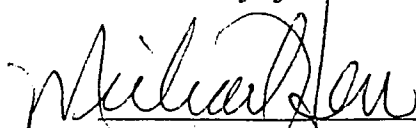
Compliance with this permit does not relieve the permittee of its obligation to comply with any or all applicable pretreatment regulations, standards or requirements under federal, state or local laws, including any such regulations, standards, requirements, or laws that may become effective during the term of this permit.

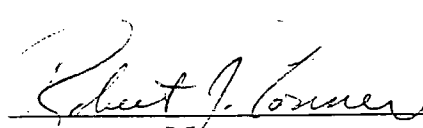
Noncompliance with any term or condition of this permit shall constitute a violation of Chapter 102 of the City of Lakeland Code as amended.

This permit shall become effective June 23, 1997, and shall expire at midnight on June 30, 2000.

If the permittee wishes to discharge after the expiration date of this permit, an application must be filed with the Wastewater Operations Division for a renewal permit a minimum of 90 days prior to the expiration date, but not more than 180 days.

For the City of Lakeland:


Director
Public Works Department


Manager
Wastewater Operations Division

SECTION 1. SPECIFIC CONDITIONS

PART 1. OPERATION AND EFFLUENT ORIGINS

A. Description and Regulation of Operation

Aqua Clean Environmental Company, Inc. located at 3210 Whitten Road., Lakeland, FL, 33811 is identified for the purposes of this wastewater discharge permit (WDP) as a complex facility that carries out the treatment of non-hazardous Petroleum Contact Water (PCW) and other wastes that discharges to the W. Carl Dicks' Water Reclamation facility.

Aqua Clean Environmental Company, Inc., is identified as a significant industrial user under the definitions contained in section 102-26 of the Lakeland City Code. Wastewaters from the treatment of PCW processes are regulated under the City of Lakeland's Sewer Use Ordinance, Chapter 102.

All relevant process wastewater must pass through all pretreatment processes as submitted in the WDP Application prior to discharge to the sewer system. No pretreatment process may be bypassed without the prior written permission of the director.

B. Origins of Wastewater

Wastewater streams consist of the following:

- a. Wastewater, groundwater, or runoff water contaminated with petroleum or oil;
- b. Wastewater originating from car wash sumps and wash racks;
- c. Wastewater originating from printing processes;
- d. Wastewater originating from food processing facilities;
- e. Landfill Leachate
- f. Wastewater from other sources may be accepted after prior written approval by the City of Lakeland.
- g. Domestic wastewater

This Permit is issued for a specific operation as submitted in the Wastewater Permit Application. If the Permittee wishes to discharge any other types of wastewater, a written request for a changed discharge must be submitted to the City's Industrial Pretreatment Coordinator at least 30 days in advance. Failure to notify the City of any new or changed discharge may result in enforcement actions against your facility and/or the termination of your WDP.

Any significant change (i.e. a change greater than 20%) in the facility operation, construction or treatment process of the pretreatment system must be approved by the director at least 30 days prior to the change taking place.

PART 2. MONITORING LOCATION AND REQUIREMENTS

A. Outfalls:

During the effective period of this WDP, the permittee is authorized to discharge wastewater to the City of Lakeland's sewer system from the facility's one (1) discharge location. This location is identified as Clean Out No. 003 (Control Manhole) located in the Northwest Corner of the treatment facility as shown on the drawing on Page 8 of this WDP.

The permittee shall apply in writing to the Industrial Pretreatment Coordinator for permission to discharge at any other outfall then those identified above. Reason for the change and detailed plans and drawings of the proposed new outfall must accompany the request.

B. Industrial Monitoring Program.

- (a) The City shall establish an industrial monitoring program to monitor the discharge from users to the WWF. This program shall consist of periodic determination of the users wastewater discharge characteristics through the analysis of wastewater samples. Monitoring shall be conducted by the Permittee and/or the City in accordance with the minimum requirements set forth herein.
- (b) The Permittee shall report all monitoring of discharge testing. At a minimum, these reports are due once every six months unless otherwise specified in their individual wastewater discharge permits. The information submitted in the report shall be based solely on sample data collected during the reporting period only.
- (c) Laboratory analytical work in support of City monitoring will normally be done by City personnel at the City's pollution control laboratory. The City may also provide sampling and analysis services for individual self-monitoring users for a fee. Should the City's facilities not be equipped for any special test or should the customer request analysis by an independent private laboratory, such tests shall be made and the cost thereof paid by the user.

C. Analytical Requirements

- (a) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this WDP shall be determined in accordance with FDEP analytical methods specified in Rule 62-160, F.A.C., and the FDEP "Standard Operating Procedures for Laboratory Operations and Sample Collection Activities", DEP-QA-001/92, September 30, 1992, and shall be determined at the authorized monitoring point identified herein, or upon suitable samples taken at such monitoring point.
- (b) Sampling shall be carried out by FDEP approved methods by a State of Florida Certified Laboratory. The particular analysis involved will determine if whether a grab sample(s) or composite sample shall be taken. Normally, but not always, analyses are 24-hour flow-proportioned composites where feasible; otherwise, time-proportioned composites at all outfalls, whereas pH, cyanide, total phenols, total oil and grease, temperature, sulfide and certain organics parameters are from grab samples.

- (c) The City reserves the right to utilize grab samples in lieu of flow-proportion or time-proportion composite samples to determine noncompliance with pretreatment standards when, in the opinion of the director, they are warranted.

PART 3. EFFLUENT LIMITATIONS

A. Specific Discharge Limitations:

During the effective period of this permit the discharge from the total facility shall not exceed the following effluent limitations. These limitations include all regulations under Chapter 102 of the City's Code and shall be applied at the end of pipe.

These limits shall be enforced at the authorized monitoring point at which the discharge enters into the City's sanitary sewer system unless specifically defined otherwise in this WDP. In order to ensure compliance with this article, the Permittee shall comply with the following local limits expressed in mg/l and sampling shall be as indicated below:

| <u>PARAMETER</u> | <u>DAILY MAX.</u> | <u>FREQUENCY</u> | <u>SAMPLE TYPE</u> |
|------------------------|---------------------------|------------------|--------------------|
| Flow | 30,000 Gallons | D | Daily |
| BOD | R | B | Grab |
| TSS | R | B | Grab |
| TN | R | B | Grab |
| Arsenic | 0.060 | Q | Grab |
| Cadmium | 0.020 | M | Grab |
| Chromium (total) | 2.300 | A | Grab |
| Copper | 0.640 | M | Grab |
| Cyanide | 0.110 | Q | Grab |
| Lead | 0.150 | M | Grab |
| Mercury | 0.0002 | Q | Grab |
| Molybdenum | 0.110 | M | Grab |
| Nickel | 0.280 | M | Grab |
| Selenium | 0.080 | M | Grab |
| Silver | 0.320 | Q | Grab |
| Zinc | 1.500 | M | Grab |
| Phenols (total) | 18 | A | Grab |
| Oil and grease (total) | 450 | M | Grab |
| Hydrocarbon | 100 | M | Grab |
| pH | 5.5 \leq 9.5 | D | Grab |

FREQUENCIES:

| | | |
|--|---------------|-------------|
| A Annual | S Semi-annual | Q Quarterly |
| B Bimonthly | M Monthly | D Daily |
| R Report only, no limit set as of WDP issuance | | |

B. Special Discharge Limitations:

During the effective period of this permit the discharge from the total facility shall not exceed the following calculated organic limitations. These limitations were developed under the United States Environmental Protection Agency (USEPA) "Guidance To Protect WWF Workers From Toxic And Reactive Gasses And Vapors", June 1992, and shall be enforced at the authorized monitoring point at which the discharge enters into the City's sanitary sewer system unless specifically defined otherwise in this WDP expressed in mg/l.

| <u>PARAMETER</u> | <u>DAILY MAX.</u> | <u>FREQUENCY</u> | <u>SAMPLE TYPE</u> |
|---------------------------|-------------------|------------------|--------------------|
| Benzene | 0.140 | M | Grab |
| Carbon Tetrachloride | 0.030 | M | Grab |
| Chlorobenzene | 2.310 | M | Grab |
| Chloroethane | 0.420 | M | Grab |
| Chloromethane | 0.070 | M | Grab |
| 1,2-Dichlorobenzene | 3.750 | M | Grab |
| 1,4-Dichlorobenzene | 3.550 | M | Grab |
| Ethyl Benzene | 1.590 | M | Grab |
| Methyl Chloride | 0.060 | M | Grab |
| Methyl Ethyl Ketone | 249.0 | M | Grab |
| Methylene Chloride | 2.060 | M | Grab |
| Naphthalene | 2.650 | M | Grab |
| 1,1,2,2-Tetrachloroethane | 0.440 | M | Grab |
| Tetrachloroethylene | 0.530 | M | Grab |
| Toluene | 1.360 | M | Grab |
| 1,2,4-Trichlorobenzene | 0.390 | M | Grab |
| 1,1,1-Trichloroethane | 1.550 | M | Grab |
| 1,1,2-Trichloroethane | 1.150 | M | Grab |
| Trichloroethylene | 0.710 | M | Grab |
| Xylene | REPORT ONLY | M | Grab |
| Vinyl Chloride | 0.0003 | M | Grab |

C. Notification of Effluent Violation:

In accordance with section 102-58, where self-monitoring shows a violation, the user shall notify the City's Industrial Pretreatment Coordinator within 24 hours, resample and submit both results within 30 days of becoming aware of the violation. Failure to contact the City and/or resample is a violation of the terms and conditions of this WDP and the City Code.

D. General Prohibitions.

A user may not introduce into a WWF any pollutant which causes pass through or interference. These general prohibitions and the specific prohibitions in this division apply to any user introducing pollutants into a WWF whether or not the user is subject to other categorical pretreatment standards or any federal, state or local pretreatment requirements.

E. Specific prohibitions.

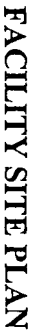
In addition to any other prohibitions in this article, the following pollutants shall not be introduced into a WWF:

- (1) Pollutants which create a fire or explosion hazard in the WWF, including but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test methods specified in 40 CFR 261.21.
- (2) Pollutants which will cause corrosive structural damage to the WWF, but in no case discharges with pH lower than 5.5; discharges with a pH greater than 9.5 are likewise prohibited unless authorized in a wastewater discharge permit.
- (3) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the WWF resulting in interference.
- (4) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the WWF.
- (5) Heat in amounts which will inhibit biological activity in the WWF resulting in interference, but in no case heat in such quantities that the temperature at the WWF treatment plant exceeds 40 degrees Celsius (104 degrees Fahrenheit) unless the department (FDEP), upon request of the control authority, approves alternate temperature limits in accordance with Rule 62-302.520, F.A.C.
- (6) Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through.
- (7) Pollutants which result in the presence of toxic gases, vapors or fumes within the WWF in a quantity that may cause acute worker health and safety problems.
- (8) Any trucked or hauled pollutants, except at discharge points designed by the WWF. The city may accept certain types of industrial and domestic waste trucked to the WWF generated within the city's sanitary service area or through inter-governmental agreements, on a temporary basis. This waste shall meet federal, state and local discharge standards and shall operate under the requirements and limitations of a wastewater discharge permit (WDP).
- (9) Noxious or malodorous liquids, gases, solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.
- (10) Wastewater which imparts color which cannot be removed by the WWF, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the WWF's effluent, thereby violating the city's NPDES permit.

- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations.
- (12) Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, noncontact cooling water or any unpolluted wastewater, unless specifically authorized by the city.
- (13) Sludges, screenings or other residues from the pretreatment or [of] industrial wastes.
- (14) Medical wastes, except as specifically authorized by the city.
- (15) Wastewater causing, alone or in conjunction with other sources, the WWF's effluent to fail a toxicity test.
- (16) Detergents, surface-active agents or other substances which may cause excessive foaming in the WWF or its effluent.

F. Maintenance of Pretreatment and/or Flow Equalizing Facilities.

Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be continuously and properly maintained by the owner at his expense and effectively operated to the satisfaction of the City.



Keith and Schnars, P.A. 
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AQUA CLEAN ENVIRONMENTAL CO., INC.
PARTIAL SITE PLAN

FIGURE
1 OF 1.

SECTION 2. REPORTING REQUIREMENTS

PART 1. CERTIFICATION STATEMENT:

All reports required by the WDP shall contain a certification statement in accordance with Section 102-46(b) of Chapter 102 of the City of Lakeland Code. Any report submitted must also contain a signature of an Authorized Representative of the Company as defined under Section 102-26.

PART 2. ABNORMAL DISCHARGE CONDITIONS:

- A. Any accidental discharge, slug, or treatment plant upset experienced by the Permittee that places it in a temporary state of noncompliance with the wastewater discharge limitations contained in this WDP or Chapter 102 of the City of Lakeland Code as amended shall be reported to the City by telephone immediately, in accordance with Section 102-110. A detailed written report, discussing circumstances and remedies, shall be submitted to the City within five (5) days of the occurrence.
- B. Where the Permittee's self-monitoring shows a violation, the user shall notify the City's Industrial Pretreatment Coordinator within 24 hours, resample and submit both results within 30 days of becoming aware of the violation.

PART 3. MONITORING REPORTS:

Monitoring results for discharge limitations shall be summarized for each month and reported, postmarked no later than the 20th day of the following calendar month. Copies of these, and other reports, required by the WDP, shall be submitted to the City at the following address:

**City of Lakeland
Industrial Pretreatment Coordinator
1825 Glendale Street
Lakeland, Florida 33803**

PART 4. SPECIAL REPORTS:

- A. The Permittee shall report to the City prior to the introduction of new wastewater or pollutants or any substantial change in the volume or characteristics of the wastewater being discharged into the WWF from the User's industrial processes, in accordance with Section 102-51.
- B. If the Permittee monitors any parameter more frequently than required by this permit, using approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report. Such increased frequency shall also be indicated.
- C. The Permittee shall submit a letter certifying annual inspection and/or calibration of flow monitoring equipment used to measure the volume of wastewater discharged.

- D. The Permittee shall comply with all requirements of FDEP Rule 62-740, F.A.C., as amended, incorporated into this permit by attachment.

PART 5. SPECIAL RECORDS AND REPORTS:

- A. The Permittee shall maintain at all times a current maintenance log book for documenting all maintenance activities associated with the facility. The log book shall indicate the date, time, a description of when the problem was noticed, a description and date of the corrective activity, and identify the personnel conducting the activity. The log book shall document activities such as, but not limited to, routine inspections, equipment calibrations, sampling events, equipment failures, additional equipment added, and problems experienced with any equipment or loads.
- B. The Permittee shall develop and maintain a Manifest Tracking System (MTS) of the wastewater transported on site for disposal. The MTS shall be capable of identifying the following information:
1. The source of the wastewater,
 2. The pollutants of concern and their concentrations in the wastewater,
 3. The volume and date it was delivered to the site,
 4. The date treatment started,
 5. The date the wastewater was discharged, and
 6. A method of testing the treated wastewater to ensure that it is capable of being treated by the pretreatment system and that it is in compliance with the requirements of this WDP when it is discharged.
- C. The Permittee shall immediately halt or reduce activity upon reduction of efficiency of operations, or loss or failure of all or part of the treatment process. The Permittee shall, to the extent necessary to maintain compliance with this WDP, control its production and/or discharge until operation of the treatment processes is restored or an approved alternative method of treatment is provided. **In the event of such a failure or reduction of efficiency, the Permittee shall immediately notify the Industrial Pretreatment Section of the City of Lakeland at (941) 499-8277 (#2).**
- D. The Permittee shall develop, maintain, and submit to the City of Lakeland a Standard Operating Procedural Manual (SOP) for the daily operation of the facility. An example SOP was submitted with the WDP Application. Any updates or changes to the SOP shall be submitted to the City of Lakeland.
- E. The Permittee shall develop, maintain, and submit to the City of Lakeland a Spill Control and Countermeasure Plan and a Slug Control Plan within ninety (90) days of operational startup. These plans shall be updated at least every two (2) years at a minimum and sent to the City of Lakeland.
- F. All records, log books and manifest shall be made available to the City of Lakeland for review, comment and duplication in accordance with Chapter 102 of the City of Lakeland Code, Section 102-71(b).

SECTION 3. STANDARD CONDITIONS

PART 1. COMPLIANCE WITH CHAPTER 102 OF THE CITY OF LAKELAND CODE

Wastewater discharge permits shall be expressly subject to all provisions of Chapter 102 of the City of Lakeland code as amended and all other applicable codes and regulations.

PART 2. DUTY TO REAPPLY

The User shall apply for permit reissuance at least ninety (90) days, but no more than one hundred and eighty (180) days prior to the expiration of the User's permit. The User shall be informed of any proposed changes to his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

PART 3. SIGNATORY REQUIREMENTS

All reports required by this permit shall contain the name/title of a principal executive officer of the User, and shall be signed by the principal executive officer or his authorized representative.

PART 4. RIGHT OF ENTRY

The Permittee shall, after reasonable notification by the City, allow the City or its representatives exhibiting proper credentials and identification, to enter upon the premises of the User, at all reasonable hours for the purposes of inspection, sampling, or records inspection and duplication. Reasonable hours in the context of inspection and sampling includes any time the Permittee is operating any process which results in a process wastewater discharge to the City's WWF. In the event that City employees fail or neglect to observe appropriate safety procedures or engage in any act of misconduct while performing the necessary work on private property, the Permittee may request that said employees cease the work and vacate the premises. In the event of such an incident, the Director shall be notified.

PART 5. LIMITATION ON PERMIT TRANSFER

Wastewater discharge permits are issued to a specific User for a specific operation. They shall not be reassigned, or transferred, or sold to a new owner, new significant Permittee, or transferred to a different premises without City approval.

PART 6. CHANGED CONDITIONS

The Permittee shall report to the City prior to the introduction of new wastewater or pollutants or any substantial change in the volume or characteristics of the wastewater being discharged into the WWF from the User's industrial processes, in accordance with Section 102-50.

PART 7. RECORDS RETENTION

- (A) The Permittee shall retain and preserve for no less than three (3) years, any records, books, and documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of the User in connection with its discharge.
- (B) All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by the City shall be retained and preserved by the Permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

PART 8. SAMPLE TYPE

All samples shall be 24-hour (flow-proportioned or time-proportioned) composite samples were feasible, except cyanide, total phenols, oil and grease, pH, volatile organics, and temperature, which are grab samples.

PART 9. ANALYTICAL METHODS

Sample collection, preservation and analytical procedures shall be in accordance with FDEP approved methods contained in Florida Administrative Code, Rule 62-160.

PART 10. MEASUREMENTS FOR DISCHARGE LIMITATIONS

A. Six Month Average:

The six (6) month average is a rolling average, equal to the arithmetic mean of the samples collected during consecutive reporting periods which comprise six (6) months. For parameters that are measured at least once per month, the six (6) month average shall be computed at the end of each month and is equal to the arithmetic mean of the monthly average of the month being reported and monthly average of each of the previous five (5) months.

B. Monthly Average:

The monthly average concentration is the sum of the concentrations of all daily discharges sampled and/or measured during a calendar month, divided by the number of daily discharges sampled and/or measured during such month (arithmetic mean of the daily concentration values). The daily concentration value is equal to the concentration of a composite sample or in the case of grab samples is the arithmetic mean (weighted by flow value) of all the samples collected during that calendar day.

C. Daily Maximum:

The daily maximum concentration is the highest value recorded during the reporting period.

PART 11. RECORDING OF RESULTS

For each measurement or sample taken pursuant to the requirements of this permit, the following information shall be recorded:

- A. The exact place, date and time of sampling;
- B. The dates the analyses were performed;
- C. The person responsible for performing the sampling or measurement.
- D. The person(s) who performed the analyses;
- E. The analytical techniques or methods used, and
- F. The results of all required analyses.

PART 12. VIOLATION NOTIFICATION AND RESAMPLE REQUIREMENT

If sampling performed by Permittee indicates a violation of any part of this Permit or Chapter 102 of the City of Lakeland Code, as amended, the Permittee shall notify the control authority (City of Lakeland) within 24 hours of becoming aware of the violation. The Permittee shall repeat the sampling and analysis and submit both results of the analysis to the control authority within 30 days after becoming aware of the violation.

PART 13. HAZARDOUS WASTE NOTIFICATION

The Permittee shall notify the Control Authority and the Department of Environmental Protection Hazardous Waste and Pretreatment Authorities in writing of any discharge to the sanitary sewer system of any substance, which, if otherwise disposed of would be a hazardous waste under Rule 62-730, F.A.C. Such notification shall include the name of the hazardous waste, the EPA hazardous waste number, the type of the discharge (continuous, batch or other).

If the Permittee discharges more than 100 kilograms (220 pounds) of such waste per calendar month to the WWF, the notification shall also contain the following information to the extent such information is known and readily available to the Permittee: an identification of the hazardous constituents in the waste, an estimation of the mass and concentration of such constituents in the wastestream discharged during the calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharge during the following 12 months. If the Permittee commences discharge after the effective date of this provision shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this section needs to be submitted only once for each hazardous waste discharged. However, notification of a changed discharge must comply with Section 3, Part 6 of this WDP.

PART 14. DILUTION

No Permittee shall increase the use of potable or process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the permit.

PART 15. PROPER DISPOSAL OF PRETREATMENT SLUDGES AND SPENT CHEMICALS

The disposal of any sludges and/or spent chemicals by the Permittee shall be done in accordance with Section 405 of the Clean Water Act, Subtitles C and D of the Resource Conservation and Recovery Act and Chapter 102 for the City of Lakeland Code as amended.

PART 16. FLOW MEASUREMENTS

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to insure the accuracy and reliability of measurements of the volume of monitoring discharges. The devices shall be installed, calibrated, and maintained by the Permittee to insure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than +/- 10% from the true discharge rates throughout the range of expected discharge volumes.

PART 17. SUSPENSION OF SERVICE AND/OR PERMIT

The City may suspend wastewater treatment service and/or the wastewater discharge permit when such suspension is necessary to stop an actual or threatened discharge which would endanger the health or welfare of persons or the environment, cause interference with WWF operations, cause sludge quality degradation, or cause the City to violate any conditions of its FDEP operating permit and/or its NPDES permit.

PART 18. FAILING TO COMPLY WITH PERMIT CONDITIONS, FALSIFYING INFORMATION OR TAMPERING WITH MONITORING EQUIPMENT

Any User who willfully or negligently fails to comply with provisions of this permit shall be subject to the imposition of penalties and appropriate recovery of costs by the City. Any person who knowingly makes any false statements, representation or correction in any record, report, plan or other document filed pursuant to this permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this permit shall, upon conviction, be subject to the imposition of penalties prescribed by Chapter 102 of the City of Lakeland Code or any other applicable local, State or Federal law.

PART 19. MODIFICATION OR REVISION OF THE PERMIT

The Director may modify a Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons;

- A. To incorporate any new or revised Federal, State or local pretreatment standards or requirements;
- B. To address significant alterations or additions to the Permittee's operation, processes, or wastewater volume or character since the time of the wastewater discharge permit issuance;
- C. A change in the WWF that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicting that the permitted discharge poses a threat to the City's WWF, personnel, or the receiving waters;
- E. Violation of any term or condition of the permit
- F. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- G. Revision of or a grant of variance from categorical pretreatment standards;
- H. To correct typographical or other errors in the permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

PART 20. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

SECTION 4. ENFORCEMENT

PART 1. NOTICE OF VIOLATION (NOV):

- A. Any violation of pretreatment requirements, including but not limited to discharge limits, sampling, analysis, reporting, and meeting compliance schedules, and regulatory deadlines, shall be considered as noncompliance for which the Permittee is liable for enforcement, including penalties.
- B. The Permittee shall respond to any NOV in writing within 30 days of the notice. This written notification shall include the reason for the violation(s), the actions taken to correct the violation(s) and what steps will be taken to prevent the violation(s) from occurring in the future.

PART 2. SIGNIFICANT NONCOMPLIANCE (SNC):

- A. Violations shall be identified as those violations or patterns of violations by the Permittee that are instances of Significant Noncompliance (SNC). The determination of SNC is patterned after criteria used in the NPDES program (40 CFR 123.45). Instances of SNC are Permittee violations which meet one or more of the following criteria:

1. Violation of Wastewater Discharge limits:

- A. **Chronic Violations:** 66 percent or more of the measurements exceed the permit limits in a 6 month period. (Any magnitude of exceedance.)
- B. **Technical Review Criteria (TRC) Violation:** 33 percent or more of the measurements exceed the permit limits by more than the TRC in a 6 month period. There are two (2) groups of TRCs:

Group I for conventional pollutants (BOD, TSS, fats, oils, and Grease) TRC equals 1.4 times the limit value.

Group II for all other pollutants. TRC equals 1.2 times the limit value.

For detailed explanation and determination of SNC, refer to USEPA publication "Pretreatment Compliance Monitoring and Enforcement Guidance" manual.

- C. Any other violation(s) of an effluent limit (average or daily maximum) that the City believes has caused, alone, or in combination with other discharges, interference (e.g. slug loads or pass through) or endangered the health of the wastewater treatment plant personnel or the public.
- D. Any discharge of a pollutant that has caused imminent endangerment to human/welfare, or to the environment, and has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge.

2. Violations of compliance schedule milestones contained in a local control mechanism or enforcement order, for starting construction, completing construction, and attaining final compliance by ninety (90) days or more after the scheduled date.
 3. Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, 90-day compliance reports and periodic reports) within thirty (30) days from the due date.
 4. Failure to accurately report non-compliance.
 5. Any other violations or group of violations that the City considers to be significant.
- B. As part of its enforcement action, the City shall notify the Permittee of each incidence of a SNC, and each notice shall include an order for the User to come into compliance immediately, or to enter into a compliance agreement with the City. The City shall annually publish a newspaper list of Permittees that were identified as being in SNC during the previous twelve (12) months. The notice shall also summarize any enforcement action taken against the Permittee in accordance with Section 102-78.

PART 3. CIVIL PENALTIES

A Permittee who has violated or continues to violate any provision of Chapter 102, a wastewater discharge permit or other order issued, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of \$1,000.00 per violation, per day.

The City may recover reasonable attorney's fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses and the cost of actual damage incurred by the City.

In determining the amount of the civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, any economic benefit gained through the Permittee's violation, corrective actions by the Permittee, the compliance history of the Permittee and any other factor as justice requires.

Filing a suit for civil penalties shall not be a bar against or a prerequisite for taking any other action against the Permittee.

PART 4. CRIMINAL PROSECUTION

A Permittee who willfully or negligently violates any provision of Chapter 102, a wastewater discharge permit or order issued, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 per violation, per day or imprisonment for not more than six (6) months, or both.

A Permittee who willfully or negligently introduces any substance into the WWF which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 per violation, per day or imprisonment for not more than six (6) months, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

A Permittee who knowingly make any false statements, representations or certification in any application, record, report, plan or other documentation filed or required to be maintained, pursuant to Chapter 102, a wastewater discharge permit or order issued, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be punished by a fine of not more than \$500.00 per violation, per day or imprisonment for not more than six (6) months, or both.

In the event of a second conviction, a Permittee shall be punished by a fine of not more than \$1,000.00 per violation, per day or imprisonment for not more than one year, or both.

PART 5. EMERGENCY ACTIONS

The control authority shall have authority and procedures to immediately and effectively halt any discharge to the WWF which endangers public health or welfare. The control authority shall also have the authority and procedures to prevent any discharge to the WWF which endangers the environment or which threatens to interfere with the operations of the WWF. Notice shall be provided to the user prior to such action. If public health or welfare are not endangered, the user shall be given an opportunity to respond to the notice.

Jamson Environmental, Inc.
101 Bayview Blvd, Oldsmar, FL 34677
(813)891-0440 FAX (813)854-3133

FAX COVER SHEET

Date: 08/15/97

To: Steve Morgan FAX No. (813)744-6125

Company: FDEP, Solid Waste

From: Will Horn

The number of pages in this FAX, including this cover page is 3.

Please contact us at 813/891-0440 if there is a problem with this transmittal.

RE: Aqua Clean, Inc.

Steve,

Please find attached the brochure from the above referenced facility about which I spoke to you earlier today. As I indicated, we would like to consider using this facility to dispose of the bulk petroleum contaminated waters from our facility. Please FAX back a confirmation that they have all the necessary permits and that those permits are in order as far as FDEP is concerned.

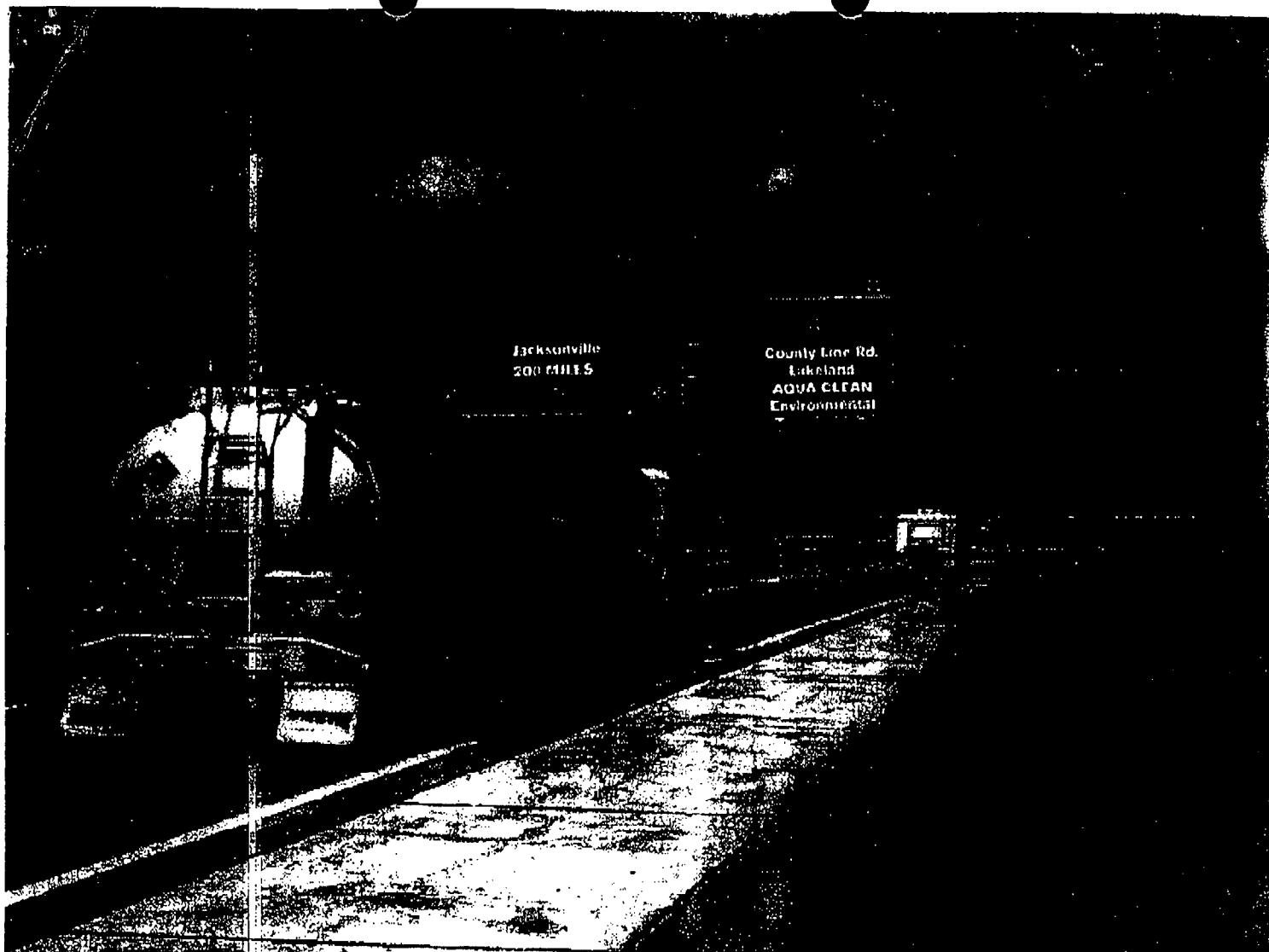
Sincerely,

JAMSON ENVIRONMENTAL, INC.



William C. Horn, C.E.T.
Director of Health and Safety

Looks on Aug 20th?



Who do you trust with your contaminated water and sludge?

Aqua Clean Environmental's water treatment facility is now open and receiving customer deliveries. Located 2.5 miles off Interstate 4, on County Line Road in the West Lakeland Industrial Park. Aqua Clean will be accepting a variety of non-hazardous wastewater and sludge for treatment. Aqua Clean does the job right. If your company is worried about potential liability associated with your wastewater disposal, then Aqua Clean is the answer.

P.O. Box 7183, Lakeland, FL 33807
3210 Whitten Road, Lakeland, FL 33811

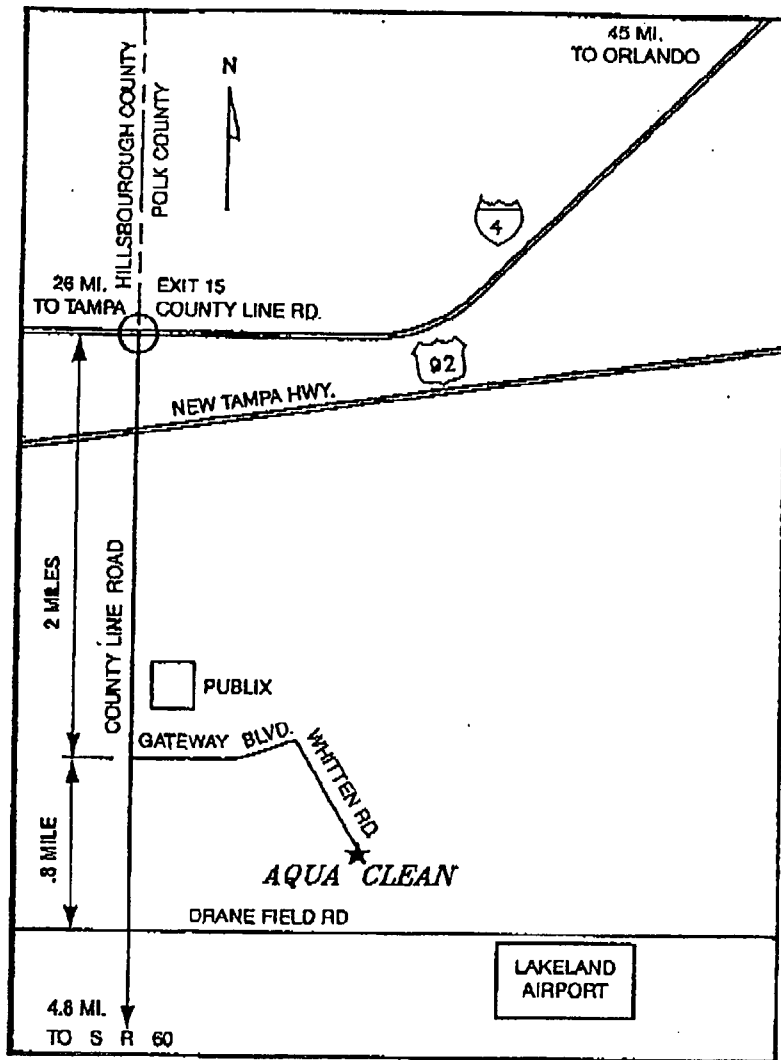


Environmental Co., Inc.

Phone: (941)644-0665

Fax: (941)646-1880

E-MAIL 110176.1313@COMPUSERVE.COM



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