

Ron H. Noble
Direct Dial: 813-222-1175
rnoble@fowlerwhite.com

December 20, 2013

Dept. of Environmental Protection
DEC 23 2013
Southwest District

Brian J. Armstrong, P.G.
Assistant Director
Florida Department of Environmental Protection
Southwest District
13051 N. Telecom Parkway
Temple Terrace, FL 33637-0926

Re: Final Response of Aqua Clean Environmental Co., Inc. and
Florida Recycling Solutions to FDEP Compliance Assistant Offer for
Polk County facility

Dear Mr. Armstrong:

The purpose of this correspondence is to provide the additional information and final responses requested by the Florida Department of Environmental Protection ("Department") in connection with the Department's Compliance Assistance Offer issued to Aqua Clean Environmental Co., Inc. ("Aqua Clean") and Florida Recycling Solutions ("FRS") based upon the Department's compliance inspection on April 15, 2013. We met with representatives of the Department on August 29, 2013, and October 10, 2013, to discuss and resolve the issues set forth in the Department's Compliance Assistance Offer. Aqua Clean and FRS offer the following information and final responses as requested by the Department. For ease of reference, we have set forth below the Department's requested "Corrective Actions" followed by Aqua Clean's response in the same order as set forth in the Department's April 15, 2013, Inspection Report.

1. ACE/FRS must conduct a proper waste determination on these materials as they are generated (prior to comingling or diluting with solidification materials). A proper waste determination includes analyzing the material by the Toxicity Characteristic Leaching Procedure for the eight RCRA heavy metals, volatile organic compounds and semi-volatiles.

Response: As previously discussed with the Department, the filter baskets at Aqua Clean have been removed and will no longer be utilized. Therefore, no waste materials will be generated from filter baskets and no waste characterization is required in connection with the historical use of the filter baskets. The Department also requested a waste characterization for tank bottom

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waste materials generated by Aqua Clean and FRS. Pursuant to our discussions with the Department, if waste materials are generated from the bottoms of tanks 6, 7, 8 and/or 9, they will be analyzed for a proper waste determination and characterization utilizing TCLP analysis for metals and volatile organic compounds. The same protocol will be utilized for tanks 3, 4 and/or 5 in the event that tank bottom waste materials are generated from these tanks. As we discussed, minimal solids are generated from these tanks, and in the event that tank bottoms are removed, a proper waste determination and characterization will be performed quarterly for one year and annually thereafter as set forth above. Pursuant to our discussions with the District and FDEP in Tallahassee, combined tank bottoms will be tested from tanks 3, 4 and/or 5 as well as tanks 6, 7, 8 and/or 9 (2 separate sets of samples) for the waste determination and characterization protocols set forth above.

2. The facility appears to manifest all solid waste, including the oil contaminated solid waste, to ACE only. Records provided during the inspection, along with discussions with facility personnel, indicate that all solid waste received, generated, or processed at the facility, including solid wastes generated from the industrial wastewater treatment portion of the facility are co-mingled and managed by ACE. Unless the facility (ACE/FRS) operations can be clearly distinguished, oil contaminated debris should be segregated on manifests in which FRS is the destination facility. The facility must maintain appropriate documentation that demonstrates that the amount of this material on site and processed annually does not exceed the permit limits.

Response: As we discussed with the Department, Aqua Clean and FRS have agreed that all materials going to the solidification pad will be categorized and characterized as an oily waste. If materials accepted by Aqua Clean do not go through the wastewater treatment process, these materials will be properly managed by ACE on the solidification pad prior to disposal. We agreed with the Department that oily waste materials managed by ACE in this manner are not subject to the conditions or limitations in the FRS Permit issued by the Department. Aqua Clean and FRS will maintain a separate tracking system and a separate log will be maintained to document any internal transfers so that a copy of the internal transfer log can be provided to the Department. As discussed with the Department, oily waste materials manifested to FRS will still be invoiced to the customer through Aqua Clean. Aqua Clean's Tampa facility is now permitted to accept Subpart A Metal Bearing Wastes, so there will be no need to process any Subpart A waste materials at Aqua Clean's Lakeland facility.

3. All tanks and containers used to collect or store used oil must be clearly labeled with the words "Used Oil."

Response: Aqua Clean labels all tanks and containers used to collect or store used oil with the words "Used Oil". At the time of the Department's inspection, containers had just been off-loaded from an Aqua Clean truck to the FRS facility

within the hour, and these materials had not yet been labeled as "Used Oil". Aqua Clean and FRS personnel have been trained to label these containers as quickly as possible with the words "Used Oil" and as soon as they are unloaded from transportation vehicles. All other tanks or containers operated or maintained by FRS to collect or store used oil are properly labeled with the words "Used Oil."

4. Please repair or reseal these areas and restore leachate control to prevent mixing with stormwater pursuant to Florida Administrative Code Chapter 62-701.710(3)b F.A.C.

Response: Aqua Clean retained the services of a professional concrete contractor to strip, seal, and resurface both the inside and outside of the solidification pad containment wall. Aqua Clean has made a substantial investment in the solidification pad containment wall to address the Department's concerns with respect to potential cracking and minor staining. Please be advised that at no time were any leaks or releases observed from the walls of the containment pad.

5. Department recommends modifying the profile sheet to include language such as: "Is this material regulated under 40 CFR 279? Yes or No." Adding this line item will help clarify which oily waste waters are intended to be managed as used oil. If the materials are intended to be managed as used oil under 40 CFR 279, it should be manifested to FRS as the destination facility. The manifests reviewed during the inspection note ACE as the destination facility.

Response: Pursuant to our discussions with the Department, Aqua Clean and FRS have agreed to modify their Material Data Certification Sheet to add the following language:

"Is this material being managed for recycling under 40 C.F.R. Part 279 ("EPA Used Oil Rule"). ☐ YES or ☐ NO."

ACE has prepared a new manifest and certification document that will be used for the collection of used oil destined for recycling at FRS. This new document will include the statement referenced above requested by the Department. If materials are identified as used oil pursuant to 40 CFR Part 279, these materials will ultimately be manifested to FRS or transferred by ACE to FRS as the destination facility as opposed to Aqua Clean as the destination facility.

During our meeting with the Department on October 10, 2013, the Department requested information regarding the Cintas facilities serviced by Aqua Clean. Aqua Clean has provided voluminous documentation from its files to the Department regarding Non-Hazardous Waste Manifests, Material Data Certification Sheets and analytical test results obtained by Aqua Clean for multiple Cintas customer facilities.

Finally, the Department requested that Aqua Clean modify its recordkeeping procedures to allow its computer and invoicing system to allow Aqua Clean to match specific Non-

Hazardous Waste Manifests to a specific customer Material Data Certification Sheet. Please be advised that Aqua Clean has substantially expanded and modified its recordkeeping practices so that in the future it will be able to match and correlate specific Non-Hazardous Waste Manifests to a specific customer Material Data Certification Sheet for each customer wastewater stream or used oil from each customer.

We trust the information set forth above addresses all outstanding concerns from the Department's 2013 Compliance Inspection as well as all requested corrective actions set forth in the Department's Compliance Assistance Offer dated June 19, 2013. We remain available to meet with the Department as necessary to provide any additional information regarding these matters to document that Aqua Clean operates in full compliance with all applicable statutes and regulations administered by the Department. In the interim, please do not hesitate to contact me should you have any questions or concerns regarding the above matters or if the Department requires any additional information.

Sincerely yours,

FOWLER WHITE BOGGS P.A.



Ron H. Noble

cc: Ms. Susan Pelz
Mr. Mike Zellars

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