



FOWLER WHITE
BOGGS BANKER

ATTORNEYS AT LAW

ESTABLISHED 1943

Jim Dregne
Dept. of Environmental
Protection

RON H. NOBLE
DIRECT DIAL: 813-222-1175
RNOBLE@FOWLERWHITE.COM

DEC 18 2006

December 15, 2006

Southwest District

Mr. Steven Michael Kelly
Florida Department of Environmental Protection
NPDES Stormwater Program
2600 Blair Stone Road, M.S. 2500
Tallahassee, FL 32399-2440

Re: Aqua Clean facility in Polk County, Florida
NPDES Permitting Coverage under Multi-Sector Generic Permit

Dear Mr. Kelly:

Thank you for your correspondence dated November 15, 2006, in connection with stormwater permitting issues for the Aqua Clean Environmental Company, Inc. ("Aqua Clean") facility in Lakeland, Polk County, Florida. We are also in receipt of correspondence from FDEP Southwest District Director Deborah A. Getzoff dated December 6, 2006 regarding stormwater permitting issues, and I believe you were provided a copy of that correspondence. The purpose of this correspondence is to respond to the Department's November 15, 2006, correspondence and set forth a proposed course of action for addressing stormwater permitting issues at this facility.

As an initial matter, we agree with the Department the Aqua Clean facility is not correctly identified within the SIC Code classification 7389. Specifically, it is not accurate to identify the Aqua Clean facility as a "solvent recovery service on a contract basis." It appears that the appropriate code and classification for this facility is NAICS 562219. Specifically, this classification includes industrial establishments primarily engaged in operating non-hazardous waste treatment and disposal facilities and/or the combined activity of collecting and/or hauling non-hazardous waste materials and operating waste treatment or disposal facilities, except for landfills, combustors, incinerators and sewer systems. Pursuant to NAICS classification 562219, we believe the Aqua Clean facility is appropriately characterized as a non-hazardous waste treatment and disposal industrial operation. Prior to proceeding further with stormwater permitting, we request written confirmation that the Department is in agreement with this NAICS code classification for Aqua Clean.

FOWLER WHITE BOGGS BANKER P.A.

TAMPA • ST. PETERSBURG • FORT MYERS • TALLAHASSEE • ORLANDO • NAPLES • WEST PALM BEACH • BONITA SPRINGS • JACKSONVILLE

501 EAST KENNEDY BLVD., SUITE 1700 • TAMPA, FLORIDA 33602 • P.O. BOX 1438 • TAMPA, FL 33601
TELEPHONE (813) 228-7411 • FAX (813) 229-8313 • www.fowlerwhite.com

Mr. Steven Michael Kelly

December 15, 2006

Page 2

Aqua Clean has engaged the professional engineering services of Chastain Skillman, Inc. to assist in the permitting determinations and preparation of the appropriate documentation for submittal to the Department. Chastain Skillman and Aqua Clean are currently exploring the "No Exposure Exclusion" outlined in Rule 62-620.100, Florida Administrative Code. If the Aqua Clean facility does not meet the criteria established for the conditional No Exposure Exclusion referenced above, Aqua Clean will proceed with the preparation and submittal of a Notice of Intent for coverage under the Multi-Sector Generic Permit. We also acknowledge and understand that if Aqua Clean moves forward under the Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity, Aqua Clean will be required to develop and implement a Stormwater Pollution Prevention Plan.

Prior to submitting a Notice of Intent as outlined above, we request that the Department provide written confirmation that NAICS Code 562219 is appropriate and applicable for the Aqua Clean facility and its associated industrial activities. Obviously, we cannot proceed with preparation and submittal of the appropriate documentation until we obtain the concurrence of the Department with respect to the correct facility classification and designation. Upon receipt of the Department's written confirmation requested above, Aqua Clean and Chastain Skillman will proceed with submitting either the No Exposure Exclusion certification referenced above, or in the alternative, a Notice of Intent for coverage under the Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity. Thank you again for your assistance and cooperation regarding this project and we look forward to receipt of the Department's written confirmation at your earliest convenience. 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,

FOWLER WHITE BOGGS BANKER P.A.



Ron H. Noble

cc: Mr. W.D. Miller
Ms. Deborah A. Getzoff
Ms. Ilia Balcom
Ms. Pamala Vazquez

1913139v1

FOWLER WHITE BOGGS BANKER P.A.

TAMPA • ST. PETERSBURG • FORT MYERS • TALLAHASSEE • ORLANDO • NAPLES • WEST PALM BEACH • BONITA SPRINGS • JACKSONVILLE