



August 19, 2009

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Florida Department of Environmental Protection  
Central District  
3319 Maguire Boulevard, Suite 232  
Orlando, FL 32803-3767  
Attn: Ms. Danielle Bentzen

RE: **Transmittal of Signed Amendment of Consent Order | OGC File No. 07-2193**  
AERC.com, Inc., 4317-J Fortune Place, West Melbourne, FL 32904 | EPA ID# FLD 984 262 782

Dear Danielle,

On behalf of AERC.com, Inc., and in agreement with the terms of the aforementioned amendment to consent order number 07-2193, please find enclosed:

- The signed amended consent order acknowledgement page, and
- Certified Check # 531507 in the amount of \$7,736.00 payable to the "Department of Environmental Protection."

The amended consent order and payment of penalty are transmitted to resolve additional penalties resulting from the September 11, 2008 inspection of the AERC.com, Inc., West Melbourne, FL facility.

Should you have any questions or comments regarding this response please contact either myself at (610) 797-7608, ext. 149, or Ms. Tracy DePaola, Southern Regional District Branch Manager, at (321) 952-1516.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffery W. Smith'.

Jeffery W. Smith, PE  
Director of Regulatory Affairs & Compliance

Enclosure

cc: T. DePaola, AERC

## **AMENDMENT TO CONSENT ORDER NUMBER 07-2193**

25. The Department inspected the Respondent's facility on September 11, 2008. The Department finds that the following violations occurred:

a.) Regulation: 40 CFR 264.35/265.35 – Container Aisle Space

Under 40 C.F.R. § 264.35 and 265.35, AERC is required to maintain adequate aisle space between containers of hazardous waste to allow for inspection of the condition and labels of the individual containers. At the time of the September 11, 2008 inspection, AERC was not providing proper aisle space for containers of hazardous waste.

b.) Regulation: 40 CFR 262.34(b) – 90-Day Accumulation

A generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of 40 CFR Parts 264 and 265 and the permit requirements of 40 CFR Part 270. Specifically, Respondent stored containers of hazardous waste for greater than 90 days.

c.) Regulation: 40 CFR 268.50 (a)(2)(i) – Prohibition on Storage of Restricted Waste

Under 40 C.F.R. § 268.50(a)(2)(i), "...each container is clearly marked to identify its contents and the date each period of accumulation begins." At the time of the September 11, 2008 inspection, AERC, an owner/operator of a treatment, storage or disposal facility, had failed to mark an accumulation start date on numerous drums as per Part I – General and Standard Conditions 32 of its current permit.

26. The Respondent has implemented an in-kind project in response to the Executed Consent Order number 07-2193 that resulted from the inspection on May 24, 2007. An inspection on September 11, 2008 resulted in an additional \$26,692.00 in civil penalties. The Department will allow \$18,956.00 of the \$26,692.00 to be off-set into the in-kind project already in place. Within 30 days of the effective date of this Amendment, the remaining \$7,736.00 shall be due to the Department. Payment shall be made by cashier's check or money order. The instrument shall be made payable to the "Department of Environmental Protection" and shall

AMENDMENT TO CONSENT ORDER NUMBER 07-2193

include thereon the notations "OGC File No. 07-2193" and "Ecosystem Management and Restoration Trust Fund."

FOR THE RESPONDENT:

8/19/09  
DATE

  
NAME  
TITLE  
AERC Recycling Solutions

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DONE AND ORDERED this 24th day of August, 2009, in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
Vivian F. Garfein  
Director, Central District

Filed, on this date, pursuant to Section 120.52, Fla. Stat., with the designated Department Clerk, receipt of which is hereby acknowledged.

  
Clerk

8/24/2009  
Date