



Florida Department of  
Environmental Protection

Hazardous Waste Inspection Report

**FACILITY INFORMATION:**

**Facility Name:** AERC Recycling Solutions A Clean Earth Company  
**On-Site Inspection Start Date:** 09/10/2020 **On-Site Inspection End Date:** 09/10/2020  
**ME ID#:** 43329 **EPA ID#:** FLD984262782  
**Facility Street Address:** 4317 Fortune Pl Ste J, West Melbourne, Florida 32904-1509  
**Contact Mailing Address:** 4317 Fortune Pl Ste J, West Melbourne, Florida 32904-1509  
**County Name:** Brevard **Contact Phone:** (321) 952-1516

**NOTIFIED AS:**

TSD Facility, Transfer Facility, Transporter, Used Oil, VSQG

**WASTE ACTIVITIES:**

**Generator:** VSQG **Transporter:** Commercial Waste, Transfer Facility **TSD:** Disposer **Used Oil:** Transporter, Oil Filters **Recycler:** Commercial, Stores Prior to Recycling **Universal Waste: Indicate types of UW generated and/or accumulated at the facility: Generate/Accumulate:** Batteries, Mercury Containing Lamps, Mercury Containing Devices **Transport:** Batteries, Mercury Containing Lamps, Mercury Containing Devices **Transfer Facility:** Mercury Containing Lamps, Mercury Containing Devices **Maximum quantity of UW handled or transported at any time:** 5000 kg or more; Large Quantity Handler (LQH) **Destination Facility for UW Mercury Recovery and/or Reclamation**

**INSPECTION TYPE:**

Routine Inspection for TSD Facility Facility

**INSPECTION PARTICIPANTS:**

**Principal Inspector:** John E. White, Inspector  
**Other Participants:** Gerry Lanza, Facility Manager; Hector Rodriguez, Production Lead

**LATITUDE / LONGITUDE:** Lat 28° 5' 39.5694" / Long 80° 41' 51.624"

**NAIC:** 562111 - Solid Waste Collection

**TYPE OF OWNERSHIP:** Private

**Introduction:**

On September 10, 2020, John White, Florida Department of Environmental Protection (FDEP, Department), accompanied by Gerry Lanza, Facility Manager, and Hector Rodriguez, Production Lead, inspected AERC Recycling Solutions A Clean Earth Company (AERC) for compliance with state and federal hazardous waste and universal waste regulations. AERC was inspected as a large quantity generator, a hazardous waste and universal waste transporter, a hazardous waste transfer facility and a permitted mercury processing facility.

The facility has operated at this location since November 1993 and currently employs approximately 9 staff working 7:30 AM to 4:00 PM, Monday through Friday. Office hours are 8:00 AM to 4:30 PM, Monday through Friday. The City of West Melbourne provides potable water and sewer services. Covid-19 screening questions were posed to the inspector for safety reasons prior to inspection. Inspection of the facility required steel toed boots, safety glasses and a safety vest.

AERC is permitted to operate a mercury containing lamp and device storage and recovery facility. The initial RCRA mercury recycling permit was issued for this site on December 30, 1996. The current permit, 0072959-HO-006, was issued February 23, 2017 and expires February 23, 2022. On March 30, 2017 AERC ceased operation of the lamp processing equipment. The facility is currently functioning as a universal waste handler (transfer facility), sorting and repackaging universal waste for management at an off-site destination facility. AERC owns and operates two trucks for transportation of hazardous and universal waste.

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The facility originally notified the Department of its activities as a large quantity generator and hazardous waste treatment facility (TSD) on September 9, 1993 and received EPA identification number FLD984262782. AERC most recently provided the Department a Florida Notification of Regulated Waste Activity form (8700-12FL) on September 2, 2020.

## INSPECTION HISTORY (Past 5 Years):

AERC was last inspected on December 19, 2017 as a large quantity generator of hazardous waste, a transporter/transfer facility, and RCRA permitted mercury processing facility and was in compliance at that time.

AERC was inspected on March 21, 2017 and was not in compliance at that time. Violations cited were as follows: Chapter 62-737.800(9), Florida Administrative Code (FAC), failure to keep a roll-off of processed glass closed; 40 CFR 262.34(a)(2), failure to mark containers with the accumulation start date; and 40 CFR 264.31, maintenance and operation of the facility for particulates of phosphor powder in the air around the processing machine. The violations were corrected, and the case was resolved with formal enforcement. A short form consent order, OGC case number 17-0859, was executed on June 26, 2017.

AERC was inspected on July 27, 2016 and was not in compliance at that time. Violations cited were Chapter 62-737.800(9), FAC, failure to keep a roll-off of processed glass closed, and 40 CFR 265.171, failure to transfer the contents of a failed drum. The violations were corrected, and the case was resolved without formal enforcement.

## Process Description:

AERC operates as a hazardous and universal waste transporter and transfer facility and is permitted to operate a mercury containing lamp and device storage and recovery facility.

The inspection began in the processing bay. The lamp processing equipment has been removed from the facility and the area is currently being used for storage of electronic devices scheduled for recycling.

Within the permitted storage area, rows 5, 6, and 7 are being used for storage of empty containers. Row 8 is being used for storage of universal waste lamps to be shipped off-site for processing. Rows 9 through 12 are being used for storage of universal waste batteries. Rows 13 and 14 are being used for storage of lamp ballasts for recycling. Only one 55-gallon drum of PCB ballasts was on-site at the time of inspection.

Staged in the 10-day transfer area were 15 55-gallon drums and one 18-gallon container on containment pallets. All of the drums were properly labeled and managed. Half of the 10-day transfer area was being used for storage of universal waste mercury containing devices.

Located in a corner of the warehouse was a 55-gallon satellite accumulation container of plant sweepings. The drum was labeled "Hazardous Waste" and was marked as containing mercury and with the word "toxic."

Located along the southern side of the building are the loading docks with four bay doors. The eastern most bay, identified as Bay 1, is the unloading area. This side of the building is also used for storage of empty containers and supplies.

Located along the center bay doors were rows of containers storing electronics scheduled for off-site shipment.

Adjacent to the processing area were storage containers for scrap metal and aluminum cans.

Spill control material and fire extinguishers are located within the warehouse.

Review of the operating log noted there were currently 181 drums and two pallets of lamps in storage as of September 9, 2020.

The 10-day transfer facility log did not meet the requirements of chapter 62-730.171(6), Florida Administrative Code. The log failed to note the generator's EPA identification (ID) number, or address in the case of a very small quantity generator without an EPA ID number, and the waste codes associated with the shipment. Following the inspection, on September 10, 2020, an updated log was provided that contained all of the required elements.

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Review of training records found an 8-Hour refresher training was conducted on January 30, 2020. Items covered included facility emergency response procedures. Other training classes included Spill Prevention/Control/Countermeasures, Hazardous Waste Awareness, Used Oil Management, and Emergency Response. No issues were noted during review of the training documents.

### New Potential Violations and Areas of Concern:

#### Violations

Type:	Violation
Rule:	62-730.171(6)
Explanation:	The transfer facility shall maintain a written record of the items listed below. This recordkeeping requirement applies to all hazardous waste that enters and leaves the transfer facility, including hazardous waste generated by very small quantity generators (VSQGs).
Corrective Action:	The log maintained by AERC Recycling Solutions failed to note the generator's EPA identification (ID) number, or address in the case of a very small quantity generator without an EPA ID number, and the waste codes associated with the shipment. Following the inspection, on September 10, 2020, an updated log was provided that contained all of the required elements. No further action is required in response to this violation.

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#### Conclusion:

AERC Recycling Solutions was inspected as a large quantity generator, a hazardous waste transporter/transfer facility, and as a permitted mercury recovery facility and was not in compliance at the time of this inspection. The 10-day log for tracking waste entering the transfer facility was found to be incomplete. The log was updated to include all required items and no further action is required.

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**1.0: Pre-Inspection Checklist**

## Requirements:

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

**Note: Checklist items with shaded boxes are for informational purposes only.**

Item No.	Pre-Inspection Review	Yes	No	N/A
1.1	Has the facility notified with correct status? 262.18(a)	✓		
1.2	Has the facility notified of change of status? 62-730.150(2)(b)			✓
1.3	Did the facility conduct a waste determination on all wastes generated? 262.11	✓		

