

**Thursby, Kim**

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**From:** Jones, Bryan <bjones@harsco.com>  
**Sent:** Wednesday, August 25, 2021 4:08 PM  
**To:** Epost HWRS; Smith, Michell M.; Kothur, Bheem  
**Subject:** RE: :EXTERNAL: AERC Acquisition Corporation; FLD 984 262 782; Notice of Intent to Issue a Permit Renewal

Received.

Bryan Jones

Area EH&S Manager

**CleanEarth**<sup>TM</sup>

M 205.405.3042 O 256.492.8340

bjones@harsco.com

www.cleanearthinc.com

402 Webster Chapel Road, King Of Prussia, PA 35905

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**From:** Thursby, Kim <Kim.Thursby@FloridaDEP.gov>  
**Sent:** Wednesday, August 25, 2021 1:11 PM  
**To:** Jones, Bryan <bjones@harsco.com>  
**Cc:** Smith, Michell M. <Michell.M.Smith@FloridaDEP.gov>; Walker, Kim (Waste) <Kim.Walker@FloridaDEP.gov>; 'bastek.brian@epa.gov' <bastek.brian@epa.gov>; 'merizalde.carlos@epa.gov' <merizalde.carlos@epa.gov>; Echevarria, Edgar <Edgar.Echevarria@FloridaDEP.gov>; Eckoff, Michael <Michael.Eckoff@FloridaDEP.gov>; Rothenberger, Miranda <Miranda.Rothenberger@FloridaDEP.gov>; 'annie\_dziergowski@fws.gov' <annie\_dziergowski@fws.gov>; 'FWCConservationPlanningServices@myfwc.com' <FWCConservationPlanningServices@myfwc.com>; 'cityall@melbourneflorida.org' <cityall@melbourneflorida.org>; 'rita.pritchett@brevardcounty.us' <rita.pritchett@brevardcounty.us>; Kothur, Bheem <Bheem.Kothur@FloridaDEP.gov>  
**Subject:** :EXTERNAL: AERC Acquisition Corporation; FLD 984 262 782; Notice of Intent to Issue a Permit Renewal

In an effort to provide a more efficient service, the Florida Department of Environmental Protection's Hazardous Waste Program and Permitting section is forwarding the attached document to you by electronic correspondence "e-correspondence" in lieu of a hard copy through the normal postal service.

We ask that you verify receipt of this document by sending a "reply" message to [epost\\_hwrs@dep.state.fl.us](mailto:epost_hwrs@dep.state.fl.us) (An automatic "reply message" is not sufficient to verify receipt). If your email address has changed or you anticipate that it will change in the future, please advise accordingly in your reply. You may also update this information by contacting Kim Thursby at (850) 245-8792.

The attached document is in "pdf" format and will require Adobe Reader 6 or higher to open properly. You may download a free copy of this software at [www.adobe.com/products/acrobat/readstep2.html](http://www.adobe.com/products/acrobat/readstep2.html).

Your cooperation in helping us affect this process by replying as requested is greatly appreciated. If you should have any questions about the attached document(s), please direct your questions to the contact person listed in the correspondence.

Michell Mason Smith  
Environmental Administrator  
Hazardous Waste Program & Permitting



**CAUTION :** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



# FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Interim Secretary

August 25, 2021

Mr. Bryan Jones, Area EH&S Manager  
AERC Acquisition Corporation.  
4317-J Fortune Place  
West Melbourne, Florida 32904  
[bjones@harsco.com](mailto:bjones@harsco.com)

**Re: Notice of Intent to Issue a Permit Renewal**  
AERC Acquisition Corporation.  
EPA ID Number: FLD 984 262 782  
Draft Operating Permit: 0072959-008-HO  
Brevard County, West Melbourne, Florida

Dear Mr. Jones:

The purpose of this letter is to provide Notice of Intent to Issue a Permit for your facility located at 4317-J Fortune Place, in West Melbourne, Brevard County, Florida. The permit is for operation of a mercury containing lamps and devices storage facility and mercury recovery facility. Please review the attached documents and ensure the publication and broadcast within the time allotted.

If you have any questions, please contact Bheem Kothur, P.E., by telephone at (850) 245-8781 or by e-mail at [bheem.kothur@floridadep.gov](mailto:bheem.kothur@floridadep.gov)

Sincerely,

A handwritten signature in blue ink that reads "Michell Mason Smith".

Michell Mason Smith, Environmental Administrator  
Hazardous Waste Program & Permitting

Enclosures

Mr. Bryan Jones  
August 25, 2021  
Page 2 of 2

cc (with Enclosures):

Brian Bastek, EPA Region 4, [bastek.brian@epa.gov](mailto:bastek.brian@epa.gov)  
Carlos Merizalde, EPA Region 4, [merizalde.carlos@epa.gov](mailto:merizalde.carlos@epa.gov)  
Edgar Echevarria, DEP Headquarters, [Edgar.Echevarria@floridadep.gov](mailto:Edgar.Echevarria@floridadep.gov)  
Michael Eckoff, DEP Central District, [Michael.eckoff@floridadep.gov](mailto:Michael.eckoff@floridadep.gov)  
Miranda Rothenberger, DEP Central District, [Miranda.rothenberger@floridadep.gov](mailto:Miranda.rothenberger@floridadep.gov)  
Annie Dziergowski, U.S. Fish & Wildlife Service, [annie\\_dziergowski@fws.gov](mailto:annie_dziergowski@fws.gov)  
Florida Fish & Wildlife Conservation Planning Services  
[FWCConservationPlanningServices@myfwc.com](mailto:FWCConservationPlanningServices@myfwc.com)  
Mayor, City of Melbourne, [cityhall@melbourneflorida.org](mailto:cityhall@melbourneflorida.org)  
Chair, Brevard County Board of County Commissioner, [rita.pritchett@brevardcounty.us](mailto:rita.pritchett@brevardcounty.us)

**STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In the Matter of an  
Application for a Renewal Permit by:

*AERC Acquisition Corporation  
4317-J Fortune Places  
West Melbourne, Florida, 32904*

---

*DEP File No.: 0072959-08-HO  
Brevard County*

**INTENT TO ISSUE**

The Florida Department of Environmental Protection (the "Department") gives notice of its intent to issue a Permit Renewal (draft copy enclosed) for the proposed project as detailed in the application specified above, for the reasons stated below.

On July 1, 2021, the applicant, AERC Acquisition Corporation, of West Melbourne applied to the Department, and provided supplemental information dated August 11, 2021, for an Operating Renewal Permit to operate a mercury containing lamp and device storage facility located at 4317-J, Fortune Place, West Melbourne, Florida.

The Department has permitting jurisdiction under Section 403.704(10), Florida Statutes (F.S.) and Chapters 62-4 and 62-730, Florida Administrative Code (F.A.C.). The project is not exempt from permitting procedures. The Department has determined that a Permit Renewal is required for the proposed work. The Department intends to issue the permit renewal number 0072959-008-HO. The following conditions of permit number 0072959-008-HO are modified as follows.

<b>SPECIFIC CONDITIONS</b>	<b>FROM</b>	<b>TO</b>	<b>TYPE OF REVISIONS</b>
Title page	Existing	Amended	Updated Permit No. 0072959-008-HO
Title page	Existing	Amended	Permit expiration date updated
Title page	Existing	Amended	Updated facility contact
Title page	Existing	Amended	Permit application July 1, 2021, and additional information dated August 11, 2021
Title page	Existing	Addition	Added "equivalent"
Page 3	Existing	Addition	Added items 14 and 15-permit transfer application submitted April 14, 2017 and renewal permit application submitted July 1, 2021 and additional information dated August 11, 2021

Part I and Part II	Existing	Template Revisions, February 2020	Unless otherwise noted, revisions identified in Parts I and Part II are template revisions
Part II Subpart B 1.	Existing	Addition	Added condition
Part II Subpart B 2.	Existing	Addition	Added condition
Attachment-A	Existing	Amended	Updated facility map

Attached is Permit Number *0072959-008-HO* as modified by this Order. The attached permit replaces all previous permits renewals and permit modifications for this facility.

Pursuant to Sections 403.722 and 403.815, F.S. and Rule 62-730.292, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Newspaper Notice, and to broadcast over a local radio station the enclosed Radio Announcement.

The Newspaper Notice shall be published one time only within 30 days of receipt of the Intent in the legal ad section of a daily, major newspaper of general circulation in the area affected. The newspaper must contain at least 25 percent of its words in the English language, be for sale to the public generally, be available to the public generally for the publication of official or other notices and customarily contain information of a public character or of interest or of value to the public. The newspaper must have been in existence for one year, unless no such newspaper exists in the affected area (see Sections 50.011 and 50.031, F.S.). Where there is more than one daily newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permit. If you are uncertain that a newspaper meets these requirements, please contact the Department's Office of General Counsel at (850) 245-2242. The applicant shall provide proof of publication to the Department of Environmental Protection at 2600 Blair Stone Road, Mail Station #4560, Tallahassee, Florida 32399-2400; Attention: Administrator, Permitting and Compliance Assistance Program, within 14 days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the Permit Renewal.

The Radio Announcement shall be broadcast one time only within 30 days over a local radio station of sufficient power to be clearly received in the area that may be affected by the permit.

**Broadcast of the notice shall occur between 8:00 a.m. and 10:00 p.m.** The applicant shall provide proof of broadcast to the Department of Environmental Protection, 2600 Blair Stone Road, Mail Station #4560, Tallahassee, Florida 32399-2400; Attention: Administrator, Hazardous Waste Regulation Section, within 14 days of the broadcast. Failure to broadcast the announcement and provide proof of the broadcast within the allotted time may result in the denial of the Operating Permit Renewal.

## NOTICE OF RIGHTS

The Department will issue the Permit with the attached conditions unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

Your 45-day period for requesting an administrative hearing begins on the date you receive this Intent. The procedures for petitioning for a hearing are set forth below and apply to you, as applicant and Permittee.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us). Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 45 days of receipt of this written notice. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a

proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us), before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation is not available in this proceeding.

If you have any questions, please contact Bheem R. Kothur, P.E., DEE., by telephone at (850) 245-8781 or by e-mail at [Bheem.kothur@floridadep.gov](mailto:Bheem.kothur@floridadep.gov)



**EXECUTION AND CLERKING**

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

**Kimberly A.  
Walker**

Digitally signed by  
Kimberly A. Walker  
Date: 2021.08.25 13:14:54  
-04'00'

Kimberly A. Walker, Program Administrator  
Permitting & Compliance Assistance Program  
2600 Blair Stone Road, MS 4550  
Tallahassee, Florida 32399-2400

**FILING AND ACKNOWLEDGMENT**

FILED on this date pursuant to Section 120.52(11), Florida Statutes, with the designated  
Department Clerk, receipt of which is hereby acknowledged.

Hope Thigpen  
Digitally signed by Hope  
Thigpen  
Date: 2021.08.25 13:46:50  
-04'00'

**Clerk**

**Date**

Newspaper Notice:

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**NOTICE OF INTENT TO ISSUE**

THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) GIVES NOTICE OF ITS INTENT TO ISSUE A PERMIT UNDER SECTION 403.722, FLORIDA STATUTES (F.S.), AND CHAPTERS 62-4 AND 62-730 AND 62-737, OF THE FLORIDA ADMINISTRATIVE CODE (F.A.C.) TO AERC Acquisition Corporation of West Melbourne. This permit relates to the facility located at 4317-J, Fortune Place, West Melbourne, Brevard County, Florida, having assigned facility ID number FLD 984 262 782, and is issued as part of FDEP's hazardous waste management program, authorized pursuant to the Resource Conservation and Recovery Act and the Hazardous and Solid Waste Amendments (RCRA/HSWA).

The draft Permit contains the conditions for Operation Permit 0072959-008-HO. An Operating Permit is intended be issued to allow AERC Acquisition Corporation, to operate a mercury containing lamp and device storage processing facility at AERC Acquisition Corporation, located in West Melbourne, Florida.

Copies of the application and the draft Permit are available for public inspection during normal business hours 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at FDEP Central District Office, 3319 Maguire Boulevard, Suite 232, Orlando, Florida, 32803-3767, 407-897-4300, and at Permitting & Compliance Assistance Program, Division of Waste Management, Bob Martinez Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850) 245-8781. Electronic copies of the application and draft permit can be accessed in the Department's OCULUS data system located at <http://depdms.dep.state.fl.us/Oculus/servlet/login>

The Department will issue the Permit unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

(a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of all material facts disputed by petitioner, if there are none, the petition must so indicate; (e) A statement of facts which

petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us). Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 45 days of receipt of this written notice. Petitions filed by any other persons must be filed within 45 days of publication of this notice or receipt of the written notice, whichever occurs first. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us), before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Any person may request a public meeting regarding the proposed permitting decision pursuant to Section 403.722(10), F.S. A request for a public meeting is not equivalent to a request for a formal or informal administrative hearing. Public meetings are not evidentiary in nature, and information submitted at a public meeting is for non-binding consideration only. A public meeting is not subject to court or appellate review. A request for a public meeting must be filed (received) in the Office of General Counsel, Agency Clerk, within 45 days of publication of this notice. Failure to file a request for a public meeting within this time period shall constitute a waiver of any right such a person may have to request a meeting under Section 403.722(10), F.S.

Mediation is not available in this proceeding.

Radio Announcement:

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**NOTICE OF INTENT TO ISSUE**

The Florida Department of Environmental Protection gives notice that it has determined to issue an Operating Permit to AERC Acquisition Corporation, of West Melbourne. The permit authorizes AERC Acquisition Corporation, to operate a mercury containing lamp and device storage and recovery facility. at 4317-J Fortune Place, West Melbourne, Florida.

A person who is substantially affected by the Department's action may request a hearing in accordance with Sections 120.569 and 120.57, Florida Statutes. Any person who opposes the Department's action may submit comments or request a public meeting. A request for a public meeting is not equivalent to a petition for hearing. Comments are for non-binding consideration only. Any request must be received by the Department within 45 days of this announcement.

For more information concerning requirements of the petitioning process and the necessary time frames for filing a petition, submitting comments or requesting a public meeting, or obtaining a copy of the permit, please contact the Office of General Counsel in Tallahassee at (850) 245-2242, or 3900 Commonwealth Blvd, MS 35, Tallahassee, FL 32399.

Mediation is not available in this proceeding.



## Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Ron DeSantis  
Governor

Jeanette Nunez  
Lt. Governor

Shawn Hamilton  
Interim Secretary

PERMITTEE:  
AERC ACQUISITION CORP  
4317-J FORTUNE PLACE  
West Melbourne, FL 32904  
[bjones@harsco.com](mailto:bjones@harsco.com)

I.D. NUMBER: FLD 984 262 782  
PERMIT NUMBER: 0072959-008-HO  
DATE OF ISSUE: DRAFT

EXPIRATION DATE: December 30, 2026

ATTENTION:  
BRYAN JONES, EH&S MANAGER

COUNTY: Brevard  
PROJECT: Operation of Mercury Containing Lamps and  
Devices Storage and Mercury Recovery Facility.

Pursuant to authorization obtained by the Florida Department of Environmental Protection (FDEP) under the Resource Conservation and Recovery Act [42 United States Code (U.S.C.) 6901, *et seq.*, commonly known as RCRA] and the Hazardous and Solid Waste Amendments of 1984 (HSWA), this permit is issued under the provisions of Section 403.722 Florida Statutes (F.S.), and Chapters 62-4, 62-160, 62-730, 62-737, 62-777 and 62-780 Florida Administrative Code (F.A.C.). This permit replaces expired permit 0072959-007-HO. The above-named Permittee is hereby authorized to perform the work or operate the facility shown on the application submitted July 1, 2021, and revised additional information dated August 11, 2021 that are incorporated herein and collectively referred to as the "Permit Application." The Permit Application also includes any approved drawing(s), plans, and other documents that are attached hereto or on file with the Department and made a part hereof and specifically described as follows:

To operate a mercury containing lamp and device storage and recovery facility. The storage of mercury containing lamps and devices is limited to the following: 223,200 lamps or 968 55-gallon drum equivalents of mercury containing devices/unprocessed powder or combination thereof. The storage of non-hazardous materials located outside in covered containers should be maximum volume of 22 tons of clean glass. For further details, see Attachment 6, and Table 9 of the Permit Application.

The Recovery Process involves operations or processes and equipment used to receive spent mercury containing lamps and devices for the purpose of crushing or dismantling and separating the lamps or devices in a manner as to produce

separated individual recyclable components such as glass, scrap metal and mercury containing powder.

The facility also operates a 10 Day Hazardous Waste Transfer Storage Facility and a large quantity Universal Waste Handler, a Universal Waste Transporter as well as a Florida licensed Hazardous Waste Transporter.

HSWA Corrective Action: Seven (7) solid waste management units, four (4) sub-units, and one (1) area of concern have been identified at the facility in the RCRA Facility assessment dated September 2000. No remedial Corrective Action is required at the facility at this time.

The Permittee is required to investigate any releases of contaminants to the environment at the facility regardless of the time at which waste was placed in a unit and to take appropriate corrective action for any such releases. Pursuant to 40 Code of Federal Regulations (CFR) 260.10 [as adopted by reference in Subsection 62-730.020(1), F.A.C.], the corrective action requirements of this RCRA permit extend to all property under control of the Permittee (see Attachment A, a map of the property boundaries of the land under the Permittee's control) and to all contamination that originated from discharges at the property under control of the Permittee.

This permit is based on the premise that information and reports submitted by the Permittee prior to issuance of this permit are accurate. Any inaccuracies found in this information or information submitted as required by this permit may be grounds for termination or modification of this permit in accordance with Section 403.727(3)(a) F.S. and Rules 62-730.290 and 62-737.800, F.A.C., and potential enforcement action.

The facility is located at 4317-J Fortune Place, West Melbourne, Brevard County, Florida. The property is owned by Fortune Cookie Park, Inc., 4320 Woodland Park Drive, West Melbourne, Florida 32904.

During operating hours, vendors, contractors, and other persons must receive prior authorization from AERC.Com, Inc. before gaining access to the facility. The facility shall be locked and secured during non-operating hours.

The following documents were used in the preparation of this permit:

1. Permit HO-05-27519 Issued December 30, 1996 to Mercury Technologies International, L.P.
2. RCRA Facility Assessment Report dated September 2000.
3. Renewal application submitted June 29, 2001 by AERC.Com, Inc.

PERMITTEE: AERC.com, Inc.  
I.D. NUMBER: FLD 984 262 782

PERMIT NUMBER:0072959-008-HO  
EXPIRATION DATE: December 30, 2026

4. Additional Information submitted July 31, 2001 by AERC.Com, Inc.
5. Mercury Criteria for Buildings by Dr. Stephen M. Robert, PhD, University of Florida, dated May 18, 2006.
6. Renewal Application submitted June 28, 2006 by AERC.Com, Inc.
7. Additional Information submitted September 28, 2006 by AERC.Com, Inc. in response to the notice of deficiency issued August 31, 2006.
8. Renewal application submitted August 1, 2011 by AERC.Com, Inc.
9. Additional Information submitted December 20, 2011, and February 29, 2012.
10. Renewal Permit Application submitted June 30, 2016.
11. Request for additional information dated August 17, 2016.
12. Revised Application submitted September 16, 2016.
13. Additional information submitted October 24, 2016.
14. Permit Transfer Application submitted April 14, 2017.
15. Renewal Permit Application submitted July 1, 2021. and additional information dated August 11, 2021.

PERMITTEE: AERC.com, Inc.  
I.D. NUMBER: FLD 984 262 782

PERMIT NUMBER:0072959-008-HO  
EXPIRATION DATE: December 30, 2026

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**PART I – GENERAL AND STANDARD CONDITIONS**

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are “permit conditions” and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The Permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in Sections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the Permittee from liability for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the Permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The Permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the Permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. This permit or a copy thereof shall be kept at the work site of the permitted activity. In the event that there is no building or reasonable repository for such a copy at the work site, an alternate location must be approved by the Department in writing.

8. The Permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted for the activities below. Reasonable time may depend on the nature of the concern being investigated.
  - a. Have access to and copy any records that must be kept under conditions of the permit.
  - b. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
  - c. Sample or monitor any substances or parameters at any time or location reasonably necessary to assure compliance with this permit or Department rules.
9. The conditions in this permit shall take precedence over the Permit Application documents where there are differences between those documents and the permit conditions.
10. In accepting this permit, the Permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of the permitted activity which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted activity arising under the Florida Statutes or Department rules, except where such use is prescribed by Section 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
11. The Permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the Permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.
12. The Permittee shall comply with the following notification and reporting requirements.
  - a. If for any reason the Permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the Permittee shall immediately provide the Department with the following information.
    - (1) A description of and cause of noncompliance; and
    - (2) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The Permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

- b. The Permittee will report any event requiring emergency response or noncompliance that may endanger human health or the environment from fires and explosions or releases of hazardous waste that may endanger public drinking water supplies. The Permittee will report to the Department verbally within 24 hours, and provide a written report of the incident to the Hazardous Waste Program & Permitting Section at the address in Part I.15 or by alternate means (*e.g.*, e-mail) as approved by the Department, within five (5) calendar days. It is the responsibility of the Permittee to ensure receipt of the written report. The Department of Environmental Protection's 24-hour emergency telephone number is (850) 245-2010 or the State Watch Office can be reached at (800) 320-0519. During normal business hours, the Hazardous Waste Program and Permitting Section in Tallahassee may be contacted at 850-245-8707, or the DEP District Office may be contacted at (407) 897-4100 (Orlando).
- (1) The verbal report shall include the following information.
- (a) The name, address, I.D. number, e-mail address, and telephone number of the facility and its owner or operator.
  - (b) The date, time, and type of incident.
  - (c) The identity and quantity of materials involved.
  - (d) The extent of any injuries.
  - (e) An assessment of actual or potential hazards.
  - (f) The estimated quantity and disposition of recovered materials.
- (2) The written report shall include all of the information in the verbal report and the following information.
- (a) A description and cause of the noncompliance.
  - (b) If not corrected, the expected time of correction, and the steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.
- c. Within 15 calendar days of discovery per Part V.A.1.b, the Permittee shall notify the Department in writing of any newly discovered release(s) of contaminant(s) to the environment resulting in a de Minimis cleanup (Part V.A.4) or a suspected new AOC(s) and/or SWMU(s) discovered during the course of groundwater monitoring, field investigations, environmental audits, or other means.
- (1) The notification shall include, at a minimum, the location of the release, AOC or SWMU (hereinafter referred to collectively as "site"), and all relevant information (*e.g.*, location of site(s) on a map of appropriate scale; general dimensions of affected area; media affected; hazardous constituents released; and magnitude of release).
- (2) The Department may conduct, or require that the Permittee conduct, confirmatory sampling in order to determine whether contamination is present

- (Part V.A.3). The Department will notify the Permittee in writing of the final determination as to the status of the newly discovered or suspected site.
- (3) Depending upon the type of discovery, notification requirements of Part I.12.b may also be required.
- d. The Permittee shall comply with the "Notices" provisions of Rules 62-780.220, F.A.C., 62-730.225 and 62-737.800, F.A.C.
- (1) Prior to performing field activities.
  - (2) When contamination beyond the facility boundary is confirmed by laboratory analysis.
  - (3) When a Temporary Point of Compliance (TPOC) is established beyond the boundary of the source property in conjunction with monitored natural attenuation or active remediation.
  - (4) When a fifth (5<sup>th</sup>) year update to the status of a TPOC is issued.
  - (5) By placing warning signs at facilities where there may be a risk of exposure to the public of environmental media contaminated with hazardous waste.
- e. The Permittee shall give written notice to the Department at least 15 days prior to physical alterations or additions to the facility that could affect activities covered by this permit. The notice shall include a summary description of the project, an evaluation of the effect it will have on: the operation of a hazardous waste facility, postclosure care, the ability to investigate contamination at or from a contaminated site, and an evaluation of the effect it might have on the known or suspected contamination.
- f. Operating and Postclosure Permittees that generate hazardous waste, and all HSWA Corrective Action Permittees that are also a large quantity generator (LQG) of hazardous waste, shall submit an annual report covering facility activities during the previous calendar year by March 1 of each even numbered year pursuant to Chapter 62-730, F.A.C.
- g. As an owner or operator of a facility subject to Rule 62-737 F.A.C., the Permittee is required to submit an annual report per Rule 62-737.800(12) F.A.C. (this report is distinct from the LQG Biennial Report).
13. The Permittee shall comply with the following recordkeeping requirements.
- a. Upon request, the Permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
  - b. The Permittee shall hold all information required by the permit at the facility or other location designated by this permit. This includes records of all monitoring information (including all calibration and maintenance records and all original recordings for continuous monitoring instrumentation); copies of all reports; records

- of all data used to complete the Permit Application; and all monitoring data required by 40 CFR Part 264 and Part IV and when applicable, Part VI of this permit when applicable. These materials shall be retained at least three (3) years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
- c. Records of monitoring information shall include all required items in Chapter 62-160, F.A.C., and the following information:
- (1) The date, exact place, and time of sampling or measurements;
  - (2) The person responsible for performing the sampling or measurements;
  - (3) The dates that analyses were performed;
  - (4) The person responsible for performing the analyses;
  - (5) The analytical techniques or methods used; and
  - (6) The results of such analyses.
- d. If the Permittee generates hazardous waste, the Permittee shall retain a copy of all notices, certifications, demonstrations, waste analysis data, and other documentation produced to comply with land disposal restrictions (40 CFR Part 268 and Rule 62-730.183, F.A.C.) for at least three (3) years from the date that the waste which is the subject of such documentation was last sent to an on-property or off-property facility for treatment, storage, or disposal, or until remedial activity is completed, whichever date is later. These periods may be extended by request of the Department at any time and are automatically extended during the course of any unresolved enforcement action regarding this facility.
14. Within the timeframe requested by the Department, the Permittee shall furnish any information required by law which is needed to determine compliance with the permit. If the Department's request does not include a timeframe, the time of response is 30 days. If the Permittee becomes aware that the relevant facts were not submitted or were incorrect in the Permit Application or any report submitted to the Department, such facts or information shall be corrected promptly.
15. Except as otherwise specifically provided in this permit, all submittals in response to permit conditions shall be provided as described below. Submittals may be directed to alternative addresses (*i.e.* electronic submittal) and will not require a permit modification. Technical submittals (*e.g.* workplans, reports) provided in digital format must be in optical media format (CD or DVD) or through a secured internet port (*i.e.* username/password encryption) when one is available.

Environmental Administrator  
Hazardous Waste Program and Permitting, M.S. 4560  
Department of Environmental Protection  
2600 Blair Stone Road, Tallahassee, Florida 32399-2400

In addition to copies sent to Hazardous Waste Program and Permitting Section in Tallahassee, one hard copy and one (1) electronic copy of all submittals in response to permit conditions or operating permit conditions shall also be sent to:

Hazardous Waste Supervisor  
Department of Environmental Protection  
Suite 232, 3319 Maguire Boulevard, Orlando, FL 32803-3767

16. All documents submitted pursuant to the conditions of this permit shall be accompanied by a cover letter stating the name and date of the document submitted, the number(s) of the Part(s) and Specific Condition(s) of the permit affected, the permit number and project name of the permit involved.
17. All documents proposing modifications to the approved permit and involving the practice of engineering must be submitted to the Department for review and be signed, sealed, and certified by a Professional Engineer registered in the State of Florida, in accordance with Chapter 471, F.S., and Subsection 62-730.220(9), F.A.C. All submittals incorporating interpretation of geological data shall be signed and sealed by a Professional Geologist registered in the State of Florida in accordance with Chapter 492, F.S., and Subsection 62-730.220(10), F.A.C.
18. All work plans, reports, schedules and other documents ("submittals") required by this permit are subject to approval by the Department prior to implementation. The Department will review the submittals and respond in writing. Upon written approval by the Department, the Permittee shall implement all work plans, reports and schedules as provided in the approved submittal. If the Department disapproves a submittal, the Department will do one of the following.
  - a. The Department will notify the Permittee in writing of the reason(s) why the submittal does not contain information adequate to support the conclusion, alternative, plan, proposal or recommendation, or why the conclusion, alternative, plan, proposal or recommendation is not supported by the applicable criteria. In this case, the Permittee shall submit a revised submittal within 60 days of receipt of the Department's disapproval unless an alternative deadline is approved in writing by the Department.
  - b. The Department will revise the submittal, or approve the submittal with conditions, and notify the Permittee of the revisions or conditions. In the case of work plans, the Department may notify the Permittee of the start date of the schedule within the revised or conditionally approved work plan.
19. The Permittee shall revise "Part I – General" of the Application for a Hazardous Waste Facility Permit [DEP Form 62-737.900(2)(a)] and submit the revised form to the Department

within 30 days of any changes in the Part I information. Changes in the Part I information may also require changes to the Department's 8700-12FL form.

20. The Permittee may claim that any information required to be submitted by this permit is confidential in accordance with Chapter 403.73, F.S. and in accordance with sub-section 62-730.100(3), F.A.C.
21. This permit is transferable only upon written Department approval in accordance with Rule 62-4.120 and Rules 62-730.290(6) and 62-737.800(6), F.A.C., as applicable. The Permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department. Before transferring ownership or operation of this facility during the term of this permit, the Permittee must notify the new owner or operator in writing of the requirements of 40 CFR Part 264 and Chapters 62-730 and 62-737, F.A.C. and in accordance with sub-section 62-730.100(3), F.A.C.
22. The following conditions apply to renewal, modification and revocation of this permit.
  - a. The Permittee shall submit a complete application for the renewal of this permit a minimum of 180 calendar days before the expiration of the permit. The permit renewal application shall be submitted in accordance with Rules 62-4, 62-730 and 62-737, F.A.C.,
  - b. The Department may modify, revoke, reissue, or terminate this permit for cause in accordance with Chapters 62-4, 62-730, and 62-737, F.A.C.
  - c. The Permittee may submit any permit modification to the Department for approval. The filing of a request for a permit modification, revocation, reissuance, or termination, or the notification of planned changes, or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.
  - d. The Permittee shall submit the application for a permit renewal or modification to the addresses in Part I.15.
    - (1) The Permittee shall submit a fee with the permit renewal or modification application that meets the requirements of Rule 62-737.800(10), F.A.C.
    - (2) The Permittee shall submit a copy of the cover letter accompanying the permit renewal or modification application and the fee to the following address.

Florida Department of Environmental Protection  
Hazardous Waste Program and Permitting  
2600 Blair Stone Road, M.S. 4500  
Tallahassee, Florida 32399-2400

- (3) The Permittee shall also submit notification of fee submittal, to the addresses in Part I.15, or by an alternate means (*e.g.*, e-mail) as approved by the Department.
  - (4) The permit renewal or modification application fee may alternately be submitted electronically. If the Permittee intends to submit the application fee electronically, the Permittee shall obtain instructions from the Department on the proper procedures and shall follow such instructions in making the electronic submittal. Notification per Part I.22.d.(3) is still required.
  - e. The timeframes for permit review begin on the date when the Department has received both the permit renewal or modification application and the application fee.
  - f. If the Permittee allows this permit to expire prior to Department acceptance of the certification of postclosure and termination of all corrective action, the Permittee must reapply for a permit in accordance with DEP Form 62-737.900(2), F.A.C.
  - g. Any request to modify a permit for the treatment, storage, or disposal of hazardous waste generated off-site shall include an evaluation of the applicability of, and Permittee's compliance with, the siting criteria of Section 403.7211, F.S., and Rule 62-730.182, F.A.C.
23. If and when the Permittee intends to transfer parcels to third parties, the Permittee may remove a parcel from the Facility covered by this permit, and the Department will approve the removal of the parcel so long as the parcel never contained a contaminated site, or so long as any contamination associated with the contaminated site has been addressed to the satisfaction of the Department. The Department will approve the transfer or removing of a parcel in writing.
- a. The satisfaction of the Department may be conditioned on a sale with certain legal restrictions on the future use and/or remedial activity requirements on the parcel being transferred.
  - b. Following the legal transfer of the property, a permit modification request to transfer the parcel from the permit must be made per Part I.22 within 30 days. A new facility map denoting the current property boundary and new property boundary legal description shall be submitted with the permit modification request.
  - c. Even though a parcel is no longer defined as part of the facility as a result of the permit modification (using the minor modification requirements of Subsection 62-730.290(4), F.A.C.), in the event that a previously unknown contaminated site is found on the parcel, and such contamination resulted from activities which occurred prior to the sale, the Permittee will be responsible for any corrective action along with any other persons who may have legal responsibility for the contamination (see Part V.A.1.b. regarding discovery of a new SWMU).
24. The following conditions apply to land disposal (placement) of hazardous wastes.



- a. 40 CFR Part 268 and Rule 62-730.183, F.A.C., identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be placed on or in a land treatment, storage, or disposal unit. The Permittee shall maintain compliance with the requirements of 40 CFR Part 268. Where the Permittee has applied for an extension, waiver, or variance under 40 CFR Part 268, the Permittee shall comply with all restrictions on land disposal under this Part pending final written approval of such application.
  - b. Waste identified in 40 CFR Part 268 Subpart C may not be placed in a land disposal unit without treatment unless the requirements of 40 CFR Part 268 Subparts C and/or D are met.
  - c. The storage of hazardous wastes restricted from land disposal in 40 CFR Part 268 is prohibited unless the requirements of 40 CFR Part 268 Subpart E are met.
25. The Permittee is not relieved of responsibility to clean up a release that has migrated beyond the facility boundary where off-property access is denied or revoked.
- a. The Permittee shall use all reasonable efforts, including but not limited to correspondence, telephone calls, personal contacts, drafting and redrafting agreements, and payment of a fee, to obtain access to real property necessary for work to be performed in the implementation of this permit.
  - b. If necessary access cannot be obtained by the Permittee, or if obtained, is revoked by owners or entities controlling access to the properties to which access is necessary, the Permittee shall notify the Department within five business days of such refusal or revocation. The Department may at any time thereafter seek to obtain such access as is necessary to implement the terms of this permit.
  - c. The Permittee shall reimburse the Department for any expenses that the Department is ordered to pay, or that the Department incurs in connection with its efforts to obtain necessary access to said property. The Permittee shall pay these sums to the Department, or arrange a payment schedule with the Department, within 30 days of demand by the Department. Payments shall be performed in accordance to Part I.22.d.
26. The Permittee shall maintain compliance with 40 CFR Part 264, Subpart H - Financial Requirements and Subsections 62-730.180(6) and 62-737.800(4)(g), F.A.C. All submittals in response to this Specific Condition shall be submitted to:

Financial Assurance  
Hazardous Waste Program and Permitting, M.S. 4560  
Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Financial assurance shall be based on estimates of the costs to close the facility and to implement post-closure care and/or corrective action (including the assessment phase and interim measures - collectively referred to hereinafter as "remedial activities") for a continuing (rolling) period of 30 years, unless this period is shortened or increased by the Department in a permit renewal or modification. Federal and State of Florida facilities are exempt from financial assurance requirements.

- a. The cost estimates must be based on the cost to the owner or operator of hiring a third party to conduct closure activities.
- b. The Permittee shall include cost estimates with every work plan required by this permit. Cost estimates are subject to review and written approval by the Department
- c. In the event the total cost estimate for all remedial activities exceeds the amount provided by Permittee, the financial assurance instrument(s) must be increased accordingly within 60 days of the exceedance, or, for those facilities using a financial test, in the next scheduled submittal.
- d. If the cost estimate increase causes the inability of the facility to provide financial assurance through its currently selected mechanism, alternate financial assurance must be provided within 60 days.
- e. If contamination from the facility goes beyond the property boundary, the Permittee shall provide assurance of financial responsibility for completion of corrective action beyond the property boundary.

27. Any dispute resolution will be conducted in accordance with Chapter 120, F.S. (Administrative Procedure Act), Chapter 28-106, F.A.C., and the Department's existing rules and procedures.

## **PART II – OPERATING CONDITIONS**

### **Part II Subpart A – General Operating Conditions**

1. The Permittee shall comply with those sections of 40 CFR Part 124 specified in Subsection 62-730.200(3), F.A.C., 40 CFR Parts 260 through 268, and 40 CFR Part 270 as adopted in Chapter 62-730, F.A.C., until all hazardous waste permitting operations have ceased and the facility has been closed and released from postclosure care requirements and all facility-wide corrective action requirements.
2. The Permittee shall comply with the manifest requirements of 40 CFR 264.71 and 264.72. The Permittee must document the reconciliation of any manifest discrepancies. All manifests, b9oth electronic and paper, must be submitted to EPA's Hazardous Waste Electronic Manifest (e-Manifest) System. The Permittee must document the reconciliation of any manifest discrepancies.

3. The Permittee shall notify the Department in writing four (4) weeks prior to receipt of hazardous waste from a foreign source. Notice of subsequent shipments of the same waste from the same foreign source is not required [40 C.F.R 264.12(a)].
4. The owner or operator of a facility that is authorized by the Department to receive hazardous waste from an off-site source (except where the owner or operator is also the generator) must inform the generator in writing that he has the appropriate permit(s) for, and will accept, the waste the generator is shipping.
  - a. The Permittee that receives hazardous waste from an off-site source shall comply with the following notification and reporting requirements.
    - (1) Un-manifested Waste Report: The Permittee shall submit an Un-manifested Waste Report to the Department within 15 days of receipt of Un-manifested waste.
    - (2) Manifest Discrepancy Report: If a significant discrepancy in a manifest is discovered, the Permittee shall attempt to rectify the discrepancy. If not resolved within 15 days after the waste is received, the Permittee shall immediately submit a letter report, including a copy of the manifest, to the Department.
5. Sampling and analysis of permitted and new hazardous wastes shall be conducted in accordance with the Waste Analysis Plan of the Permit Application.
  - a. The Permittee is liable for waste profiles supplied to generators.
  - b. Prior to acceptance of new waste codes, a permit modification per Condition I.22 is required. The need for a substantial modification should be evaluated using the criteria in Subsection 62-730.182(4), F.A.C.
6. With respect to ignitable and reactive wastes, the Permittee shall comply with 40 CFR 264.17, 264.176, and 264.198. With respect to incompatible wastes, the Permittee shall comply with 40 CFR 264.17, 264.177 and 264.199.
7. If this facility has suspected or confirmed environmental contamination where there may be a risk of exposure to the public, then upon direction from the Department the Permittee must comply with the warning sign requirements of Section 403.7255, F.S. and Rule 62-780.220, F.A.C. The Permittee is responsible for supplying, installing and maintaining the warning signs.
8. The Permittee shall comply with the security provisions of 40 CFR 264.14 and the facility security provisions of the Permit Application.
9. Facility personnel must successfully complete the approved training program indicated in the Training Plan in Attachment 8 of the Permit Application, within six months of employment

or assignment to a facility or to a new position at the facility. Verification of this training must be kept with the personnel training records and maintained at the facility. Personnel shall not work unsupervised until training has been completed. The training must be reviewed by facility personnel at least annually. The Permittee shall maintain an updated list of personnel handling hazardous waste and their respective job titles at the facility, along with a written description of the type and amount of both introductory and continuing training required by the position(s) [40 C.F.R. 264.16].

10. The Permittee shall maintain and operate the facility to minimize the possibility of fire, explosion or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.
11. The Permittee shall comply with the following conditions concerning preparedness and prevention.
  - a. At a minimum, the Permittee shall have the equipment available at the facility which is described in the Prevention and Preparedness Plan (PPP) of the Permit Application. The Permittee shall visually inspect and maintain the facility emergency and safety equipment (40 CFR 264.32) listed in the PPP, in accordance with 40 CFR 264.15, 40 CFR 264.33 and the Permit Application, during permitted activities. The Permittee shall remedy any deterioration or malfunction discovered by an inspection, in accordance with the requirements of 40 CFR 264.15(c). A schedule for the inspection of the facility emergency and safety equipment must be maintained as the operating record of the facility. Changes, additions, or deletions to the schedule must be approved in writing by the Department.
  - b. The Permittee shall maintain immediate access to an internal communications or alarm system, fire protection equipment, spill control equipment and decontamination equipment.
  - c. The Permittee shall maintain arrangements with State and local authorities as required by 40 CFR 264.37, and with local medical facilities and emergency response personnel. If State or local officials refuse to enter into preparedness and prevention arrangements with the Permittee, the Permittee must document this refusal in the operating record. Authorities/facilities include local fire and police departments, sheriff's office, state police, hospitals, ambulance services and emergency medical technicians, and state and local emergency response centers.
  - d. The Permittee shall maintain aisle space, as required pursuant to 40 CFR 264.35, to allow the unobstructed movement of personnel, fire protection, and emergency response equipment to any area of the facility.
12. The Permittee shall comply with the following conditions concerning the Contingency Plan (CP).

- a. The Permittee shall immediately carry out the provisions of the Permit Application, and follow the emergency procedures described by 40 CFR 264.56, whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which threatens or could threaten human health or the environment. The Permittee shall give proper notification if an emergency situation arises and, within five calendar days, must submit to the Department a written report which includes all information required in Condition I.12.b.
  - b. The Permittee shall comply with the requirements of 40 CFR 264.53. Electronic copies of the CP must be submitted to the authorities/facilities in Condition II.A.11.c., provided the entity has the capability to receive electronic submittals.
  - c. Within seven calendar days of meeting any criterion listed in 40 CFR 264.54(a), (b) or (c), the Permittee shall amend the plan and submit the amended plan for Department approval. Any other changes to the plan must be submitted to the Department within seven days of the change. Amendments to the plan must be approved in writing by the Department. All approved amendments or plans must be distributed to the State and local authorities in Condition II.A.11.c.
  - d. The Permittee shall comply with the requirements of 40 CFR 264.55, concerning the emergency coordinator.
  - e. The Permittee shall perform at a minimum, an annual review of the Contingency Plan to ensure that it is up to date and contains current information. The date of review should be noted in the written operating record at the facility.
13. The Permittee shall develop and maintain a Waste Minimization Program Plan. The Permittee shall maintain copies of the certification required by this Condition in the facility operating record for a minimum of three years. The Permittee must certify, no less often than annually, the following.
- a. The Permittee has a program in place to reduce the volume and toxicity of hazardous waste generated to the degree determined by the Permittee to be economically practicable.
  - b. The proposed method of treatment, storage or disposal is the most practicable method available to the Permittee, which minimizes the present and future threat to human health and the environment.
14. The Permittee shall keep a written operating record at the facility that includes the following.
- a. The results of any waste analysis.
  - b. Copies of hazardous waste manifests for three years.
  - c. The results of inspections.
  - d. The closure plan, post-closure plan, and remedial action (corrective measures) plans as applicable for each contaminated site, along with cost estimates for each plan.
  - e. Inspections of emergency and safety equipment.

- f. Biennial reports.
  - g. Personnel training records.
  - h. The Waste Minimization Program Plan and annual certification of waste minimization.
  - i. The description and quantity of each hazardous waste received or generated.
  - j. The location and quantity of each hazardous waste within the facility.
  - k. Notices to generators as specified in 40 CFR 264.12(b).
  - l. A log of dates of operations and unusual events.
  - m. A summary report and details of incidents that require implementation of the contingency plan.
  - n. The date of annual review of the Contingency Plan.
  - o. Monitoring and test data for 40 CFR 264 Subparts AA, BB, and CC requirements.
  - p. Documentation that local officials have refused to enter into preparedness prevention arrangements with the Permittee.
15. This facility is permitted for the storage of mercury containing hazardous wastes which may present a risk of exposure to anyone entering the facility.
16. The Permittee shall comply with the storage requirements of subsection 62-737.800(9), F.A.C.
17. The Permittee shall only introduce into the processing equipment or process, material that is specified in Attachments 5 through 6 of the permit application dated June 30, 2016, revised on September 16, 2016 and additional information dated October 24, 2016, renewal permit application submitted July 1, 2021 and additional information dated August 11, 2021, in accordance with subsection 62-737.800(7)(b), F.A.C.
18. The maximum quantity of processed and unprocessed material allowed at the facility at the time of daily inventory shall not exceed the limits identified in Attachment 6 of the permit application dated June 30, 2016, revised on September 16, 2016, and additional information October 24, 2016, renewal permit application submitted July 1, 2021 and additional information dated August 11, 2021.
19. The Permittee shall comply with the air pollution control equipment requirements specified in subsection 62-737.800(8), F.A.C.
20. The Permittee shall comply with the shipping paper requirements specified in subsection 62-737.800(11), F.A.C and 40 C.F.R. Part 262.
21. The facility shall only ship processed material off site in conformance with subsection 62-737.840(4), F.A.C., and shall manage hazardous wastes not identified in Chapter 62-737, F.A.C., in conformance with Chapter 62-730, F.A.C.

22. The Permittee shall comply with the air requirements specified in Rules 62- 210.300 and 62-296.417, F.A.C.
23. The Permittee shall sample recovered materials (i.e., glass, metal) daily and analyze a composite sample weekly to determine the total mercury content. These analyses must show less than 1ppm mercury "average" during the 12-week time period and less than 3ppm for any "weekly" composite or request proposed alternate procedures to be approved by the Department in accord with 62-737.840(3)(d), F.A.C.
24. The results of the sampling shall be recorded and maintained on the Sample Logs for Lamp Glass, End Caps, HID Bases and Shatter shields. Sample Log forms are in Attachment 10 of the permit application dated June 30, 2016, revised application dated September 16, 2016 and additional information dated October 24, 2016.
25. The Permittee shall maintain a rolling 12-week average of the mercury contained in the recovered glass and metal end caps. The results shall be maintained on the form located in Attachment 10 of the permit application dated June 30, 2016, revised application dated September 16, 2016, and additional information dated October 24, 2016.
26. If the levels of mercury in Condition 9 of this Part are exceeded, the Permittee shall perform one or more of the following in order to comply with the levels specified in Condition 9 above:
  - a. Resample the subject material;
  - b. Reprocess the material in the crusher separator unit; or
  - c. Deliver the material to another mercury recovery facility for processing.
27. The Permittee shall keep a written operating record at the facility, which is in accordance with the permit application dated June 30, 2016, revised on September 16, 2016 and additional information includes:
  - a. The Waste Profile Sheet, in Attachment 10 of the permit application dated June 30, 2016, revised on September 16, 2016 and additional information dated October 24, 2016;
  - b. Incoming Authorization Log, in Attachment 10 of the permit application dated June 30, 2016 revised on September 16, 2016 and additional information dated October 24, 2016;
  - c. A summary report and details of incidents that require implementation of the Contingency Plan;
  - d. Manifests; and
  - e. The results of inspections in the approved Inspection Plan dated September 16, 2016 and attached inspection log sheets.

**Part II Subpart B – Specific Operating Conditions**

1. At a minimum, the “State and local authorities in accordance with 40 CFR Part 264.553(b), condition II.A.11. shall include:
  - a. West Melbourne Fire Department;
  - b. West Melbourne Police Department;
  - c. West Melbourne Medical Center;
  - d. Your emergency response center.
2. Copies of the most current Department approved Preparedness and Prevention Plan/Contingency Plan and Emergency Procedures for Daily Business Operations shall be distributed to the local authorities listed above if the authority has the capability to accept and sue the electronic copy.

**Part II Subpart C - Closure Conditions**

1. The Permittee shall close the facility in a manner that minimizes or eliminates, to the extent necessary to protect human health and the environment, postclosure escape of hazardous waste, hazardous waste constituents, hazardous waste decomposition products, contaminated leachate or run-off to the groundwater, surface waters, or to the atmosphere (40 CFR Part 264.111).
2. The Permittee shall have a written Closure Plan as required by 40 CFR 264.112(a) and 737.800(4)(g), F.A.C. The Closure Plan and all revisions to the plan must be kept at the facility until closure is completed, certified in accordance with 40 CFR 264.115, and accepted by the Department.
3. Modifications to the approved Closure Plan shall be in accordance with the requirements of 40 CFR 264.112(c), and Rules 62-730.290 and 62-737.800(10), F.A.C.
4. The Permittee shall notify the Department within seven (7) calendar days of any determination that actions undertaken as part of closure or associated monitoring programs no longer satisfy the requirements set forth in this permit. If the Department determines that a modification of the permit is required, the Permittee shall, within 60 calendar days of notice by the Department, submit an application for a permit modification in accordance with Part II.C.3.
5. Within 90 days after receiving the final volume of hazardous waste or upon notification by the Department that closure of a unit is required, the owner or operator must treat or remove from the unit all hazardous waste.
6. The Permittee shall complete closure activities within 180 days after notification to the Department of closure and in accordance with the closure schedule in the permit application. Any changes in the time allowed for closure activities or reporting requirements shall require



prior written Department approval. At least 30 calendar days prior to initiating physical closure activities, the Permittee shall prepare and submit a Closure Activities Report.

- a. The Closure Activities Report will be in columnar format (*i.e.* a table or spreadsheet) with columns for “closure activity,” “schedule date,” and “completed date.”
  - b. The Closure Activities Report shall be maintained and updated by the Permittee throughout the closure period, with copies submitted monthly to the Department, unless an alternate submittal schedule is approved by the Department in writing. Each report must be submitted to the Department by the tenth day of each month for the preceding month until the acceptance of physical closure by the Department. These reports can be submitted electronically.
  - c. Any deviation from the schedule or described tasks shall be fully documented in the Closure Activities Report.
7. The Permittee shall notify the Department 45 days prior to the date on which the Permittee expects to begin partial or final closure of a unit(s).
8. The Permittee shall properly decontaminate or dispose of all equipment, structures, and residues used during or resulting from the closure activities.
9. The Permittee shall manage all hazardous wastes, residues, sludges, spilled or leaked waste, or contaminated liquids and soils removed during closure of the unit(s) in accordance with the applicable provisions of 40 CFR Parts 260 through 268, including the manifest requirements. A copy of each manifest required as a result of closure activities shall be submitted to the Department with the Closure Certification.
10. The Permittee shall provide opportunities for site inspections by the Department by informing the Department at least seven (7) days in advance of any major physical closure activity (*e.g.*, unit decontamination or removal, cap installation, soil sampling, soil removal, etc.).
11. Within 30 days of determining that all contaminated soil cannot be practically removed or decontaminated, the Permittee shall notify the Department of such determination. Within 90 days of the determination the Permittee shall submit an application for permit modifications to close the facility as a landfill (land disposal unit) and perform postclosure care as required by 40 CFR 264.
12. Within 60 calendar days of the completion of closure, the Permittee shall submit to the Department, by certified mail or hand delivery, a Closure Certification Report signed by the Permittee and an independent Professional Engineer registered in the State of Florida, stating that the unit has been closed in compliance with the Closure Plan and the conditions of this permit. The Closure Certification must be based on the Professional Engineer’s own

observation and knowledge of the closure activities. The Closure Certification Report must include, but not be limited to the following.

- a. Environmental sampling data to verify closure activities.
  - b. Decontamination data.
  - c. Copies of manifests or other appropriate shipping documents for removal of all hazardous wastes and all contaminated residues.
  - d. A description of final closure activities.
  - e. A final Closure Activities Report (Condition II.C.6 of this Subpart).
  - f. Groundwater monitoring data summary of final closure activities.
13. Within 30 calendar days of submitting a Closure Certification Report for a land disposal unit, including a land disposal unit identified under Part II.C.11, the Permittee shall submit to the Department and to the local zoning authority, or the authority with jurisdiction over local land use, a survey plat indicating the type, location, and quantity of hazardous wastes disposed of within the unit with respect to permanently surveyed benchmarks in accordance with 40 CFR 264.116. For hazardous wastes disposed of before January 12, 1981 the owner or operator must identify the type, location, and quantity of the hazardous wastes to the best of the Permittee's knowledge and in accordance with any existing records. This notice is in addition to the requirement to execute a formal land use control (e.g., a restrictive covenant) in order to obtain a site rehabilitation completion order based on restricted exposure risk assumptions under Chapter 62-780, F.A.C
14. The Permittee shall verify clean closure by demonstrating that cleanup parameters meet or exceed the following standards:
- a. Liquid decontamination residues, e.g., facility and equipment wash- down rinsate:  
Total mercury content not to exceed 2 µg/l (2 parts per billion).
  - b. During final closure, the Permittee must collect an adequate number of mercury air samples to demonstrate the following closure performance standards:

<u>Sample</u>	<u>Residential</u>	<u>Industrial</u>
Air sample	1.0 µg/m <sup>3</sup>	3.0 µg/m <sup>3</sup>

µg/m<sup>3</sup>: microgram per meter cube

The facility may not be closed using the Industrial closure performance standards unless the property owner executes a restrictive covenant restricting use of the property to industrial uses and prohibiting residential uses.

- c. Soil: Total mercury content in soil should not exceed the leachability cleanup target

level of 2.1 mg/kg.

- d. Groundwater: Mercury concentration in groundwater shall not exceed 2 µg/L.
15. The Permittee shall analyze all samples for total or leachable mercury content using a Department-approved appropriate method from EPA Test Methods for Evaluating Solid Waste (EPA SW-846), latest revision. Leachable mercury shall be determined using the toxicity characteristic leaching procedure (TCLP), Method 1311.
16. If clean closure cannot be demonstrated, the Permittee shall submit a permit application addressing the postclosure requirements of 40 C.F.R. Part 264 Subpart G.
17. The Permittee shall annually update the closure cost estimates. The update shall not be based solely upon adjustments for inflation but shall include all changes to closure cost estimates. These estimates shall be based on costs incurred by independent third parties.
18. The Permittee must complete physical closure activities in accordance with the Closure Schedule in Attachment 11 of the permit application dated June 30, 2016, revised application dated September 16, 2016 and additional information on dated October 24, 2016, renewal application submitted July 1, 2021 and additional information dated August 11, 2021. Any changes in the time allowed for closure activities after approval shall require prior written Department approval.

### **PART III – POSTCLOSURE CONDITIONS**

Not applicable at this time.

### **PART IV – ENVIRONMENTAL MONITORING CONDITIONS**

Not applicable at this time.

### **PART V – CORRECTIVE (REMEDIAL) ACTION CONDITIONS**

#### **Part V Subpart A – General Corrective Action Conditions**

1. The Conditions of this Part apply to the following.
- a. The SWMUs and AOCs identified in Appendix A.
  - b. Any additional SWMUs or AOCs discovered during the course of groundwater monitoring, field investigations, environmental audits, or other means. As used in this Part, the terms “discover”, “discovery”, or “discovered” refer to the following.
    - (1) The date the Permittee visually observes evidence of a new SWMU or AOC.

- (2) The date the Permittee visually observes evidence of a previously unidentified release of contaminant(s) to the environment.
    - (3) The date the Permittee receives information from a credible source of the presence of a new release of contaminant(s) to the environment.
  - c. Contamination that has migrated beyond the facility boundary, if applicable.
2. The Permittee shall comply with the notification requirements for the discovery of a new SWMU in Part I.12.c.
3. Upon notification by the Department, the Permittee shall prepare and submit a Confirmatory Sampling (CS) Work Plan for known, suspected, or newly discovered sites. The Work Plan shall be submitted within 60 calendar days of notification by the Department unless the notification letter establishes a different time frame.
  - a. The CS Work Plan shall include schedules for implementation and completion of specific actions necessary to determine whether or not contamination has occurred in any potentially affected media. In order to partly or wholly satisfy the CS requirement, previously existing data may be submitted with the work plan for the Department's consideration.
  - b. In accordance with the schedule in the approved CS Work Plan, or no later than 60 calendar days after Department's written approval of a CS Work Plan, the Permittee shall submit a Confirmatory Sampling Report identifying those sites that are contaminated and those sites that are not contaminated. The CS Report shall include an analysis of the analytical data to support all determinations. Based on the results of the CS Report, the Department will determine the need for further investigation at sites covered in the CS Report and notify the Permittee in writing.
4. De Minimis discharge is a release of a contaminant(s) that is removed from the soil, sediment, surface water, and groundwater to cleanup target levels or background concentrations within 30 days of discovery of the release. If the Permittee intends to treat a discharge under the De Minimis discharge provision of Rule 62-780.550 or Rule 62-780.560 F.A.C., the Permittee must meet the notification requirements of Part I.12.c, and inform the Department that a De Minimis action is underway. A De Minimis Remediation Report must be submitted to the Department within 90 days of discovery of the release. The report must include a description of all actions taken in response to the discharge and the information required by the Interim Source Removal Report pursuant to Subsection 62-780.500(7)(a), F.A.C.
5. If contamination is confirmed by the Confirmatory Sampling Report, the Department will notify the Permittee to commence site rehabilitation in accordance with Rule 62-730.225 and Chapter 62-780, F.A.C., for all SWMUs and/or AOCs ("contaminated sites") identified in the notification. The Permittee shall commence and complete site assessment in the manner and

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within the time limits set forth in Rule 62-780.600, F.A.C., unless the notification letter specifically establishes a different time frame to commence or complete site assessment. An alternative schedule can be implemented with written Department approval.

6. The Permittee shall conduct Emergency Response Actions in accordance with Subsections 62-730.225 and 62-780.500, F.A.C. The Permittee may, or upon notification by the Department, shall conduct an Interim Source Removal action in accordance with Subsections 62-730.225 and 62-780.500 F.A.C. for any release, SWMUs, or AOCs determined necessary to minimize or prevent further migration of contaminants or to limit human or environmental exposure to contaminants.
7. If the Department or the Permittee at any time determines that any approved work plan no longer satisfies the requirements of Rule 62-730.225 or Chapter 62-780, F.A.C. or this permit for prior or continuing releases of contaminant(s) to the environment, the Permittee shall submit an amended work plan to the Department within 60 calendar days of such determination.

#### **PART VI – REMEDY SELECTION AND IMPLEMENTATION**

Not applicable at this time.

**APPENDIX A - SUMMARY OF FACILITY SITES - SOLID WASTE MANAGEMENT UNITS (SWMUs)**  
**AND AREAS OF CONCERN (AOCs)**

<b>A.1 List of SWMUs / AOCs requiring Confirmatory Sampling</b>				
SWMU/AOC Number/Letter	SWMU/AOC Name	SWMU/AOC Comment and Basis for Determination	Dates of Operation	Potentially Affected Media
There are no units identified as requiring Confirmatory Sampling at this time pursuant to this permit.				

<b>A.2 List of SWMUs / AOCs requiring a Site Assessment (a/k/a RCRA Facility Investigation [RFI]) or a Risk Assessment</b>				
SWMU/AOC Number/Letter	SWMU/AOC Name	SWMU/AOC Comment and Basis for Determination	Dates of Operation	Potentially Affected Media
There are no units identified at this time as requiring a Site or Risk Assessment.				

<b>A.3 List of SWMUs / AOCs requiring a Remedial Action Plan or Natural Attenuation with Monitoring Plan (a/k/a RCRA Corrective Measures Study [CMS])</b>				
SWMU/AOC Number/Letter	SWMU/AOC Name	SWMU/AOC Comment and Basis for Determination	Dates of Operation	Potentially Affected Media
There are no units identified at this time requiring a Remedial Action Plan or a Natural Attenuation with Monitoring Plan.				

<b>A.4 List of SWMUs / AOCs implementing a Remedial Action Plan or Natural Attenuation Monitoring Plan (a/k/a Corrective Measures Implementation [CMI])</b>				
SWMU/AOC Number/Letter	SWMU/AOC Name	SWMU/AOC Comment and Basis for Determination	Dates of Operation	Potentially Affected Media
There are no units identified at this time undergoing a Remedial Action Plan or a Natural Attenuation with Monitoring Plan.				

<b>A.5 List of SWMUs / AOCs at which Site Rehabilitation Completion Determinations With Controls have been made</b>			
SWMU/AOC Number/Letter	SWMU/AOC Name	Unit Comment and Basis for NFA	Dates of Operation
There are no units identified at this time at which Site Rehabilitation Completion Determinations with controls have been made.			

<b>A.6 List of SWMUs / AOCs at which Site Rehabilitation Completion Determinations Without Controls have been made</b>			
SWMU/AOC Number/Letter	SWMU/AOC Name	Unit Comment and Basis for NFA	Dates of Operation
There are no units identified at this time at which Site Rehabilitation Completion Determinations without controls have been made.			

<b>A.7 List of SWMUs / AOCs where No Further Action Determinations have been made based on no suspected or confirmed contamination (i.e. not 'contaminated sites' as defined by 62-780 F.A.C.)</b>			
SWMU/AOC Number/Letter	SWMU/AOC Name	Unit Comment and Basis for NFA	Dates of Operation
SWMU 1	Main Operating Room	RFA Sept 2000	1993 to Present
SWMU 1a	Lamp and Drum Storage Area	RFA Sept 2000	1997 to Present
SWMU 1b	Lamp and Drum Storage Area	RFA Sept 2000	1997 to Present
SWMU 1c	Lamp Processing Area	RFA Sept 2000	1993 to Present
SWMU 1d	Lamp and Drum Storage Area	RFA Sept 2000	1997 to Present
SWMU 2	Lamp and Drum Storage Area	RFA Sept 2000	1997 to Present
SWMU 3	Receiving Area	RFA Sept 2000	1993 to Present
SWMU 4	Cardboard Baler	RFA Sept 2000	1995 to Present
SWMU 5	Crushed Glass Storage Container	RFA Sept 2000	1993 to Present
SWMU 6	Trash Container	RFA Sept 2000	1993 to Present
SWMU 7	Lamp Ballast Staging Area	RFA Sept 2000	1997 to Present
AOC 1	Helicoil Unit	RFA Sept 2000	1993 to 2000

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Issued **Date**

STATE OF FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

**Signature**

**KIMBERLY A. WALKER, PROGRAM ADMINISTRATOR  
PERMITTING AND COMPLIANCE ASSISTANCE PROGRAM**

Filing and Acknowledgment

Filed on this date, pursuant to Section 120.52 Florida Statutes, with the designated Clerk, receipt of which is acknowledged.

**Signature**

CLERK

**Date**

DATE



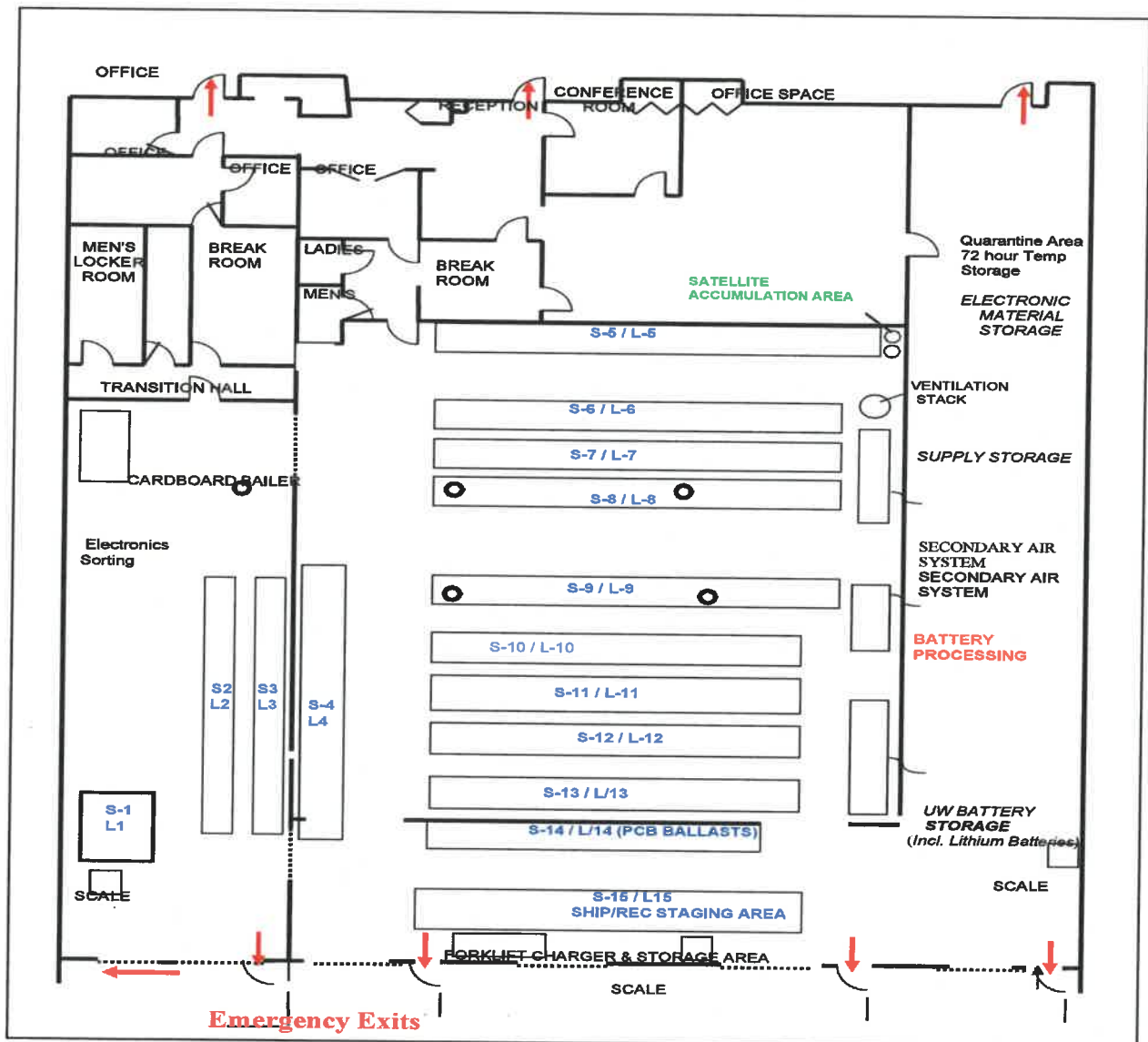
**ATTACHMENT A - FACILITY MAP**

**UW-EP-004-02**  
**Facility Plot Plan**

June 2021

Permitted Waste Storage Areas=BLUE

Satellite Accumulation Areas =GREEN



..... Roll-up Doors