

Thursby, Kim

From: Tracy DePaola [tdepaola@aercrecycling.com]
Sent: Friday, September 23, 2011 9:04 AM
To: Epost HWRS
Subject: RE: AERC.com, Florida, FLD 984 262 782;First Notice of Deficiencies

Received.

Tracy DePaola

Southern Regional
District Branch Manager
Direct: 321-821-0024
Fax: 321-952-1060

Celebrating 20 Years of Environmental Service

"We are committed to a green world by helping clients in proper end-of-life management of assets containing sensitive data and components hazardous to our environment."

 *Please consider the environment before printing this email*

From: Epost HWRS [<mailto:EpostHWRS@dep.state.fl.us>]
Sent: Tuesday, September 20, 2011 2:33 PM
To: Tracy DePaola
Cc: Bahr, Tim; White, John; Kraemer, Janine; JWs@envirostrat.com; Robert Landmesser; buz@cia-developers.com; jtessitore@ene.com; Kothur, Bheem; Tripp, Anthony
Subject: AERC.com, Florida, FLD 984 262 782;First Notice of Deficiencies

In an effort to provide a more efficient service, the Florida Department of Environmental Protection's Hazardous Waste Regulation 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. (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.

Please note that our documents are sent virus free. However, if you use Norton Anti-virus software, a warning may appear when attempting to open the document. Please disregard this warning.

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.

Tim Bahr
Environmental Administrator
Hazardous Waste Regulation
Department of Environmental Protection
E-Mail Address: epost_hwrs@dep.state.fl.us

Please take a few minutes to share your comments on the service you received from the department by clicking on this link. [DEP Customer Survey](#).



Florida Department of Environmental Protection

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

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

September 20, 2011

Sent Via E-mail

tdepaola@aercrcycling.com

Ms. Tracy DePaola,
Southern Regional District Branch Manager
AERC.com, Inc.
4317-J Fortune Place
West Melbourne, Florida 32904

**Subject: AERC.com, Florida, FLD 984 262 782
Operating Permit No. 0072959-HO-003
Brevard County
First Notice of Deficiencies**

Dear Ms. DePaola:

Your renewal permit application dated August 1, 2011 for a hazardous waste permit has been reviewed and found to be incomplete. The required information and amendments necessary to complete your application are itemized in the enclosed Notice of Deficiencies.

When a permit application is incomplete, all processing of the application is suspended. You are hereby advised to provide us with the requested additional information pursuant to Florida Administrative Code (F.A.C.) Rule 62-737.800 and Chapter 403.722, Florida Statutes (F.S.).

The Department will be contacting you to schedule a meeting or conference call to discuss these comments. Additional communications will be schedule as needed prior to your submittal of an official response to minimize the time and effort required to formulate adequate replies to the comments. This exchange of ideas will assist you in developing a complete and adequate response that should eliminate the need for additional official responses and therefore accelerate the permit renewal process.

An official response to these comments is due within thirty (30) days of receipt of this document. Additional time can be granted if it becomes apparent during the response process that more time is needed.

Ms. Tracy DePaola
September 20, 2011
Page Two

If you would like to arrange a meeting or have any questions, please call me at 850-245-8781 or Bheem.kothur@dep.state.fl.us

Sincerely,



Bheem R. Kothur
Professional Engineer III
Hazardous Waste Regulation

BK/bk

Enclosure; Attachment

cc via e-mail w/enclosure:

John White, FDEP/Central District, john.white@dep.state.fl.us

Janine Kraemer, FDEP/Central District, Janine.kraemer@dep.state.fl.us

Jeffery Smith, Environmental Strategy Consultants, Inc. JWs@envirostrat.com

Robert W. Landmesser, AERC.com, rlandmesser@aercrecycling.com

Robert W. Anderson, buz@cia-developers.com

Joseph L. Tessitore, Ecology & Environment, Inc. jtessitore@ene.com

ATTACHMENT

AERC.Com, Inc.

Facility I.D. NO.: FLD 984 262 782; Permit No.: 0072959-003-HO

First Notice of Deficiencies

September 19, 2011

Specific Comments:

1. Tab 2, Executive Summary, Third Paragraph, page 1 of 2: The current permit, Operation Permit Number 72959-003-HO, was renewed on June 27, 2007. Please revise.
2. Tab 3, Part 1, Application Form, Item 18, Site Ownership Status and Page 3 of 8: Please confirm that the lease date did not expire in January, 2011. Please review and revise the lease date.
3. Tab 3, Part 1, Application Form, B. Site Information, Item 1, Page 14: The latitude and longitude reported on the Form points to a location east of the building AERC.Com is located within. Please verify latitude and longitude for the facility and revise as appropriate.
4. Tab 4, Attachment 1, Item A.21, Existing or Pending Environmental Permits, Notification of Regulated Waste Activity, and Page 1 of 1: Please correct the FDEP address as: 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; and phone No.: 850-245-8707; and Fax No.: 850-245-8810;

Mercury Recovery Facility Permit: Please change the contact name to: Tim Bahr, Administrator, Hazardous Waste Regulation, Tallahassee, FL 32399-2400, and his phone No.: 850-245-8790. Also change the Florida Department of Environmental Protection address to 2600 Blair Stone Road, Tallahassee, FL 32399-2400, phone 850-245-8707.

NPDES Storm Water Permit: This permit is issued by "FDEP" not "USEPA". Please revise as appropriate.
5. Tab 5, Item B.1, Topographic Map: The figures provided do not contain topographic information. Please refer to Title 40 Code of Federal Register Part 270.14(b)(19) for more information on what should be included with this map (e.g. elevation contours, 100-year flood plain area, wind rose, etc.) The purpose of this information is to determine surface water flow patterns. Please provide a figure, or figures, that contains the necessary information for this facility.
6. Tab 7, Attachment 4, Item D.2, Brief Description of Facility /Nature of Business, and Table of Contents: The title for entry D.2.2 in the table of contents "D.2.2 AERC Florida Division-

Nature of Business” conflicts with the heading in the text. Please correct.

7. Tab 7, Attachment 4, Item D.2.2: The facility is not permitted to receive other materials, such as process and wash waters, debris and lamp powders. Please revise accordingly throughout the application.
8. Tab 7, Attachment 4, Item D.2.2, Activities at the facility, page 2 of 5: Please describe “MCDs debris” that is accumulated and shipped offsite. Please note that this facility is only being permitted to accept mercury containing lamps and devices, not mercury contaminated materials from other sources (e.g. soils, carbons, contaminated solid materials, etc) for accumulation and shipment off-site. The facility is allowed, through the 10-day facility, to transport through the facility, items that are manifested to a permitted TSD or reclamation facility. The facility cannot accept, accumulate, or process these other mercury containing materials. The facility can consolidate shipments in the 10-day facility.
9. Tab 9, Attachment 6, Item D.4, page 1 of 3: Area Four (bottom of list) contains 18 pallets but only occupies 16 ft² more than 5 pallets. Please correct either the number of pallets or the square footage they occupy, accordingly.
10. Tab 9, Attachment 6, Item D.4, page 3 of 3: Both “HW Storage” and “10-Day” will have finite permitted storage areas. Please estimate those areas and include with this table.
11. Tab 10, Attachment 7, Exhibit D.5, Operations Plan, Item D.5.1b, Page 3 of 10: Please explain the procedure by which lamps are stored outside the building inside closed trailers. Under what conditions are lamps stored outside, how long are they stored there, is storage in a secure area?
12. Tab 10, Attachment 7, Exhibit D.5, Operations Plan, Item D.5.1b, Page 3 of 10: The application states “Once inside the building, the lamps are placed on the floor with the existing inventory. The lamps are stacked no higher than 12 feet”. Is there a reason why the lamps would be stacked 12-feet high? If so, please explain. If not, what is the expected height?
13. Tab 10, Attachment 7, Exhibit 5, Operational Plan, item D.5.1b, Paragraph 4, and Page 3 of 10: Application states “Cardboard boxes which have been emptied of lamps are checked for remnants of broken pieces and powder. Remaining contamination is vacuumed if necessary. These boxes are then placed in a compactor, bailed and sold as recyclable cardboard”. Please explain in detail the methodology used to determine that the boxes which contained broken lamps, remnant pieces, and powder are safe to recycle.

14. Tab 10, Attachment 7, Exhibit 5, Operations Plan, Item D.5.7, Ten–Day Transfer Operations, and Page 10 of 10: The current process description does not discuss consolidation efforts. Will waste containers be consolidated? If so, what type of wastes will be consolidated and what type of wastes will not be consolidated? And, how will compatibility be determined prior to consolidation. Please explain in detail.
15. Tab 10, Attachment 7, Exhibit 5, Operations Plan, Item D.5.7, Ten–Day Transfer Operations, and Page 10 of 10: AERC cannot “accept” shipments in their 10-day facility, AERC can allow shipments to pass through their 10-day facility in transit to the destination facility. These shipments can be consolidated at the 10-day facility, but they cannot be “processed” or “managed”. The words, “accept” “process” “manage” have specific connotations that do not properly define the activities at the 10-day facility. Please revise the section accordingly.
16. Tab 10, Attachment 7, Exhibit D.5.4, Acceptable Materials List: The facility is being permitted for processing mercury containing devices and lamps. Please revise this list to remove items that do not meet the definition of mercury containing lamps or devices in Section 403.7186, Florida Statutes, and Rule 62-737.200, Florida Administrative Code (e.g. mercury containing solids, debris, etc.).
17. Tab 11, Attachment 8, Exhibit D.6, Contingency Plan, 1.0 Contingency Plan & Emergency Procedures, page 3 of 15: Please elaborate on what release of a hazardous substance triggers the contingency plan.
18. Tab 11, Attachment 8, Exhibit D.6, Contingency Plan, item 5.0-Emergency Notification form, and Page 8 of 15: The telephone number for “Florida Department of Environmental Protection Central District Emergency Response office “ has changed. The correct telephone number is (407) 897-4341. For Emergency Coordinators you need to add Freud Jean (listed on page 4) as Secondary Emergency Coordinator. Also, page 4 lists Mark Kasper as Tertiary Emergency Coordinator rather than Ryan Landmesser. Please revise appropriately.
19. Tab 12, Attachment 9, Item D.7, Worker Health and Safety Plan, Page 13 of 14: The regulations require “adequate” aisle space be maintained (40 CFR 264.35). Adequate has not been defined as a specific or minimum width in the rules or regulations. While your application specifies maintaining a minimum width of 18 to 24 inches, that does not mean that those widths are adequate. Aisle space needs to be adequate for inspections, operations and for emergency responders. This comment also applies to Tab 13, Attachment 10, Item D.8.4, Container Management System, Page 17 of 22.

20. Tab 12, Attachment 9, Exhibit D.7.4, Daily Air Monitoring Procedure, Page 2 of 9, Scope: Reference is made to locations 02, 04 and 05. Please indicate where these locations are located.
21. Tab 12, Attachment 9, Exhibit D.7.5, Job Description: Job descriptions listed do not contain a description of the continuing training required by personnel with each job title listed. Does the facility maintain a separate record that documents compliance with 40 CFR 264.16(d)(3)?. Please review and revise as appropriate.
22. Tab 13, Attachment 10, Exhibit D.8, Quality Control Plan, Table 2.A, page 5 of 22: It needs to be made clear in the text that “3. Non-specific mercury bearing wastes, including process and pollution abatement materials” can only be processed if generated by the facility as part of normal operations.
23. Tab 13, Attachment 10, Exhibit D.8, Quality Control Plan, Item D.8.2c-Sampling to Determine Effectiveness Grab and Composite Sample Analyses from West Melbourne Facility, and Page 7 of 22: The “general sampling method” described on the page does not indicate the facility has found the need to ensure a homogenous sample of glass in order to obtain consistent results. It should also be noted, either here or on Table 2.A and on Page 3 of 22, that should the glass sample fail TCLP the glass will be properly shipped to AERC.Com’s Pennsylvania facility for recovery, or to another RCRA permitted facility for proper management. Please review and revise as appropriate.
24. Tab 13, Attachment 10, Exhibit D.8.2b, Processes Defined for West Melbourne Facility, page 6 of 22: Describe what materials are managed and how they are managed via 10-day operating activities.
25. Tab 13, Attachment 10, Item D.8.5, Plant Configuration, Page 19 of 22: Replace “appropriate” with “adequate” when referring to aisle space, throughout.
26. Tab 13, Attachment 10, Item D.8.6, Air Monitoring, Page 21 of 22: In the second paragraph the sentence reads “Air filtration media is considered “saturated” and is replaced when mercury emissions reach one half of the PEL.” Please clarify which mercury emissions are being monitored. Are these emissions to the facility, outside the facility, or between stages of the air filtration system?
27. Tab 13, Attachment 10, Item D.8.6, Air Monitoring, Page 22 of 22: The last sentence mentions “new mercury processes proposed in this permit”. Which “new mercury processes” are being proposed in this permit application?

28. Tab 14, Attachment 11, Item D.9, Closure Plan, D.9.1a, Closure Procedures, Page 1 of 7: In the third item from the bottom, the procedure is given when “If no visual contamination is evident”. What is the procedure when “If visual contamination is evident”?
29. Tab 14, Attachment 11, Item D.9, Closure Plan, D.9.1b-Maximum Inventory Estimate, and Page 2 of 7: In estimating the plant inventory for closure cost estimate purposes the facility should consider the maximum storage capacity of 244,800 lamps instead of 183,600 lamps. Using 75% of the total, rather than the total, is not acceptable for the cost estimate.
30. Tab 14, Attachment 11, Item D.9, Closure Plan, D.9.1c, Decontamination Procedures, Page 4 of 7. The surface water criteria for mercury is not 2 ppb ($\mu\text{g/L}$). The surface water criteria for mercury is 0.012 ppb ($\mu\text{g/L}$).

Also, the estimated unit prices are too low. Project Management, Labor for Labeling and Loading, Mobilization/ Demobilization, Pre-Decontamination and Decontamination Activities and Supplies costs should be included towards the closure cost estimates.

Overall the submitted closure cost estimate is too low. Please review the entire closure cost estimates including quantities, missing items as shown above, unit costs (third party) and revise the estimate as appropriate.

D.9.1c, Decontamination Procedures, First Paragraph and Fifth Paragraph and Page 3 of 7: Please acknowledge that the “SOP for sampling are November 14, 1997 revision and April 15, 2010, reformatted” rather than just “May 21, 1996 draft SOP for sampling”. Please review and revise the paragraph as appropriate.

General Comments:

1. Please provide a facility site map in electronic format (preferably pdf), so that the map can be easily inserted in to the draft permit.
2. Tab 2, Executive Summary, Fourth Paragraph, First Line, and Page 2 of 2: Please change “FLDEP” to “FDEP”
3. Attachment 9, Exhibit D.7.4, HS02007-Daily Air Monitoring Procedure: Please provide the table of Contents for this attachment and be consistent.
4. Tab 10, Attachment 7, Exhibit D.5.1, Model LSS1 Lamp Recycling system Operating Manual, Table of Contents, Exhibits/Figures/Tables: remove #6 from page #
5. Tab 10, Attachment 7, Exhibit D.5, Operational Plan, Item D.5.1a - Fluorescent Lamp recovery Process and Operations Descriptions, and Page 2 of 10: There is line break.

Please correct as appropriate.

6. Tab 10, Attachment 7, Exhibit 5, Operational Plan, Item D.5.2a, HID Lamp Process Description and Operating Procedures, and Page 5 of 10: Third sentence on this page contains a line break. Please review and revise as appropriate.
7. Tab 10, Attachment 7, Exhibit 5, Operations Plan, Item D.5.6, Battery Program, page 9 of 10: First sentence on this page contains a line break and an extra”]” character. Please review and revise as appropriate.
8. Tab 12, Attachment 9, Exhibit D.7.1, Corporate Safety and Health Procedures, Table of Contents, and Page 2 of 6: Please review the table of content and its page numbers and revise as appropriate.
9. Tab 12, Attachment 9, Exhibit D.7.2, HS02002-Hazardous Communication Procedure: Please provide the Table of Contents for this attachment and be consistent.
10. Tab 13, Attachment 10, Item D.8, Quality Control Plan, Table of Content: Please review the table of contents page numbers and revise as appropriate.