



FLORIDA DEPARTMENT OF Environmental Protection

Central District Office
3319 Maguire Blvd., Suite 232
Orlando, Florida 32803

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

May 25, 2022

Gerry Lanza, Plant Manager
AERC Recycling Solutions A Clean Earth Company
4317 Fortune Pl, Ste J
West Melbourne, Florida 32904
GLanza@stericycle.com

Re: Compliance Assistance Offer
AERC Recycling Solutions A Clean Earth Company
HW Facility ID # FLD984262782
Brevard County

Dear Mr. Lanza :

An inspection was conducted at your facility on April 5, 2022. During this inspection, potential non-compliance was noted. The purpose of this letter is to offer compliance assistance as a means of resolving these matters.

Specifically, Potential non-compliance with the requirements of chapter 403, Florida Statutes, and Chapters 62-710 and 62-730, Florida Administrative Code were observed. Please see the attached inspection report for a full account of Department observations and recommendations.

We request you review the items of concern noted and respond in writing within **15 days** of receipt of this Compliance Assistance Offer. Your written response should include one of the following:

1. Describe what has been done to resolve the non-compliance issue or provide a schedule describing how/when the issue will be addressed
2. Provide the requested information, or information that mitigates the concerns or demonstrates them to be invalid, or
3. Arrange for the case manager to visit your facility to discuss the items of concern.

It is the Department's desire that you are able to adequately address the aforementioned issues so that this matter can be closed. Your failure to respond promptly may result in the initiation of formal enforcement proceedings.

Please address your response and any questions to Miranda Rothenberger of the Central District Office at 407-897-4301 or via e-mail at Miranda.Rothenberger@floridadep.gov. We look forward to your cooperation with this matter.

AERC Recycling Solutions A Clean Earth Company; Facility No.: FLD984262782
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Sincerely,

A handwritten signature in black ink that reads "Daniel Hall". The signature is written in a cursive style with a large initial "D".

Daniel Hall, Environmental Manager
Central District
Florida Department of Environmental Protection

Enclosures: April 5, 2022 Inspection Report

cc: Bryan Jones, Clean Earth, bjones@harsco.com
David Champagne, EPA, Champagne.David@epa.gov
Miranda Rothenberger, FDEP



Florida Department of
Environmental Protection

Hazardous Waste Inspection Report

FACILITY INFORMATION:

Facility Name: AERC Recycling Solutions A Clean Earth Company
On-Site Inspection Start Date: 04/05/2022 **On-Site Inspection End Date:** 04/05/2022
ME ID#: 43329 **EPA ID#:** FLD984262782
Facility Street Address: 4317 Fortune Pl Ste J, West Melbourne, Florida 32904-1509
Contact Mailing Address: 402 Webster Chapel Rd, Glencoe, Alabama 35905
County Name: Brevard **Contact Phone:** (205) 405-3042

NOTIFIED AS:

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

WASTE ACTIVITIES:

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

INSPECTION TYPE:

Routine Inspection for TSD Facility Facility

INSPECTION PARTICIPANTS:

Principal Inspector: Miranda Rothenberger, Inspector
Mackenzie Black, Inspector; David Champagne, Inspector; Hector Rodriguez, Warehouse
Other Participants: Lead; Jessica Holstein, Customer Sales Service Represent

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

NAIC: 562111 - Solid Waste Collection

TYPE OF OWNERSHIP: Private

Introduction:

On April 5, 2022, Miranda Rothenberger and Mackenzie Black, Florida Department of Environmental Protection (FDEP or Department), and David Champagne, US Environmental Protection Agency (EPA), inspected AERC Recycling Solutions A Clean Earth Company (AERC or Facility) for compliance with state and federal hazardous waste and used oil regulations. Access to the facility was provided by Velve Anderson, Regional Manager; the facility was represented by Jessica Holstein, Customer Sales Service Representative, and Hector Rodriguez, Warehouse Lead. Office hours are Monday through Friday 8:00 am – 4:30 pm and warehouse hours are 7:30 am – 4:30 pm with approximately 10 employees. AERC was inspected as a very small quantity generator (VSQG); a hazardous waste, universal waste, and used oil transporter; a hazardous waste transfer facility; and a permitted mercury processing facility.

AERC is permitted to operate a mercury containing lamp and device storage and recovery facility. The initial RCRA mercury recycling permit was issued for this site on December 30, 1996. The current permit, 0072959-HO-006, was issued October 20, 2021 and expires December 30, 2026. On March 30, 2017 AERC ceased operation of the lamp processing equipment. The facility is currently functioning as a universal waste handler (transfer facility), sorting and repackaging universal waste for management at an off-site destination facility. AERC owns and operates two trucks for transportation of hazardous and universal waste. The facility originally notified the Department of its activities as a large quantity generator and hazardous waste

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treatment facility (TSD) on September 9, 1993 and received EPA identification number FLD984262782. AERC most recently notified the Department as a VSQG of hazardous waste on February 23, 2021.

Inspection History (Past five Years)

The facility was last inspected on September 10, 2020 and was out of compliance. The violation cited was failure to maintain accurate records for the hazardous waste 10-day transfer area. The case was resolved without formal enforcement.

Process Description:

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

The inspection began in the processing bay. The lamp processing equipment has been removed from the facility and the area is currently being used for storage of electronic devices scheduled for recycling. The area also acts as a staging area for truck loading. At the time of the inspection the following containers were present:

- Three 55-gallon containers labelled universal waste lamps
- One 55-gallon container of non-hazardous lead aprons for recycling

Fire extinguishers and spill kits were noted in this area.

Main staging area

The main staging area encompasses empty container storage, universal waste sorting, universal waste storage, a satellite accumulation area (SAA) for waste generated by AERC, and a 10-day hazardous waste transfer area. A safety shower, eye wash station, spill kits, and fire extinguishers were observed.

The 10-day transfer area had one 55-gallon drum of hazardous waste labelled corrosive broken lead acid batteries and marked with a receipt date of 3/22/22; on the 10-day transfer log this container was noted as shipped off-site on 3/24/22 even though it was still on-site [62-730.171(1), F.A.C.]. There were also two 5-gallon buckets labelled hazardous waste mercury that did not have a receipt date. During the inspection the facility was able to locate the receiving manifest number 021724500JJK dated 03/28/22. The containers were not noted on the 10-day transfer log [62-730.171(6), F.A.C.]. On April 14, 2022, Bryan Jones, Director EHS, submitted a 10-day log that had been amended to include this waste and it was noted that it shipped off site on 04/06/22.

Universal waste, non-PCB ballasts, e-waste, and empty containers were stored in ten rows. All containers appeared to be in good condition.

Staff were actively working in the universal waste sorting area. When containers are received the facility "processes" them to ensure the contents align with the manifest, there are no residues in the drums, and then the materials are sorted for storage.

In the back corner of the main staging area were two SAAs for hazardous waste. At the time of the inspection there was one 55-gallon container labelled hazardous waste corrosive sulfuric acid and one 55-gallon container labelled hazardous waste corrosive sodium hydroxide. These wastes are generated through sorting operations, if residue (typically from broken batteries) is found in a container the facility drains into these drums to manage as hazardous waste.

Receiving

The receiving area is used as a temporary staging area for waste that has just come in. The walls are lined with racking for the storage of empty containers. In the back corner of receiving is an area for rejected waste. These are waste streams that are received by the facility that due to multiple circumstances they are unable to process. These materials are returned to sender, or their sister facility in Orlando, Florida, for further processing.

Records

Receiving hazardous waste manifests for September 2020 through April 2022 were reviewed at random and no

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issues were identified.

Daily inspection records of the facility for September 2020 through April 2022 were reviewed and found to be in compliance. Two exceedances of the 10-day storage transfer area were noted on the records. A container of hazardous waste was held on site from 03/18/21 – 04/15/21; and a container of hazardous waste was held on site from 04/01/21 – 04/15/21 [62-730.171(1), F.A.C.]. The facility self-reported these exceedances and documented a 10-day transfer log training review on April 28, 2021.

Training records for staff were reviewed and found to be in compliance. Hazardous waste management, universal waste management, used oil management, and emergency response training were completed in the first quarter of 2022.

A review of the 10-day logs for September 10, 2020 through April 2022 were in compliance for content. Exceedances of the 10-day storage limit were identified. A container of hazardous waste was held from 09/24/20 – 10/05/20; and a container of hazardous waste was held from 03/22/22 – 04/06/22 [62-730.171(1), F.A.C.]. The facility acknowledged the 2022 discrepancy during the inspection and removed the waste on April 6, 2022. The facility acknowledged the 2020 discrepancy during a phone conversation and with a memo to file. The two previously cited discrepancies were also noted on the 10-day logs. The two 5-gallon containers of mercury mentioned previously were not included on the logs.

Used oil acceptance records for 2020 – 2021 were reviewed and found to be out of compliance. The facility was not documenting a halogen screening on the records until 2022 [62-710.510(1)(g), F.A.C.]. The facility acknowledged this discrepancy.

A contingency plan dated 12/28/2020 was reviewed and found to be in compliance. Gerry Lanza, Facilities Manager, was listed as the emergency coordinator. Mr. Rodriguez and Mr. Jones were listed as secondary contacts. Local authority notifications were issued to City of Melbourne Police Department and Holmes Regional Medical Center. Notification to a local fire department was not noted.

New Potential Violations and Areas of Concern:

Violations

Type:	Violation
Rule:	62-710.510(1)(g)
Explanation:	Each registered person shall maintain records on DEP Form 62-710.901(2), "Used Oil and Used Oil Filter Record Keeping Form and Instructions," effective date 4-23-13, which is hereby adopted and incorporated by reference (http://www.flrules.org/Gateway/reference.asp?No=Ref-02069), or on substantially equivalent forms which contain at least the same information as the Department form. This form can be obtained on the internet at https://floridadep.gov/waste/permitting-compliance-assistance/content/used-oil-forms or by contacting the Permitting and Compliance Assistance Program, MS 4500, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. These records shall include the following information: (g) (g) Documentation of halogen screening in accordance with the requirements of 40 C.F.R. Part 279 [as adopted in subsection 62-710.210(2), F.A.C.].
Corrective Action:	The facility failed to record a halogen screening on used oil acceptance records. The facility is required to include a halogen screening on used oil acceptance records. The facility corrected this issue and a halogen screening was documented on a pick up dated 03/18/22.

Type:	Violation
Rule:	62-730.171(1)

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Explanation: 40 C.F.R. 263.12 [as adopted by reference in subsection 62-730.170(1), F.A.C.] provides that transporters who store manifested hazardous waste in proper containers at a transfer facility for 10 days or less are exempt from regulation as a hazardous waste facility. If the waste is stored for more than 10 days, the facility is subject to the permitting requirements for a hazardous waste storage facility.

The facility failed to store waste on site for less than 10 days or apply for an obtain a hazardous waste storage facility permit. A container of hazardous waste was held from 09/24/20 – 10/05/20; a container of hazardous waste was held on site from 03/18/21 – 04/15/21; a container of hazardous waste was held on site from 04/01/21 – 04/15/21; and a container of hazardous waste was held from 03/22/22 – 04/06/22.

Corrective Action: The facility is required to store waste on site for less than 10 days or apply for and obtain a hazardous waste storage facility permit in order to store hazardous waste on site for more than 10 days.

The facility self-reported the March and April 2021 exceedances and documented a 10-day transfer log training review on April 28, 2021. The facility acknowledged the 2022 discrepancy during the inspection and removed the waste on April 6, 2022. The facility acknowledged the 2020 discrepancy during a phone conversation and with a memo to file.

Type: Violation

Rule: 62-730.171(6)

Explanation: The transfer facility shall maintain a written record of the items listed below. This recordkeeping requirement applies to all hazardous waste that enters and leaves the transfer facility, including hazardous waste generated by very small quantity generators (VSQGs). Records required in this subsection shall be maintained in permanent form for at least three years and shall be available for inspection by the Department. The records shall be kept at the facility unless the Department gives written approval to do otherwise:

- (a) Manifest number for each shipment that enters and leaves the facility, or, for a shipment from a VSQG without a manifest, an identifying number from the shipping document.
- (b) The date when all hazardous waste enters and leaves the facility.
- (c) The generator's name and the EPA/DEP identification number. For VSQGs without an EPA/DEP identification number, the record shall include the name and address of the generator.
- (d) Amounts of hazardous waste and hazardous waste codes associated with each shipment into and out of the facility.

The facility failed to keep a log of two 5-gallon containers of hazardous waste mercury received by the facility on March 28, 2022.

Corrective Action: The facility is required to keep a log of all hazardous waste that enters and leaves the facility in accordance with 62-730.171(6)(a-d).

On April 14, 2022, Bryan Jones, Director EHS, submitted a 10-day log that had been amended to include this waste and it was noted that it shipped off site on 04/06/22.

Conclusion:

AERC Recycling Solutions A Clean Earth Company was inspected on April 5, 2022 for compliance with state and federal hazardous waste and used oil regulations and was out of compliance.

Inspection Date: 04/05/2022

1.0: Pre-Inspection Checklist

Requirements:

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

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


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

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Inspection Date: 04/05/2022

Signed:

A hazardous waste compliance inspection was conducted on this date, to determine your facility's compliance with applicable portions of Chapters 403 & 376, F.S., and Chapters 62-710, 62-730, 62-737 & 62 -740 Florida Administrative Code (F.A.C.). Portions of the United States Environmental Protection Agency's Title 40 Code of Federal Regulations (C.F.R.) 260 - 279 have been adopted by reference in the state rules under Chapters 62-730 and 62-710, F.A.C

Miranda Rothenberger _____ Principal Investigator Name	Inspector _____ Principal Investigator Title	
 _____ Principal Investigator Signature	DEP _____ Organization	05/20/2022 _____ Date
Mackenzie Black _____ Inspector Name	Inspector _____ Inspector Title	
	DEP _____ Organization	
David Champagne _____ Inspector Name	Inspector _____ Inspector Title	
	EPA _____ Organization	
Hector Rodriquez _____ Representative Name	Warehouse Lead _____ Representative Title	
	AERC Recycling Solutions A Clean Earth Company _____ Organization	
Jessica Holstein _____ Representative Name	Customer Sales Service Represent _____ Representative Title	
	AERC Recycling Solutions A Clean Earth Company _____ Organization	

NOTE: By signing this document, the Site Representative only acknowledges receipt of this Inspection Report and is not admitting to the accuracy of any of the items identified by the Department as "Potential Violations" or areas of concern.

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Report Approvers:

AERC Recycling Solutions A Clean Earth Company Inspection Report

Inspection Date: 04/05/2022

Approver: Daniel K. Hall

Inspection Approval Date: 05/24/2022