

RCRA Compliance Evaluation Inspection Report

1) **Inspector and Author of Report**

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2) **Facility Information**

AERC Recycling Solutions-A Clean Earth Company
4317 Fortune Place, Suite J
West Melbourne, Florida 32904-1509
County: Brevard
Latitude: 28.09482
Longitude: -80.697614
EPA ID Number: FLD984262782
Primary NAIC: 562111-Solid Waste Collection
Other NAICS: 56211-Waste Collection

3) **Responsible Official**

Mr. Gerry Lanza, Plant Manager
Phone: (407) 495-8061
Email: glanza@harsco.com

4) **Inspection Participants**

Ms. Jessica Holstein, AERC Customer Sales Service Representative
Mr. Hector Rodriguez, AERC Warehouse Lead
Mr. Gerry Lanza, AERC Plant Manager
Ms. Miranda Rothenberger, Inspector, Florida Department of Environmental Protection (FDEP)
Ms. Mackenzie Black, Inspector, FDEP
Mr. David A. Champagne, Inspector, U.S. EPA

5) **Date of Inspection**

April 5, 2022 10:00 a.m.

AERC Recycling Solutions - A Clean Earth Company
FLD984262782
April 5, 2022

6) Applicable Regulations

Resource Conservation and Recovery Act (RCRA) Sections 3002, 3005 and 3007 (42 U.S.C. §§ 6922, 6925 and 6927), and the regulations promulgated pursuant thereto at 40 Code of Federal Regulations (C.F.R.) Parts 260-270, 273 and 279.

Florida Statutes (F.S.) Chapter 403.702 et seq., and the regulations promulgated pursuant thereto and set forth at the Florida Administrative Code (Fla. Admin. Code Ann. r.), Chapters 62-710, 62-730 and 62-750.

As the State's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations of those authorized provisions alleged herein will be to the authorized State program; however, for ease of reference, the federal citations will follow in brackets.

Pursuant to Fla. Admin. Code Ann. r. 62-730.185(1) [40 C.F.R. § 273.9], a "Large Quantity Handler of Universal Waste" (LQHUW) is a universal waste handler who accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, lamps, or aerosol cans, calculated collectively) at any time.

A person who generates a hazardous waste as defined by Fla. Admin. Code Ann. r. 62-730.30(1) [40 C.F.R. § 261] is subject to all the applicable independent requirements Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10(a)(1)(i)]. A very small quantity generator (VSQG) may accumulate no more than 220 pounds (100 kilograms) of hazardous waste per month.

7) Purpose of Compliance Evaluation Inspection

On April 5, 2022, Ms. Rothenberger and Ms. Black of the FDEP, and Mr. Champagne, of the EPA, conducted a routine compliance evaluation inspection of AERC Recycling Solutions-A Clean Earth Company (AERC or facility) to determine the facility's compliance with state and federal hazardous waste regulations. This was an EPA lead inspection. AERC was represented by Ms. Jessica Holstein, AERC Customer Sales Service Representative, Mr. Hector Rodriguez, AERC Warehouse Lead, and Mr. Gerry Lanza, AERC Plant Manager. Upon entering the facility, the inspectors introduced themselves, showed their credentials and explained the purpose of the visit. The facility representatives provided a description of the facility, and the inspectors discussed the company's ability, pursuant to 40 C.F.R. § 2.203, to assert a business confidentiality claim for information submitted prior to conducting a process-based inspection.

8) Compliance History

AERC was last inspected on September 10, 2020, as a very small quantity generator of hazardous waste where one violation was identified. The facility was inspected on March 29, 2017, as a large quantity generator and 38 violations were identified.

9) Facility Description

AERC is permitted to operate a mercury containing lamp and device storage and recovery facility (Permit # 0072959-HO-006) 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

operating as a universal waste handler, sorting and repackaging universal waste for management at an off-site destination facility. AERC was issued a hazardous waste transporter certificate of approval on April 19, 2022, and it expires June 30, 2023. AERC has been operating at this facility location since 1993. The most recent Hazardous Waste Generator Notification (EPA Form 8700-12) dated February 25, 2020, characterized the facility as a VSQG of hazardous waste and a LQHUW. The facility operates Monday through Friday with office hours from 08:00 until 16:30 hours, warehouse hours from 07:30 until 16:00 hours, and residential or receiving hours from 07:30 until 14:00 hours. AERC has ten (10) employees that consist of four (4) warehouse workers, two (2) truck drivers, and 4 (four) additional office employees.

10) Inspection Findings

Electronic Processing

At the time of the inspection, the facility had an electronic storage area with three (3) 55-gallon containers labeled universal waste spent mercury containing lamps dated April 1, 2022. These containers were closed. An additional 55-gallon container labeled non-hazardous lead aprons was closed and dated February 23, 2022.

Main Staging Area

Located in this area is the 10-day staging area. At the time of the inspection, there was one (1) 55-gallon container labeled with the indication of the hazardous contents and hazardous waste broken lead acid batteries. This container was dated March 22, 2022, with EPA waste codes D002 and D008. Two (2) additional 5-gallon containers labeled with the indication of the hazardous contents and hazardous waste EPA waste code D009, were closed and dated February 24, 2022. At the time of the inspection, the inspectors reviewed manifest number 021724500JJK dated March 28, 2022. The two (2) 5-gallon containers of D009 waste were not noted on the 10-day transfer log. On April 14, 2022, Mr. Bryan Jones Director EHS, submitted a 10-day log that had been amended to include this waste.

Pursuant to Part II Subpart A General Operating Conditions Paragraph 27, which incorporates 62-730.171(6), F.A.C. [40 C.F.R § 263.12], the Permittee shall keep a written operating record at the facility and applies to all hazardous waste that enters and leaves the transfer facility. Records required in this subsection shall be maintained in permanent form for at least three years.

At the time of the inspection, there was a 55-gallon, 1-gallon, and three (3) 5-gallon containers labeled universal waste mercury containing device is in this area. The oldest date on any of these containers was March 1, 2022, and all containers were closed.

Located within the air handler maintenance area were two (2) 55-gallon satellite accumulation area containers labeled with the indication of the hazardous contents and labeled hazardous waste. One waste container consisted of sulfuric acid and the other sodium hydroxide. Both containers were closed.

Receiving Area

This location of the facility consists of non-conforming materials. On May 18th, Mr. Bryan Jones, Director of EHS emailed the EPA the following statement, "The facility maintains an electronic log to track instances when non-conforming waste is identified until the matter is resolved. Typically, these

instances are resolved by sending the waste back to the facility that shipped the material.” The facility also states that non-conforming waste is typically non-hazardous retail consumer waste from Orlando. Historically, the facility has transportation avenues to get the non-conforming waste back to the shipper within seven days. However, over the past 2 months, driver shortages this has caused a delay of up to two weeks.

Records

Upon completion of the facility walk-through, the inspection team reviewed record-keeping documentation provided by the facility. This consisted of a Contingency Plan (Doc# UWCP-009-A14), notification to local authorities, daily inspection logs, and 10-day transfer area manifest logs. The following instances of hazardous waste being held on site for more than 10-days were noted.

- September 24, 2020 through October 05, 2020
- March 18, 2021 through April 15, 2021
- April 01, 2021 through April 15, 2021
- March 22, 2022 through April 6, 2022

Pursuant to Part II Subpart A General Operating Conditions Paragraph 27, which incorporates 62-730.171(1), F.A.C. [40 C.F.R § 263.12], transporters who store manifested hazardous waste 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.

Used oil acceptance records for 2020 through 2021 were reviewed and found to be out of compliance. The facility was not documenting halogen screening until 2022.

Pursuant to 62-710.510(1)(g), F.A.C. [40 C.F.R. § 279.44(a)], a used oil transporter must determine whether the total halogen content of used oil being transported or stored at a transfer facility is above or below 1,000 ppm.

11) Summary

The inspectors conducted the exit meeting with facility team presenting the preliminary results of the inspection. AERC was inspected as a very small quantity generator of hazardous waste. At the time of the inspection, the facility did not appear to be in compliance with some requirements of RCRA.

12) Signed

DAVID

CHAMPAGNE

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David Champagne

Inspector and Author of Report

Date

13) Concurrence and Approval

**ARACELI
CHAVEZ**

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Date: 2022.05.25
13:08:34 -04'00'

Araceli B. Chavez

Chief

RCRA Enforcement Section

Date