

TEU
2018-773

EXHIBIT I

**ACET RECYCLING, LLC
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
SPECIFIC OPERATING CONDITIONS**

Specific Condition 1: Application

The Certificate of Public Convenience and Necessity (“CON”) is issued based upon the information submitted by ACET Recycling, LLC in the initial application for a CON for the ACET Recycling facility (herein after referred to as the Facility), including the plans, revisions and all other additional information submitted to and approved by the City of Jacksonville (City). The Facility is located at 5154 Edward Street, Jacksonville, Duval County, Florida 32254 and shall be operated in compliance with all local, state and federal rules and regulations.

Specific Condition 2: Entrance Sign

ACET Recycling, LLC must display a prominent sign at the entrance of the Facility indicating its registered business name, address and telephone number and the phrase “Clean Debris Recycling Facility operated under City of Jacksonville Certificate No. _____”.

Specific Condition 3: Authorized Materials and Capacity of Facility

ACET Recycling, LLC will accept and process at the Facility only clean concrete, brick, ceramics and rock that meet the definition of Clean Debris as defined in City of Jacksonville Ordinance 380, Part 1. The Facility may accept up to a total of 1,000 tons of materials per operating day. The amount of material accepted at the facility shall be delivered, stored and processed in a manner consistent with the site’s zoning exception and the engineering plan submitted as part of the CON application.

Specific Condition 4: Out-of-County Wastes

ACET Recycling, LLC will post a prominent sign at the Facility scale house requiring all haulers to identify materials transported to the facility from outside Duval County. All wastes so identified shall be reported in the monthly tonnage and waste analysis report to the City of Jacksonville’s Solid Waste Division (SWD) required under Specific Condition Number 9 of this Certificate.

Specific Condition 5: Personnel Training

ACET Recycling, LLC shall comply with Florida Administrative Code (FAC) Rules 62-701.320(15) and 62-701.710(4)(c), to ensure that all operators and spotters are properly trained.

The Facility Training Plan along with the personnel training folders or files shall be kept at the Facility at all times and shall be made available for inspection during normal hours of operation upon request by the representative(s) of the City. Training records shall include a time table when training is required, the name of the persons/agencies providing the training and the qualifications of the trainers.

Specific Condition 6: Waste Control

ACET Recycling, LLC will post trained spotter(s) at the unloading area(s) during all hours of operation in order to ensure that only those solid wastes specified in Condition 3 are accepted at the Facility.

“Unacceptable Waste” is defined as:

- **Hazardous Waste**, as defined in Chapter 380, Part 1 of the City of Jacksonville Ordinance Code.
- **Special Waste**, as defined in Chapter 380, Part 1 of the City of Jacksonville Ordinance Code, excluding any special wastes authorized for acceptance in Condition 3.
- **Sludge**, as defined in Chapter 380, Part 1 of the City of Jacksonville Ordinance Code.
- **Hazardous regulated substances**, as defined in Chapter 365, Part 1 of the City of Jacksonville Ordinance Code.
- **Class I Waste**, as defined in Chapter 380, Part 1 of the City of Jacksonville Ordinance Code, except clean debris.
- **Class III Waste**, as defined in Chapter 380, Part 1 of the City of Jacksonville Ordinance Code, except clean debris.
- **Construction and Demolition Debris**, as defined in Chapter 380, Part 1 of the City of Jacksonville Ordinance Code, except clean debris.

Mixing of clean debris with other types of solid waste will cause it to be classified as other than the authorized waste, except for *de minimis* amounts of nonhazardous waste that are generated at construction and demolition projects or landscaping, provided such amounts are consistent with the best management practices of the construction and demolition industries.

The spotter shall also ensure that any Unacceptable Waste is correctly identified and handled appropriately. When incoming Unacceptable Waste is spotted at the entrance, Facility staff will document the occurrence and refuse entry of the waste into the Facility. In the event such waste is spotted during processing, Facility staff shall isolate such waste and either return it to the generator and/or transporter, or transport the waste to a permitted facility in accordance with all local, state and federal regulations. Putrescible waste received at the facility shall not be stored at the site longer than 48 hours and non-putrescible unacceptable waste shall not be stored longer than 30 days.

Unacceptable Waste must not exceed one-half of one percent (.50%) of the total weight received at the Facility. Receipt of more than one-half of one percent (.50%) of Unacceptable Waste in any month which is transported for disposal rather than being returned to the generator and/or transporter shall constitute a violation of this condition.

Specific Condition 7: Other Permits

ACET Recycling, LLC shall obtain all other required local, state, and federal permits. It shall be the responsibility of ACET Recycling, LLC to determine what permit(s) is/are required. The City shares no responsibility if ACET Recycling, LLC fails to obtain all required permits. The City of Jacksonville reserves the right to require the Facility to cease operations if it is determined to be in violation of this CON or in violation of any other local, state or federal permits.

Specific Condition 8: Financial Assurance

ACET Recycling, LLC shall comply with City of Jacksonville Ordinance 380, Part 1. ACET Recycling, LLC shall provide proof of financial assurance via a method described in Chapter 62-701.630, FAC. Financial assurance should be reviewed annually with a copy of up to date information provided to the SWD.

Specific Condition 9: Reports

By the nineteenth (19th) day of each month, ACET Recycling, LLC shall submit a monthly Waste Analysis Report of its operations for the preceding month to the SWD. At a minimum, the report shall contain the facility name, address, and telephone number, current contact person, the reporting period (e.g., January 1-31, 2018), tons received from Duval County, tons received from outside Duval County, tons recycled, tons disposed and tons rejected that were transferred to another disposal facility. The report to be utilized for monthly reporting is contained in Exhibit III.

ACET Recycling, LLC will notify the SWD within twenty-four (24) hours of learning that Hazardous Waste has been accepted at the Facility. This notice shall include the types of waste and the name of the customer who delivered the waste, if known. Within five (5) days, of the receipt of such material, ACET Recycling, LLC shall send a written notification to the SWD confirming the information communicated by phone and all additional pertinent information, including the name of the final disposal facility where the waste was accepted.

Specific Condition 10: Storage Time and Height of Storage Pile

No incoming material or recyclable materials may be stockpiled longer than 180 days. At no time may the height of the storage piles exceed 35 feet above ground surface, or have side slopes greater than 2 horizontal: 1 vertical.

Specific Condition 11: Operating Hours

The hours of operation in which any processing/recycling shall occur shall be from 8:00 A.M. to 5:00 P.M., Monday through Friday, excluding Thanksgiving Day and Christmas Day. Delivery of materials to and from the facility shall be allowed 24 hours per day Monday through Sunday, excluding Thanksgiving Day and Christmas Day provided all conditions, such as weighing the material and spotting the material, are followed.

Specific Condition 12: Minimum Recycling Percentage

There shall be the following minimum recycling requirements each year and subsequent years thereafter as provided below, which shall apply by weight of the materials recycled and disposed from the facility:

2019	90% Minimum Recycling
2020	92% Minimum Recycling
2021	94% Minimum Recycling
2022	95% Minimum Recycling
2023	97% Minimum Recycling
2024 and subsequent years	98% Minimum Recycling

A description of the materials recycled and the recycling process shall be included in a monthly waste report. If on a semi-annual basis, the Facility fails to maintain the minimum recycling rate as set forth above, the Facility shall reduce the volume of waste accepted at the Facility to a quantity sufficient to achieve the minimum recycling rate.

Specific Condition 13: Hold Harmless

By accepting this Certificate, ACET Recycling, LLC, its successors and assigns, agree to hold the City harmless from any liability related to all work performed at the Facility and/or actions performed that are not in compliance with the City, State and Federal guidelines, except for work or actions negligently performed by City representatives, agents or third parties.

Specific Condition 14: Term of Certificate

This Certificate of Public Convenience and Necessity shall be valid for a period of five (5) years from the effective date (date signed). The Certificate is granted based upon the need for the Facility at the time of issuance, and does not constitute any guarantees that the CON will be renewed upon expiration. If ACET Recycling, LLC desires to renew, it shall submit an application to the SWD no later than six (6) months prior to the certificate expiration date. The renewal application shall be prepared in accordance with requirements of the City of Jacksonville Ordinance Code, Chapter 380, Part 1 and other applicable laws at the time of application for renewal.

Specific Condition 15: Air Permits

If required currently or in the future, ACET Recycling, LLC shall obtain an air pollution construction permit and an air pollution operating permit to be issued under the provisions of Chapter 403, Florida Statutes and Chapters 62-4, 62-210, 62-296 and 62-297, FAC. The certificate holder shall ensure that any temporary crushing equipment brought on site has a current air pollution source general permit for a nonmetallic mineral processing plant in accordance with Rule 62-210.310(5)(e), FAC and Rule 2.301, Jacksonville Environmental Protection Board (JEPB).

The certificate holder shall use reasonable precautions to prevent unconfined emissions of particulate matter in accordance with FAC Rule 62-296.320(4)(c) and JEPB Rule 2.1101.

Specific Condition 16: Compliance

The Facility shall operate in conformity with all information contained in the CON application and attached plans and all subsequent information submitted in response to requests for

additional information by all reviewing Departments, a complete list of which is attached hereto as Exhibit II. ACET Recycling, LLC will notify the SWD within forty-eight (48) hours of learning that it has failed to comply with any of the material conditions of this Certificate.

ACET Recycling, LLC agrees to allow authorized City personnel access to the Facility at reasonable times, upon presentation of credentials or other documents as may be required by law, to conduct monthly and/or follow up compliance inspections.

Specific Condition 17: Water Supply and Sewage Disposal

Water for dust suppression and potable water are supplied via JEA water. Bathrooms, for support of personnel at the site, are available utilizing an existing onsite septic tank and drainfield system. The septic system must comply with all applicable rules and guidelines established by the Florida Department of Health in Duval County.

Specific Condition 18: Scales

Scales certified for commercial transactions must be utilized to weigh all waste delivered to and shipped from the Facility. All incoming and outgoing materials shall be weighed and reported to the SWD pursuant to Specific Condition 9 of this certificate. Sections 531.60-66, Florida Statutes requires all businesses that use weighing or measuring devices for commercial purposes to obtain a current annual permit for those devices from the Department of Agriculture and Consumer Services. A valid annual permit must be displayed in a prominent place in full view at the facility.

Specific Condition 19: Noise Control

This CON does not relieve the Facility from the responsibility of complying with JEPB Rule 4, Noise Pollution Control.

Specific Condition 20: Odor Control

The Facility shall not cause or contribute to an objectionable odor or to an odor nuisance, as defined in Section 376.104, City of Jacksonville Ordinance Code.

Specific Condition 21: Sediment and Erosion Control

This CON does not relieve the Facility from the responsibility of complying with soil erosion and sediment control regulations contained in Section 4.12, Erosion and Sediment Control of the City of Jacksonville Planning and Development Department, Development Services Division, Land Development Procedures Manual (November 9, 2010 edition and subsequent updates) during the operation of this facility. In accordance with JEPB Rule 3.604 Erosion and Sediment Control, the Facility is also responsible for ensuring that soil erosion and sediment control measures shall conform to the standards described in the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual published by the FDEP, Nonpoint Source Management Section, July 2008 edition (and subsequent updates). The Facility is responsible for ensuring that soil and sediment are not tracked off of the project property site by vehicles exiting from the facility. Any soil and sediment tracked off of the property site shall be swept back onto the property in a timely fashion.

Specific Condition 22: Litter Control

ACET Recycling, LLC will be responsible for removing litter on portions of the areas of the nearby public roadways. The Facility will be responsible for removing litter a distance of 250 feet from the entrance to the Facility from Edward Street.

Specific Condition 23: Contingency Plan

The Contingency Plan submitted with the CON application shall be updated and revised as needed to address emergency situations, including but not limited to medical, fire, disaster, weather, spill or unintended release of hazardous chemical(s), and/or major breakdown of equipment. An emergency situation that has a potential off-site effect or which requires assistance from outside responders shall be immediately reported to the SWD at telephone number (904) 255-7500 followed by a detailed written report within five (5) days.

Specific Condition 24: Jacksonville Emergency Management Plan

In accordance with City of Jacksonville Ordinance Code, Section 365.109, the Facility shall maintain a written Jacksonville Emergency Management Plan (JEMP) at the facility during all operations. Initial and annual training of all employees working at the Facility, on implementation and usage of the JEMP, shall be provided, documented and maintained at the Facility.

Specific Condition 25: Release of Hazardous Regulated Substances

In accordance with City of Jacksonville Ordinance Code Section 365.401, and JEPB Rule 7, Hazardous Materials, the Facility shall notify the City of Jacksonville, Environmental Quality Division (EQD), of the release of any hazardous regulated substances (as defined by Section 365.102(j), City of Jacksonville Ordinance Code) at this facility. Notification is required immediately following discovery of the release of any hazardous regulated substances. The telephone number for providing this release notification is (904) 255-7171.

An emergency situation that has a potential off-site effect or which requires assistance from outside responders shall be immediately reported to the SWD at telephone number (904) 255-7500, followed by a detailed written report within five (5) days.

Specific Condition 26: Disposal of Hazardous Materials

ACET Recycling, LLC shall arrange for the removal and disposal of any hazardous materials and hazardous wastes (as defined by Sections 365.102(j)(1) and 365.102(k), City of Jacksonville Ordinance Code) that are transported to the Facility, and are not removed from the Facility by the party that delivered them, through a state-registered commercial hazardous waste transporter. A list of registered transporters shall be kept at the Facility, and updated periodically, and as necessary.

Specific Condition 27: Stormwater Management

ACET Recycling, LLC is responsible for ensuring that the Facility does not adversely impact the City of Jacksonville Stormwater Management System. During all facility operations, compliance shall be maintained in accordance with Chapter 754, Stormwater Management Utility Code, Part 2, Violations and Prohibited Activities.

Specific Condition 28: Reclaimed Water

ACET Recycling, LLC must comply with the requirements of Chapter 752, City of Jacksonville Ordinance Code, Jacksonville Reuse of Reclaimed Water Program. If reclaimed water, as defined by FAC Rule 62-610.200(48), becomes available it shall be utilized for controlling dust emissions. Bayard One, LLC shall connect the Facility into a JEA reclaimed water distribution line no later than 365 days following receipt of written notification from JEA and/or the EQD, that it is available for service.

Specific Condition 29: Groundwater Wells

This Facility shall not adversely impact groundwater wells on the project property or on properties in the site vicinity. If any groundwater wells are discovered on the property, the existence of which had not been previously reported to the EQD, the Facility shall notify the EQD, Groundwater Resources Section, in accordance with Section 366.305(d) of the City of Jacksonville Ordinance Code, and JEPB Rule 8, Groundwater Resource Management. This information shall be provided in writing, within thirty (30) days of discovery of the well, and mailed to Environmental Quality Division, 214 Hogan Street, Suite 5000, Jacksonville, Florida, 32202. Any groundwater wells that are discovered on the facility property must be protected during construction and site modification activities. Wells shall be properly abandoned under a permit issued by the EQD, Groundwater Resources Section, when abandonment is required by local regulations and warranted by site conditions. Well construction permits issued by EQD are required for any newly proposed wells less than six (6) inches in diameter. The contact telephone number for the EQD, Groundwater Resources Section is (904) 255-7100.

Specific Condition 30: Site Security

The Facility site shall be secured in such a manner to prevent unauthorized access and dumping of materials during non-operational hours.

Specific Condition 31: Host Fee

Host fee payment shall not be required for those materials that are recycled per current FDEP guidelines which result in county recycling credit, nor is a host fee payable on residual waste disposed of at solid waste disposal facilities in Duval County where the host fee is paid at the time of disposal. In accordance with City of Jacksonville Ordinance Code, Section 380.405(f), a facility recycling or recovering construction and demolition debris, as defined in City of Jacksonville Ordinance Code, Section 380.102, which disposes of residual materials out of county, shall not be assessed a host fee for this debris. The Facility shall at all times comply with the host fee requirements of the City of Jacksonville Ordinance Code, Chapter 380 and any subsequent changes therein.

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EXHIBIT II

ACET RECYCLING, LLC LIST OF SUBSTANTIATING DOCUMENTS

October 26, 2017 – Application received for ACET Recycling, LLC facility CON, prepared for ACET Recycling, LLC by MetaWorld Civil Consulting, LLC.

November 14, 2017 – Letter from William Killingsworth, Planning and Development Department, to Eric Fuller, Solid Waste Division, recommending that the CON be approved contingent upon the approval of E-17-91.

November 15, 2017 – Letter to Members of City Council from Scott Turner, Florida Department of Health in Duval County, stating that the Florida Department of Health in Duval County offers no objection to the CON.

November 27, 2017 – Memorandum to Thomas Fallin, Engineering and Construction Management Division, from Melissa Long, Environmental Quality Division, requesting additional information for the CON application.

November 30, 2017 – Memorandum to ACET Recycling, LLC from Eric B. Fuller, Engineering and Construction Management Division, requesting additional information for the CON application.

March 18, 2018 – Response to Request for Additional Information from the Engineering and Construction Management Division, prepared by MetaWorld Civil Consulting, LLC.

April 18, 2018 – Memorandum to Thomas Fallin, Engineering and Construction Management Division, from Melissa Long, Environmental Quality Division, requesting additional information for the CON application.

April 23, 2018 – Memorandum to ACET Recycling, LLC from Eric B. Fuller, Engineering and Construction Management Division, requesting additional information for the CON application.

June 20, 2018 – Response to Request for Additional Information from the Engineering and Construction Management Division, prepared by MetaWorld Civil Consulting, LLC.

July 16, 2018 – Memorandum to William Joyce, Public Works Department, from Melissa Long, Environmental Quality Division, requesting additional information for the CON application.

July 24, 2018 – Email from Amir Malek, MetaWorld Civil Consulting, LLC, to Charles Hubsch, Environmental Quality Division, response to Request for Additional Information from the Environmental Quality Division.

August 14, 2018 – Email to Cletus Kuhn, Solid Waste Division, from Charles Hubsch, Environmental Quality Division, no comments or requested changes for draft specific conditions.

September 28, 2018 – Memorandum to William Joyce, Public Works Department, from Melissa Long, Environmental Quality Division, stating that EQD has determined that the CON application is now complete and provides reasonable assurance that the proposed project will comply with state and local regulations under its jurisdiction.

EXHIBIT III

**CERTIFICATE OF PUBLIC CONVENIENC AND NECESSITY
MONTHLY WASTE ANALYSIS REPORT**