

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 3378
HONOLULU, HI 96801-3378

In reply, please refer to:
EMD/SHWB

October 31, 2012

S1067JF

CERTIFIED MAIL NO. 7010 2780 0000 4780 4066
RETURN RECEIPT REQUESTED

Mr. Gregory Perry
Member/Manager
EnviroServices & Training Center, LLC
505 Ward Avenue, Suite 202
Honolulu, Hawaii 96814

Dear Mr. Perry:

SUBJECT: Solid Waste Management Permit by Rule No. RY-0048-12
Recycling Facility for Electronic Waste
EnviroServices & Training Center, LLC
Located at: 96-1272 Waihona Street, Unit #11, Pearl City, Hawaii
TMK No. (1) 9-06-008:026

This letter is in response to your application for a solid waste management permit by rule to operate an electronics recycling facility at the subject site. The application has been reviewed and approved. This permit issuance is based on your initial application received September 11, 2012, and additional information received September 26 and October 24, 2012. The enclosed permit is issued under the provisions of Hawaii Revised Statutes (HRS), Chapter 342H, "Solid Waste Pollution," and Hawaii Administrative Rules, Title 11, Chapter 58.1, "Solid Waste Management Control."

Please be aware that this permit by rule pertains to the electronic waste recycling aspect of your facility operations. It does not preclude compliance with any other requirements, including hazardous waste rules or other permitting requirements.

The permittee may appeal to the Director of Health any of the conditions to the subject permit. The appeal must be in writing and submitted to the Director of Health within twenty (20) days after the receipt of this notice.

HRS 342H-14 states that unless the submitted documents and other information secured by the Department of Health (DOH) from the permittee contain confidential information, such as secret processes or methods of manufacture, they shall be made available for inspection by the public. Please notify the Solid and Hazardous Waste Branch within twenty (20) days of the receipt of this letter if you would like to make a

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claim of confidentiality. Otherwise, your entire application will be available for public inspection.

We recommend that you contact the Clean Water Branch (CWB) of the DOH at (808) 586-4309, as a Notice of Intent form for Appendix B, General Permit authorizing discharges of stormwater associated with industrial activities, may be required for your facility, if one has not already been submitted. This form may be downloaded from their website at: <http://www.state.hi.us/doh/eh/cwb/forms/index.html>. If there is a discharge of any pollutant to state waters, Section 342D-30, HRS, provides for penalties of up to \$25,000 per day for each violation. The CWB reserves its right to seek penalties for all violations.

Your application filing receipt is included.

If you have any questions regarding this letter, please contact Ms. Janice Fujimoto of the Solid and Hazardous Waste Branch at (808) 586-4226.

Sincerely,



STUART YAMADA, P.E., CHIEF
Environmental Management Division

Enclosures: Permit by Rule No. RY-0048-12
Receipt for filing fee

c: DOH-Clean Water Branch (w/o enclosure)

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SOLID WASTE MANAGEMENT PERMIT-BY-RULE

This permit by rule is issued under the provisions of Hawaii Revised Statutes (HRS), Chapter 342H, *Solid Waste Pollution*, and Hawaii Administrative Rules (HAR), Title 11, Chapter 58.1, *Solid Waste Management Control*. The above-named permittee is hereby authorized to operate the facility shown on the approved application, additional submittal, and other approved documents on file with the Department of Health (DOH).

To Construct and Operate:

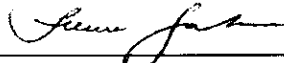
A recycling facility for accepting and packaging electronic equipment. The operation shall be consistent with the permit application and operations manual received September 11, September 28, and October 24, 2012, and any approved subsequent submissions. Should there be any discrepancies between the submitted materials and permit conditions, the permit conditions shall take precedence.

Location: The facility is located at 96-1272 Waihona Street, Unit #11
Pearl City, Oahu, Hawaii
(T.M.K. No. 1-9-06-008:026)

Subject to: HRS Chapter 342H, HAR 58.1, Part I - Standard Conditions and Part II- Special Conditions.

Acceptance of this permit by rule constitutes an acknowledgment and agreement that the holder will comply with all rules, regulations, and orders of the DOH and the conditions precedent to the granting of this permit by rule.

This permit supersedes Solid Waste Management Permit by Rule No. RY-0028-07, issued May 14, 2007, in its entirety.



(For) Director of Health
State of Hawaii

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The solid waste management facility is subject to HRS Chapter 342H, *Solid Waste Pollution*, and HAR Chapter 11-58.1, *Solid Waste Management Control*, and the following conditions:

PART I - STANDARD CONDITIONS

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the permittee and enforceable, pursuant to the authority of HRS §342H. The DOH will review this permit periodically and may initiate enforcement action for any violation of the "Permit Conditions" by the permittee, its agents, employees, servants, representatives, contractors, or subcontractors. If any term or condition of this permit becomes invalid as a result of a challenge to a portion of this permit, the other terms and conditions of this permit shall not be affected and shall remain valid.
2. This permit:
 - a. shall not in any manner affect the title of the premises upon which the facility is or will be located;
 - b. does not release the permittee from any liability for any loss due to personal injury or property damage caused by, resulting from, or arising out of the design, installation, construction, operation, maintenance, closure, or post-closure of the facility;
 - c. does not release the permittee from compliance with other applicable statutes and regulations of the state of Hawaii or with applicable federal or local laws, regulations, or ordinances;
 - d. in no way implies or suggests that the state of Hawaii, or its officers, agents, or employees assume any liability, directly or indirectly, for any losses due to personal injury or property damage caused by, resulting from, or arising out of the design, construction, operation or maintenance of the facility; and
 - e. shall not constitute nor be construed to be an approval of the design, construction, operation, maintenance, closure and post-closure of the facility beyond the regulatory requirements mandated by HRS §342H and HAR §11-58.1.
3. Issuance of this permit does not preclude the responsibility of the permittee to obtain any and all necessary approvals and permits from the appropriate federal, state, and local agencies, including zoning clearances, prior to the start of operations.
4. Unless the submitted documents and other information secured by the DOH from the permittee contain confidential information, such as secret processes or methods of

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manufacture, they shall be made available for inspection by the public (HRS §342H-14). The permittee shall be responsible for identifying, in writing, the specific information asserted to be confidential. The DOH shall review the assertion made by the permittee and determine if confidentiality is indeed warranted.

5. This permit is valid only for the specific processes and operations applied for and indicated in the submitted application and additional submissions approved by the DOH. Any unauthorized deviation that affects the facility's design, operations or procedures, or which could threaten human health and the environment, from the submitted application, approved drawings, operations manual, and additional submissions or conditions of this permit may constitute grounds for revocation of this permit, and/or enforcement action by the DOH. Should there be any discrepancies between the submitted documents and the permit conditions, the permit conditions shall take precedence. A copy of the submitted application and additional submissions shall be maintained at the facility.
6. This permit is non-transferable whether by operation of law or otherwise, either from one location to another, from one solid waste disposal operation to another, or from one person to another without the written approval of the director [HAR §11-58.1-04(e)(2)].
7. This permit shall be kept at or near the construction and operation site for which the permit is issued and shall be available upon request [HAR §11-58.1-04(f)]. A request for a duplicate permit shall be made in writing to the director within ten (10) days after the destruction, loss, or defacement of this permit. A fee of \$50 shall be charged and submitted with the request [HAR §11-58.1-04(h)(3)].
8. The permittee shall at all times properly operate and maintain the facility and systems of treatment, process, and control (and related appurtenances), as applicable to the facility, that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by DOH rules. The facility shall be designed, constructed, and equipped in accordance with best practicable technology so as to operate without causing a violation of applicable rules and regulations.
9. Incident Notification Requirements. The permittee shall notify the DOH, in writing or facsimile (FAX), whenever there are incidents such as fire, explosion, or release of regulated material/waste, which could threaten human health or the environment (i.e., air, soil, or surface and subsurface waters). Initial notification may be by phone or fax and reported within eight (8) hours, whenever possible, and no more than twenty-four (24) hours. The notification report shall be completed and submitted by an Environmental Compliance Officer or other responsible official within seven (7) calendar days (three (3) calendar days for waste disposal facilities, such as landfills and incinerators) and shall include:

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- a. name, address, and telephone number of the owner and operator;
- b. name, address, and telephone number of the facility at which the incident occurred;
- c. date, time, and type of incident (i.e., fire, explosion, release, etc.);
- d. name and quantity of material(s) involved;
- e. the extent of injuries, if any;
- f. an assessment of actual or potential hazards to human health or the environment, where this is applicable;
- g. estimated quantity and disposition of recovered and unrecovered material that resulted from the incident;
- h. evaluation of the circumstances that led to the incident;
- i. steps being taken to prevent reduce, eliminate, and prevent recurrence, including an implementation schedule; and
- j. other information or monitoring as required by the DOH.

Notification requirements for releases only apply to releases of a quantity equal or exceeding the reportable quantity listed in HAR §11-451.

10. Noncompliance Notification Requirements. If, for any reason, the permittee does not comply with, or will be unable to comply with, any condition or limitation specified in the permit, the permittee shall notify the DOH verbally within twenty-four (24) hours followed by a written report within seven (7) calendar days (three (3) calendar days for waste disposal facilities, such as landfills and incinerators) of the verbal notification. The written report shall be completed and submitted by an Environmental Compliance Officer or other responsible official and contain the following information:
 - a. description and cause of noncompliance;
 - b. period of noncompliance, including exact dates and times; and, if not corrected, the anticipated duration that the noncompliance is expected to continue;
 - c. steps that will be taken to correct the area of noncompliance;

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- d. steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance, including an implementation schedule; and
- e. other information or monitoring as required by the DOH.

The permittee may be subject to enforcement action by the DOH, penalties, or revocation of this permit.

The use of an electronic fax device for notifications is acceptable. Any data transmission or detailed explanations transmitted shall be accompanied by regular mail submittals. Failure to notify in accordance with this requirement may initiate enforcement action.

- 11. **Monitoring and Recordkeeping Requirements.** The permittee shall comply with the following monitoring and recordkeeping requirements:
 - a. Upon request, the permittee shall furnish all records (e.g., transaction reports, disposal receipts, sampling, and testing results) and plans required by the DOH. The retention period for all records shall be a minimum of five (5) years; however, there shall be an indefinite retention period for all records associated with any unresolved enforcement action as determined by the DOH.
 - b. The permittee shall retain at the facility or other location designated by this permit, records of all monitoring information (including all calibration and maintenance records and all original recordings of monitoring instrumentation), copies of all reports required by this permit, and records of all data used to complete the application for this permit. The retention period shall be a minimum of five (5) years, or longer, as may be specified in the Special Conditions, from the date of the sample, measurement, report, or application unless otherwise specified by DOH rule. The retention period shall be for the life of the facility, through closure and post-closure periods, for waste disposal facilities (such as landfills and incinerators).
 - c. Records of monitoring information, if applicable, shall include:
 - the date, exact location, and time of sampling or measurements;
 - the person responsible for performing the sampling or measurements;
 - the date(s) analyses were performed;
 - the person responsible for performing the analyses;
 - analytical techniques or methods used; and
 - results of such analyses.
- 12. The permittee shall submit complete and detailed plans and reports on existing solid waste management systems and of any proposed addition to, modification of, or alteration of any such systems that affects the facility's operations or procedures, or

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which could threaten human health and the environment and contain the information requested by the DOH in the form prescribed by the DOH. Any submission for permit modification shall be submitted in accordance with Standard Condition, No. 13. The plans and reports shall be prepared by a competent person acceptable to the DOH, and at the expense of the permittee.

13. Should the permittee decide to modify the permit or continue operation of the solid waste facility beyond the expiration date of the permit, the permittee shall submit a complete permit modification or renewal application at least one hundred eighty (180) days (one (1) year for municipal solid waste landfills) prior to the modification or the date of permit expiration. Any submission for permit modification does not affect these permit conditions until such modification becomes final in accordance with HAR §11-58.1-04, or as approved by the DOH.
14. Should the permittee decide to terminate the facility operation (or be facing lease termination or eviction), the permittee shall perform necessary closure activities including, but not limited to, the removal of all remaining solid waste and performing appropriate site assessments and remedial activities. Prior to the termination of the operation, the permittee shall also notify the DOH in writing at least within ninety (90) calendar days of the facility's closure [HAR §11-58.1-04(e)(3)]. The written notification shall include an updated closure plan, which should accomplish the following objectives:
 - a. Provide an assessment of the site's present and future threat to public health and the environment due to contaminants possibly left on-site from the facility's operation.
 - b. Provide a plan of action to minimize or mitigate any threats to public health and the environment due to contaminants possibly left on-site by the facility's operation.
 - c. Provide a schedule to implement the plan of action.

Upon DOH approval of the closure plan, the permittee shall implement the plan in accordance with the approved implementation schedule.

15. The director may, in accordance with HRS §342H-6, enter and inspect the facility for the purpose of:
 - a. investigating an actual or suspected source of solid waste or other pollution;
 - b. ascertaining compliance or noncompliance with any rule, regulation, permit condition, or standard promulgated by the DOH; and

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- c. conducting tests in connection therewith (including collecting soil, water, air, ash, and any other material or samples).

The permittee, by accepting this permit, specifically agrees to allow authorized DOH personnel, upon presentation of credentials or other documents as may be required by law, access to the premises.

16. The DOH may require the permittee to conduct sampling and testing to determine the degree of pollution, if any, from the solid waste facility (including soil, water, air, ash, and any other materials or samples). If contamination is found, the permittee shall appropriately remediate the situation to protect human health and the environment.
17. When requested by the DOH, the permittee shall within a reasonable time, as specified by the DOH, furnish any information required by law, which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the DOH, such facts or information shall be submitted or corrected promptly. Upon the written request of the permittee, the deadline for submission of information may be extended, if the DOH determines that reasonable justification exists for the extension.
18. If the DOH determines that the permittee has violated or is violating any provision of HRS §342H, HAR §11-58.1, or these permit conditions, the DOH may pursue enforcement action in accordance with HRS §342H-7, *Enforcement*; §342H-9, *Penalties*; §342H-10, *Administrative Penalties*; §342H-11, *Injunctive and other relief*, or any other pertinent rules.
19. The DOH may, on its own motion, modify, suspend, or revoke a permit if, after affording the applicant a hearing in accordance with HRS 91, the DOH determines that any permit condition, rule, or provision of HRS §342H has been violated or that such is in the public interest [HAR §11-58.1-04(d)].
20. If the governor or the director determines that an imminent peril to the public health and safety is, or will be, caused by the disposal of solid waste or any combination of discharges of other waste that requires immediate action, the governor or the director, without a public hearing, may order the permittee to immediately reduce or stop the disposal, discharge, or process, and may take any and all other actions as may be necessary (HRS §342H-8).

PART II - SPECIAL CONDITIONS

1. The permittee may only accept electronic scrap, in accordance with the approved permit by rule application and operations manual dated October 2012, and approved

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subsequent submittals, provided that the electronic scrap is not a regulated hazardous waste.

2. Electronic waste (e-waste) may only be sorted, palletized, and/or containerized for shipment to DOH-permitted recyclers, recyclers within the United States, or out-of-state recyclers approved by Environmental Protection Agency. The e-waste shall not be dismantled, crushed, or baled at the facility. If any portion or entire piece of electronic scrap is to be disposed, a hazardous waste determination per hazardous waste rules is required. Based on the determination, the e-waste shall be properly managed and disposed.
3. Electronic scrap with cracked leaded glass, broken cathode ray tubes, broken LCDs, or other e-waste that is not intact, shall be stored in a leak-proof container with cover.
4. For the purposes of this permit, no regulated hazardous waste shall be accepted at this facility.
5. No radioactive wastes shall be accepted at this facility.
6. No infectious waste, in accordance with HAR Chapter 11-104.1, shall be accepted at this facility.
7. All incoming material shall be screened to maintain compliance with Special Conditions, Nos. 1 and 4 through 6.
8. Should unacceptable material enter the facility, this material shall be properly stored, managed, and disposed of at appropriate and DOH-permitted disposal facilities prior to causing or creating a nuisance condition, health, safety, or environmental hazard. The permittee is required to make a hazardous waste determination prior to disposal.

If any of this waste or waste generated at the facility is determined to be hazardous, the waste should be properly managed and disposed of in accordance with hazardous waste rules and requirements.

9. The maximum storage shall be limited to two (2) 40-foot containers of e-waste. Material shall be stored in locked containers or in the secured warehouse. Material shall be removed within one hundred eighty (180) days of receipt at the facility. Storage and transport of material shall be done in a safe and nuisance free manner and in accordance with the submitted operations manual and these permit conditions. If materials will no longer be accepted by recycling facilities, then no associated incoming waste stream shall be accepted.
10. Adequate drainage shall be provided to prevent standing water inside the facility. Measures shall be taken to prevent fluids and spills from being discharged or allowed

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to enter into sewers, drainage systems, surface or groundwater, water courses, marine waters, or onto the ground. Measures include the use of structural catchment systems or absorbent materials. Any discharges from the site shall be in accordance with applicable federal, state, and local laws and regulations.

11. Suitable means shall be provided to prevent and control fires. Access lanes shall be provided to allow for fire response or vector control, as needed.
12. The facility shall be supervised, secured by gates, fences, or other measures to control unauthorized access to the facility.
13. The facility shall have a permanent sign identifying the facility, hours of operation, and a contact in case of emergencies. The sign shall be readable, weather proof, and placed in conspicuous areas accessed by outside contractors and haulers.
14. Appropriate engineering controls shall be instituted and implemented to prevent the scattering of litter and other solid wastes, and to provide adequate drainage of rainwater for the site and surrounding areas.
15. Suitable means shall be employed to control nuisances and minimize odors and vectors (such as rodents and insects). The facility shall maintain a neat and orderly appearance and must be screened and buffered to minimize nuisances to neighboring properties.
16. Any illegal dumping, especially of putrescible or combustible material, shall be removed immediately to DOH-permitted waste management facilities.
17. Scavenging at the facility is prohibited.

Recordkeeping and Reporting Requirements

18. In addition to requirements in Standard Condition No. 11, records of screening and all transactions shall be kept a minimum of five (5) years. Copies shall be made available to the DOH for its use upon request. Information shall include, but is not limited to:
 - a. source and description of materials received (including name of person and company delivering the recyclables, and location delivered from), date of receipt, and quantity received;
 - b. date, quantity, and description of final disposition of waste streams; and
 - c. disposal and/or transaction receipt.

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19. A quarterly report shall be prepared and submitted to the DOH reviewing the past quarter's operations. The quarterly report shall summarize the quantity of e-waste received from each island, type of materials received, and destination of e-waste collected within the quarter. The quarterly report shall be submitted on the form included as Attachment 1 to this permit.

Reports shall be submitted to the following address within thirty (30) days of the end of each quarter.

Department of Health
Environmental Management Division
Solid and Hazardous Waste Branch
P.O. Box 3378
Honolulu, Hawaii 96801

20. An annual report shall be prepared and submitted to the DOH reviewing the past fiscal year's (July 1 to June 30) operations, detailing:
- a. total tonnage of each type of material received, rejected, recycled, and disposed;
 - b. destination of any material leaving the site; and
 - c. a summary of incidents outside of normal operations.

Reports shall be submitted to the address in Special Condition No. 19 by July 31 of each year.

21. The permittee shall notify the DOH in writing, of any operational changes (i.e., use of different processing equipment, environmental controls, storage capacity, etc.). A revised operations manual reflecting these changes shall be submitted for the DOH's review and approval prior to implementation. Depending on the extent of the proposed changes, a modification to this permit may be required.

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**ATTACHMENT 1
 Quarterly Report Form**

Complete this form to fulfill the quarterly reporting requirements of Special Condition No. 19 of your permit. This form shall be submitted within thirty (30) days of the end of each quarter to the Department of Health, Environmental Management Division, Solid and Hazardous Waste Branch, PO Box 3378, Honolulu, Hawaii, 96801.

Please make copies of this form for future use.

Year: _____
 Select one: _____ First Quarter (January – March)
 _____ Second Quarter (April – June)
 _____ Third Quarter (July – September)
 _____ Fourth Quarter (October – December)

Type of E-Waste	Quantity (number of units) by Island of Origin					Total
	Kauai	Oahu	Maui	Molokai/ Lanai	Hawaii	
Monitor (CRT, LCD, etc)						
Television						
CPU						
Printer						
Keyboard, Mouse, etc.						
Other:						

Destination: _____

I certify that I have knowledge of the facts hereby submitted and that the same are true and correct to the best of my knowledge and belief, and that all information not identified as confidential in nature shall be treated by the Department of Health as public record.

Name/Title of Owner/Operator: _____

Signature of Owner/Operator: _____

Date: _____