

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Certificate of Public Convenience and Necessity

DEPARTMENT: Environmental Services DIVISION: Solid Waste Management

AUTHORIZED BY: *Robert G. Agathe* CONTACT: *David Gregory* EXT. 2022
Robert G. Agathe, P.E. David Gregory

Agenda Date <u>08-10-04</u>	Regular <input type="checkbox"/>	Consent <input checked="" type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Public Hearing – 1:30 <input type="checkbox"/>		Public Hearing – 7:00 <input type="checkbox"/>	

MOTION/RECOMMENDATION:

Approve and authorize Chairman to execute Certificate of Public Convenience and Necessity for ARCA Recycling, Inc. to operate a recycling facility as described on the Certificate.

BACKGROUND:

Chapter 235 of the Seminole County Code requires a company to obtain a Certificate of Public Convenience and Necessity from the Board of County Commissioners to operate a recycling facility in unincorporated Seminole County. The Certificate shall specifically designate the operations and waste types to be managed at the facility. The Certificate shall be issued upon a finding including that there exists a public need for the services which is not currently being met.

ARCA Recycling, Inc. (ARCA) submitted an application to operate a non-ferrous metals recycling facility on CR 427 in unincorporated Longwood. ARCA's application indicates that the company intends to accept non-ferrous metals and process them for off-site processing by other recycling firms.

ARCA's on-site processing includes:

- Accepting non-ferrous materials from the public
- Compacting material into bales
- Reducing material in size by means of shears, torches, or saws so material fits into shipping boxes or containers
- Simply placing smaller items into larger containers for shipment
- Palletizing and securing materials for shipment

The Solid Waste Management Division conducted an investigation of ARCA's application in accordance with Chapter 235. The results of the investigation are attached.

Reviewed by: <u><i>7-29-04</i></u>
Co Atty: <u><i>S. Dietrich</i></u>
DFS: <u>N/A</u>
Other: <u>N/A</u>
DCM: <u><i>SS</i></u>
CM: <u><i>KB</i></u>
File No. <u>CESS01</u>

A Certificate of Public Convenience and Necessity is attached that includes specific conditions which will apply to ARCA's recycling operation. Additionally, ARCA will be required to comply with all requirements of the Seminole County Land Development Code and all other applicable rules and regulations (per Chapter 235.52(d)).

Chapter 235.52 (e) states,

Certificates of Public Convenience and Necessity shall be issued upon a finding that:

1. There exists a public need for the service that is not being met by outstanding holders of Certificates of Public Convenience and Necessity;
2. Proof of ability to serve the proposed customers of the applicant;
3. Proof of financial responsibility; and
4. Posting of required bonds or letters of credit.

Chapter 235.52 (g) states ,

Upon completion of its investigation and finding that the application meets the requirements of this Chapter and all resolutions promulgated hereunder, the Board shall grant a Certificate of Public Convenience and Necessity for a period which shall expire on the last day of September following the date of issuance. If the Board determines that the applicant does not meet the criteria for the issuance of a Certificate of Public Convenience and Necessity, it shall make a report of its findings which shall be filed with its clerk. A copy of the report shall be mailed to the applicant at its last known address.

Attachments:

1. Solid Waste Management Investigation of ARCA's COPCN application
2. ARCA's application for a COPCN, including request for additional information response
3. Certificate of Public Convenience and Necessity, with specific conditions, for execution.
- 4.

Memo

To: Whom It May Concern
From: David Gregory, Solid Waste Manager
Date: July 22, 2004
Re: ARCA Recycling Certificate of Public Convenience and Necessity

Results of Investigation

- ARCA provides non-ferrous metal recycling services to citizens and businesses in Seminole County.
- ARCA accepts smaller quantities of recyclable metals from the public, and consolidates loads of materials to be marketed to off-site processors of the materials (i.e., ARCA accepts aluminum, copper, and other metals in small quantities, and ships off container sized loads to the appropriate smelters or processors).
- Recycling of non-ferrous metals is not provided by any other Certificate of Public Convenience and Necessity holder.

Background

Chapter 235 Seminole County Code requires recycling facilities to obtain a Certificate of Public Convenience and Necessity (COPCN) before beginning operations in unincorporated areas of the County. Seminole County Code 235.52 (e) states,

Certificates of Public Convenience and Necessity shall be issued upon a finding that:

- (1) There exists a public need for the services which is not being met by holders of outstanding Certificates of Public Convenience and Necessity;
- (2) Proof of ability to serve the proposed Customers of the applicant;
- (3) Proof of financial responsibility; and
- (4) Posting of required bonds or letters of credit.

ARCA Recycling, Inc. (ARCA) submitted an application for a COPCN for a metal recycling facility and responded to requests for additional information from the County. Following is the results of the Solid Waste Management Division's (SWMD's) investigation of this application, in light of the criteria stated in 235.52 (e).

(1) There exists a public need for the services which is not being met by holders of outstanding Certificates of Public Convenience and Necessity

Based on the waste type and quantity information provided by ARCA to the SWMD, the service provided by ARCA is not provided by any other holder of a COPCN.

(2) Proof of ability to serve the proposed Customers of the applicant

ARCA provided a list of end-users and brokers that it sells material to. The information provided by ARA appears to indicate that it can serve the needs of its customers.

(3) Proof of financial responsibility

The FDEP does not have any financial assurance requirements for recovered material processing facilities. Inquiries to surrounding counties indicated that no local county requires local financial assurance controls for recycling facilities (Orange County, Volusia County, and Brevard County were contacted). Based on a site visit to ARCA, the amount of recyclable material can be stored on site any one time will be limited. In its COPCN application, the company indicates that it has arrangements to move processed material off site for recycling. Additionally, in its COPCN application, ARCA signed a statement that it is a financially responsible company.

(4) Posting of required bonds or letters of credit

ARCA is not establishing a disposal account with Seminole County, and no financial assurance mechanism is required by the County. Therefore, no posting of bonds or letters of credit is required.

Based on the results of this investigation, the following conditions are recommended to be included in the company's COPCN

1. The facility shall process only ferrous and non-ferrous metals and cardboard as indicated on the COPCN application.
2. All material shall be processed and moved off site in a timely manner.
3. Any incidental garbage or other waste materials shall be properly disposed of.
4. The facility shall register with the Florida Department of Environmental Protection as a Recovered Material Processing Facility as required by State law.
5. The facility shall comply with all Federal, State, and local requirements and regulations including submission of required state and local recycling activity reports.

Any questions on this investigation should be directed to David Gregory at 407-665-2022.



Certificate Of Public Convenience and Necessity

LET IT BE KNOWN, the holder of this Certificate of Public Convenience and Necessity ("the Holder") has read and agreed to comply with the requirements and standards of service set forth in Seminole County Code Chapter 235, and all other local, state and federal regulations that apply to the proper collection and disposal of waste. The Holder has acknowledged that failure to comply with any or all of the standards or requirements set forth in Seminole County Code Chapter 235 will result in termination of this Certificate of Public Convenience and Necessity.

This Certificate is issued on the condition of compliance with the following:

1. The facility shall process only ferrous and non-ferrous metals and cardboard as indicated on the COPCN application.
2. All material shall be processed and moved off site in a timely manner.
3. Any incidental garbage or other waste materials shall be properly disposed of.
4. The facility shall register with the Florida Department of Environmental Protection as a Recovered Material Processing Facility as required by State law (per 62-722 F.A.C.).
5. The facility shall comply with all Federal, State, and local requirements and regulations including submission of required state and local recycling activity reports.

Company Name: ARCA Recycling, Inc.

Street Address: 289 Lyman Road

City, State & Zip: Casselberry, Florida 32707

Type of Operation: Recycling Facility

This Certificate of Public Convenience and Necessity is valid from execution through September 30, 2004, and is applicable to a Recycling facility at the address indicated, only.

ATTEST:

Board of County Commissioners
Seminole County, Florida

Maryanne Morse
Clerk to the Board of
County Commissioners of
Seminole County, Florida

By: Daryl G. McLain, Chairman

Date: _____

As authorized for execution by the Board of County Commissioners at their _____, 20 __, regular meeting.

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY APPLICATION

Company ARCA Recycling Inc.

Complete all items below, attach additional sheets if necessary.

TYPE OF OPERATION

WASTE TYPE

Commercial Collection Service _____

C & D Disposal/Recycling Facility _____

Medical Waste Disposal Facility _____

Recycling Facility ✓

Yard Waste Disposal Facility _____

Incinerator Facility _____

Landfill Facility _____

Class 1 _____

Class 2 _____

Class 3 _____

Residential Collection Service: NOTE: Seminole County has current Franchise Agreements for Residential Collection.

Biological Waste _____

Biohazardous Waste _____

C&D Debris _____

Furniture _____

Garbage _____

Hazardous Waste _____

Infectious Waste _____

Recyclable Materials ✓

Rubbish _____

Sludge _____

Solid Waste _____

Special Waste _____

White Goods _____

Yard Waste Bulk _____

Yard Waste Regular _____

Date: 5/12/2004

Present Company Name: ARCA Recycling Inc

Present Company Address: 289 Lyman Rd. Casselberry, FL

Local Telephone Number: 407-834-5928

Contact Person: Ray Hixson

Email Address: ARCA12565@AOL.COM

Prior Companies & Form of Business: _____

Owners/Stockholders/5% or more: William R Hixson - 95% Anna M. Hixson 5%

Number of years in business: 5

Number of customers and type of service provided: 10-40 Daily customers, Recycler of non-Ferrous Metals

Please Attach the Following Information: (if completed)

1. For Each Vehicle please provide the I.D. Number, Year, Make, Model, Type, and Capacity.
2. Copies of all forms of agreement for service.
3. Map of area to be served.

Statement of Capability and Financial Responsibility

I certify that ARCA Recycling Inc. is capable of performing the service(s) applied for and is Financial Responsible.

Ray Hixson
Signature

5/12/2004
Date

CERTIFICATION

«Company»

Page Two

I/We have received and read Chapter 235 of the Seminole County Code. I/We fully understand that I/We must abide by and incorporate the requirements and standards of service set forth in this chapter in each agreement to provide service in Seminole County. I/We understand that failure to comply with any or all of the standards or requirements set forth in Chapter 235 of the Seminole County Code will result in termination of the Certificate of Public Convenience and Necessity.

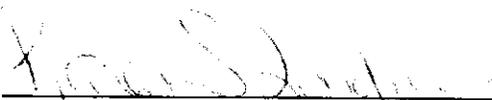
Owner:



Date:

5/12/2004

Notary:



Date:

5/12/04



**AFFIDAVIT OF CORPORATE
IDENTITY/AUTHORITY**

STATE OF Florida
COUNTY OF Seminole

COMES NOW, William R. Hixson, being first duly sworn,
who deposes and says:

(1) That ~~he~~she is the President, an officer
of ARCA Recycling Inc. corporation existing
under the laws of the State of Florida;

(2) That ~~he~~she is authorized to execute the Certificate Of Public
Convenience And Necessity Application on behalf of the above named
corporation; and

(3) That this Affidavit is made to induce Seminole County to issue a
Certificate Of Public Convenience And Necessity for solid waste commercial
collection services to the above-named corporation.

FURTHER AFFIANT SAYETH NAUGHT

[Signature]
William R. Hixson, Affiant

The following Affidavit was signed, acknowledged and sworn to by _____
William R. Hixson before me this 21st day of May, 2006



[Signature]
Notary Public, State of Florida
My commission expires: _____

Florida Department of State, Division of Corporations

Corporations Online

www.sunbiz.org

Public Inquiry

Florida Profit

ARCA RECYCLING, INC.

PRINCIPAL ADDRESS

289 LYMAN RD
 CASSELBERRY FL 32707
 Changed 05/04/1999

MAILING ADDRESS

6139 E COLONIAL DRIVE
 ORLANDO FL 32807

Document Number
 P98000029235

FEI Number
 593506129

Date Filed
 03/27/1998

State
 FL

Status
 ACTIVE

Effective Date
 NONE

Registered Agent

Name & Address
HIXSON, WILLIAM 6139 E COLONIAL DRIVE ORLANDO FL 32807 Name Changed: 03/04/2000

Officer/Director Detail

Name & Address	Title
HIXSON, WILLIAM R 6139 E COLONIAL DRIVE ORLANDO FL 32807	PSTV

Annual Reports

Report Year	Filed Date
2002	07/03/2002

2003	04/07/2003
2004	03/05/2004

[Previous Filing](#)[Return to List](#)[Next Filing](#)

No Events
No Name History Information

Document Images

Listed below are the images available for this filing.

03/05/2004 -- ANNUAL REPORT
04/07/2003 -- ANN REP/UNIFORM BUS REP
07/03/2002 -- COR - ANN REP/UNIFORM BUS REP
03/08/2001 -- ANN REP/UNIFORM BUS REP
03/04/2000 -- ANN REP/UNIFORM BUS REP
05/04/1999 -- ANNUAL REPORT
03/27/1998 -- Domestic Profit

THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT

Corporations Inquiry

Corporations Help

5917

ARCA RECYCLING, INC.

PH. (407)834-5928
289 LYMAN RD.
CASSELBERRY, FL 32707

63-27
631 FL

DATE 5/27/04

PAY TO THE ORDER OF Seminole county B.C.C. - S.O.P.C.N \$ 100 00

One hundred Dollars and 00/100 DOLLARS

Security Features
Change or Book

BANK OF AMERICA

02992 FL
ACH R/T 063100277

M. J. at Bank

FOR DEPOSIT

MP

⑈005917⑈ ⑈063100277⑈ 003660660489⑈

ENVIRONMENTAL SERVICES DEPARTMENT

SOLID WASTE MANAGEMENT DIVISION



May 3, 2004

Mr. William Hixson, Owner
Arca Recycling, Inc.
289 Lyman Road
Casselberry, FL 32707

Certified Mail / Return Receipt Requested
7003 1010 0003 7840 8903

Dear Mr. Hixson:

Seminole County Code, Section 235.51 requires firms that collect waste, operate a landfill, disposal facility, recycling facility, or incinerator, to possess a COPCN issued by the Board of County Commissioners.

Enclosed please find an application for a Certificate of Public Convenience and Necessity (COPCN); Affidavit of Corporate Identity/Authority; Certification, Page 2; Quarterly Report Forms; Resolution Number 2000-R-53; and Seminole County Chapter 235.

The COPCN is valid from October 1, 2003 through September 30, 2004. Please fill out the enclosed application, Affidavit of Corporate Identity/Authority, the Certification, Page 2, and return it with your remittance, in the amount of \$100.00 for the application fee and \$20.00 for each vehicle.

Please complete the enclosed documents and prepare responses to the following:

1. Provide a narrative description of the materials processing activities at ARCA.
2. Specify the material types and amounts of each processed monthly by ARCA.
3. Provide two year's historical data on the waste types and amounts processed at ARCA.
4. Provide a list of all companies delivering material to your facility and copies of agreements with customers.
5. Provide a list of all companies utilizing processed material from your facility and copies of agreements with customers.
6. Include a copy of your most recent Florida Department of Environmental Protection (DEP) Recovered Materials Certification, if applicable.
7. Provide a written explanation why the service provided by this facility is not being met by other facilities in Seminole County.

Holders of Seminole County's COPCN are required to keep and submit detailed reports to the County on a quarterly basis. Quarterly reports are due to the county no later than 30 days following the end of each quarter. Seminole County Code Section 235.55(c)

states "failure to provide reports requested by the County in a timely manner will result in the suspension or revocation of the COPCN".

Holders of the COPCN failing to submit the requested information and fees by the required date may not be authorized to operate within the unincorporated areas of Seminole County until the Seminole County Board of County Commissioners approves the renewal of the COPCN.

Please make checks payable to Seminole County BCC-COPCN and mail to the below address. If you have any questions, please contact Carol Norwood at (407) 665-2023 or Richard Meinert at (407) 665-2251.

Very truly yours,



David Gregory,
Manager

Enclosures:

DG/cn

COPCN APPLICATION RESPONSES TO QUESTIONS

QUESTION #1) WE RECEIVE NON-FERROUS METALS AND PROCESS THE MATERIAL IN THE FOLLOWING WAYS.

- A) COMPACTING INTO BALES.
- B) REDUCE IN SIZE BY MEANS OF SHEARS, TORCHES OR SAWS FOR SHIPPING BY BOXES OR CONTAINERS
- C) RECEIVE ITEMS AND SIMPLY PUT THEM INTO LARGER LOADS FOR SHIPMENT.
- D) PALLETIZE AND SECURE FOR SHIPMENT.

QUESTION #2) WE PROCESS THE FOLLOWING AMOUNT OF THESE MATERIALS.....

- A) ALUMINUM 41 TONS PER MONTH ON AVERAGE
- B) COPPER 9 TONS PER MONTH ON AVERAGE
- C) CARDBOARD 1 TON PER MONTH ON AVERAGE
- D) STAINLESS 2 TONS PER MONTH ON AVERAGE
- E) LEAD BASED 7 TONS PER MONTH ON AVERAGE
- F) INSUALTED WIRE 5 TONS PER MONTH ON AVERAGE
- G) RADIATOR TYPE 4 TONS PER MONTH ON AVERAGE
- H) OTHER >1 TON PER MONTH ON AVERAGE

QUESTION #3) ALL WASTE IN THE LAST 2 YEARS WERE HANDLED IN ONE OF THE FOLLOWING WAYS.

- A) GARBAGE AND NORMAL HOUSEHOLD TYPE TRASH HAS BEEN PICKED UP TWICE WEEKLY BY A 5 YEAR CONTRACT WITH WASTE MANAGEMENT CO.
- B) ALL OIL, ANTIFREEZE AND OTHER SUCH FLUIDS ARE RECYCLED BY MID-FLORIDA FORKLIFT LOCATED IN SOUTH ORLANDO 407-859-8750. THEY DO ALL MAINTENANCE ON OUR EQUIPMENT.
- C) ALL CARDBOARD IS BALED AND SOLD TO C & M CARDBOARD REMOVAL SERVICE
407-468-0938

QUESTION #4) WE DO NOT BUY FROM BUSINESSES. REGARDLESS OF WHETHER SOMETHING IS SOLD FOR A BUSINESS OR PRIVATELY. WE ONLY GET THE INFORMATION OF THE ACTUAL SELLER (THE PERSON TAKING RESPONSIBILITY AND RECEIVING MONEY)

WE DO NOT SIGN CONTRACTS WITH OUR CUSTOMERS. WE DO HAVE OUR CUSTOMERS SIGN AN ACKNOWLEDGMENT THAT THE MERCHANDISE IS THEIRS AND THEY ARE SELLING IT TO US TO DO AS WE WISH. I CAN GET YOU THESE NAMES IF NEEDED.

QUESTION #5) ALL AGREEMENTS WITH COMPANIES WE SELL TO ARE ON AN INDIVIDUAL CONTRACT BASIS BASED ON CURRENT MARKET CONDITIONS. HOWEVER WE ARE NOT UNDER ANY CONTRACTS FOR SPECIFIC TIME PERIODS ONLY UNTIL THE CONDITIONS OF THAT PARTICULAR CONTRACT HAS BEEN FULFILLED.

THE MOST COMMON CUSTOMERS ARE AS FOLLOWS....

AARON SCRAP METALS
3000 GAMSON RD
APOPKA, FLORIDA
407-293-6584

SERVICE ALUMINUM CORPORATION
3300 NORTH RIDGE RD
SUITE 290
ELLCOTT CITY, MD 21043
410-465-3300

TRI-STAR ALUMINUM
POBOX 68
ALEXANDRIA, TN 37012
256-529-2104

ANHEUSER-BUSCH RECYCLING CORP
PO BOX 180909
ST LOUIS, MO 63118
1800-325-7042

EAST COLONIAL RECYCLING
6139 E. COLONIAL DR
ORLANDO, FL 32807
407-282-5392

E & H CAR CRUSHING
GLOUCESTER RD
ORLANDO, FL 32825
407-568-5865

QUESTION #6) NOT APPLICABLE

QUESTION #7) WE ARE PROUD TO OFFER OUR SERVICES TO THE COMMUNITY. WE ARE AN ALUMINUM CAN REDEMPTION CENTER AS WELL AS AN EXCELLENT SOURCE FOR LOCAL CITIZENS TO CASH IN ON SCRAP METALS. THIS HELPS KEEP OUR LANDFILLS FREE OF METALS THAT CAN BE REUSED. OUR CUSTOMERS ARE LOCAL CITIZENS, MANY OF WHICH ARE UNEMPLOYED OR DISABLED. THIS OFFERS THEM A CHANCE FOR ADDITIONAL INCOME. MOST ITEMS WE RECYCLE ARE USUALLY BULKY AND NEED TO BE TURNED IN WITHIN A VERY CLOSE PROXIMITY TO AVOID DANGERS ON THE HIGHWAY .