

EXHIBIT I

**MULCH MANUFACTURING, INC. YARD TRASH RECYCLING FACILITY
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 in the initial application for a CON for the Mulch Manufacturing, Inc. Yard Trash Recycling Facility (herein after referred to as the Facility), received November 19, 2019, including the plans, revisions and all other additional information submitted to and approved by the City of Jacksonville (City). The Facility is located at 2480 Lane Avenue North, 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

Mulch Manufacturing, Inc. must display a prominent sign at the entrance of the Facility indicating its registered business name, address and telephone number and the phrase "Yard Trash Recycling Facility operated under City of Jacksonville Certificate No. _____".

Specific Condition 3: Authorized Materials and Capacity of Facility

The Mulch Manufacturing, Inc. Yard Trash Recycling Facility is only authorized to accept and process yard trash and clean wood as defined in City of Jacksonville Ordinance Code, Chapter 380, Part 1. The Facility may accept up to a total of 1,360 tons of materials per operating day based on five days a week and up to 260 working days per year. 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 Facility's CON application.

Specific Condition 4: Origin of Wastes

Mulch Manufacturing, Inc. will post a prominent sign at the Facility scale house requiring all haulers to identify the origin (county) of materials transported to the facility. All wastes and their origin 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

Mulch Manufacturing, Inc. 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

Mulch Manufacturing, Inc. 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 Specific 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 yard trash and clean wood.
- **Class III Waste**, as defined in Chapter 380, Part 1 of the City of Jacksonville Ordinance Code, except yard trash and clean wood.
- **Construction and Demolition Debris**, as defined in Chapter 380, Part 1 of the City of Jacksonville Ordinance Code, except land clearing debris and clean wood.

Mixing of yard trash and clean wood 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 landscaping maintenance and land clearing projects, provided such amounts are consistent with the best management practices of the industry.

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 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

Mulch Manufacturing, Inc. shall obtain all other required local, state, and federal permits. It shall be the responsibility of Mulch Manufacturing, Inc. to determine what permit(s) is/are required. The City shares no responsibility if Mulch Manufacturing, Inc. 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

Mulch Manufacturing, Inc. shall comply with City of Jacksonville Ordinance 380, Part 1. Mulch Manufacturing, Inc. 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: Monthly Reports

By the nineteenth (19th) day of each month, Mulch Manufacturing, Inc. 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, telephone number, current contact person, the reporting period (e.g., January 1-31, 2020), tons received from Duval County, tons received from outside Duval County, tons recycled, tons disposed and tons of unacceptable wastes that were transferred to another facility. The report form to be used for the monthly reporting is contained in Exhibit III.

Mulch Manufacturing, Inc. 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, Mulch Manufacturing, Inc. 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

Materials received for processing at the Facility shall be stored in accordance with Chapter 62-709, FAC. Processed and unprocessed material shall not be stored on the site for longer than six months, except that logs with a diameter of six inches or greater may be stored for up to 12 months provided that the logs are stored apart from other materials on the site. There shall be no stacking of any items higher than 30 feet in height at the Facility.

Specific Condition 11: Operating Hours

The standard hours of operation shall be limited to 7:00 A.M. to 7:00 P.M., Monday through Friday, excluding Thanksgiving Day and Christmas Day. The Facility may receive and process materials during the standard hours of operation consistent with the engineering plan submitted as part of the Facility's CON application.

Specific Condition 12: Hold Harmless

By accepting this Certificate, Mulch Manufacturing, Inc., 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 13: 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 Mulch Manufacturing, Inc. 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 14: Air Permits

If required currently or in the future, Mulch Manufacturing, Inc. 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 use reasonable precautions to prevent unconfined emissions of particulate matter in accordance with FAC Rule 62-296.320(4)(c) and Jacksonville Environmental Protection Board (JEPB) Rule 2.1101.

Specific Condition 15: Compliance

The Facility shall operate in conformity with all information contained in the initial 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. Mulch Manufacturing, Inc. 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. The Facility shall at all times operate in conformance with zoning exception E-19-58 or the most recent zoning exception providing for the operation of this Facility.

Mulch Manufacturing, Inc. 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 16: Water Supply and Wells

The potable water supply for this facility is to be supplied by JEA.

Specific Condition 17: Wastewater and Sewage Disposal/Treatment

The wastewater and sewage disposal/treatment needs of the Facility are to be met by connection to JEA's municipal treatment system.

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: 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 Florida Department of Environmental Protection (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 21: Stormwater Management

Mulch Manufacturing, Inc. 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 22: Litter Control

Mulch Manufacturing, Inc. will be responsible for removing litter on portions of the areas of the nearby public roadways. The Facility will be responsible for removing litter within 250 feet of the Facility's entrance and exit point(s) along Lane Avenue.

Specific Condition 23: 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 24: 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 25: Securing of Incoming Material and Processed Mulch

The certificate holder is responsible for employing measures necessary for ensuring that incoming materials and processed mulch are maintained and secured on the subject property site until they are transported for use elsewhere, and do not leave the site by stormwater runoff and/or wind.

Specific Condition 26: 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 27: 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 28: Disposal of Hazardous Materials

Mulch Manufacturing, Inc. 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 29: Reclaimed Water

Mulch Manufacturing, Inc. 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. Mulch Manufacturing, Inc. 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 30: 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 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. 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.

Specific Condition 32: Minimum Recycling Requirement

The facility shall meet the minimum recycling requirements currently outlined in Ordinance Code Section 380, Part 1. Current minimum recycling requirements on a semi-annual basis shall be as follows: 92% in 2020; 94% in 2021; 95% in 2022; 97% in 2023; and 98% in 2024 and beyond. A description of the materials recycled and the recycling process shall be included in the monthly waste report. If, on a semi-annual basis, the Facility fails to maintain the required recycling rate, the Facility shall reduce the volume of waste accepted at the Facility to a quantity sufficient to achieve the required recycling rate.