FLORIDA DEPARTMENT OF Environmental Protection

CENTRAL DISTRICT OFFICE
3319 MAGUIRE BLVD., SUITE 232
ORLANDO, FLORIDA 32803

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

May 30, 2019

Buff Fritz, Branch Manager
Lighting Resources, LLC
1007 SW 16th Lane
Ocala, Florida 34471

Buff.Fritz@lightingresourcesinc.com

Re: Lighting Resources, LLC
HW Facility ID # FLR000070565
OGC Case # 19-0381

Dear Mr. Fritz:

Enclosed is the executed Consent Order to resolve the above referenced case. This copy is for your records.

Should you have any questions or comments, please contact John White at 407-897-4305 or via e-mail at John.White@Floridadep.gov.

Your cooperation in this matter will be appreciated.

Sincerely,

For: Aaron Watkins
Director, Central District

Enclosure: SFCO OGC #19-0381

cc: Lea Crandall, OGC
Zoey Carr, Central District
Daun Festa, Central District

FLORIDA DEPARTMENT OF Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Noah Valenstein
Secretary

May 22, 2019

Lighting Resources, LLC
Buff Fritz, Branch Manager
1007 SW 16th Lane
Ocala, Florida 34471

SUBJECT: Department of Environmental Protection v. Lighting Resources, LLC
OGC File No.: 19-0381
EPA ID No: FLR000070565

Mr. Fritz:

The State of Florida Department of Environmental Protection ("Department") finds that Lighting Resources, LLC ("Respondent") failed to comply with RCRA permit 0309339-003-HO, 403.727(1)(c), Florida Statues, and the requirements of Florida Administrative Code (F.A.C.) Rule 62-737. Violations included Rule 62-737.840(3)(a)(1) and 62-737.840(3)(a)(2), Florida Administrative Code, and specific condition 12 of Part 1 of the RCRA permit. Before sending this letter, the Department requested that the Respondent undertake certain actions to resolve the violations. These actions have since been completed. However, due to the nature of the violations, the Respondent remains subject to civil penalties. The Respondent is also responsible for costs incurred by the Department during the investigation of this matter.

The Department's Offer

Based on the violations described above, the Department is seeking $2,130.00 in civil penalties and $250.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of $2,380.00. The civil penalty in this matter included one violation of $2,000.00 or more.

Respondent's Acceptance

If you wish to accept this offer and fully resolve the enforcement matter pending against the Respondent, please sign this letter and return it to the Department at 3319 Maguire Boulevard, Ste 232, Orlando, Florida 32803 by June 7, 2019. The Department will then countersign it and file it with a designated clerk of the Department. Once the document

is filed with the designated clerk, it will constitute a final order of the Department pursuant to Section 120.52(7), F.S. and will be effective unless a request for an administrative hearing is filed by a third party in accordance with Chapter 120, F.S. and the attached Notice of Rights.

By accepting this offer you, Buff Fritz, Branch Manager:

(1) certify that you are authorized and empowered to negotiate, enter into, and accept the terms of this offer in the name and on behalf of Respondent;

(2) acknowledge and waive Respondent's right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this offer, once final;

(3) acknowledge and waive Respondent's right to an appeal pursuant to Section 120.68, F.S.; and

(4) acknowledge that payment of the above amount does not constitute a waiver of the Department's right, if any, to recover emergency response related costs and expenses for this matter.

The Department acknowledges that the Respondent's acceptance of this offer does not constitute an admission of liability for the violations referenced above.

Respondent's Performance

After signing and returning this document to the Department,

(1) Respondent must pay $2,380.00 in full by June 28, 2019.

(2) Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and include both the OGC Number assigned above (19-0381) and the notation "Water Quality Assurance Trust Fund." Payment shall be sent to Florida Department of Environmental Protection, 3319 Maguire Blvd, Ste 232, Orlando, Florida 32803. Online payments by e-check can be made by going to the DEP Business Portal at: http://www.fldepportal.com/go/pay/. It will take a number of days after this order is final and effective filed with the Clerk of the Department before ability to make online payment is available

The Department may enforce the terms of this document, once final, and seek to collect monies owed pursuant to Sections 120.69 and 403.121, F.S.

Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither the Respondent nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, F.S. Once this letter is clerked and becomes a final order of the Department, as explained above, the attached Notice of Rights will apply to parties, other than the Respondent, whose interests will be substantially affected.

Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

Please be aware that if the Respondent declines to respond to the Department's offer, the Department will assume that the Respondent is not interested in resolving the matter and will proceed accordingly.

If you have any questions, please contact John White at (407)897-4305 or at John.White@dep.state.fl.us.

Sincerely,



For: Aaron Watkins
District Director
Central District

FOR THE RESPONDENT:

I, BUFF FRITZ [Type or Print Name], HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

By: [Signature] Date: 5/28/19

Title: BRANCH MANAGER
[Type or Print]

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this 30th day of May, 2019, in Orange County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Kimberly Rush
for:
Aaron Watkins
District Director
Central District

Filed, on this date, pursuant to section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

Clerk

May 30, 2019
Date

Attachments: Notice of Rights
Penalty Computation Worksheet

Final clerked copy furnished to: Lea Crandall, Agency Clerk (lea.crandall@dep.state.fl.us)

CC: Susan Richard, Lighting Resources – susan.richard@lightingresourcesinc.com
John White, FDEP – john.white@floridadep.gov

NOTICE OF RIGHTS

Persons who are not parties to this Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Order means that the Department's final action may be different from the position it has taken in the Order.

The petition for administrative hearing must contain all of the following information:

a) The OGC Number assigned to this Order;

b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;

c) An explanation of how the petitioner's substantial interests will be affected by the Order;

d) A statement of when and how the petitioner received notice of the Order;

e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;

f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Order;

g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Order; and

h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Order.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at the address indicated above. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under Sections 120.569 and 120.57, Florida Statutes. Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.

PENALTY COMPUTATION WORKSHEET

Violator's Name: Lighting Resources LLC.

Identify Violator's Facility: 1007 SW 16th Ln, Ocala, Florida

Name of Department Staff Responsible for the Penalty Computations: John White

Date: April 11, 2019

	Violation Type	Manual Guide	Potential for Harm	Extent of Deviation	Matrix Range	Economic Benefit & Other Adjustments	Total
1.	403.727(1)(c) / 62-737.840(3) - Permit	Line 98	Minor	Major	$4,250-$2,130		$2,130
TOTAL							$2,130

Total Penalties: $ 2,130.00

PENALTY JUSTIFICATION:
Potential for Harm and Extent of Deviation for the above violations were determined using Guidance Documents provided by the Department, including the 10/31/2014 "Guidelines for Characterizing Hazardous Waste, Universal Waste, Used Oil and Drycleaner Violations" spreadsheet, the "Harm and PH Ranking Tool" dated March 10, 2017, the "Guidelines for Characterizing Hazardous Waste Violations", dated June 28, 2013, and DEP Directive 923, dated February 14, 2013.

RANKING SYSTEM FOR POTENTIAL FOR HARM

Facility Name: Lighting Resources LLC EPA ID No.: FLR000070565 Date: April 11, 2019

	Violation	Description	Nature of Waste	Amount of Waste	Discharge	People	Threat	Total Points
1.	403.727(1)(c)	Permit Compliance (failure to notify, calculate rolling 12-mo average, and limit exceedance)	4	5	0	2	0	11

Nature of Waste	**Score**
High Hazard (acutely toxic or reactive)	6
Other HW/Universal Waste	4
Amount of Waste	
> 5,000 kg/1,375 gal (25 drums) of Waste	8
1,000 to 5,000 kg/275 gal to 1,375 gal (5 to 25 drums) of Waste OR 2.2lbs or > of acutely toxic waste	5
>100 kg to 1,000 kg/25 gal to 275 gal (5 drums) OR <2.2lbs of acutely toxic waste	2
<100 kg /<25 gal of Waste	1
Discharge	
Discharge to surface water or off-site discharge.	12
Discharge to ground water	10
Discharge to soil	8
Discharge to air or Impervious Surface/Containment	6
Discharge-de minimis cleanup per 62-780 FAC	2
No Discharge	0
Potential Exposures	
>1,000 people	4
101 - 1,000 people	3
10 - 100 people	2
<10 people	1
Additional Threat Factors (select all that apply for a specific violation-Use if NO discharge observed) (use sliding scale 0 = no risk, 1-4 depending on severity)	
Fire or Explosion Risk	0-4
Incompatible Waste Storage	0-4
Risk of Employee Exposure above PELs	0-4
Container Integrity	0-4
Inadequate Provisions for Detecting and Preventing Releases	0-4

SUBSTANTIAL (Major)	Above 20
SIGNIFICANT (Moderate)	13-20
MINIMAL (Minor)	Under 13

Facility Name: Lighting Resources LLC EPA ID No.: FLR000070565 Date: April 11, 2019

1. **403.727(1)(c), F.S. / 62-737.840(3), F.A.C. – RCRA Permit:** Lighting Resources failed to comply with the requirements of the RCRA storage and mercury processing permit 0309339-003-HO.

   Specific operating condition, Part II Subpart B, Specific Condition 3 of the permit, and rule 62-737.840(3)(d), F.A.C. require the facility sample recovered materials daily and analyze a composite sample weekly to determine the total mercury content. The analyses must show less than 1 part per million (ppm) mercury "average" during the 12- week period and less than 3 ppm for any "weekly" composite. The facility exceeded the 1 ppm 12-week average on seven occasions in 2018 and the 3-ppm weekly composite limit twice between 2017 and 2018.

   Specific operating condition, Part II Subpart B, Specific Condition 3 of the permit, and rule 62-737.840(3)(a), F.A.C. require the facility maintain a 12-week rolling average of the mercury contained in the processed materials. At the time of inspection, Lighting Resources was not calculating the 12-week rolling average.

   Specific condition, Part 1 – General and Standard Conditions, Specific Condition 12 of the permit requires the facility notify DEP immediately of an inability to comply with any condition or limitation specified in the permit. The facility failed to notify DEP of mercury limit violations and issues with processing equipment.

   Potential for Harm:
   The processed glass, end caps, and phosphor powder did not exhibit a hazardous waste characteristic of toxicity for mercury; however, the rising mercury concentrations were not addressed. Lighting Resources failed to notify the Department of issues with processing equipment and the rising concentrations of mercury. Also, it is unclear if the facility reprocessed the materials that did not meet permit limits as required. Based on these considerations, a Minor Potential for Harm is warranted.

   Extent of Deviation from the regulation:
   Lighting Resources failed to meet permit limits for mercury concentrations in processed wastes and failed to maintain required documentation. Permit violations were noted during inspections in 2015 and 2017. Also, the facility failed to notify the Department of the violations as required. Based on these considerations, a Major Extent of Deviation is warranted.

   MULTIDAY PENALTY CALCULATION
   Multi-Day penalties were not calculated for this violation.

   ECONOMIC BENEFIT
   Economic benefit was not calculated for this violation.

   ADJUSTMENT FACTORS
   An adjustment is not being added for this specific violation.