



FLORIDA DEPARTMENT OF Environmental Protection

Southeast District Office
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
561-681-6600

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

March 10, 2020

VIA EMAIL: maxwell.wigglesworth@crowley.com

Max Wigglesworth, Director, Cargo Operations
Crowley Liner Services, Inc.
4300 McIntosh Road
Fort Lauderdale, FL 33316

SUBJECT: Department of Environmental Protection vs Crowley Liner Services, Inc.
OGC File No.: 19-1601
Crowley Liner Services, Inc.
EPA ID No.: FL0000360560
Broward County

Mr. Wigglesworth:

Enclosed is a Short Form Consent Order ("Order") prepared by the Department for resolution of the above referenced enforcement case. Please review this document and return a signed copy to the Department by March 13. Once fully executed, a copy of the final document will be forwarded to you.

Should you have any questions or comments, please contact Jared Heyns at 561-681-6616 or via e-mail at jared.heyns@floridadep.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Andreotta".

Jason Andreotta, Director
Southeast District
Florida Department of Environmental Protection

Enclosure: Consent Order and Certificate of Signatory Authority

cc: Lea Crandall, OGC
Shirley Richards, SED
Emily Reiblein, Crowley; Emily.reiblein@crowley.com
Jason Andreotta, Sirena Davila, Norva Blandin, Jared Heyns - SED



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Broward County

Mr. Wigglesworth,

The State of Florida Department of Environmental Protection ("Department") finds that Crowley Liner Services, Inc. ("Respondent") failed to implement hazardous waste transporter and transfer facility standards, in violation of 40 CFR Parts 262, 263, 273 and 279, as well as Rules 62-710.850 and 62-730.160 of the Florida Administrative Code (F.A.C.). 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 \$20,590.00 in civil penalties, less 5% for demonstration of good faith after discovery of the violations, and \$250.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$19,810.50. The civil penalty in this matter includes two violations of \$7,000.00 or more.

In lieu of making cash payment of \$19,810.50 in civil penalties and Department costs, Respondent may elect to off-set the civil penalty amount of \$19,560.50 by implementing a Pollution Prevention (P2) Project, which must be approved by the Department. P2 is a process improvement that reduces the amount of pollution that enters the environment; by conserving resource (including water, raw materials, chemicals, and energy) use, or by minimizing waste generation (including domestic and industrial wastewater, solid and hazardous waste, and air

emissions). A P2 Project must reduce pollution or waste within the process beyond what is required by Federal, state, or local law, in order to be eligible for civil penalty off-set under this Order. If Respondent chooses to implement a P2 project, Respondent shall notify the Department of its election within 15 days of the effective date of this Order.

If Respondent elects to implement a P2 Project, Respondent shall submit a completed P2 Project Plan (Plan) within 30 days of the effective date of this Order. The Plan must be completed using Exhibit A, "P2 Project Plan" template. In the event the Department requires additional information to process the Plan, Respondent shall provide a modified Plan containing the information requested by the Department within 15 days of the date of the request.

If any balance remains after the entire P2 credit is applied to the allowable portion of the civil penalty, Respondent shall pay the difference within 30 days of written notification by the Department to Respondent that the balance is due.

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 FDEP Southeast District Office, 3301 Gun Club Road, MSC 7210-1, West Palm Beach, FL 33406 by **March 13, 2020**. 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, Maxwell Wigglesworth:

- (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. If elected, Respondent shall implement an approved P2 Project within 60 days of the effective date of this Order and shall submit a P2 Project Final Report within 270 days of the effective date of this Order. Your failure to timely start or complete the P2 Project, or timely provide the Department with the Final Report, will cause the P2 Project option to be forfeited and the balance of the civil penalty which is \$19,560.50 shall be due within 10 days of notice from the Department. Similarly, if Respondent fails to timely notify the Department of intent to implement a P2, the full civil penalty shall be due within 10 days of notice from the Department.
2. Respondent must pay \$250.00 for the Department costs within 30 calendar days of the effective date of this Order.
3. 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 shall include both the OGC number assigned to this Order and the notation "Water Quality Assurance Trust Fund." 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 Jared Heyns at 561-681-6616, Jared.Heyns@floridadep.gov.

Sincerely,



Jason Andreotta
Director
Southeast District Office

FOR THE RESPONDENT:

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

By: _____
[Signature]

Date: _____

Title: _____
[Type or Print]

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this ____ day of _____, 2020, in _____ County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Jason Andreotta
Director
Southeast District Office

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

Clerk

Date

Attachments: Notice of Rights

Final clerked copy furnished to:
Lea Crandall, Agency Clerk (lea.crandall@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.



Crowley Maritime Corporation
9487 Regency Square Blvd.
Jacksonville, FL 32225

Florida Department of Environmental Protection
Southeast District – West Palm Beach
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406

Dear Mr. Jared Heyns,

This letter is to serve that I, Steven M. Collar, Sr. Vice President and GM, authorize Maxwell Wigglesworth, Director of Cargo Operations, to bind the corporation for the purpose of the Short Form Consent Order (SFCO) authorization for Crowley in Port Everglades.

Sincerely,

Steven M. Collar



crowley.com/social

4300 McIntosh Road
Fort Lauderdale, FL 33316
P: 954.760.7900
crowley.com