

**BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

STATE OF FLORIDA DEPARTMENT OF
OF ENVIRONMENTAL PROTECTION

IN THE OFFICE OF THE
NORTHEAST DISTRICT

Complainant,

OGC FILE NO. 19-1313
[EPA ID. NO. FLR 000 229 799]

vs.

HAROLD MATTHEWS,
ATLANTIC POWDER COATING, INC.,
FREEDOM CITY, INC., and
HAGGJM PROPERTIES, LLC

Respondents.

FIRST AMENDMENT TO CONSENT ORDER

The State of Florida Department of Environmental Protection (“Department”) and Harold Matthews (“Matthews”), Atlantic Powder Coating, Inc. (“APC”), Freedom City, Inc. (“FC”) and HAGGJM Properties, LLC (“HAGGJM”)(collectively referred to as “Respondents”)(Department and Respondents, collectively, “the Parties”) entered into Consent Order OGC File No. 19-1313, effective April 8, 2020 (the “Original Order”) to reach settlement of certain matters at issue between the Parties. The Parties now desire to enter this First Amendment to Consent Order to allow the below-described amendments to the Original Order which is attached as Exhibit A.

The Department finds and the Respondents admit the following:

1. Since entering the Original Order, it has been determined that, in order to fully comply with corrective actions, Respondents will need an extension of time beyond the deadlines set forth in the Original Order.

2. The Department finds that the extension of time requested by Respondents is reasonable. As such, it is hereby agreed between the Parties that this First Amendment to Consent Order shall amend the Original Order only to the extent specifically stated herein, and that all the provisions of the Original Order not addressed herein shall remain in full force

and effect.

Having reached a resolution of the matter, Respondents and the Department mutually agree and it is,

ORDERED:

1. Paragraph 20 of the Original Order shall be amended to read as follows:

“20. Respondents shall complete the corrective actions outlined below within the timeframes established therein:

a) Respondents shall continue to cease any and all discharges from Facility to the ground and/or surface waters of the state that are reasonably expected to cause a violation of the Department’s water quality minimum criteria and standards.

b) By July 31, 2020, Respondents shall submit to the Department a final, complete SAR in accordance with Rule 62-780.600(8), F.A.C., for review and approval by the Department pursuant to Rule 62-780.600(9), F.A.C. The SAR shall also address all comments and questions set forth in the Department’s letter from Merlin D. Russell, Jr. dated March 4, 2020.

c) Upon submittal and approval of the SAR, Respondents shall continue and complete any and all further tasks required by Rule 62-780, F.A.C. in accordance with the requirements and time schedules identified in Rule 62-780, F.A.C.

d) Within **60 days** after the Department’s approval of the SAR, Respondents shall submit a written estimate(s) of the total cost of the corrective actions required by this Order to the Department. The written estimate(s) shall identify the information the Respondents relied upon to provide the estimate.

e) Respondents shall provide within a reasonable time a permanent safe drinking water supply meeting all drinking water standards set forth in Chapter 62-550, F.A.C., to replace any potable water well that is shown by chemical and hydro-geologic analyses to be contaminated by Respondents’ operations, at Respondents’ expense.

f) Beginning on July 31, 2020, Respondents shall begin to pay to the Department \$47,000.00 in settlement of the regulatory matters addressed in this Order. This

amount includes penalties assessed in the amount of \$42,000.00 for violations outlined in this Order, plus \$5,000.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order. The civil penalty amount includes 9 violations of \$2,000.00 or more.

g) In lieu of making cash payment of \$42,000.00 in civil penalties as set forth in Paragraph g, Respondents may elect to off-set the amount of \$31,500.00 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 offset under this Order. If Respondents choose to implement a P2 Project, Respondents shall notify the Department of its election by certified mail within 15 days of July 31, 2020. On August 1, 2020, Respondents must begin to pay a total of \$15,500.00; \$10,500.00 for the remaining civil penalties, and \$5,000.00 for costs and expenses incurred by the Department, during the investigation of this matter, and the preparation and tracking of this Order. The total amount is to be paid in 36 monthly payments beginning August 1, 2020, and continuing every month thereafter on the first day of the month, until the entire amount has been paid in full. The first monthly payment, due on August 1, 2020, is to be \$450.00. Each of the 35 subsequent monthly payments is to be \$430.00. Failure to timely make any installment payment will enable the Department, at its discretion, to accelerate the remaining balance to become immediately due. Payments shall be made in accordance with Paragraph 22 of this Order.

h) If Respondents elect to implement a P2 Project as provided in Paragraph g, Respondent shall submit a completed P2 Project Plan (Plan) within 540 days of July 31, 2020. The Plan must be completed using Exhibit B, "P2 Project Plan" template.

i) In the event the Department requires additional information to process the Plan described in Paragraph h, Respondents shall provide a modified Plan containing the

information requested by the Department within 30 days of the date of the request.

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

2. All terms and conditions of the Original Order shall remain in full force and effect, except as expressly provided in this First Amendment to Consent Order.

3. Respondents acknowledge and waive their right to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, on the terms of this First Amendment to Consent Order. Respondents also acknowledge and waive their right to appeal the terms of this First Amendment to Consent Order pursuant to Section 120.68, Florida Statutes.

4. 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 First Amendment to Consent Order will be effective until reduced to writing, executed by both Respondents and the Department, and filed with the clerk of the Department.

5. This First Amendment to Consent Order is a final order of the Department pursuant to Section 120.52(7), F.S., and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, F.S. Upon the timely filing of a petition, this Order will not be effective until further order of the Department.

6. Persons who are not parties to this Consent 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 Consent Order means that the Department's final action may be different from the position it has taken in the Consent Order.

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

(a) The OGC Number (19-1313) assigned to this Consent Order;

- (b) The name, address, telephone number, and e-mail address (if any) of each petitioner;
- (c) The name, address, telephone number, and e-mail address of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;
- (d) An explanation of how the petitioner's substantial interests will be affected by the Consent Order;
- (e) A statement of when and how the petitioner received notice of the Consent Order;
- (f) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- (g) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order;
- (h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Consent 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 Northeast District Office, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida, 32256. 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. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code. Before the deadline for filing a petition, a person whose substantial interests are affected by this Consent Order may choose to pursue mediation as an alternative remedy under section 120.573, Florida Statutes. Choosing mediation will not adversely affect such person's right to request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in Section 120.573, Florida

Statutes, and Rule 62-110.106(12), Florida Administrative Code.

FOR THE RESPONDENTS:

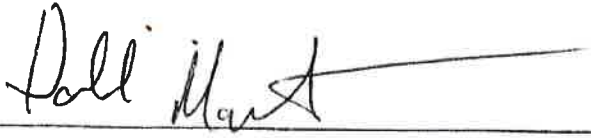
HAROLD MATTHEWS:

11.11.2020
DATE


Mr. Harold Matthews


ATLANTIC POWDER COATING, INC.:

11.11.2020
DATE


Mr. Harold Matthews
President

FREEDOM CITY, INC.:

11.11.2020
DATE


Ms. Susan Evans
President


HAGGJM PROPERTIES, LLC:

11/11/2020
DATE


Mr. Harold Matthews
Manager

DONE AND ORDERED this 17th day of November 2020, in Duval County, Florida.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION



Gregory J. Strong
Northeast District Director

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



Clerk

November 17, 2020

Date

Attachments: Exhibit A - Original Long Form Consent Order, executed 04-08-2020
Exhibit B - Pollution Prevention Project Plan template (revised)

FDEP-OGC: Lea Crandall, Agency Clerk (Lea.Crandall@floridadep.gov)
Patrick Reynolds, Senior Counsel (Patrick.Reynolds@floridadep.gov)
FDEP-NED: Arlene Wilkinson, FDEP NED (Arlene.Wilkinson@floridadep.gov)

Amended Order Exhibit A

Original Long Form Consent Order, executed 04-08-2020

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STATE OF FLORIDA DEPARTMENT OF
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HAROLD MATTHEWS,
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FREEDOM CITY, INC., and
HAGGJM PROPERTIES, LLC

Respondents.

CONSENT ORDER

This Consent Order ("Order") is entered into between the State of Florida Department of Environmental Protection ("Department") and Harold Matthews ("Matthews"), Atlantic Powder Coating, Inc. ("APC"), Freedom City, Inc. ("FC") and HAGGJM Properties, LLC ("HAGGJM"), (collectively referred to as "Respondents"), pursuant to Section 120.57(4), Florida Statutes ("F.S."), to settle certain matters at issue between the Department and Respondents.

The Department finds and the Respondents admit the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida's air and water resources and to administer and enforce the provisions of Chapters 376 and 403, Florida Statutes, and the rules promulgated in Chapters 62-730, and 62-780, Florida Administrative Code ("F.A.C."). The Department has jurisdiction over the matters addressed in this Order.
2. Respondent Matthews is an individual. Respondent Matthews operated a powder coating business, APC, located at 8805 Arlington Expressway in Jacksonville, Florida, 32211 ("Facility").
3. Respondent APC was a for-profit Florida corporation, registered to do business in the state of Florida, with its principal place of business being located at 8805 Arlington

Expressway in Jacksonville, Florida 32211. Respondent APC was an active corporation in at least 2017 and 2018 and also was an operator of the Facility. Respondent APC was administratively dissolved on September 27, 2019.

4. The Facility is situated on two adjacent parcels of property: 8805 Arlington Expressway and 8819 Arlington Expressway. Both are located in Jacksonville, Florida.

5. Respondent FC is a for-profit Florida corporation, registered to do and doing business in the state of Florida. Respondent FC is the record owner of the real property located at 8805 Arlington Expressway, Jacksonville, Florida 32211, in Duval County (Parcel ID number 120883-0000).

6. Respondent HAGGJM is a for-profit Florida limited liability company, registered to do and doing business in the state of Florida. Respondent HAGGJM is the record owner of the real property located at 8819 Arlington Expressway, Jacksonville, Florida 32211, in Duval County (Parcel ID number 120882-0000).

7. Respondents are a "person" within the meaning of Sections 403.031(5) and 403.703(23), F.S.

8. Respondent APC is a "facility" as defined in Rule 62-730.020, F.A.C.

9. Respondent Matthews and Respondent APC are an "operator" as defined in Rule 62-730.020, F.A.C.

10. Respondent FC and Respondent HAGGJM are both an "owner" as defined in Rule 62-730.020, F.A.C.

11. It is unlawful for any facility owner or operator to fail to comply with Department statutes and rules pursuant to Section 403.727, F. S.

12. The Facility repairs, media blasts, and powder coats items for customers. The facility also formerly chemically stripped items to prepare the items for powder coating. Waste generated from these processes included spent blast media, spent solvents, spent powder coating media and spent chemical stripping waste and wastewater.

13. On October 22, 2018, the Department conducted a hazardous waste complaint inspection at the Facility. During the inspection, Department staff observed several

compliance issues, including hazardous waste had been accumulated on-site for longer than 180 days; greater than 6,000 kilograms of hazardous waste had been accumulated on-site; hazardous waste containers were open, not being inspected weekly, not properly labeled, and not dated; hazardous waste stripper wastewater had been discharged to the ground and had also been evaporated; necessary emergency equipment was not available; emergency arrangements had not been made with the local authorities; there was no emergency coordinator; emergency information was not posted next to a telephone; employees were not familiar with proper waste handling or emergency procedures; and the Facility did not notify the Department of its waste management activities.

14. Respondent Matthews' and Respondent APC's operations at the Facility are described in a hazardous waste inspection report attached hereto and incorporated into this Order as Exhibit "A."

15. In the inspection report, the Department found that Respondent Matthews and Respondent APC failed to comply with the following rules:

- a) Title 40 Code of Federal Regulations ("CFR") 262.16(b) - Accumulation Time;
- b) 40 CFR 262.16(b)(1) - Accumulation Quantity Limit
- c) 40 CFR 262.16(b)(2)(iii)(A) - Open Containers
- d) 40 CFR 262.16(b)(2)(iv) - Weekly Container Inspections
- e) 40 CFR 262.16(b)(6)(i)(A) - Hazardous Waste Labels
- f) 40 CFR 262.16(b)(6)(i)(C) - Accumulation Dates
- g) 40 CFR 262.16(b)(8)(i) - Maintenance and Operation of Facility
- h) 40 CFR 262.16(b)(8)(ii)(C) - Emergency Equipment
- i) 40 CFR 262.16(b)(8)(vi)(A) - Arrangements with Local Authorities
- j) 40 CFR 262.16(b)(9)(i) - Emergency Coordinator
- k) 40 CFR 262.16(b)(9)(ii) - Emergency Plan
- l) 40 CFR 262.16(b)(9)(iii) - Personnel Training
- m) 40 CFR 262.18(a) - Notification Requirements

n) 40 CFR 262.20(a) – Hazardous Waste Releases and Evaporation

16. Based upon corrective actions taken by Respondent Matthews and Respondent APC during the inspection on October 22, 2018, and the Department’s review of documents submitted by Respondent Matthews on April 2, 2019, July 3, 2019, July 17, 2019, August 9, 2019, and December 17, 2019, the Department found Respondent Matthews and Respondent APC had come into compliance with the following rules:

- a) 40 CFR 262.16(b) – Accumulation Time
- b) 40 CFR 262.16(b)(1) – Accumulation Quantity Limit
- c) 40 CFR 262.16(b)(2)(iii)(A) – Open Containers
- d) 40 CFR 262.16(b)(2)(iv) – Weekly Container Inspections
- e) 40 CFR 262.16(b)(6)(i)(A) – Hazardous Waste Labels
- f) 40 CFR 262.16(b)(6)(i)(C) – Accumulation Dates
- g) 40 CFR 262.16(b)(8)(ii)(C) – Emergency Equipment
- h) 40 CFR 262.16(b)(8)(vi)(A) – Arrangements with Local Authorities
- i) 40 CFR 262.16(b)(9)(i) – Emergency Coordinator
- j) 40 CFR 262.16(b)(9)(ii) – Emergency Plan
- k) 40 CFR 262.16(b)(9)(iii) – Personnel Training
- l) 40 CFR 262.18(a) – Notification Requirements

17. On February 13, 2019, the Department issued Warning Letter WL19-046 to Respondent Matthews and Respondent APC (“Warning Letter”) attached hereto and incorporated into this Order as Exhibit “A.”

18. Respondent Matthews and Respondent APC submitted a Site Assessment Report (“SAR”) dated August 24, 2018, and a Supplemental Site Assessment Report (“SSAR”) to the Department on September 11, 2019. The Department sent comments on these documents to Respondents on November 1, 2019.

19. As of the date of this Order, Respondents are in the process of reaching compliance with the following rules:

- a) 40 CFR 262.16(b)(8)(i); and

b) 40 CFR 262.20(a)

Having reached a resolution of the matter, Respondents and the Department mutually agree and it is,

ORDERED:

20. Respondents shall complete the corrective actions outlined below within the timeframes established therein:

a) Respondents shall continue to cease any and all discharges from Facility to the ground and/or surface waters of the state that are reasonably expected to cause a violation of the Department's water quality minimum criteria and standards.

b) By June 1, 2020, Respondents shall submit to the Department a final, complete SAR in accordance with Rule 62-780.600(8), F.A.C., for review and approval by the Department pursuant to Rule 62-780.600(9), F.A.C. The SAR shall also address all comments and questions set forth in the Department's letter from Merlin D. Russell, Jr. dated March 4, 2020.

c) Upon submittal and approval of the SAR, Respondents shall continue and complete any and all further tasks required by Rule 62-780, F.A.C. in accordance with the requirements and time schedules identified in Rule 62-780, F.A.C.

d) Within **60 days** after the Department's approval of the SAR, Respondents shall submit a written estimate(s) of the total cost of the corrective actions required by this Order to the Department. The written estimate(s) shall identify the information the Respondents relied upon to provide the estimate.

e) Respondents shall provide within a reasonable time a permanent safe drinking water supply meeting all drinking water standards set forth in Chapter 62-550, F.A.C., to replace any potable water well that is shown by chemical and hydro-geologic analyses to be contaminated by Respondents' operations, at Respondents' expense.

f) Within **60 days** of the effective date of this Order, Respondents shall begin to pay to the Department \$47,000.00 in settlement of the regulatory matters addressed in this Order. This amount includes penalties assessed in the amount of \$42,000.00 for violations

outlined in this Order, plus \$5,000.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order. The civil penalty amount includes 9 violations of \$2,000.00 or more.

g) In lieu of making cash payment of \$42,000.00 in civil penalties as set forth in Paragraph g, Respondents may elect to off-set the amount of \$31,500.00 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 offset under this Order. If Respondents choose to implement a P2 Project, Respondents shall notify the Department of its election by certified mail within 15 days of the effective date of this Order. Within 60 days of the effective date of this Order, Respondents must begin to pay a total of \$15,500.00; \$10,500.00 for the remaining civil penalties, and \$5,000.00 for costs and expenses incurred by the Department, during the investigation of this matter, and the preparation and tracking of this Order. The total amount is to be paid in 36 monthly payments beginning May 1, 2020, and continuing every month thereafter on the first day of the month, until the entire amount has been paid in full. The first monthly payment, due on May 1, 2020, is to be \$450.00. Each of the 35 subsequent monthly payments is to be \$430.00. Failure to timely make any installment payment will enable the Department, at its discretion, to accelerate the remaining balance to become immediately due. Payments shall be made in accordance with Paragraph 22 of this Order.

h) If Respondents elect to implement a P2 Project as provided in Paragraph h, Respondent shall submit a completed P2 Project Plan (Plan) within 540 days of the effective date of this Order. The Plan must be completed using Exhibit B, "P2 Project Plan" template.

i) In the event the Department requires additional information to process the Plan described in Paragraph h, Respondents shall provide a modified Plan containing the

information requested by the Department within 30 days of the date of the request.

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

21. Respondents agree to pay the Department stipulated penalties in the amount of \$100.00 per day, for each and every day Respondents fail to timely comply, in good faith, with any of the requirements of Paragraphs 20 (a) - (j) and 39 of this Order. A separate stipulated penalty shall be assessed for each violation of this Order. Any stipulated penalties assessed under this Paragraph shall be in addition to the administrative penalties agreed to in Paragraph 20 of this Order. Within 30 days of written demand from the Department, Respondents shall submit payment of the appropriate stipulated penalties in accordance with Paragraph 22 herein. The Department may make demand for payment at any time after violations occur. Nothing in this Paragraph shall prevent the Department from filing suit to specifically enforce any of the terms of this Order. Should the Department be required to initiate a lawsuit to recover stipulated penalties under this Paragraph, the Department shall not be foreclosed from seeking civil penalties for violations of this Order in an amount greater than the stipulated penalties set out in this Paragraph.

22. All payments required by this Order shall be made by cashier's check, money order or on-line "e-check" payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number (19-1313) assigned to this Order and the notation "*Water Quality Assurance Trust Fund.*" Online payments by e-check can be made at the DEP Business Portal: <http://www.fldepportal.com/go/pay/>. Please note it will take a number of days after this Order becomes final and effective filed with the Clerk of the Department before ability to make online payment is available.

23. Except as otherwise specifically provided, all submittals and payments required by this Order shall be sent to: Florida Department of Environmental Protection, Hazardous Waste Subject Matter Expert, Northeast District Office, 8800 Baymeadows Way West, Suite

100, Jacksonville, Florida, 32256; and shall include both the Facility ID number (FLR 000 229 799) and OGC number (19-1313) assigned to this Order.

24. Respondents shall allow all authorized representatives of the Department access to the property and facility at reasonable times for the purpose of determining compliance with the terms of this Order and the rules and statutes of the Department.

25. Respondents shall use all reasonable efforts to obtain any necessary access for work to be performed in the implementation of this Order. If necessary access cannot be obtained, or if obtained, is revoked by owners or entities controlling access to the properties to which access is necessary, Respondents shall notify the Department within five (5) business days of such refusal or revocation. The Department may at any time seek to obtain access as is necessary to implement the terms of this Order. Respondents shall reimburse the Department for any damages, costs, or expenses, including expert and attorneys' fees, that the Department is ordered to pay, or that the Department incurs in connection with its efforts to obtain access as is necessary to implement the terms of this Order. Respondents shall pay these sums to the Department or arrange a payment schedule with the Department within 30 days of written demand by the Department.

26. If any event, including administrative or judicial challenges by third parties unrelated to Respondents, occurs which causes delay or the reasonable likelihood of delay, in complying with the requirements of this Order, Respondents shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of the Respondents and could not have been or cannot be overcome by Respondents due diligence. Economic circumstances shall not be considered circumstances beyond the control of Respondents, nor shall the failure of a contractor, subcontractor, materialman or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines be a cause beyond the control of Respondents, unless the cause of the contractor's late performance was also beyond the contractor's control. Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondents shall notify the Department orally within 24 hours or by the next working day.

In addition, Respondents shall notify the Department in writing within (7) calendar days of oral notification, as to: (i) the anticipated length and cause of the delay; (ii) the measures taken or to be taken to prevent or minimize the delay; and (iii) the timetable by which Respondents intend to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of Respondents, the time for performance hereunder shall be extended for a period equal to the agreed delay resulting from such circumstances. The agreement to extend compliance must adopt all reasonable measures necessary to avoid or minimize delay and identify the provision(s) extended, the new compliance date(s), any additional measure(s) Respondents must take to avoid or minimize the delay, if any. Failure of Respondents to comply with the notice requirements of this Paragraph in a timely manner constitutes a waiver of Respondents' right to request an extension of time for compliance with the requirements of this Order.

27. The sale or conveyance of the Facility and/or the property upon which the Facility is located does not relieve Respondents of the obligations imposed in this Order. In the event of a sale or conveyance of the Facility and/or of the property upon which the Facility is located, if all of the requirements of this Order have not been fully satisfied, Respondents shall: (i) notify the Department of such sale or conveyance of the Facility and/or Property, at least 30 days prior to the sale or conveyance; (ii) provide the name and address of the purchaser/grantee, operator, or person(s) in control of the Facility and Property; and (iii) provide a copy of this Order with all attachments to the purchaser/grantee, operator, or person(s) in control of the Facility and Property.

28. The Department, for and in consideration of the complete and timely performance by Respondents of the obligations agreed to in this Order, hereby conditionally waives its right to seek judicial imposition of damages or civil penalties for alleged violations outlined in this Order. This waiver is conditioned upon Respondents complete compliance with all of the terms of this Order. The Department expressly reserves its right to seek restitution from Respondents for environmental damages should it conclude that clean-up of the contaminated area to site rehabilitation levels is not feasible or should Respondents not

completely implement a remedial action plan consistent with the requirements of Rule 62-780, F.A.C., as approved by the Department. Within 20 days of receipt of Department's written notification of its intent to seek said restitution, Respondents may pay the amount of the damages or initiate negotiations with the Department regarding the monetary terms of restitution to the state. Should an agreement as to restitution compensation or environmental damages not be reached between the Department and Respondents within 20 days of receipt of Department written notification of its intent to seek restitution, the Department may institute appropriate legal action (administrative or judicial) to recover Department assessed environmental damages as provided by law. In addition, the Department agrees to promptly contact the State Attorneys Office and advise them of the civil settlement of this matter and that the Department has no objection to a "withhold adjudication" of all criminal charges against Respondent Harold Matthews with a probationary period of 12 calendar months.

29. Respondents acknowledge and waive their right to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, on the terms of this Order. Respondents acknowledge their right to appeal the terms of this Order pursuant to Section 120.68, Florida Statutes, and waive that right upon signing this Order.

30. With regard to any agency action taken by the Department concerning Respondents' proposals submitted by Respondents to the Department as required by Rule 62-780, F.A.C., the Respondents may file a Petition for Formal or Informal Administrative Hearing. If Respondents object to the Department's agency action pursuant to Sections 120.569 and 120.57, F.S., Respondents shall have the burden to establish that the Department's agency action was not reasonable. The petition must contain the information set forth below in Paragraph 39 herein and 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 the Department's agency action the Respondents intends to challenge and must conform with the requirements of Rule 28-106.201, F.A.C. or Rule 28-106.301, F.A.C. **Failure to file a petition within this time period shall constitute a waiver by Respondents of its right to request an administrative proceeding under Sections 120.569 and 120.57, F.S.** The

Department's determination, upon expiration of the 21-day time period if no petition is filed, or the Department's Final Order as a result of the filing of a petition, shall be incorporated by reference into this Order and made a part of it. All other aspects of this Order shall remain in full force and effect at all times. If both parties agree, the Department and Respondents may mediate the dispute as provided in Section 120.572, F.S. If the parties agree to mediation, the time for filing a petition pursuant to this paragraph is tolled until such time as the mediation is unsuccessful. Upon notice from the Department that the mediation is unsuccessful, the Respondents shall have 21 days to file its petition as provided herein. If Respondents seek an administrative proceeding pursuant to this paragraph, the Department may file suit against Respondents in lieu of or in addition to holding the administrative proceeding to obtain judicial resolution of all the issues unresolved at the time of the request for administrative proceeding.

31. This Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Order is not a settlement of any criminal liabilities, which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law. Entry of this Order does not relieve Respondents of the need to comply with applicable federal, state or local laws, regulations or ordinances.

32. The Department hereby expressly reserves the right to initiate appropriate legal action to prevent or prohibit any violations of applicable statutes or the rules promulgated there-under that are not specifically addressed by the terms of this Order, including but not limited to undisclosed releases, contamination or polluting conditions.

33. Nothing herein shall be construed to limit the authority of the Department to undertake any action against any Respondents in response to or to recover the costs of responding to conditions at or from the site that require Department action to abate an imminent hazard to the public health, welfare or the environment.

34. The terms and conditions set forth in this Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, F.S. Failure to comply with

the terms of this Order shall constitute a violation of Section 403.161(1)(b), F.S.

35. Respondents are fully aware that a violation of the terms of this Order may subject Respondents to judicial imposition of damages, civil penalties up to \$50,000 per day, per violation and criminal penalties.

36. 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.

37. No modifications of the terms of this Order shall be effective until reduced to writing and executed by both the Respondents and the Department.

38. This Order is a final order of the Department pursuant to Section 120.52(7), F.S., and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, F.S. Upon the timely filing of a petition this Order will not be effective until further Order of the Department.

39. Respondents shall publish the following notice in a newspaper of daily circulation in Duval County, Florida. The notice shall be published one time only within 30 days after the effective date of the Order by the Department. Respondents shall submit a certified copy of the published notice to the Department within 10 days of publication in accordance with Paragraph 24 herein.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF CONSENT ORDER

The Department of Environmental Protection gives notice of agency action of entering into a Consent Order with Harold Matthews; Atlantic Powder Coating, Inc.; Freedom City, Inc.; and HAGGJM Properties, LLC, pursuant to Section 120.57(4), Florida Statutes. The Consent Order addresses hazardous waste violations at 8805 Arlington Expressway, Jacksonville, FL 32211. The Consent Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida, 32256.

Persons who are not parties to this Consent 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 Consent Order means that the Department's final action may be different from the position it has taken in the Consent Order.

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

- (a) The OGC Number (19-1313) assigned to this Consent Order and the county in which the subject matter or activity is located;
- (b) The name, address, telephone number, and e-mail address (if any) of each petitioner;
- (c) The name, address, telephone number, and e-mail address of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;
- (d) An explanation of how the petitioner's substantial interests will be affected by the Consent Order;
- (e) A statement of when and how the petitioner received notice of the Consent Order;
- (f) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- (g) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order;
- (h) A statement of which rules or statutes the petitioner contends require reversal or modification of the Consent Order; and
- (i) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and 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 Northeast District Office, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida, 32256. 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. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code. Before the deadline for filing a petition, a person whose substantial interests are affected by this Consent Order may choose to pursue mediation as an alternative

remedy under section 120.573, Florida Statutes. Choosing mediation will not adversely affect such person's right to request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in Section 120.573, Florida Statutes, and Rule 62-110.106(12), Florida Administrative Code.

40. Copies of Department rules referenced in this Order may be examined at any Department Office or may be obtained by written request to the District Office referenced in Paragraph 23 above. The rules referenced in this Order are also available at <https://floridadep.gov/ogc/ogc/content/rules>.

FOR THE RESPONDENTS:

HAROLD MATTHEWS:

3.20.2020

DATE



Mr. Harold Matthews

ATLANTIC POWDER COATING, INC.:

3.20.2020

DATE



Mr. Harold Matthews
President

FREEDOM CITY, INC.:

3-31-20

DATE

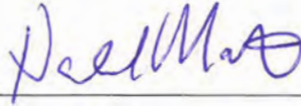


Ms. Susan Evans
President

HAGGJM PROPERTIES, LLC:

3.20.2020

DATE



Mr. Harold Matthews
Manager

DONE AND ORDERED this 8th day of April 2020, in Duval County, Florida.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION



Gregory J. Strong
Northeast District Director

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



Clerk

April 8, 2020

Date

Copies furnished to:
Lea Crandall, Agency Clerk (executed copy)
FDEP-NED

EXHIBIT A



FLORIDA DEPARTMENT OF Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

February 13, 2019

Sent electronically to: harold@atlanticpowder.net

Mr. Harold Matthews, President
Atlantic Powder Coating, Inc.
8805 Arlington Expressway
Jacksonville, Florida 32211

RE: Warning Letter No. WL19-046 (Significant Non-Complier)
EPA/DEP ID: FLR 000 229 799
Duval County – Hazardous Waste

Dear Mr. Matthews:

A hazardous waste compliance inspection was conducted at your facility on October 22, 2018. During this inspection, possible violations of Chapter 403, Florida Statutes (F.S.), and Chapter 62-730, Florida Administrative Code (Fla. Admin. Code), were observed.

During the inspection, Department personnel noted the following:

- Hazardous waste was accumulated on-site for longer than 180 days.
- The facility accumulated greater than 6,000 kilograms of hazardous waste on-site.
- Hazardous waste containers were open.
- Hazardous waste containers were not being inspected weekly.
- Hazardous waste containers were not properly labeled.
- Hazardous waste containers were not dated.
- Hazardous waste stripper wastewater had been discharged to the ground and had also been evaporated.
- Necessary emergency equipment was not available.
- Arrangements had not been made with the local authorities.
- The facility did not have an emergency coordinator.
- Emergency information was not posted next to a telephone.
- Facility employees were not familiar with proper waste handling or emergency procedures.
- The facility did not notify the Department of its waste management activities.

Atlantic Powder Coating, Inc.
Warning Letter No. WL19-046
February 13, 2019
Page 2 of 2

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Section 403.121, Florida Statutes.

Please contact Pamela Fellabaum at (904) 256-1670, or email at Pamela.Fellabaum@FloridaDEP.gov, within 15 days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in receiving any facts that you may have which might assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. We look forward to your cooperation in completing our investigation and resolving this as soon as possible.

Sincerely,



Gregory J. Strong
District Director

Attachment: Final Inspection Report

cc: Susan Evans, Registered Agent for Freedom City, Inc.
(8805 Arlington Expressway, Jacksonville, FL 32211)

John M. Miller, Esq., Registered Agent for HAGG JM Properties, LLC
(3010 3rd Street South, Jacksonville Beach, FL 32250)



**Florida Department of
Environmental Protection
Hazardous Waste Inspection Report**

FACILITY INFORMATION:

Facility Name: Atlantic Powder Coating
On-Site Inspection Start Date: 10/22/2018 **On-Site Inspection End Date:** 10/22/2018
ME ID#: 132189 **EPA ID#:** FLR000229799
Facility Street Address: 8805 Arlington Expy, Jacksonville, FL 32211-8113
Contact Mailing Address: 8805 Arlington Expressway, Jacksonville, FL 32211
County Name: Duval **Contact Phone:** (904) 724-2422

NOTIFIED AS:

N/A

INSPECTION TYPE:

Complaint Inspection for SQG (100-1000 kg/month) facility

INSPECTION PARTICIPANTS:

Principal Inspector: Pam Fellabaum, Inspector
Other Participants: Harold Matthews, Owner

LATITUDE / LONGITUDE: Lat 30° 19' 28.4155" / Long 81° 33' 41.9041"

SIC CODE: 3479 - Manufacturing - metal coating and allied services

TYPE OF OWNERSHIP: Private

Introduction:

Atlantic Powder Coating (APC) was inspected on October 22, 2018, as a hazardous waste compliance inspection. The facility was initially visited by DEP's Hazardous Waste Program on September 22, 2017, and on May 8, 2018, when compliance assistance was provided to the facility. The facility is currently operating as a Small Quantity Generator (SQG) of hazardous waste and has been issued the EPA/DEP ID #FLR 000 229 799. Please use this number on all future correspondence with DEP's Hazardous Waste Program.

The facility powder coats metal surfaces, primarily steel. The facility has approximately 20 employees. The facility uses a private well and a septic tank. Harold Matthews (APC), David Terrones (FWC) and Brett Starling (FWC) accompanied the inspector on the October inspection.

The facility consists of four buildings and outside areas, and is located on two adjacent parcels of property. Buildings One and Two and the Outside Blasting Area are located at 8805 Arlington Expressway. Freedom City, Inc. owns this parcel of land. Buildings Three and Four and the Outside Stripping Operation are located at 8819 Arlington Expressway. Hagg JM Properties, LLC owns this parcel of land.

Process Description:

Building One:

Building One includes offices, assembly areas, drying areas (Photo 1), a powder coating booth (Photo 2), and a drying oven (Photo 3). Waste powder coating debris is cured in the drying oven and thrown into the trash.

Employees may use FPL 50-53 Lacquer Thinner on a rag in this building. It contains 30-60% methyl acetate, 10-30% methanol, 10-30% toluene, 7-13% ligroin, and 1-5% tetrahydrofuran with a flashpoint of -5°F. According to Mr. Matthews, the spent rags are managed as excluded solvent contaminated wipes and laundered by Cintas. There was one container for the rags in the building. It was labeled "Hazardous Waste" and it was open (Photo 4). The facility is reminded that in order to maintain the solvent wipe exclusion, the container should be kept closed and labeled "Excluded Solvent Containment Wipes."

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Building Two:

Building Two is located to the north and directly behind Building One. It includes preparation areas, a large walk-in blast booth (Photo 5) and a small blast booth (Photo 6). Blast media may be garnet or glass beads. At the time of the inspection, the facility did not have Toxicity Characteristic Leaching Procedure (TCLP) analytical data for spent media from either blast booth. Samples of each spent media were analyzed after the inspection and determined to be non-hazardous.

At the time of the inspection, employees were preparing small items to be coated. The items were being soaked and cleaned with the FPL 50-53 Lacquer Thinner in a container (Photos 7 and 8). Spent liquid lacquer thinner is a D001/F003/F005 hazardous waste, however there was no liquid waste accumulating at the time of the inspection. This is an Area of Concern. The facility is reminded that all hazardous waste must be collected in a container that is in good condition, kept closed, properly labeled and sent off-site as hazardous waste by a State of Florida registered/certified Hazardous Waste Transporter to a permitted Treatment, Storage and Disposal Facility (TSDF). According to Mr. Matthews, rags contaminated with spent thinner are managed as excluded solvent contaminated wipes and laundered by Cintas. There was no container for wipes in this building. This is an Area of Concern. The facility is reminded that in order to maintain the solvent wipe exclusion, all conditions of the Exclusion should be met. The facility should place a closed, properly labeled container in the building for employee use.

Outside Blasting Area:

Larger parts are also blasted outside of Building Two. Glass beads are used as a blast media. The spent media is not collected and is allowed to accumulate on the ground. At the time of the inspection, the facility did not have TCLP analytical data for spent glass bead media. A sample of the spent media was analyzed after the inspection and determined to be non-hazardous. Even though this wastestream is non-hazardous, the spent media is still characterized as solid waste that cannot be disposed of on the ground without a permit from DEP. This is an Area of Concern. The facility is reminded to collect this wastestream and manage it as non-hazardous waste that is sent off-site to a permitted Class 1 Solid Waste Landfill.

Building Three:

Building Three is to the east of Building One. It is a large building that contains an Upholstery Shop and a Welding Area. It is also used for storage.

Building Three - Upholstery Shop:

This area is where fabric may be cut and sewn to replace parts on chairs or other pieces that need upholstery. No hazardous waste is generated in this area.

Building Three - Welding Area:

This area is where welding occurs. Parts may need welding and repair. No hazardous waste is generated in this area.

Building Four:

Building Four is a small building that is attached and adjacent to Building Three. It is mainly a covered open area that is used for storage. A large machine used to deburr items is located against the wall (Photo 9). Water and small abrasive media is used in the deburring process. Mr. Matthews stated that no wastewater is generated from the machine. The facility is reminded that any wastewater or waste abrasive media generated from this process will require a hazardous waste determination pursuant to 40 CFR 262.11 and proper management off-site. If the wastestreams are determined to be non-hazardous, no waste or wastewater from this machine should be discharged to the ground or to the septic tank. If the wastestreams are found to be hazardous, then each should be collected separately in containers that are in good condition, kept closed and properly labeled; and transported to and managed by an off-site permitted hazardous waste TSDF.

Outside Stripping Operation:

This is a large open area located to the north of Building Three. Large items and parts are chemically stripped in this area. The stripping solution used by the facility is 1010P Epoxy Stripper. It contains methanol 1-20%, toluene 1-20%, dichloromethane 50-100%, formic acid 1-20%, dodecylbenzene sulfonic acid 1-20% and phenol 1-20% with a flashpoint of 120°F. Waste stripper is a D001/F002/F003/F005 hazardous waste liquid and waste stripper wastewater is a F002/F005 hazardous waste liquid.

The area includes two large metal dip tanks, one smaller, long dip tank and one large rinse tank (Photos 10 and 11). The two large dip tanks are used for large items or parts, and the one smaller dip tank (Photo 12) is

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used for long parts like poles or pipes. All three contain stripping solution. The large metal rinse tank (Photo 13) is used for high-pressure water rinsing to remove the stripper from the parts. It contains stripper wastewater, sludge and coating residue (paint chips). During the September 22, 2017, visit to the facility, a closer inspection of this tank revealed that there was a valve at the outside bottom of the rinse tank in the back. A long hose had been attached to the valve (Photo 14), and the valve was in the open position (Photo 15). The hose extended from the valve, through the concrete block wall behind the tank, onto the ground behind the two large dip tanks (Photo 16), and ended in a sandy area to the north of the stripping area adjacent to the small long dip tank (Photos 17 and 18). The ground in the immediate vicinity around the open hose was discolored, and there was standing liquid on top of the ground around the hose end (Photo 19). This is not ensuring proper disposal of a hazardous waste [40 CFR 262.20(a)]. Mr. Matthews stated that his employees put a bucket at the end of the hose to collect the stripper wastewater that drains from the tank, and that the stripper wastewater is allowed to evaporate. This is also not ensuring proper disposal of a hazardous waste [40 CFR 262.20(a)]. At the time of the inspection, no bucket or containers of stripper wastewater or containers of stripper residue were observed at the facility and no shipments of this wastestream had been sent off-site to date.

The inspector instructed Mr. Matthews to immediately cease all discharges to the ground or to the air of any stripper waste or stripper wastewater; collect both wastestreams in containers that are in good condition, kept closed and properly labeled; and transported to and managed by an off-site permitted hazardous waste TSDF.

Initial Site Assessment Activities:

As a result of what appeared to be a release of hazardous waste stripper wastewater to the ground that was observed during the September 2017 compliance assistance visit, the inspector recommended that Mr. Matthews perform an initial Site Assessment (SA) in accordance with 62-780, Florida Administrative Code (FAC). The facility submitted a draft SA Sampling Plan to DEP on May 1, 2018. DEP submitted comments to the facility and its environmental consultant during a site visit on May 8, 2018, and a Final SA Sampling Plan was submitted on May 15, 2018. Soil and groundwater sampling was conducted on July 11 and July 16, 2018. A Site Assessment Report (SAR) was submitted to DEP on August 24, 2018. Based on the sampling conducted at the site, the SAR indicated that soils and groundwater at the facility had levels of contaminants that exceeded State of Florida Groundwater and Soil Cleanup Target Levels (GCTLs and SCTLs, respectively) in 62-777, FAC. Contaminants that exceeded SCTLs for direct exposure and/or leachability were: phenol; chromium; barium; 4,6-dinitro-2-methyl phenol; arsenic; methylene chloride; and toluene. A contaminant that exceeded GCTLs was chloromethane. Contaminants identified in the groundwater but below GCTLs were: barium, selenium, arsenic and toluene. DEP sent a letter to Mr. Matthews on October 30, 2018, stating that, based on the initial SAR data, additional site assessment activities identified in 62-780, FAC, were required. Because of these discharges, the facility has not been maintained to minimize the possibility of a fire, explosion, unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to the air, soil or surface water which could threaten human health or the environment [40 CFR 262.16(b)(8)(i)].

Outside Waste Storage Areas:

After the September 2017 compliance assistance visit, Mr. Matthews verbally informed the inspector that the facility had ceased discharging stripper waste and stripper wastewater from the stripping operations to the ground. Mr. Matthews also informed the inspector that the facility began collecting the stripping operation wastes in drums and totes. During several conversations subsequent to this visit, the inspector reminded Mr. Matthews of the requirement for proper accumulation and management of the stripping operation wastestreams.

At the time of the May 8, 2018, compliance assistance visit, there were two 250-gallon totes (Photo 20) and 16 55-gallon drums (Photos 21 and 22) of hazardous waste stripper waste/wastewater observed adjacent to the Outside Stripping Operation; a total of approximately 1,380 gallons of hazardous waste. The totes and drums were closed, but not labeled or dated. Mr. Matthews was instructed to properly label and date the totes and drums and reminded that this waste should be transported to and managed by an off-site permitted hazardous waste TSDF. The inspector also instructed Mr. Matthews to notify DEP of the facility's hazardous waste activities and obtain an EPA/DEP Identification number in order to ship the waste off-site.

At the time of the October 22, 2018, compliance inspection, the following hazardous waste containers and quantities were observed accumulating:

1. Adjacent to Building Two there were four full 250-gallon totes of stripper waste/wastewater (Photo 23); a

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total of 1,000 gallons of hazardous waste. All of the totes were closed, but none of the totes were dated [40 CFR 262.16(b)(6)(i)(C)] or labeled "Hazardous Waste" [40 CFR 262.16(b)(6)(i)(A)]. There was no emergency equipment available near the waste accumulation area [40 CFR 262.16(b)(8)(ii)(C)].

2. Adjacent to the Outside Stripping Operation, there were four full 250-gallon totes (Photo 24), one 1/3 full 250-gallon tote (Photo 25), two full 55-gallon drums (Photo 26), and one 1/4 full 55-gallon drum (Photo 27) of stripper waste/wastewater; a total of approximately 1,207 gallons of hazardous waste. All of the totes were closed, but none of the totes were dated [40 CFR 262.16(b)(6)(i)(C)] or labeled "Hazardous Waste" [40 CFR 262.16(b)(6)(i)(A)]. None of the 55-gallon drums were closed, and the top of the partially full drum had been cut off so that the drum was completely open [40 CFR 262.16(b)(2)(iii)(A)]. None of the 55-gallon drums were dated [40 CFR 262.16(b)(6)(i)(C)] or labeled "Hazardous Waste" [40 CFR 262.16(b)(6)(i)(A)]. There was no emergency equipment available near the waste accumulation area [40 CFR 262.16(b)(8)(ii)(C)].

Records Review:

At the time of the October 2018 compliance inspection, Mr. Matthews did not have any disposal records and stated that no waste had been shipped off-site. As a result, the facility has not complied with the 180-day accumulation time limit. No waste has been shipped off-site since September 2017 [40 CFR 262.16(b)]. The facility has also not complied with the 6,000 kg maximum on-site accumulation quantity of hazardous waste. There were approximately 2,207 gallons (approximately 8,025 kgs) of hazardous waste accumulating on-site on October 22, 2018 [40 CFR 262.16(b)(1)].

In addition, at the time of the October 2018 inspection, the facility had not submitted notification of its hazardous waste activities to DEP and did not have an EPA/DEP Identification number [40 CFR 262.18(a)]. As part of this inspection, EPA/DEP Identification Number FLR000 229 799 was issued to the facility by DEP. The facility should submit a completed 8700-12FL form to DEP's Tallahassee office to complete the notification process.

According to Mr. Matthews, the facility purchases two to four 55-gallon drums of stripper monthly. Based upon use and the amount of waste observed during the May and October 2018 visits, the facility is currently operating as a Small Quantity Generator (SQG) of hazardous waste.

SQGs are required to comply with numerous hazardous waste requirements, including container management, manifesting, accumulation time, personnel training and emergency procedures. At the time of the inspection, the facility was not in compliance with the following SQG requirements:

1. Hazardous waste containers are not being inspected weekly [40 CFR 262.16(b)(2)(iv)].
2. The facility has not made emergency response arrangements with the following authorities: the Local Police Department, the Fire Department, an Emergency Response Team, an Emergency Response Contractor, an Equipment Supplier, and a Local Hospital [40 CFR 262.16(b)(8)(vi)(A)].
3. The facility has not identified an Emergency Coordinator that is on-site or within short driving distance of the facility at all times [40 CFR 262.16(b)(9)(i)].
4. The following information was not posted next to a telephone or in areas directly involved in the generation and accumulation of hazardous waste: Name and emergency telephone number of emergency coordinator, location of fire extinguishers, spill control material and, if present, fire alarm, and telephone number of the fire department, if no direct alarm [40 CFR 262.16(b)(9)(ii)].
5. All employees are not thoroughly familiar with proper waste handling and emergency procedures as relevant to their responsibilities during normal facility operations and emergencies [40 CFR 262.16(b)(9)(iii)].

Areas of Concern:

1. Building Two – Lacquer thinner was being used in containers to soak and clean parts, but there was no spent lacquer thinner accumulating at the time of the inspection. Spent liquid lacquer thinner should be collected in a container that is in good condition, kept closed, properly labeled and managed as D001/F003/F005 hazardous waste.
2. Building Two – Solvent contaminated wipes were being generated, but there was no container for the wipes. The facility should place an Excluded Solvent Contaminated Wipes container in the building for spent wipes contaminated with lacquer thinner. The container should be properly labeled and kept closed.
3. Outside Blasting Area – Spent glass bead blast media is allowed to accumulate on the ground in the area adjacent to Building Two. The facility should remove all spent blast media from the ground and manage it properly by sending it off-site to a Class 1 permitted Solid Waste Landfill.
4. Building Four – The facility does not have any record for disposal of waste media or wastewater from the

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deburring machine in Building Four. When waste media or wastewater is to be removed from the machine, the facility should perform a hazardous waste determination on each wastestream separately and manage the waste based upon this determination. If either waste is found to be non-hazardous, then it should be shipped off-site for proper disposal. If either wastestream is found to be hazardous, then each should be collected separately in containers that are in good condition, kept closed and properly labeled; and transported to and managed by an off-site permitted hazardous waste TSD. No waste media or wastewater from this machine should be discharged to the ground or to the septic tank.

 In addition to the potential violations cited below, this inspection revealed potential violations of the new Generator Improvement Rule requirements that were effective in Florida as of June 18, 2018. The potential violations observed included:

1. 40 CFR 262.11 – Hazardous waste determinations should now be documented fully, and all appropriate waste codes added to containers prior to shipping. Please see the rule for more information.
2. 40 CFR 262.13 – The generator needs to correctly determine its generator category.
3. 40 CFR 262.18(d)(1) - Beginning September 1, 2021, SQGs will need to re-notify DEP of its generator status every four years by September 1.
4. 40 CFR 262.17(a)(5)(B) – Hazardous Waste <180-day accumulation containers should now be labeled with an indication of the hazards of the contents. Please see the rule for examples of appropriate labels.
5. 40 CFR 262.15(a)(5)(ii) – All hazardous waste satellite accumulation containers should now be labeled with an indication of the hazards of the contents. Please see the rule for examples of appropriate labels.
6. 40 CFR 262.15(a)(8) – All hazardous waste satellite accumulation areas should now meet all of the Preparedness and Prevention and Emergency Procedures listed in 40 CFR 262 Subpart M.
7. 40 CFR 262.262 – Contingency Plans, when updated, should meet all of the new requirements under the rule. Please see 40 CFR 262 Subpart M for all of the new requirements for Preparedness, Prevention and Emergency Response Procedures for LQGs.

For Outstanding Items of Potential Non-Compliance

Please review the following section – New Potential Violations and Areas of Concern. This section includes potential violations observed at your facility during this inspection. For any potential violations below that have not been corrected, please refer to the Corrective Action for each item that is suggested to bring your facility into compliance. Once the corrective action has been completed, please send documentation to the DEP NED inspector listed as the Principal Inspector on page 1 of this Inspection Report. This documentation includes, but is not limited to, photos of corrected items, manifests, SDSs or other documents that will show that each potential violation has been fully addressed.

New Potential Violations and Areas of Concern:

Violations

Type:	Violation 1
Rule:	262.16(b)
Explanation:	Facility accumulated waste on-site for greater than 180 days.
Corrective Action:	In order to return to compliance, the facility should have all hazardous waste that has been at the facility for over 180 days manifested off-site to a permitted hazardous waste TSD as soon as possible. In the future, the facility should ensure that hazardous wastes are disposed of within 180 days of the accumulation start date.

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Type: Violation 2
Rule: 262.16(b)(1)
Explanation: The facility accumulated greater than 6,000 kgs of hazardous waste. There were approximately 2,207 gallons (approximately 8,025 kgs) of hazardous waste observed on-site on October 22, 2018.
Corrective Action: In order to return to compliance, the facility should have all hazardous waste at the facility manifested off-site to a permitted hazardous waste TSDF as soon as possible. In the future, the facility should ensure that hazardous wastes are manifested off-site within 180 days of the accumulation start date and that less than 6,000 kgs of hazardous waste is accumulated on-site.

Type: Violation 3
Rule: 262.16(b)(2)(iii)(A)
Explanation: Outside Stripping Operation - Two full 55-gallon drums and one 1/4 full 55-gallon drum of hazardous waste were open.
Corrective Action: In order to return to compliance, the facility should ensure that all hazardous waste accumulation containers are kept closed except when adding or removing waste.

Type: Violation 4
Rule: 262.16(b)(2)(iv)
Explanation: Hazardous waste containers are not inspected weekly.
Corrective Action: In order to return to compliance, the facility should begin conducting and documenting weekly hazardous waste container inspections. The facility should keep documentation of these inspections for at least three years. At a minimum, this documentation should include the date and time of the inspection, the legibly printed name of the inspector, the number of containers, the condition of the containers, a notation of the observations made, and the date and nature of any repairs or other remedial actions. Attached is a sample hazardous waste container inspection log.

Type: Violation 5
Rule: 262.16(b)(6)(i)(A)
Explanation: The following containers of hazardous waste were not labeled:

Building Two - Four 250-gallon totes.

Outside Stripping Operation - Four 250-gallon totes, one 1/3 full 250-gallon tote, two 55-gallon drums and one 1/4 full 55-gallon drum.
Corrective Action: No further action is required for the containers observed on October 22, 2018. The containers were labeled during the inspection. In the future, the facility should label each container used to accumulate hazardous waste on-site with the words "Hazardous Waste."

Inspection Date: 10/22/2018

Type: Violation 6
Rule: 262.16(b)(6)(i)(C)
Explanation: The following containers of hazardous waste were not dated:

Building Two - Four 250-gallon totes.

Outside Stripping Operation - Four 250-gallon totes, one 1/3 full 250-gallon tote, two 55-gallon drums and one 1/4 full 55-gallon drum.
Corrective Action: In order to return to compliance, facility personnel should mark each container used to accumulate hazardous waste with the date that the hazardous waste first began accumulating in the container.

Type: Violation 7
Rule: 262.16(b)(8)(i)
Explanation: The facility discharged hazardous waste stripper wastewater to the ground. The facility evaporated hazardous waste stripper wastewater. Because of these discharges, the facility has not been maintained to minimize the possibility of a fire, explosion, unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to the air, soil or surface water which could threaten human health or the environment.
Corrective Action: In order to return to compliance, the facility should immediately cease all discharges of hazardous waste stripper wastewater to the ground and cease evaporating hazardous waste stripper wastewater.

In order to return to compliance, the facility should, within 30 days of the receipt of this Final Inspection Report, continue Site Assessment in accordance with 62-780.600, FAC. Within 270 days of the receipt of this Final Inspection Report, the facility should submit to DEP a Site Assessment Report ("SAR") in accordance with 62-780.600(8), FAC. DEP will review and process the SAR in accordance with 62-780.600(9), FAC. Upon submittal of the SAR to DEP, the facility should continue and complete all further tasks required by 62-780, FAC, in accordance with the requirements and time schedules identified in 62-780, FAC.

Type: Violation 8
Rule: 262.16(b)(8)(ii)(C)
Explanation: The facility did not have the necessary emergency equipment near the hazardous waste accumulation area adjacent to Building Two or the Outside Stripping operation.
Corrective Action: In order to return to compliance, the facility should place adequate spill control equipment and decontamination equipment near all totes and drums of hazardous waste.

Type: Violation 9
Rule: 262.16(b)(8)(vi)(A)
Explanation: The facility had not made arrangements with local authorities.
Corrective Action: In order to return to compliance, the facility should provide documentation to the DEP that emergency arrangements have been made with the local authorities. (A copy of the certified return-receipt card would be sufficient.) The facility should make arrangements with the Local Police Department, the Fire Department, an Emergency Response Team, an Emergency Response Contractor, an Equipment Supplier, and the Local Hospital to

Inspection Date: 10/22/2018

familiarize them with the layout of the facility and the type of hazardous waste handled by the facility.

Type: Violation 10

Rule: 262.16(b)(9)(i)

Explanation: The facility does not have an Emergency Coordinator.

Corrective Action: In order to return to compliance, the facility should designate an Emergency Coordinator. This person should be available or be on call 24 hours a day to respond to emergencies. This person should also be trained in proper hazardous waste management and proper response to hazardous waste emergencies.

Type: Violation 11

Rule: 262.16(b)(9)(ii)

Explanation: The facility did not have emergency information posted next to the telephone.

Corrective Action: In order to return to compliance, the facility should submit a completed Emergency Plan to DEP that meets the requirements of this section. The plan should include:

1. The name and telephone number of the emergency coordinator.
2. A diagram of the facility indicating the location of fire extinguishers, spill control materials, and fire alarm.
3. The telephone number of the fire department.

After submittal to DEP, the facility should post the plan next to the telephone and update it on a regular basis. Attached is a model Emergency Plan.

Type: Violation 12

Rule: 262.16(b)(9)(iii)

Explanation: All employees are not thoroughly familiar with proper waste handling and emergency procedures.

Corrective Action: In order to return to compliance, the facility should train its employees on proper waste handling procedures relevant to their work responsibilities. Documentation of this training should be submitted to DEP for review.

Type: Violation 13

Rule: 262.18(a)

Explanation: The facility did not notify DEP of its hazardous waste management activities.

Corrective Action: In order to return to compliance, the facility should submit to DEP's Tallahassee office a hard copy of the attached "Notification of Regulated Waste Activity" form that has been completed and signed. The facility has been issued the following EPA identification number: FLR 000 229 799. Please use this number on the notification form. Also, this number should be used on all hazardous waste manifests and correspondence with DEP.

Inspection Date: 10/22/2018

Type: Violation 14

Rule: 262.20(a)

Explanation: Outside Stripping Operation - Facility allowed hazardous waste stripper wastewater to discharge to the ground.

Outside Stripping Operation - Facility allowed hazardous waste stripper wastewater to evaporate.

Corrective Action: In order to return to compliance, the facility should immediately cease all hazardous waste stripper wastewater discharges to the ground or to the air. The facility should collect all hazardous waste stripper wastewater in containers that are in good condition, kept closed, properly labeled and dated and transported off-site to a permitted hazardous waste TSDF.

With respect to the discharges to the ground, the facility should comply with the corrective actions detailed in Violation 7 above.

PHOTO ATTACHMENTS:

Photo 1



Photo 2



Photo 3

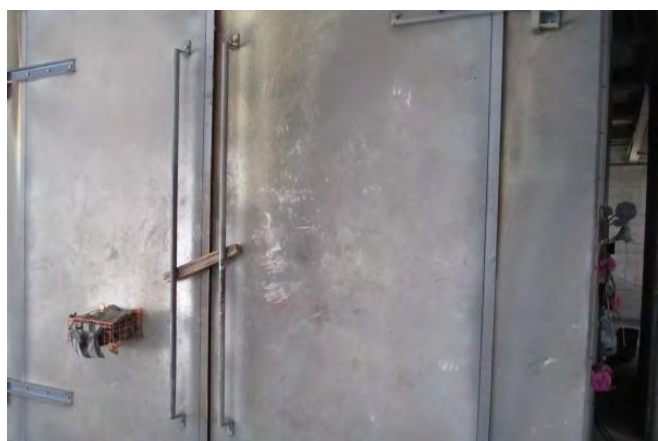


Photo 4



Inspection Date: 10/22/2018

Photo 5



Photo 6



Photo 7



Photo 8



Photo 9



Photo 10



Inspection Date: 10/22/2018

Photo 11



Photo 12



Photo 13



Photo 14



Photo 15



Photo 16



Inspection Date: 10/22/2018

Photo 17



Photo 18



Photo 19



Photo 20



Photo 21



Photo 22



Inspection Date: 10/22/2018

Photo 23



Photo 24



Photo 25



Photo 26



Photo 27



Inspection Date: 10/22/2018

1.0 - Pre-Inspection Checklist

Requirements:

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

Note: Checklist items with shaded boxes are for informational purposes only.

Item No.	Pre-Inspection Review	Yes	No	N/A
1.1	Has the facility notified with correct status? 262.18(a)			✓
1.2	Has the facility notified of change of status? 62-730.150(2)(b)			✓
1.3	Did the facility conduct a waste determination on all wastes generated? 262.11			✓

Inspection Date: 10/22/2018

Signed:

A hazardous waste compliance inspection was conducted on this date, to determine your facility's compliance with applicable portions of Chapters 403 & 376, F.S., and Chapters 62-710, 62-730, 62-737, & 62-740 Florida Administrative Code (F.A.C.). Portions of the United States Environmental Protection Agency's Title 40 Code of Federal Regulations (C.F.R.) 260 - 279 have been adopted by reference in the state rules under Chapters 62-730 and 62-710, F.A.C.

Pam Fellabaum

Inspector

Principal Inspector Name**Principal Inspector Title**


DEP

01/04/2019

Principal Inspector Signature**Organization****Date**

Harold Matthews

Owner

Representative Name**Representative Title**

Atlantic Powder Coating

Organization

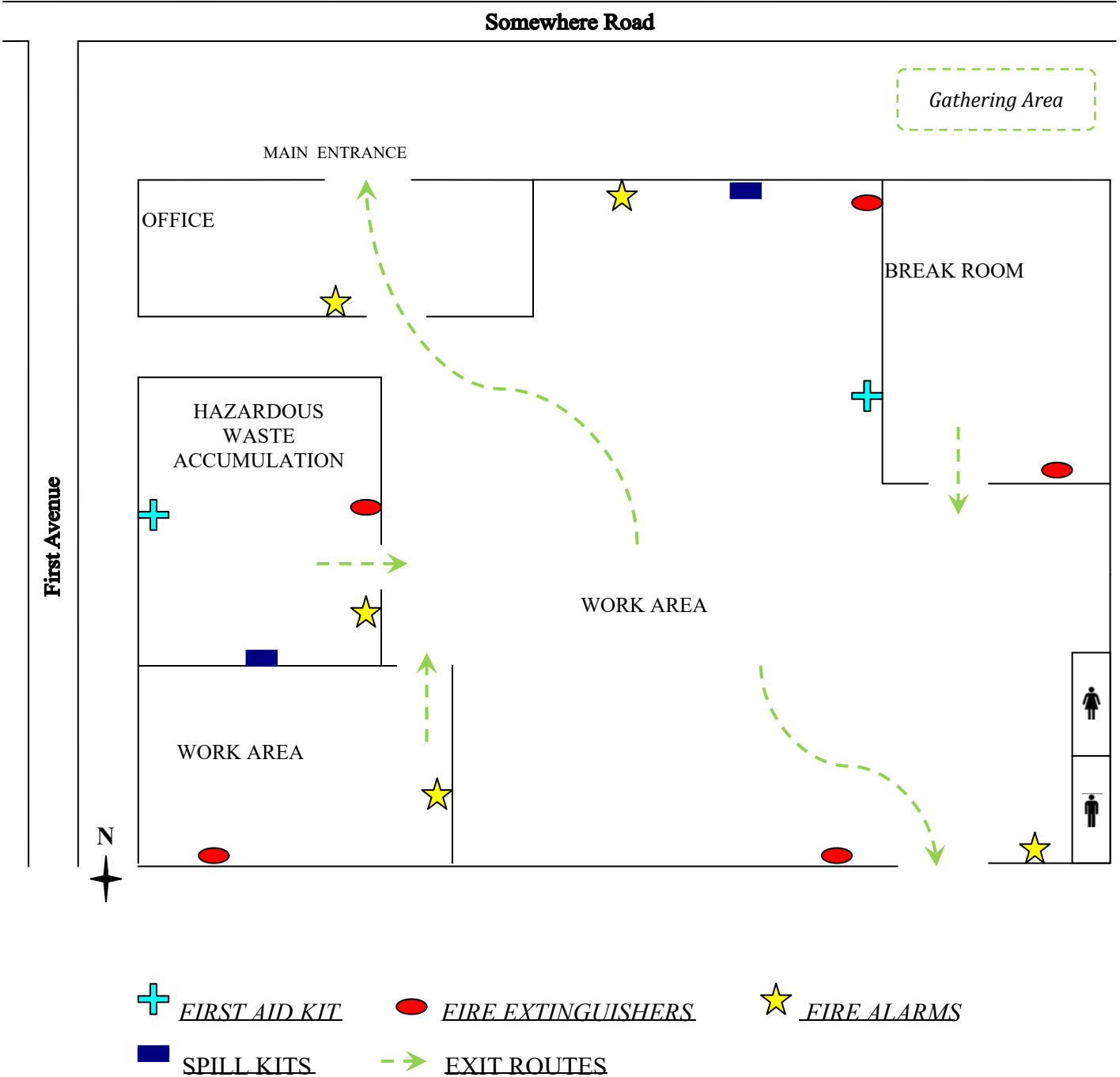
NOTE: By signing this document, the Site Representative only acknowledges receipt of this Inspection Report and is not admitting to the accuracy of any of the items identified by the Department as "Potential Violations" or areas of concern.

Report Approvers:**Approver:** Pam Fellabaum**Inspection Approval Date:** 01/04/2019

SAMPLE EMERGENCY PLAN

My Company Inc.
191 Somewhere Road
Otherville, Florida 32111

Emergency Coordinator: _____ (904) 999-9999
Fire Department: (904) 999-9999
Police Department: (904) 999-9999
Emergency Response: (904) 999-9999
Hospital: _____ (904) 999-9999





8700-12FL - FLORIDA NOTIFICATION OF REGULATED WASTE ACTIVITY

DEP Waste Management Division-HWRS, MS4560
2600 Blair Stone Rd. Tallahassee, FL 32399-2400
(850) 245-8707

Date Received
(for FDEP Official Use Only)

EPA ID: [Grid]

Please use the instructions document to complete this form

1. Reason for Submittal

(all submitters must complete pages 1 and 2 and sign page 5. Pages 3 and 4, - complete as applicable)

Mark 'X' in the correct box:
(must choose one if a notification)

- To provide initial notification (to obtain an EPA ID Number for hazardous waste, universal waste, used oil activities, or PCW activities).
To provide subsequent notification (to update status and facility identification information).
To provide the final notification (closing) for the facility. (see instructions—must complete pages 1,2,5)

FL Registration(s) UW Mercury (see page 3) HW Transporter (see page 4) Used Oil (see page 4)

2. Facility or Business Name

3. Facility Operator

(List additional Operators in the comments section).

Name of Operator: Atlantic Powder Coating Date became Operator: ___/___/___
Street or P.O. Box: Phone Number:
City or Town: State: Zip Code: Country (if not USA):
Operator Type: Private Federal Municipal State County Other

4. Facility Physical Location Information

(No P.O. Boxes)
Same address as #3 above or:

Physical Street Address: 8805 Arlington Expressway Vessel
City or Town: Jacksonville State: FL Zip Code: 32211-8113
County: Duval Country (if not USA):

5. Facility North American Industry Classification System (NAICS) Code(s) (at least 5 digits)

A. [Grid] (required) B. [Grid]
C. [Grid] D. [Grid]

6. Facility or Business Mailing Address

Same address as #__ above or: Street or P.O. Box:
City or Town: State: Zip/Postal Code: Country (if not USA):

7. Facility or Business RCRA Contact Person

Same address as #__ above or:

First Name: Last Name: Title:
Phone Number: Extension: E-Mail: Fax:
Street or P.O. Box:
City or Town: State: Zip Code: Country (if not USA):

8. Real Property (FL Land) Owner of the Facility's Physical Location

(List additional owners in the comments section.)
Same address as #__ above or:

Name of Owner: Date became Owner: ___/___/___
New Owner mm dd yy
Street or P.O. Box: Phone Number:
City or Town: State: Zip Code: Country (if not USA):
Owner Type: Private Federal Municipal State County Other

9. RCRA Hazardous Waste Activities at this Facility: (Mark 'X' in all that apply):

(A) (1) Generator of Hazardous Waste

Yes No (Do not include Universal Waste or Used Oil)

If YES, Choose only one of the following three categories.

a. Large Quantity Generator (LQG):
Generates in any calendar month 1,000 kilograms or greater per month (kg/mo) (2,200 lbs.) of non-acute hazardous waste; or Greater than 1 kg (2.2 lbs) of acute hazardous waste (at least once a year)

b. Small Quantity Generator (SQG):
Generates in any calendar month greater than 100kg/mo but less than 1,000 kg/mo (>220 to <2,200 lbs.) of non-acute hazardous waste and/or 1 kg (2.2 lbs) or less of acute hazardous waste (at least once a year)

c. Conditionally Exempt SQG (CESQG):
Generates in any calendar month 100 kg/mo or less (220 lbs.) of non-acute hazardous waste and 1 kg (2.2 lbs) or less of acute hazardous waste

In addition, indicate other generator activities that apply.

- d. Short-Term Generator (one-time, not on-going)
- e. Episodic: Not more than one-time per year: __SQG__LQG
- f. United States Importer of hazardous waste
- g. Mixed Waste (hazardous and radioactive) Generator

For Items 2 through 7, mark 'X' in all that apply.

(2) Treater, Storer, or Disposer of Hazardous Waste

(at your facility) Note: A hazardous waste permit may be required for this activity.

- a. Operating Commercial TSD
- b. Operating Non-Commercial TSD
- c. Non-Operating: Postclosure or Corrective Action Permit or Order (HSWA, etc.)

(3) Recycler of Hazardous Waste (at your facility)

Specify: Commercial Non-Commercial.
Note: A permit is required for storage prior to recycling.

(4) Exempt Boiler and/or Industrial Furnace

- a. Small Quantity On-site Burner Exemption
- b. Smelting, Melting, and Refining Furnace Exemption

(5) Person Authorized to Manage Conditionally Exempt Waste Generated at Other Facilities

Choose this management activity ONLY if you attach EITHER a copy of your application for such authorization OR the authorization you received from FDEP.

(6) Receives Hazardous Waste from Off-Site

(7) Underground Injection Control

10. Waste Codes for Federally Regulated Hazardous Wastes: List the waste codes of the Federal hazardous wastes handled at your facility. List them in the order they are presented in the regulations (e.g., D001, D003, F007, K019, P012, U112). Hazardous waste transporters list codes routinely or usually transported. Use comments or an additional page if more spaces are needed.

1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21

11. Other Status Changes (If no longer handling waste or closed, sections 9 and 10 should be blank and skip Section 12-16):

(A) Non-Handler of Regulated Waste at This Facility (Sections 9, 10 and 12-16 should be blank.)

- (1) Business no longer generates, transports, treats, stores, disposes of, or otherwise handles any regulated waste.

(B) Facility Closed (Complete this section only if all business activities at this facility have ceased.)

- (1) Closed at this location and moved or moving to another - Submit a new Form 8700-12FL for the new location if you will
- (2) Out of Business - Business closed on _____ (date)

(C) Property Tax Default

(D) Petition for Bankruptcy Protection

12-14 — Registration Activities Contact Information (only if this submission is a registration or registration information update):

<input type="checkbox"/> Same as Facility RCRA Contact on page 1 or enter: Contact for: <input type="checkbox"/> HW Transporter <input type="checkbox"/> Used Oil Handler <input type="checkbox"/> Universal Waste	First Name:	Last Name:		Title:	
	Phone Number:	Extension:	E-Mail:		
	Street or P.O. Box:				
	City or Town:		State:(Country):	Zip Code:	

12. Universal Waste (UW) Activities (Mark 'X' and complete all that apply) :

A. Federal Notification	<input type="checkbox"/> Federally Defined Large Quantity Handler (LQH) = Generate/Accumulate: <u>5,000 kg (11,000 lb) or more</u> of any combination of UW accumulated (at any one time) Accumulates: <input type="checkbox"/> a. UW Batteries <input type="checkbox"/> b. Pesticides <input type="checkbox"/> c. Pharmaceuticals <input type="checkbox"/> d. Mercury Containing Devices <input type="checkbox"/> e. Mercury Containing Lamps <input type="checkbox"/> Destination Facility for UW Note: For this activity, a facility must treat, dispose or recycle a UW. A permit is required for storage prior to recycling.
--------------------------------	--

B. Florida Universal Pharmaceutical Waste (UPW): one-time registration

<input type="checkbox"/> Pharmaceuticals LQH = 5,000 kg or more of Universal Pharmaceutical Waste (UPW) accumulated (at any one time) <input type="checkbox"/> Pharmaceuticals Acute LQH = more than 1 kg (2.2 lb) of acutely hazardous ("P-listed") pharmaceutical waste (UPW) accumulated <input type="checkbox"/> Reverse Distributor of Universal Pharmaceutical Waste (UPW) (must be registered with the Florida Department of Health [DOH]) <input type="checkbox"/> Florida Universal Pharmaceutical Waste (UPW) Transporter

C. Florida Annual Mercury Handler Registration:

For-hire transporters, transfer facilities, handlers, reclamation and recovery facilities of Mercury-Containing Lamps and Devices operating in the State of Florida are required to register annually with the Department using this section of the form [Chapter 62-737, F.A.C.]. A one-time fee of \$1,000 is required for first time registration as a Large Quantity for-hire Handler of Mercury-Containing Lamps and Devices as detailed in 62-737.400(3)(a)3. (please contact FDEP first).

If you only generate lamps and/or devices or manage pharmaceuticals, do not register or complete the information below.

(1) This form is being submitted as a Florida Registration of Universal Waste Transporter/Handler for-hire Activities

First time registering
 Renewal
 One-time \$1,000 fee for Mercury for-hire first time LQH registration is attached

<input type="checkbox"/> For-hire Transporter of Universal Waste Mercury-Containing Lamps or Devices <input type="checkbox"/> For-hire Transfer Facility of Universal Waste Mercury-Containing Lamps or Devices <input type="checkbox"/> Mercury-Containing Devices (thermostats, etc) SQH = less than 100 kg accumulated by for-hire handler <input type="checkbox"/> Mercury-Containing Lamps SQH = less than 2,000 kg (8,000 lamps) accumulated by for-hire handler	Annual Registration Required
<input type="checkbox"/> Mercury-Containing Devices LQH = 100 kg (220 lb) or more accumulated at any one time by for-hire handler <input type="checkbox"/> Mercury-Containing Lamps LQH = 2,000 kg (4400 lbs/8,000 lamps) or more accumulated by for-hire handler	Annual Registration + one-time \$1,000 fee+ More Requirements (contact FDEP)

(2) Mercury Recovery and/or Reclamation Facility (A hazardous waste permit is required for this activity)

First time registering Renewal

Briefly Describe your Universal Waste Activities: We use Drum Top Bulb Crusher(s).

13. Other State Regulated Waste Activities: Petroleum Contact Water (PCW) Recovery Transport [62-740 F.A.C.]
 Note: A water facility permit may be required for this activity. An annual report is required for a recovery facility pursuant to Rule [62-740.300(5)]

14. HW Transporter Activities: (Mark 'X' and complete all that apply if you need to register your HW Transporter activities)

Transporters of and Transfer Facilities for Hazardous Waste in the State of Florida are required to register and annually renew their registration. Evidence of casualty/liability insurance pursuant to 62-730.170(2)(a) is required in addition to this registration. Transfer facilities must submit several additional documents as detailed on page 5 the first time they register and when the information changes. Registered transporters and transfer facilities may only begin operations after receiving approval from the Department. **Generators of hazardous waste who transport waste only within the boundaries of their facility should not register.**

A. HW Transporter Registration Information (must be completed annually and when this information changes)

This facility is a registered transporter of hazardous waste.

This form is: Initial Registration Renewal Notification of changes Cancel Registration

1. For own waste only 2. For commercial purposes 3. Both commercial and own waste

4. **Transportation Mode** Air Rail Highway Water Other - specify _____

B. HW Transfer Facility Registration Information (must be completed annually and when this information changes)

This facility is a Hazardous Waste Transfer Facility: (at this location) Storage Volume _____

This form is: Initial Registration Renewal Notification of changes Cancel Registration

Note: Hazardous Waste transfer facilities must comply with the requirements of Rule 62-730.171, F.A.C., and Rule 62-730.182, F.A.C.

The Transfer Facility records required under the provisions of Rule 62-730.171(6), F.A.C., are kept at (check one):

Our mailing (business) address The site (facility) address

Please enter the EPA ID Number of the HW Transporter who carries the insurance for this Transfer Facility:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Please see the top of page 5 for additional items that must be submitted in addition to the above registration for Hazardous Waste Transfer Facilities [Rule 62-730.171(3), Florida Administrative Code (F.A.C.)]:

15. Used Oil and Oil Filter Activities: : (Mark 'X' and complete all that apply if you need to register your used oil activities),

Transporters (exemptions in 40 CFR 279.40(a)(1-4), transfer facilities, processors, off-specification burners, and/or marketers must annually register with the Department using this form. All except Florida used oil (UO) Processors and collection centers must pay an annual \$100 registration fee.

This form is: Initial Registration Renewal Notification of changes Cancel Registration

If applicable, a check or money order, in the amount of \$100, payable to Florida Department of Environmental Protection is enclosed.

(1) Used Oil Transporter - mark activities: (occurring in Florida)

- a. Transporter (off-site) and noncontiguous locations
- b. Transfer Facility

(2) Collection Center (From businesses, no more than 55 gal per shipment)

(3) Used Oil Processor (A permit is required.)

(4) Off-Specification Used Oil Burner

(5) Used Oil Fuel Marketer On-Spec Off-Spec

(6) Used Oil Filter Management (must annually register)

- a. Transporter
- b. Transfer Facility
- c. Processor (Annual Report Required)
- d. End User

(7) The records required under the provisions of Rule 62-710.510, FAC, are kept at (check one):

Our mailing (business) address The site (facility) address

Please see the top of page 5 for additional items that must be submitted in addition to the above registration and fees required for non-exempt Used Oil Transporters.

(14 cont.) Hazardous Waste Transfer Facilities: In addition to the registration required for Transfer Facilities on Page 4, Section 14, the following items are required to be submitted with the initial notification for a transfer facility and any changed items must be submitted with any subsequent submission [Rule 62-730.171(3), Florida Administrative Code (F.A.C.)] :

- Certification by a responsible corporate officer of the transporter that the proposed location satisfies the criteria of Section 403.7211(2), Florida Statutes (F.S.) [Rule 62-730.171(3)(a)1., F.A.C.]
- Evidence of the transporter's financial responsibility [Rule 62-730.171(3)(a)3., F.A.C.]
- A brief general description of the transfer facility operations [Rule 62-730.171(3)(a)4., F.A.C.]
- A copy of the facility closure plan [Rule 62-730.171(3)(a)5., F.A.C.]
- A copy of the contingency and emergency plan [Rule 62-730.171(3)(a)6., F.A.C.]
- A map or maps of the transfer facility [Rule 62-730.171(3)(a)7., F.A.C.]

(15 cont.) Used Oil Transporters: (Exemptions in 40 CFR 279.40(a)(1-4))

In addition to the requirements on Page 4 Section 15:

- ALL registered UO Handlers must submit an annual report except generators transporting UO from noncontiguous operations within their own company.
- UO transporters transporting off-site over public highways only within their own company must submit proof of insurance.
- UO transporters transporting more than 500 gallons/year must submit proof of insurance annually, and must sign and certify this submission as a certified used oil transporter in section 17 (except those exempted by Rule 62-710.600(1), F.A.C.):.

The used oil annual report is attached Evidence of Liability Insurance pursuant to 62-710.600(2)(e), F.A.C. is attached.

16. Comments (attach a page if more space is needed):

17. Certification: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. The information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I certify as a Used Oil Transporter that I am familiar with the applicable Florida and Federal laws and rules governing used oil transportation and have an annual and new employee training program in place covering the applicable used oil rules. Evidence of financial responsibility is demonstrated by the Used Oil Transporter Certificate of Liability Insurance, DEP form 62-730.900(5)(a), F.A.C..

Signature of owner, operator, or an authorized representative	Print Name and Title	Used Oil	Date Signed (mm-dd-yyyy)
		<input type="checkbox"/>	
		<input type="checkbox"/>	
		<input type="checkbox"/>	

If the person that filled in this form is not the Facility Contact or Operator, please complete the information below:

_____ (Name of person completing this form) _____ (Phone Number) _____ (E-mail Address)

Exhibit B

P2 Project Plan (Plan)

(Note: Provide the information specified and delete existing text within parentheses)

(Facility Name)

(Address)

(Telephone)

(Preparer Name/Title)

A. **Project Description:** (Summarize P2 Projects selected. Describe the processes or operations to be modified, and the specific changes to be made. Include details such as the specific equipment to be installed, materials to be substituted, and the actual changes to be made to processes or operations. Include manufacturer or vendor information, and specifications.)

B. **Environmental and Economic Benefits:** (Explain why and how each Project proposed constitutes P2.

Specify how each material, chemical, water and energy is saved, and from which processes or operations. Specify how each solid and hazardous waste, industrial wastewater and air emissions are generated, the waste type, and from which processes or operations. **Describe generally in paragraph format.**

Estimate the *annual* savings in *resources* - raw materials, chemicals, water, and energy at the process or operation front end. Estimate the *annual* reductions in *wastes* - solid and hazardous waste, wastewater, and air emission reductions at the process or operation back end.

Figures quoted should represent weights or volumes annually, and should be equalized for production rate changes. Associated cost savings should be included. **Describe specifically using the tables provided.**

Complete the first table for each per Project individually. Add or average corresponding figures from each Project table to complete the Plan table, *for multiple Projects.*)

<i>(Project Name)</i>							
Annual Resource Consumption Comparison							
Item	Quantity Used (gal/lb/kwh-specify)			Purchasing Cost (\$)			Percent (%) Reduction
	Before	After	Reduction	Before	After	Reduction	
Water							
Chemicals							
Materials							

Energy							
Total Annual Cost Savings =							
Annual Waste Generation Comparison							
Item	Quantity Generated (gal/lb/tons-specify)			Disposal Cost (\$)			Percent (%) Reduction
	Before	After	Reduction	Before	After	Reduction	
Hazardous Waste							
Industrial Wastewater							
Solid Waste							
Air Emissions							
Total Annual Cost Savings =							
Total Annual Avoided Cost Savings =							

<i>Summary of All P2 Projects</i>							
Annual Resource Consumption Comparison							
Item	Quantity Used (gal/lb/kwh-specify)			Purchasing Cost (\$)			Percent (%) Reduction
	Before	After	Reduction	Before	After	Reduction	
Water							
Chemicals							
Materials							
Energy							
Total Annual Cost Savings =							
Annual Waste Generation Comparison							
Item	Quantity Generated (gal/lb/tons-specify)			Disposal Cost (\$)			Percent (%) Reduction
	Before	After	Reduction	Before	After	Reduction	
Hazardous Waste							
Industrial Wastewater							
Solid Waste							
Air Emissions							
Total Annual Cost Savings =							
Total Annual Avoided Cost Savings =							

C. **Project Cost:** (Include per Project the itemized, subtotal and Project total costs. A projected payback period in months or years needs to be included.)

Provide a grand total cost for all Projects and an averaged projected payback period, *for multiple Projects. Use list or table format for all.*)

D. **Implementation Schedule:** (Provide a brief discussion of the steps necessary to implement the Projects and expected time frames for completion. A table or list format is

preferred. The schedule shall include a list of milestones with dates, or timeframes based on Plan approval date, including Progress and Final Report submittals. Provide a description of any anticipated problems and options. *The implementation should take no longer than six months to complete.*)

E. Project Reporting:

1. Within 90 days of approval of the Project Plan, the Respondent shall submit a P2 Project Progress Report to the Department that describes the Respondent's progress in implementing the P2 Project and meeting the requirements in the Plan, and includes a list of equipment ordered, purchased, and/or installed.
2. Within 180 days of approval of the Plan, the Respondent shall submit to the Department a P2 Project Final Report that includes the following.
 - a. A confirmation that the information presented in Sections A-C of the Summary is unchanged, or an updated version with the sections changed appropriately. A statement that the Project(s) was/were implemented successfully. An explanation of any problems encountered and corrections applied.
 - b. Attached expense reports, receipts, purchasing instruments and other documents itemizing costs expended on preparing and implementing the Project.
3. The Department shall review the Final Report and determine:
 - a. Whether the project was properly implemented; and
 - b. Which expenses apply toward pollution prevention credits.
4. A \$1.00 pollution prevention credit for each \$1.00 spent on applicable costs will be applied against the portion of the civil penalty that can be offset.
 - a. The following costs are allowable to offset the allowable amount of the civil penalty:
 - i. Preparation of the P2 Project;
 - ii. Design of the P2 Project;
 - iii. Installation of equipment for the P2 Project;
 - iv. Construction of the P2 Project;
 - v. Testing of the P2 Project;
 - vi. Training of staff concerning the implementation of the P2 Project; and
 - vii. Capital equipment needed for the P2 Project.
 - b. The following costs shall not apply toward P2 credit:
 - i. Costs incurred in conducting a waste audit;
 - ii. Maintenance and operation costs involved in implementing the P2 Project;
 - iii. Monitoring and reporting costs;
 - iv. Salaries of employees who perform their job duties;
 - v. Costs expended to bring the facility into compliance with current law, rules and regulations;
 - vi. Costs associated with a P2 Project that is not implemented;
 - vii. Costs associated with a P2 Project that has not been approved by the Department; and
 - viii. Legal costs.
 - c. 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 the Respondent that the balance is due.

5. The Department may terminate the P2 Project at any time during the development or implementation of it, if the Respondent fails to comply with the requirements in this document, act in good faith in preparing and implementing the project, or develop and implement the P2 Project in a timely manner. The Respondent may terminate the P2 Project at any time during its development or implementation.

Amended Order Exhibit B

DEP's Pollution Prevention (P2) Project Plan template

[This template is to be used as a Long Form Consent Order Exhibit when regulatory corrective actions, or P2 Projects require time to be resolved or developed. This template must be completed to describe P2 Projects once identified. The document must be approved prior to P2 Project implementation. The Plan must contain the following information.]

Exhibit B

P2 Project Plan (Plan)

(Note: Provide the information specified and delete existing text within parentheses)

(Facility Name)

(Address)

(Telephone)

(Preparer Name/Title)

A. **Project Description:** (Summarize P2 Projects selected. Describe the processes or operations to be modified, and the specific changes to be made. Include details such as the specific equipment to be installed, materials to be substituted, and the actual changes to be made to processes or operations. Include manufacturer or vendor information, and specifications.)

B. **Environmental and Economic Benefits:** (Explain why and how each Project proposed constitutes P2.

Specify how each material, chemical, water and energy is saved, and from which processes or operations. Specify how each solid and hazardous waste, industrial wastewater and air emissions are generated, the waste type, and from which processes or operations. **Describe generally in paragraph format.**

Estimate the *annual* savings in *resources* - raw materials, chemicals, water, and energy at the process or operation front end. Estimate the *annual* reductions in *wastes* - solid and hazardous waste, wastewater, and air emission reductions at the process or operation back end.

Figures quoted should represent weights or volumes annually, and should be equalized for production rate changes. Associated cost savings should be included. **Describe specifically using the tables provided.**

Complete the first table for each per Project individually. Add or average corresponding figures from each Project table to complete the Plan table, *for multiple Projects.*)

<i>(Project Name)</i>							
Annual Resource Consumption Comparison							
Item	Quantity Used (gal/lb/kwh-specify)			Purchasing Cost (\$)			Percent (%) Reduction
	Before	After	Reduction	Before	After	Reduction	
Water							
Chemicals							
Materials							
Energy							
Total Annual Cost Savings =							
Annual Waste Generation Comparison							
Item	Quantity Generated (gal/lb/tons-specify)			Disposal Cost (\$)			Percent (%) Reduction
	Before	After	Reduction	Before	After	Reduction	
Hazardous Waste							
Industrial Wastewater							
Solid Waste							
Air Emissions							
Total Annual Cost Savings =							
Total Annual Avoided Cost Savings =							

<i>Summary of All P2 Projects</i>							
Annual Resource Consumption Comparison							
Item	Quantity Used (gal/lb/kwh-specify)			Purchasing Cost (\$)			Percent (%) Reduction
	Before	After	Reduction	Before	After	Reduction	
Water							
Chemicals							
Materials							
Energy							
Total Annual Cost Savings =							
Annual Waste Generation Comparison							
Item	Quantity Generated (gal/lb/tons-specify)			Disposal Cost (\$)			Percent (%) Reduction
	Before	After	Reduction	Before	After	Reduction	
Hazardous Waste							
Industrial Wastewater							
Solid Waste							
Air Emissions							
Total Annual Cost Savings =							
Total Annual Avoided Cost Savings =							

C. **Project Cost:** (Include per Project the itemized, subtotal and Project total costs. A projected payback period in months or years needs to be included.

Provide a grand total cost for all Projects and an averaged projected payback period, *for multiple Projects. Use list or table format for all.*)

D. **Implementation Schedule:** (Provide a brief discussion of the steps necessary to implement the Projects and expected time frames for completion. A table or list format is preferred. The schedule shall include a list of milestones with dates, or timeframes based on Plan approval date, including Progress and Final Report submittals. Provide a description of any anticipated problems and options.

E. **Project Reporting:** [NOTE: Wording and timelines highlighted below are based on reporting timelines included in the Department's Enforcement Manual P2 Project Plan Exhibit and the First Amendment to the Atlantic Powder Coating LFCO.]

1. **Not later than April 26, 2021,** the Respondent shall submit a P2 Project Progress Report to the Department that describes the Respondent's progress in implementing the P2 Project and meeting the requirements in the Plan, and includes a list of equipment ordered, purchased, and/or installed.

2. **Not later than January 22, 2022,** the Respondent shall submit to the Department a P2 Project Final Report that includes the following.

a. A confirmation that the information presented in Sections A-C of the Summary is unchanged, or an updated version with the sections changed appropriately. A statement that the Project(s) was/were implemented successfully. An explanation of any problems encountered and corrections applied.

b. Attached expense reports, receipts, purchasing instruments and other documents itemizing costs expended on preparing and implementing the Project.

3. The Department shall review the Final Report and determine:

a. Whether the project was properly implemented; and

b. Which expenses apply toward pollution prevention credits.

4. A \$1.00 pollution prevention credit for each \$1.00 spent on applicable costs will be applied against the portion of the civil penalty that can be offset.

a. The following costs are allowable to offset the allowable amount of the civil penalty:

i. Preparation of the P2 Project;

ii. Design of the P2 Project;

iii. Installation of equipment for the P2 Project;

iv. Construction of the P2 Project;

v. Testing of the P2 Project;

vi. Training of staff concerning the implementation of the P2 Project; and

vii. Capital equipment needed for the P2 Project.

b. The following costs shall not apply toward P2 credit:

i. Costs incurred in conducting a waste audit;

ii. Maintenance and operation costs involved in implementing the P2 Project;

iii. Monitoring and reporting costs;

- iv. Salaries of employees who perform their job duties;
- v. Costs expended to bring the facility into compliance with current law, rules and regulations;
- vi. Costs associated with a P2 Project that is not implemented;
- vii. Costs associated with a P2 Project that has not been approved by the Department; and
- viii. Legal costs.

c. 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 the Respondent that the balance is due.

5. The Department may terminate the P2 Project at any time during the development or implementation of it, if the Respondent fails to comply with the requirements in this document, act in good faith in preparing and implementing the project, or develop and implement the P2 Project in a timely manner. The Respondent may terminate the P2 Project at any time during its development or implementation.