



FLORIDA DEPARTMENT OF Environmental Protection

Southwest District Office
13051 North Telecom Parkway #101
Temple Terrace, Florida 33637-0926

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

December 9, 2020

Stefanie Anna, VP Corp Affairs, Governance and Compliance
10596 Gandy Blvd.
St. Petersburg, FL 33702
Stefanie.Anna@goodwill-suncoast.com

Re: Executed Consent Order OGC File No. 20-1580
DEP v. Goodwill Industries-Suncoast, Inc.
EPA ID No. FLR000229039
Pinellas County

Dear Ms. Anna:

Enclosed please find the executed Consent Order OGC No. 20-1580 regarding the above referenced site. The effective date of the Consent Order is the filing date entered by the designated Department Clerk on the signature page.

If you have any questions regarding this matter, please contact Kiana Sladicki by email at Kiana.Sladicki@floridaDEP.gov or by phone at 813-470-5748.

Sincerely,

Kelley M. Boatwright for:

Mary E. Yeargan, P.G.
Southwest District Director
Florida Department of Environmental Protection

Enclosure: Executed Consent Order

cc: Debbie Passerini, Goodwill, Debbie.Passerini@goodwill-suncoast.com
Hailey Bethune, Goodwill, Hailey.Bethune@goodwill-suncoast.com
Jeff Collier, Stearns and Weaver, jcollier@stearnsweaver.com
Ms. Lea Crandall, FDEP-OGC, lea.crandall@FloridaDEP.gov
Michael Lynch, FDEP-SWD, Michael.Lynch@dep.state.fl.us
Kiana Sladicki, FDEP-SWD, Kiana.Sladicki@FloridaDEP.gov
Kelley M. Boatwright, FDEP-SWD, Kelley.M.Boatwright@FloridaDEP.gov



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December 2, 2020

Stefanie Anna, VP Corp Affairs, Governance and Compliance
10596 Gandy Blvd.
St. Petersburg, FL 33702
Stefanie.Anna@goodwill-suncoast.com

SUBJECT: Department of Environmental Protection v. Goodwill Industries-Suncoast Inc.
OGC File No.: #20-1580
EPA ID No. FLR000229039

Ms. Anna:

The State of Florida Department of Environmental Protection ("Department") finds that Goodwill Industries-Suncoast Inc. ("Respondent") managed hazardous and universal waste in violation of the rules cited in the inspection report dated June 3, 2020. Before sending this letter, the Department requested that the Respondent undertake certain actions to resolve the violations. These actions have since been completed, and, as set forth in the October 15, 2020, Hazardous Waste Inspection Report, the Department has determined that Respondent no longer has a Satellite Accumulation Area ("SAA") as part of its process. However, due to the nature of the violations, the Respondent remains subject to civil penalties. The Respondent is also responsible for costs incurred by the Department during the investigation of this matter.

The Department's Offer

Based on the violations described in the above referenced inspection report, the Department is seeking \$39,541.54 in civil penalties and \$1,500.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$41,041.54. The civil penalty in this matter includes eleven (11) violations of \$2,000.00 or more.

However, in lieu of paying the full civil penalty, the Department has determined that \$39,541.54 of the civil penalty may be offset through implementation of the Pollution Prevention Project ("P2 Project"), described in the attached Exhibit A. Alternatively, Respondent may elect to off-set this amount by implementing an in-kind penalty

project ("In-Kind Project"), which must be approved by the Department, as described in the attached Exhibit B. These amounts are referred to as the "offset amount."

An in-kind project must be either an environmental enhancement, environmental restoration or a capital/facility improvement project. The Department may also consider the donation of environmentally sensitive land as an in-kind project. The value of the In-kind penalty project shall be one and a half times the civil penalty off-set amount, which in this case is the equivalent of at least \$59,312.31

If Respondent chooses to implement a P2 project or an In-kind project, Respondent shall notify the Department of its election, either electronically or by certified mail, within 15 days of the effective date of this Consent Order. **Notwithstanding the election to implement a P2 or in-kind project, payment of the remaining \$1,500.00 in costs must be paid within 30 days of the effective date of the Consent Order.** If Respondent elects to implement either project as provided in above, then Respondent shall comply with all the requirements and time frames outlined below.

Respondent's Acceptance

If you wish to accept this offer and fully resolve the enforcement matter pending against the Respondent, please sign this letter and return it to the Department at Kelley.M.Boatwright@FloridaDEP.gov or by mail at the Florida Department of Environmental Protection, Southwest District Office, 13051 Telecom Parkway, Suite 101, Temple Terrace, Florida 33637 by **December 10, 2020**. The Department will then countersign it and file it with a designated clerk of the Department. Once the document is filed with the designated clerk, it will constitute a final order of the Department pursuant to Section 120.52(7), F.S. and will be effective unless a request for an administrative hearing is filed by a third party in accordance with Chapter 120, F.S. and the attached Notice of Rights.

By accepting this offer you, Stefanie Anna:

- (1) certify that you are authorized and empowered to negotiate, enter into, and accept the terms of this offer in the names and on behalf of Respondent;
- (2) acknowledge and waive Respondent's right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this offer, once final;
- (3) acknowledge and waive Respondent's right to an appeal pursuant to Section 120.68, F.S.

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

Respondent's Performance

After signing and returning this document to the Department:

- (1) Respondent must implement the P2 Project in accordance with the requirements identified in the attached Exhibit A. If Respondent elects to implement a P2 Project, a completed P2 Project Plan ("Plan") must be submitted to the Department in writing within 30 days of the effective date of this Order. The Plan must be completed using Exhibit A, "P2 Project Plan." In the event the Department requires additional information to process the Plan, Respondent shall provide a modified Plan containing the information requested by the Department within 7 days of the date of the request. The P2 Project must begin within thirty (30) days of the approval of the Plan and be fully completed within 180 days of the Plan approval date. Failure to timely start or complete the P2 Project, or timely provide the Department with the Final Report, will cause the P2 Project option to be forfeited and the balance of the civil penalty shall be due within 10 days of notice from the Department;

Or

- (2) Upon signing this letter, Respondent must implement the In-Kind Project in accordance with the requirements identified in the attached Exhibit B. The In-Kind Project must be fully completed within 180 days of obtaining Department approval. Failure to timely start or complete the In-Kind Project, or timely provide the Department with the Progress Report and the Final Report, will cause the In-Kind Project option to be forfeited and the balance of the civil penalty shall be due within 10 days of notice from the Department;

Or

- (3) Respondent shall pay \$41,041.54 by **January 7, 2021**.
- (4) Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number, OGC# 20-1580, assigned to this Order and the notation "Water Quality Assurance Trust Fund." Online payments by e-check can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay/>. It will take a number of days after this order is final and effective filed with the Clerk of the Department before ability to make online payment is available.

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

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

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

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

If you have any questions, please contact Kiana Sladicki at 813-470-5748 or at Kiana.Sladicki@FloridaDEP.gov.

Sincerely,



Mary E. Yeargan, Director
Southwest District

FOR THE RESPONDENT:

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

By:



[Signature]

Date: 12/10/2020

Title: Corporate Secretary, VP for Corporate Affairs & Governance

[Type or Print]

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this 9 day of December, 2020, in Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Kelley M. Bootwright for:

Mary E. Yeargan, Director
Southwest District

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

Marie Harvey

Clerk

December 9, 2020

Date

Final clerked copy furnished to:

Lea Crandall, Agency Clerk (lea.crandall@dep.state.fl.us)

NOTICE OF RIGHTS

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

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

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

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

Exhibit A
P2 Project Summary ("Summary")
Goodwill Industries-Suncoast, Inc.
10596 Gandy Blvd. St. Petersburg, FL33702
(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 is 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 Project individually. Add or average corresponding figures from each Project table to complete the Summary table, *for multiple Projects.*)

| (Project Name) | | | | | | | |
|--|--|-------|-----------|----------------------|-------|-----------|-----------------------|
| 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 = | | | | | | | |

| Summary of All P2 Projects | | | | | | | |
|--|--|-------|-----------|----------------------|-------|-----------|-----------------------|
| 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;

Exhibit B

In-Kind Project

I. Introduction

An in-kind project

a. Within 60 days of the effective date of this Consent Order, Respondent shall submit, either electronically or by certified mail, a detailed in-kind project proposal to the Department for evaluation. The proposal shall include a summary of benefits, proposed schedule for implementation and documentation of the estimated costs which are expected to be incurred to complete the project. These costs shall not include those incurred in developing the proposal or obtaining approval from the Department for the in-kind project.

b. If the Department requests additional information or clarification due to a partially incomplete in-kind project proposal or requests modifications due to deficiencies with Department guidelines, Respondent shall submit, either electronically or by certified mail, all requested additional information, clarification, and modifications within 15 days of receipt of written notice.

c. If upon review of the in-kind project proposal, the Department determines that the project cannot be accepted due to a substantially incomplete proposal or due to substantial deficiencies with minimum Department guidelines, Respondent shall be notified, in writing, of the reason(s) which prevent the acceptance of the proposal. Respondent shall correct and redress all of the matters at issue and submit, either electronically or by certified mail, a new proposal within 30 days of receipt of written notice. In the event that the revised proposal is not approved by the Department, Respondent shall make cash payment of the civil penalties as set forth in the Consent Order within 30 days of Department notice.

d. Within 120 days of the effective date of this Consent Order, Respondent shall obtain approval for an in-kind project from the Department. If an in-kind project proposal is not approved by the Department within 120 days of the effective date of this Consent Order, then Respondent shall make cash payment of the civil penalties as set forth in the Consent Order, within 30 days of Department notice.

e. Within 180 days of obtaining Department approval for the in-kind proposal or in accordance with the approved schedule submitted pursuant to paragraph (a) above, Respondent shall complete the entire in-kind project.

f. During the implementation of the in-kind project, Respondent shall place appropriate sign(s) at the project site indicating that Respondent's involvement with the project is the result of a Department enforcement action. Respondent may remove the

sign(s) after the project has been completed. However, after the project has been completed Respondent shall not post any sign(s) at the site indicating that the reason for the project was anything other than a Department enforcement action.

g. In the event, Respondent fails to timely submit any requested information to the Department, fails to complete implementation of the in-kind project or otherwise fails to comply with any provision of this paragraph, the in-kind penalty project option shall be forfeited and the entire amount of civil penalties shall be due from the Respondent to the Department within 30 days of Department notice. If the in-kind penalty project is terminated and Respondent timely remits the penalty, no additional penalties shall be assessed for failure to complete the requirement of this paragraph.

h. Within 15 days of completing the in-kind project, Respondent shall notify the Department, either electronically or by certified mail, of the project completion and request a verification letter from the Department. Respondent shall submit supporting information verifying that the project was completed in accordance with the approved proposal and documentation showing the actual costs incurred to complete the project. These costs shall not include those incurred in developing the proposal or obtaining approval from the Department for the project.

i. If upon review of the notification of completion, the Department determines that the project cannot be accepted due to a substantially incomplete notification of completion or due to substantial deviations from the approved in-kind project; Respondent shall be notified, in writing, of the reason(s) which prevent the acceptance of the project. Respondent shall correct and redress all of the matters at issue and submit, either electronically or by certified mail, a new notification of completion within 15 days of receipt of the Department's notice. If upon review of the new submittal, the Department determines that the in-kind project is still incomplete or not in accordance with the approved proposal, the in-kind penalty project option shall be forfeited and the entire amount of civil penalty shall be due from the Respondent to the Department within 30 days of Department notice. If the in-kind penalty project is terminated and Respondent timely remits the penalty, no additional penalties shall be assessed for failure to complete the requirements of this paragraph.