



FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

AGENDA

Date: September 17th, 2020

Meeting Location: Microsoft Teams

Time: 12:00 PM – 1:00 PM

- **Introductions:**
 - EPA Directive/ DEP Protocol
 - Alannah Irwin, Romina Lancellotti —Purpose of meeting

- **Inspection Report Discussion:** Alannah Irwin and Romina Lancellotti
 - Inspection Report and DEP Findings
 - Review of violations and explanations

- **Warning Letter Discussion:**
 - Tropical Shipping USA, LLC. Response to Warning Letter—DEP Counterpoints
 - Penalty Computation and Justification

- **Expectations/ Conclusions/ Agreements**
 - Tropical Shipping USA, LLC.
 - DEP

- **Questions or concerns**



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MEETING DOCUMENTATION

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| Attendees: Romina Lancellotti, Alannah Irwin, Sirena Davila, Dean Beitler, Matthew King | Location: Teleconference Microsoft Teams | Date/Time: 09/17/2020 / 12:00 pm-1:00 pm |
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Prepared by: Romina Lancellotti

Meeting Requested by: Florida Department of Environmental Protection (FDEP) – Southeast District (SED)

Meeting Objectives:

A Warning Letter (#WL20-00056HW50) was sent to Tropical Shipping USA, LLC. (Tropical) on April 27, 2020 which requested an informal meeting to discuss the Department's compliance evaluation inspection conducted on February 12, 2020 at Tropical. During this inspection, twelve violations were cited for the Hazardous Waste Program.

Notes:

The meeting was conducted via teleconference using Microsoft Teams at 12:00 pm on 09/17/2019. All listed participants were present for the meeting.

Introductions were given by Alannah Irwin and Romina Lancellotti on behalf of FDEP and Dean Beitler and Matthew King gave introductions for Tropical representatives.

Department personnel discussed the findings of the final inspection report and the twelve violations that were cited. It was noted that all violations have been resolved, either at the time of the inspection or via document submittal. Romina Lancellotti stated that Violation #4 (40 CFR 263.12, 403.727(1)(b) FS. & 62-730.171(1) F.A.C.) and violation #12 (62-730.171(2)) are considered significant non-compliance (SNC) violation due to the fact of the facility operating as an un-permitted Treatment, Storage, and Disposal Facility (TSDF) by exceeding the 24-hour and 10-day storage time limit of hazardous waste for transporters and transfer facilities. Other violations included failure to comply with import requirements of hazardous waste, used oil, and universal waste management.

Mr. Dean Beitler and Matthew King accepted that the violations had occurred for not being aware of the regulations. However, they also added that Tropical has been expanding their efforts facility-wide to maintain compliance with all applicable regulations. Tropical has implemented a new can recycling program, new training for

hazardous waste management, and Standard Operating Procedures to ensure that import of hazardous waste complied with all applicable regulations. Therefore, Topical representatives request the department to consider all efforts in the penalty calculation.

Lastly, the Department explained the enforcement process and the characterization of penalties being imposed. The Department considered similar violations and added together and additionally offered a 10 percent discount of the initial proposed penalty calculation. Additionally, Department representatives offered the facility to elect to conduct a Pollution Prevention (P2) Project in lieu of civil penalties in addition to the payment of the Department costs.

Agreements/Conclusions:

Tropical agreed with the 10 percent discount of the penalties that the Department offered and informed that is interested in conducting the P2 project in lieu of the penalties.

The Department will provide P2 guidance to the facility, so they can inform if will elect to conduct the P2 project.

The case will be resolved with a Short Form Consent Order which will be drafted and sent to the facility representatives to be signed within the next 7 or 10 days.