



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

Shawn Hamilton
Interim Secretary

August 9, 2021

Andre Albarran, Vice President
CGA Stone Casting, LLC
101 Benoist Farms Road,
West Palm Beach, Florida 33411
aalbarran@cgastoneworks.com

Re: K&T Stoneworks Proposed Consent Order OGC Case No. 21-0468
Facility ID No. FLR000211987
Palm Beach County

Dear Mr. Albarran:

Enclosed is a Consent Order ("Order") prepared by the Department for resolution of the above referenced enforcement case. Please review this document and within 20 days of receipt return a signed copy to the Department. All pages within the Order should be included with your returned signed copy. Once fully executed, a copy of the final document will be forwarded to you.

Should you have any questions or comments, please contact Justin Stark at 561-681-6648 or via e-mail at Justin.Stark@floridadep.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Andreotta", is written over a horizontal line.

Jason Andreotta
Director, Southeast District
Florida Department of Environmental Protection

Enclosure: Consent Order

cc: Jason Andreotta, Sirena Davila, Alannah Irwin, Justin Stark, FDEP

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT)
OF ENVIRONMENTAL PROTECTION)
)
v.)
)
CGA STONE CASTING, LLC, D/B/A)
K&T STONWORKS)
_____)

IN THE OFFICE OF THE
SOUTHEAST DISTRICT

OGC FILE NO. 21-0468
EPA ID NO. FLR000211987

CONSENT ORDER

This Consent Order (“Order”) is entered into between the State of Florida Department of Environmental Protection (“Department”) and CGA Stone Casting, LLC (referred to herein as “Respondent”) to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and the Respondent admits the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to administer and enforce the provisions of the Florida Resource Recovery and Management Act, Section 403.702, et seq., Florida Statutes ("Fla. Stat."), and the rules promulgated in Chapters 62-710, 62-730, 62-737, and 62-780 Florida Administrative Code ("Fla. Admin. Code."). The Department has jurisdiction over the matters addressed in this Order.
2. Respondent is an active Florida limited liability company, registered to do and doing business in the state of Florida. Respondent's principal place of business is located at 101 N Benoist Farms Rd, West Palm Beach, Florida 33411 in Palm Beach County (Parcel Control Number 00-42-43-32-18-001-0000) ("Property").
3. Respondent CGA Stone Casting, LLC operates K&T Stoneworks ("Facility") on the Property where it manufactures a variety of concrete pre-cast and custom cast residential, commercial, and restoration architectural works. Processes conducted at the Facility generate waste streams that include, but are not limited to, acidic products and rinse waters exhibiting hazardous waste characteristics of corrosivity (EPA Waste Code: D002).

4. Respondent is a “person” within the meaning of Sections 403.031(5) and 403.703(23), Fla. Stat.

5. Respondent’s Facility is a “facility” as defined in 40 C.F.R Part 260.10 and adopted in Rule 62-730.020(1), Fla. Admin. Code.

6. CGA Stone Casting, LLC is the “operator” of the Facility as defined in 40 C.F.R Part 260.10 and adopted in Rule 62-730.020(1), Fla. Admin. Code.

7. The Facility is also defined as a Small Quantity Generator (“SQG”) pursuant to 40 C.F.R Part 260.10.

8. It is unlawful for any facility owner or operator to fail to comply with Department statutes and rules pursuant to Section 403.727, Fla. Stat.

9. On October 15, 2020, the Department conducted a hazardous waste compliance inspection at the Facility. During the inspection, Department staff observed three violations stated herein:

a) The facility failed to formally notify the Department of its hazardous waste activities as required by 40 C.F.R. Part 262.18 and Rule 62-730.160(1) Fla. Admin. Code. This violation has been resolved.

b) The facility failed to keep records on site and readily available during the inspection as required by 40 C.F.R. Part 262.44 and Rule 62-730.160(1) Fla. Admin. Code. This violation has been resolved.

c) The facility failed to implement the corrective action plan approved by the Department on February 3, 2016 to address discharges of hazardous waste constituents into an unlined pond as discovered on the Department’s July 15, 2014 inspection. This violation has not been resolved.

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

ORDERED:

10. Effective immediately, Respondent shall cease discharges from the 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, and shall comply with all Department rules regarding hazardous waste management and waste clean-up requirements, including all applicable sections of Chapters 62-710, 62-730, 62-737, and 62-780, Fla. Admin. Code., and 40 C.F.R. Parts 260 through 266, and Parts 268, 270, 273, and 279.

11. Upon detection of any future prohibited discharges to soil or surface water, the Respondent shall immediately stop, contain, and clean up the discharge(s), and notify the Department in accordance with applicable regulatory provisions.

12. Respondent is subject to Hazardous and Solid Waste Amendment Corrective Actions as required by 40 CFR part 264.101.

13. Within 270 days of the effective date of this Order, Respondent shall submit a technically adequate and complete Site Assessment Report ("SAR") in accordance with Rule 62-780.600(8), Fla. Admin. Code, to the Department pursuant to Rule 62-780.600(7), Fla. Admin. Code. The SAR shall be submitted to the Department in accordance with Paragraph 27 of this Order.

- a. Soil and groundwater contamination shall be assessed and delineated using the appropriate Cleanup Target Levels ("CTLs") in accordance with Rule 62-780.600(3), Fla. Admin. Code. Respondent shall complete soil and groundwater assessment for contaminants included in Rule 62-780.900 (Table D), Fla. Admin. Code., and the RCRA 8 metals.
- b. Any exceedances of residential SCTLs or GCTLs for any constituents discovered in the assessment listed in Chapter 62-777, Fla. Admin. Code. must be included in future sampling plans as contaminants of concern ("COCs"). Respondent shall have the burden of proving that any offsite contamination that is contiguous with on-site contamination did not result from discharges that occurred at the Facility.

14. Upon submittal and written approval of the SAR by the Department, Respondent shall commence and complete any and all further tasks required by Chapter 62-780, Fla. Admin.

Code., in accordance with the requirements and time schedules identified in Chapter 62-780, Fla. Admin. Code.

15. If it is determined that there has been a release of hazardous constituents, as described in 40 CFR Part 264.93, to the groundwater from the known operations at this Facility, additional groundwater sampling shall be required in accordance with 40 CFR Part 264, Subpart F. The sampling shall be conducted for constituents identified in Appendix IX of 40 CFR Part 264.

16. Within 30 days from the effective date of this Order, Respondent shall submit to the Department a Groundwater Monitoring Plan ("Plan") for approval. The Plan must comply with the Detection Monitoring Program Requirements of 40 CFR Part 264 Subpart F. If the Department requires additional information for the Plan, the Department may notify the Respondent in writing by issuing a request for additional information ("RAI"). The Respondent shall submit the required information identified in the RAI within the timeframe provided in the RAI. Upon the Department's approval of the Plan, it shall become an enforceable component of this Order and Respondent shall conduct the work detailed in the approved Plan within the timeframes specified thereunder.

17. If the groundwater contamination is confirmed above the Groundwater Cleanup Target Levels (GCTLs) in Chapter 62-777, Fla Admin Code through implementation of the Groundwater Monitoring Program required by Paragraph 16, then Respondent shall follow the requirements of 40 CFR Part 264.98(g). In addition, a post-closure permit application must be submitted to the Department in accordance with the requirements of Rule 62-730.220, F.A.C, within 180 days after discovery of groundwater contamination.

18. Within 60 days of the effective date of this Order, Respondent shall submit a Closure Plan that meets the requirements of 40 CFR part 264 Subpart G and 40 CFR Part 264.228, including cost estimates and financial assurance required by 40 CFR Part 264 Subpart H. Once complete, the Closure Plan will require a public notice. The Department will provide the Respondent with instructions and notice language.

19. Respondent may submit an affidavit of petition to the Department to reduce the required Appendix IX list of chemical groups for sampling, incorporated herein as Exhibit "A". Further,

a. The Respondent shall provide the Department with opportunities to observe groundwater sampling and split samples by providing notification either by telephone or electronically at least seven calendar days prior to each sampling event.

b. The Respondent shall submit Groundwater Monitoring Reports ("GWMRs") in accordance with the schedule in the approved GWMP. Each GWMR can also be submitted in a combined document with any required Remedial Action Status Report. The GWMR must contain the following:

- i. A map showing location of monitoring wells, piezometers, and any staff gauges;
- ii. Reports of any necessary repairs or redevelopment of the wells since the last report;
- iii. An analysis and evaluation of the current data and comprehensive effectiveness of the monitoring program;
- iv. Maps of groundwater flow direction(s) and groundwater velocity calculations;
- v. A plume delineation(s) in a format specified by Rule 62-780.600(8)(a)(28), Fla. Admin. Code. (if any);
- vi. A table of groundwater elevation data;
- vii. Field logs and Groundwater Sampling Logs;
- viii. Current laboratory analytical data sheets (electronic copy only); and
- ix. A monitoring well table summarizing construction details of each piezometer and well.

The text may provide recommendations based on the evaluation of the monitoring program's effectiveness for modifications to the monitoring program. Modifications may include the addition of new wells, abandonment of existing wells, changes in sampling

frequency, or changes in contaminants of concern. Such changes shall not constitute a modification of this Order. All recommendations are subject to written approval by the Department.

c. All sampling and analysis shall be in accordance with Chapter 62-160, Fla. Admin. Code, Quality Assurance and the Department's Standard Operating Procedures.

d. All analysis shall be performed on unfiltered groundwater samples, pursuant to Rule 62-520.310(5), Fla. Admin. Code. If Respondent believes that a filtered sample is more representative, then Respondent must submit such information to the Department as outlined in the Department's "Determining Representative Ground Water Samples, Filtered or Unfiltered," January 1994, hereby incorporated and adopted as a reference. This document is available from the Department's Bureau of Water Facilities Regulation, MS 3580, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

e. Groundwater monitoring wells used as part of an approved GWMP may be abandoned only with Department approval. Respondent shall abandon monitoring wells in accordance with the requirements of Rule 62-532.500, Fla. Admin. Code.

f. Upon completion of the source removal, as defined in Rule 62-780.200(49), Fla. Admin. Code., Respondent shall conduct a waste determination in accordance with 40 CFR 262.11 prior to disposal. Records of disposal shall be provided to the Department within 60 days of off-site shipment.

20. Respondent shall pay the Department \$2,000.00 per year, as reimbursement for costs and expenses incurred by the Department for technical review during the preparation and tracking of this Order. The first payment shall be due within the first annual anniversary of the effective date of this Order, and each subsequent annual payment shall be due on or before the anniversary of the effective date of this Order. In the event that all activities required by this Order have been completed before the next payment due date, no further payments will be required. Payments shall be submitted with a cover letter that states the purpose of the payment and the notation "OGC File No. 21-0468" and mailed to

Environmental Administrator
Hazardous Waste Program and Permitting

Florida Department of Environmental Protection
Post Office Box 3070
Tallahassee, Florida 32315-3070

21. Respondent shall establish and maintain financial assurance in accordance with 40 CFR Part 264 Subpart H in an amount sufficient to cover the costs of remediation at the facility, in the form of a trust fund, surety bond guaranteeing payment into a trust fund, surety bond guaranteeing performance, letter of credit, insurance, or financial test and corporate guarantee, worded as set forth in Title 40 CFR 264.151(a), (b), (c), (d), (e), or (f), respectively, or a combination of these. All submittals in response to this paragraph shall be submitted in duplicate to:

Financial Coordinator
Hazardous Waste Program and Permitting
Florida Department of Environmental Protection
Post Office Box 3070
Tallahassee, Florida 32315-3070

22. Within 30 days of the Effective Date of this Order, Respondent shall pay to the Department \$25,280.00, in settlement of the regulatory matters addressed in this Order. Payments shall be made in accordance with Paragraphs 25 and 26 of this Order. This amount includes civil penalties assessed in the amount of \$15,300.00 for the violations outlined in this Order, plus \$500.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order. The civil penalties are apportioned as follows: \$1,420.00, for violation of Rule 40 C.F.R. 262.18(a); \$ 430.00. for violation of Rule 40 C.F.R. 262.44; \$13,450.00, for violation of Rule 40 C.F.R. 264.101(a). Lastly, an Economic Benefit was calculated at \$9,480.00; the Department pursued this amount in accordance with Florida's RCRA Hazardous Waste Program Economic Benefit Calculation Guidance.

23. In lieu of making cash payment of \$25,285.00 in civil penalties and economic benefit as set forth in Paragraph 22, Respondent may elect to off-set this amount 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 Respondent chooses to implement a P2 Project, Respondent shall notify the Department of its election by certified mail within 15 days of the effective date of this Order.

(a) If Respondent elects to implement a P2 Project as provided in Paragraph 23, Respondent shall submit a completed P2 Project Plan ("P2 Plan") within 30 days of the effective date of this Order. The P2 Plan must be completed using Exhibit B, "P2 Project Plan" template.

(b) In the event the Department requires additional information to process the P2 Plan described in Paragraph 23, Respondent shall provide a modified P2 Plan containing the information requested by the Department within 30 days of the date of the request.

(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 Respondent that the balance is due.

24. Respondent agrees to pay the Department stipulated penalties in the amount of \$1,000 per day for each and every day Respondent fails to timely comply with any of the requirements of Paragraph(s) 10-22 of this Order. A separate stipulated penalty shall be assessed for each violation of this Order, and the Department may demand stipulated penalties at any time after violations occur. Respondent shall pay stipulated penalties owed within 30 days of the Department's issuance of written demand for payment and shall do so as further described in Paragraph(s) 25-26, below. Nothing in this Paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Order. Any stipulated penalties assessed under this Paragraph shall be in addition to the civil penalties agreed to in Paragraph 22 of this Order. If the Department is required to file a lawsuit to recover stipulated penalties under this Paragraph, the Department will not be foreclosed from seeking civil penalties for violations of this Order in an amount greater than the stipulated penalties due under this Paragraph.

25. Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the

“Department of Environmental Protection” and shall include both the OGC number assigned to this Order and the notation “Water Quality Assurance Trust Fund.” Online payments by e-check can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay/>. It will take a number of days after this order becomes final, effective and filed with the Clerk of the Department before ability to make online payment is available.

26. Except as otherwise provided, all submittals and payments required by this Order shall be sent to Justin Stark, Environmental Specialist II, Hazardous Waste Section, Department of Environmental Protection, Southeast District, 3301 Gun Club Road, MSC 7210-1, West Palm Beach, Florida 33406, and shall include both the Facility EPA ID number (FLR000235895) and OGC number (21-0468) assigned to this Order.

27. Respondent shall allow all authorized representatives of the Department access to the Facility and the Property at reasonable times for the purpose of determining compliance with the terms of this Order and the rules and statutes administered by the Department.

28. Respondent shall use all reasonable efforts to obtain any necessary access to implement the terms of this Order. If access cannot be obtained, or if obtained, is revoked by owners or entities controlling access to the properties to which access is necessary, Respondent 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. Respondent shall reimburse the Department for any damages, costs, or expenses, including expert and attorney fees, that the Department is ordered to pay, or that the Department incurs in connection with its efforts to obtain access that is necessary to implement the terms of this Order. Respondent shall pay these sums to the Department or arrange a payment schedule with the Department within 30 calendar days of written demand by the Department.

29. In the event of a sale or conveyance of the Facility or of the Property upon which the Facility is located, if all of the requirements of this Order have not been fully satisfied, Respondent shall, at least 30 calendar days prior to the sale or conveyance of the Facility or

Property, (a) notify the Department of such sale or conveyance, (b) provide the name and address of the purchaser, operator, or person(s) in control of the Facility, and (c) provide a copy of this Order with all attachments to the purchaser, operator, or person(s) in control of the Facility. The sale or conveyance of the Facility or the Property does not relieve Respondent of the obligations imposed in this Order.

30. If any event, including administrative or judicial challenges by third parties unrelated to Respondent, occurs which causes delay or the reasonable likelihood of delay in complying with the requirements of this Order, Respondent shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by Respondent's due diligence. Neither economic circumstances nor 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 (unless the cause of the contractor's late performance was also beyond the contractor's control) shall be considered circumstances beyond the control of Respondent. Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department by the next working day and shall, within seven (7) calendar days notify the Department in writing of the anticipated length and cause of the delay, the measures taken or to be taken to prevent or minimize the delay, and the timetable by which Respondent intends 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 Respondent, the time for performance hereunder shall be extended. The agreement to extend compliance must describe the provision or provisions extended, the new compliance date or dates, and the additional measures respondent must take to avoid or minimize the delay, if any. Failure of Respondent to comply with the notice requirements of this Paragraph in a timely manner constitutes a waiver of Respondent's right to request an extension of time for compliance for those circumstances.

31. The Department, for and in consideration of the complete and timely performance by Respondent of the obligations agreed to in this Order, hereby conditionally waives its right

to seek judicial imposition of damages or civil penalties for violations outlined in this Order. This waiver is conditioned upon (a) Respondent's complete compliance with all of the terms of this Order, and (b) the remediation of contaminated areas to the applicable site rehabilitation levels. The Department's cause of action for damages accrues when the Department concludes that remediation of contaminated areas to the applicable site rehabilitation levels is not feasible or that the Respondent failed to completely implement the Department-approved remedial or corrective action plan (however designated). If the Department and Respondent fail to reach agreement on the payment of the damages, the Department may initiate appropriate legal action to recover the damages as provided by law.

32. The Department hereby expressly reserves the right to initiate appropriate legal action to address any violations of statutes or the rules administered by the Department that are not specifically resolved by this Order. Nothing herein shall be construed to limit the Department's authority to take any action against Respondent in response to or to recover the costs of responding to conditions at or from the Facility that require Department action to abate an imminent hazard to the public health, welfare, or the environment.

33. 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 Respondent of the need to comply with applicable federal, state, or local laws, rules, or ordinances.

34. Respondent is fully aware that a violation of the terms of this Order may subject Respondent to judicial imposition of damages, civil penalties up to \$15,000.00 per day per violation, and criminal penalties.

35. Respondent acknowledges and waives its right to an administrative hearing pursuant to Sections 120.569 and 120.57, Fla. Stat., on the terms of this Order. Respondent also acknowledges and waives its right to appeal the terms of this Order pursuant to Section 120.68, Fla. Stat.

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. No modifications of the terms of this Order shall be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

37. 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), Fla. Stat.

38. This Order is a final order of the Department pursuant to Section 120.52(7), Fla. Stat., 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, Fla. Stat. Upon the timely filing of a petition, this Order will not be effective until further order of the Department.

39. 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, Fla. Stat. 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, or received via electronic correspondence at Agency_Clerk@floridadep.gov, 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 in Paragraph 27, 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, Fla. Stat. Before the deadline for filing a petition, a person whose substantial interests are affected by this Order may choose to pursue mediation as an alternative remedy under Section 120.573, Fla. Stat. Choosing mediation will not adversely affect such person's right request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in Section 120.573, Fla. Stat. and Rule 62-110.106(12), Fla. Admin. Code.

40. Rules referenced in this Order are available at:
<http://www.dep.state.fl.us/legal/Rules/rulelist.htm>.

RESPONDENT CGA Stone Casting, LLC:

Printed Name: _____

DATE

Title: _____

DONE AND ORDERED this # day of Month, 2021, in County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Jason Andreotta
Director
Southeast District

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

Clerk

Date

Copies furnished to:

Lea Crandall, Agency Clerk
Mail Station 35

Suggested Language For Affidavit

Deletion of Groups of Parameters for Appendix VIII/Appendix IX Sampling

Based on our in-depth study of the historical waste management practices at [the site], including but not limited to [personal knowledge, review of historical operating records, personnel interviews with long-term current and/or former employees, etc.], we do hereby:

1. certify that none of the chemical compounds or constituents listed below have ever been handled or managed by [company or corporation] at [the site], nor are they likely to be present as degradation products of any materials known to have been handled at the site, and,
2. affirmatively state that, to the best of our knowledge and belief, none of the chemical compounds or constituents listed below have ever been handled or managed at [the site] by previous owners or operators, nor are they likely to be present as degradation products of any materials known to have been handled at the site by previous owners or operators.

[List groups of parameters to be deleted.]

The sworn affidavit must be signed by the plant manager, an executive officer of the company or corporation, and corporate counsel.

Exhibit

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.*)

(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 =							

<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.