



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
Secretary

February 17, 2022

Joseph Visconti, Chief Executive Officer/Owner
Twin Vee Powercats, Co.
3101 South Highway 1
Fort Pierce, FL 34982
joseph@twinvee.com

SUBJECT: Department of Environmental Protection vs Twin Vee Powercats, Co.
OGC File No.: 22-0120
EPA ID No.: FLR000161547
St. Lucie County

Mr. Visconti

Enclosed for your records is a copy of the fully executed and filed Consent Order for the above-styled case. Please familiarize yourself with the compliance dates and terms of the Consent Order so that the complete and timely performance of those obligations may be accomplished.

Thank you for your cooperation in this matter. If you have any questions concerning this matter, please contact Alannah Irwin at 561-681-6626 or via email at Alannah.Irwin@floridadep.gov.

Sincerely,

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

Jason Andreotta, Director
Southeast District
Florida Department of Environmental Protection

ec: Lea Crandall, OGC, DEP Tallahassee (MS#35)
Shirley Richards, SED



FLORIDA DEPARTMENT OF Environmental Protection

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3301 Gun Club Road, MSC 7210-1
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February 10, 2022

Joseph Visconti, Chief Executive Officer/Owner
Twin Vee Powercats Co.
3101 South Highway 1
Fort Pierce, FL 34982
joseph@twinvee.com

SUBJECT: Department of Environmental Protection v. Twin Vee Powercats, Co.,
OGC File No.: 22-0120
EPA ID FLR000161547

Mr. Joseph Visconti:

This Consent Order ("Order") is entered into between the State of Florida Department of Environmental Protection ("Department") and Twin Vee Powercats Co. ("Respondent") to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds that the following violations occurred: failure to properly identify its generator category, comply with the Large Quantity Generator ("LQG") storage limits, conduct weekly container inspections of central accumulation containers, properly label and date central accumulation containers, maintain and operate its facility, and maintain required emergency response equipment, in violation of Title 40 Code of Federal Regulations ("CFR") part 262.17 and Chapter 62-730, Florida Administrative Code ("F.A.C.").

Although there are no actions required to correct the violations, Respondent remains subject to civil penalties as a result of the violation(s). Respondent is also responsible for costs incurred by the Department during the investigation of this matter.

The Department's Offer

Based on the violations described above, the Department is seeking \$37,060.00 in civil penalties and \$500.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$37,560.00. The civil penalty in this matter includes 1 violation of \$710.00 and 5 violations of \$4,000.00 or more.

In lieu of making cash payment of \$37,560.00, Respondent may elect to offset the amount as described below:

- (1) Respondent may elect to offset the civil penalty amount of \$37,060.00 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 off-set under this Order.
- (2) 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 calendar days of written notification by the Department to Respondent that the balance is due.

Respondent's Acceptance

If you wish to accept this offer and fully resolve the enforcement matter pending against the Respondent, please sign this letter and return it to the Department at the Southeast District Office at 3301 Gun Club Road, MSC 7210-1, West Palm Beach, FL 33406 or via email at Justin.Stark@floridadep.gov within 20 calendar days of the mailing date of this Order. 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, Joseph Visconti:

- (1) certify that you are authorized and empowered to negotiate, enter into, and accept the terms of this offer in the name and on behalf of Respondent;
- (2) acknowledge and waive Respondent's right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this offer, once final; and
- (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. If Respondent chooses to implement a P2 project, Respondent shall notify the Department in writing of its election within **15 calendar days** of the effective date of this Order. Respondent shall then submit a completed P2 Project Plan ("Plan") within **30 days** of submitting written notification to the Department regarding the election of a P2 Project. The Plan must be completed using Exhibit I, "P2 Project Summary" template.

In the event the Department requires additional information to process the Plan, Respondent shall provide a modified Plan containing the information requested by the Department within **15 days** of the date of the request.

Respondent shall implement the approved P2 Project within **30 days** of receiving written approval from the Department. Respondent shall submit a P2 Progress Report within **180 days** of receiving written approval from the Department and shall submit a notice of completion within **7 days of completing the project**. A P2 Project Final Report shall be submitted within **365 days** of the receiving written approval from the Department.

Your failure to timely start or complete the P2 Project, or timely provide the Department with the Final Report, will cause the P2 Project option to be forfeited and the balance of the civil penalty which is **\$37,060.00** shall be due within **10 days** of notice from the Department. Similarly, if Respondent fails to timely notify the Department of intent to implement a P2, the full civil penalty shall be due within **30 calendar days** of notice from the Department.

2. Notwithstanding the election to implement a P2 Project, payment of the remaining **\$500.00** in costs must be paid within **30 calendar days** of the effective date of the Consent Order.

If Respondent does not elect to implement a P2 Project within the timeframes specified above, the balance of the civil penalty, which is **\$37,560.00**, shall be due within **30 calendar days** of the effective date of this Order.

3. Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both

the OGC number as-signed to this Order and the notation "Water Quality Assurance Trust Fund." Online pay-ments by e-check can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay>. It will take a number of days after this order is final and effective filed with the Clerk of the Department before ability to make online payment is available.

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

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

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

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

If you have any questions, please contact Justin Stark at 561-681-6648 or at Justin.Stark@floridadep.gov.

Sincerely,



Jason Andreotta
Director
Southeast District

FOR THE RESPONDENT:

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

By: J. Visconti
[Signature]

Date: 2/16/22

Title: J. Visconti
[Type or Print]

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this 17th day of February, 2022, in
Orange County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Jason Andreotta
Director
Southeast District

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

Vilmar Diaz

February 17, 2022

Clerk

Date

Attachments: Notice of Rights
EXHIBIT I: P2 PROJECTS

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 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 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 I

P2 Project Summary

Twin Vee Powercats, Inc.

3101 South Highway 1

Fort Pierce, FL 34982

Joseph Visconti, CEO

A. Project Descriptions:

Twin Vee Powercats, Inc proposes two distinct projects to be considered:

- 1.) **Convert open molding to closed molding** for all hulls and decks for each of our current model offerings. This project would convert the “bulking portion” of boat building from standard open molding to a vacuum assisted closed molding process for the decks, hulls, floors, and some small parts. We estimate that approximately 35% of the current resin emissions from hulls and decks at Twin Vee stems from the bulking process, which includes the wet-out, saturation, and consolidation of structural and engineered fiberglass fabrics. The key tasks for accomplishing this project are:
 - a. Hire a laminate designer and infusion specialist (consultant) to re-engineer each laminate schedule by part and by model. Infusion laminate schedules will be unique to each mold and model. Each mold must be tested for vacuum integrity. It may not be possible to port all models over to the closed molding system due to vacuum integrity problems.
 - b. Train the open lamination technicians to use the closed molding technology by employing outside consultants. This training is approximately 16 hours per technician.
 - c. Measure current resin use by model for future emissions reduction calculations. Compare existing open layup bulking resin use to closed molding resin use. We expect a reduction of approximately five percent of resin use due improved glass-to-resin ratios typical with closed molding techniques. We expect another thirty percent reduction in styrene and HAPs emissions by using the closed molding techniques. Note that gelcoat and skin coat emissions are not reduced, only bulking emissions. Any reductions in bulking emissions will go on in perpetuity and will help the company grow volume and revenue while minimizing the HAPs and VOC emission footprint. To verify the reductions in emissions we must measure and record open layup resin used vs closed molding resin used, but we expect a total of 35% overall reduction.

- d. Invest in a new tank system for temperature-controlled infusion resin (note this will introduce a new low viscosity resin specifically designed for closed molding).
- e. Invest in a vacuum pump for the infusion process.
- f. Invest in specific needs for closed molding, including vacuum (pressure) pots, ultrasonic leak detectors, non-contact thermometers and additional equipment.

2.) **Replace metal halide and fluorescent lights with hi-efficiency LEDs** throughout the facility. This will reduce energy waste and cost by replacing outdated inefficient technology with efficient and long-life newer technologies. We will also increase the actual lighting level (foot-candles) with the replaced lights. A side benefit is much less heat generated which will keep employees' cooler in the hot summer months.

The following items will be replaced over the next several months:

- a. Forty-six (46) 400W metal halides will be replaced with 150W LEDs.
- b. Forty (40) 2-tube 32W T8 fluorescents (64W total) will be replaced with 40W exterior LEDs.
- c. Thirty (30) 3-tube 32W T8 fluorescents (96W total) will be replaced with 34W interior LEDs.

B. Environmental and Economic Benefits:

1.) Project 1 will result in slightly less resin used and considerably less HAPs emissions. In the 2021 AOR, Twin Vee reported styrene emissions of 5.83 tons. By converting to closed molding, we estimate a reduction of a minimum of 35% styrene emissions by using slightly less resin and capturing the styrene in the closed molding process. We expect a reduction of approximately 5-10% resin used due to the better glass-to-resin ratio exemplified by closed molding techniques and by the lack of overspray. In fact, the Composite Manufacturing Association estimates that 10% of all emissions emanate from overspray. As far as the emissions reduction due to closed molding, we expect at least a 30 to 40% reduction in styrene and HAPs emissions (per unit built) by using the closed molding technique. All styrene is "locked" under the bag and is consumed in the cross-linking chemical reaction. In fact, infusion emissions from HAPS are considered non-existent and not included in most Title V calculations. Note that gelcoat and skin coat emissions are not reduced, only bulking emissions. Furthermore, all reductions in bulking emissions will go on in perpetuity and will help as the company grows unit volume while

minimizing the HAPs and VOC emission footprint. To verify the reductions in emissions we must measure and record open layup resin used in the bulking process vs the skinning process. Currently, we do not have the ratio, but will measure several samples over the next several months. A 35% percent overall reduction in resin HAPs would save approximately 2.04 tons per year of styrene emissions at our current production rate.

2.) Project 2 will result in less energy used and less hazardous waste (not calculated) through fewer fluorescent tubes and ballast waste. Only the energy savings were considered for this project. Energy savings will result in a reduction of 14,320 Watts per hour. Based on operating hours of 50 hours per week, the total annual reduction in energy use is 37,232 KWH. At today's current Fort Pierce Utilities rate of 10.54 cents per KWH, the savings is \$3,909 annually. As stated above, additional benefits include improved employee working conditions: reduced internal heat generated and enhanced lighting levels.

3.)

PROJECT 1 – Convert to closed molding							
Annual Resource Consumption Comparison							
Item	Quantity Used (gal/lb/kwh-specify)			Purchasing Cost (\$)			Percent (%) Reduction
	Before	After	Reduction	Before	After	Reduction	
Water	NA	NA	NA	NA	NA	NA	NA
Chemicals	NA	NA	NA	NA	NA	NA	NA
Materials	NA	NA	NA	NA	NA	NA	NA
Energy	NA	NA	NA	NA	NA	NA	NA
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	NA	NA	NA	NA	NA	NA	NA
Industrial Wastewater	NA	NA	NA	NA	NA	NA	NA
Solid Waste	NA	NA	NA	NA	NA	NA	NA
Air Emissions	5.83 TPY	3.79 TPY	2.04 TPY	NA	NA	NA	35
Total Annual Cost Savings = NA							
Total Annual Avoided Cost Savings = NA							

PROJECT 2 – Replace Metal Halide and Fluorescents with Hi-efficiency LED lights							
Annual Resource Consumption Comparison							
Item	Quantity Used (gal/lb/kwh-specify)			Purchasing Cost (\$)			Percent (%)
	Before	After	Reduction	Before	After	Reduction	Reduction
Water	NA	NA	NA	NA	NA	NA	NA
Chemicals	NA	NA	NA	NA	NA	NA	NA
Materials	NA	NA	NA	NA	NA	NA	NA
Energy	61,984 KWH	24,752 KWH	37,232 KWH	\$6,515	\$2,606	\$3,909	60%
Total Annual Cost Savings = \$3,909							
Annual Waste Generation Comparison							
Item	Quantity Generated (gal/lb/tons-specify)			Disposal Cost (\$)			Percent (%)
	Before	After	Reduction	Before	After	Reduction	Reduction
Hazardous Waste	NA	NA	NA	NA	NA	NA	NA
Industrial Wastewater	NA	NA	NA	NA	NA	NA	NA

Solid Waste	NA	NA	NA	NA	NA	NA	NA
Air Emissions	NA	NA	NA	NA	NA	NA	NA
Total Annual Cost Savings = NA							
Total Annual Avoided Cost Savings = \$3,909							

<i>Summary of All P2 Projects</i>							
Annual Resource Consumption Comparison							
Item	Quantity Used (gal/lb/kwh-specify)			Purchasing Cost (\$)			Percent (%)
	Before	After	Reduction	Before	After	Reduction	Reduction
Water	NA	NA	NA	NA	NA	NA	NA
Chemicals	NA	NA	NA	NA	NA	NA	NA
Materials	NA	NA	NA	NA	NA	NA	NA
Energy	61,984 KWH	24,752 KWH	37,232 KWH	\$6,515	\$2,606	\$3,909	60%
Total Annual Cost Savings =							
Annual Waste Generation Comparison							
Item	Quantity Generated (gal/lb/tons-specify)			Disposal Cost (\$)			Percent (%)
	Before	After	Reduction	Before	After	Reduction	Reduction
Hazardous Waste	NA	NA	NA	NA	NA	NA	NA
Industrial Wastewater	NA	NA	NA	NA	NA	NA	NA
Solid Waste	NA	NA	NA	NA	NA	NA	NA
Air Emissions	5.83 TPY	3.79 TPY	2.04 TPY	NA	NA	NA	35

Total Annual Cost Savings = \$3,909

Total Annual Avoided Cost Savings = NA

C. Project Cost estimates:

<u>Convert to Closed Molding (est.)</u>	<u>Cost</u>
CCG Design laminates for closed molding	\$ 53,300.00
CCG Design factory layout	\$ 6,000.00
NJR temp-controlled tank system	\$ 132,837.00
Electrical for new tank	\$ 8,000.00
Secondary containment basin for new tank	\$ 10,000.00
Insulated piping system for new tank	\$ 5,000.00
Bosch Vacuum pumps	\$ 40,295.00
Vacuum pump installation & piping	\$ 5,000.00
Closed molding specific items	\$ 4,000.00
	<u>\$ 264,432.00</u>

No payback period, environmental benefits

<u>Change lighting fixtures to LED (est.)</u>	<u>Cost</u>
Hi-bay LEDs (46@99.99)	\$ 4,599.54
Replace Flourescents (70@79.99)	\$ 5,599.30
	<u>\$ 10,198.84</u>

Payback period = \$10,198/\$3,909 2.61 years

D. Project Reporting:

1. Within 30 days of completing the P2 Project, 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. *A statement indicating the date the Project was started and the date completed.*

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

2 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.

3. 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 applicable as P2 credits* toward the civil penalty offset amount:

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 as P2 credits* toward the civil penalty offset amount:

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.

4. 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.

5. If the P2 Project is terminated for any reason, Respondent shall pay the full balance of the allowable portion of the civil penalty within 10 days of written demand by the Department.