



# FLORIDA DEPARTMENT OF Environmental Protection

Central District Office  
3319 Maguire Blvd., Suite 232  
Orlando, Florida 32803

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

April 12, 2022

Doug Gano, Authorized Person  
Designers Choice Cabinetry, LLC  
2838 Grandview Drive  
Simpsonville, South Carolina 29680  
[dougg@executivecabinetry.com](mailto:dougg@executivecabinetry.com)

Re: Designers Choice Cabinetry LLC  
HW Facility ID #FLR000150649  
OGC Case #22-0306

Dear Mr. Gano:

Enclosed is the executed Consent Order to resolve the above referenced case. This copy is for your records.

Should you have any questions or comments, please contact Michael Eckoff at 407-897-4308 or via e-mail at [michael.eckoff@floridadep.gov](mailto:michael.eckoff@floridadep.gov).

Your cooperation in this matter will be appreciated.

Sincerely,

A handwritten signature in dark ink, appearing to read "AW", is written over a light blue horizontal line.

*On behalf of:*

Aaron Watkins  
Director, Central District

Enclosure

cc: Lea Crandall, OGC  
Zoey Carr, Central District  
Daun Festa, Central District  
Paul Derr, Essential Cabinetry Group, [pderr@dccabinetry.com](mailto:pderr@dccabinetry.com)



# FLORIDA DEPARTMENT OF Environmental Protection

Central District Office  
3319 Maguire Blvd., Suite 232  
Orlando, Florida 32803

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

March 10, 2022

Doug Gano, Authorized Person  
Designers Choice Cabinetry, LLC  
2838 Grandview Drive  
Simpsonville, South Carolina 29680  
[dougg@executivecabinetry.com](mailto:dougg@executivecabinetry.com)

Re: Designers Choice Cabinetry LLC  
HW Facility ID #FLR000150649  
OGC Case No: 22-0306  
Brevard County

Dear Mr. Gano:

Enclosed is a Consent Order ("Order") prepared by the Department for resolution of the referenced enforcement case. Please review this document and within 20 days of receipt, either: 1) return a signed copy to the Department or 2) provide comments and suggested changes. Once fully executed, a copy of the final document will be forwarded to you.

Should you have any questions or comments, please contact Michael Eckoff at 407-897-4308 or via e-mail at [michael.eckoff@FloridaDEP.gov](mailto:michael.eckoff@FloridaDEP.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "AW", is written over a horizontal line.

*On behalf of:*

Aaron Watkins, Director  
Central District

Enclosure: Consent Order

cc: Paul Derr, Essential Cabinetry Group, [pderr@dccabinetry.com](mailto:pderr@dccabinetry.com)

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT	)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION	)	CENTRAL DISTRICT
	)	
v.	)	OGC FILE NO. 22-0306
	)	EPA ID NO. <u>FLR000150649</u>
DESIGNERS CHOICE CABINETRY LLC	)	
_____	)	

**CONSENT ORDER**

This Consent Order (“Order”) is entered into between the State of Florida Department of Environmental Protection (“Department”) and Designers Choice Cabinetry LLC (“Respondent”) to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and 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, Sections 403.702, et seq., Florida Statutes (“F.S.”), and the rules promulgated in Chapter 62-730, Florida Administrative Code (“F.A.C.”). The Department has jurisdiction over the matters addressed in this Order.
2. Respondent is a “person” within the meaning of Sections 403.031(5) and 403.703(23), F.S.
3. Respondent is a foreign limited liability company which operates a residential kitchen and bathroom cabinet manufacturing facility on real property located at 100 TGK Circle, Rockledge, Brevard County, Florida (“Facility”). Respondent is the owner and operator of the Facility as defined in Rule 62-730.020, F.A.C.
4. Respondent’s operations at the Facility are described in Exhibit I, which is attached and incorporated in this Order.
5. The Department finds that the following violation(s) occurred:

- a) Respondent failed to determine if used rags and four 55-gallon drums with unknown contents at the Facility were hazardous wastes in violation of Rule 62-730.160(1) (adopting Section 40 Code of Federal Regulations (“C.F.R.”) 262.11 (2018)), F.A.C., and Section 403.727(1)(a), F.S.
- b) Respondent failed to keep three 5-gallon containers of hazardous waste at the automated spray machine closed during accumulation at the Facility in violation of Rule 62-730.160(1) (adopting Section 40 C.F.R. 262.15(a)(4) (2018)), F.A.C., and Section 403.727(1)(a), F.S.
- c) Respondent failed to label three 5-gallon containers of hazardous waste at the automated spray machine at the Facility with the words “Hazardous Waste” and mark them with the hazards of the contents in violation of Rule 62-730.160(1) (adopting Section 40 C.F.R. 262.15(a)(5) (2018)), F.A.C., and Section 403.727(1)(a), F.S.
- d) Respondent failed to keep one 55-gallon drum of hazardous waste closed during accumulation at the Facility in violation of Rule 62-730.160(1) (adopting Section 40 C.F.R. 262.17(a)(1)(iv)(A) (2018)), F.A.C., and Section 403.727(1)(a), F.S.
- e) Respondent failed to inspect central accumulation areas weekly at the Facility in violation of Rules 62-730.160(1) (adopting Section 40 C.F.R. 262.17(a)(1)(v) (2018)) and 62-730.160(3), F.A.C., and Section 403.727(1)(a), F.S.
- f) Respondent failed to post a “No Smoking” sign in the distillation unit central accumulation area at the Facility in violation of Rule 62-730.160(1) (adopting Section 40 C.F.R. 262.17(a)(1)(vi)(B) (2018)), F.A.C., and Section 403.727(1)(a), F.S.
- g) Respondent failed to mark the hazards of the contents on four 55-gallon drums of hazardous waste in the main central accumulation area and four 55-gallon drums of hazardous waste in the distillation unit central accumulation area at the Facility in violation of Rule 62-730.160(1) (adopting Section 40 C.F.R. 262.17(a)(5)(i)(B) (2018)), F.A.C., and Section 403.727(1)(a), F.S.
- h) Respondent failed to mark an accumulation start date on seventeen 55-gallon drums of hazardous waste in the main central accumulation area, seven 55-



gallon drums of hazardous waste in the distillation unit central accumulation area, and two 55-gallon drums of hazardous waste in the Superfici 3 paint booth central accumulation area at the Facility in violation of Rule 62-730.160(1) (adopting Section 40 C.F.R. 262.17(a)(5)(i)(C) (2018)), F.A.C., and Section 403.727(1)(a), F.S.

i) Respondent failed to properly train its employees at the Facility in violation of Rule 62-730.160(1) (adopting Section 40 C.F.R. 262.17(a)(7)(i)(A) (2018)), F.A.C., and Section 403.727(1)(a), F.S.

j) Respondent failed to maintain the job title for each position related to hazardous waste management and the name of the employee filling each job, and a written job description for each position at the Facility in violation of Rule 62-730.160(1) (adopting Sections 40 C.F.R. 262.17(a)(7)(iv)(A) and (B) (2018)), F.A.C., and Section 403.727(1)(a), F.S.

k) Respondent allowed paint/solvent waste to be spilled/splashed on the floor near the automated spray machine and in the distillation unit area at the Facility in violation on Rule 62-730.160(1) (adopting Section 40 C.F.R. 262.251 (2018)), F.A.C., and Section 403.727(1)(a), F.S.

l) Respondent failed to maintain adequate aisle space between containers of hazardous waste in the main central accumulation area at the Facility in violation of Rules 62-730.160(1) (adopting Section 40 C.F.R. 262.255 (2018)) and 62-730.160(4), F.A.C., and Section 403.727(1)(a), F.S.

m) Respondent failed to attempt to make arrangements with local authorities regarding the types of hazardous waste handled at the Facility in violation of Rule 62-730.160(1) (adopting Section 40 C.F.R. 262.256(a) (2018)), F.A.C., and Section 403.727(1)(a), F.S.

n) Respondent failed to develop and submit to local authorities a quick reference guide of the Facility's contingency plan in violation of Rule 62-730.160(1) (adopting Section 40 C.F.R. 262.262(b) (2018)), F.A.C., and Section 403.727(1)(a), F.S.

o) Respondent failed to immediately amend the Facility's contingency plan when the list of emergency coordinators changed in violation of Rule 62-730.160(1) (adopting Section 40 C.F.R. 262.263(d) (2018)), F.A.C., and Section 403.727(1)(a), F.S.

p) Respondent failed to keep a copy of each Biennial Report for a period of at least three years from the due date of the report at the Facility in violation of Rule 62-730.160(1) (adopting Section 40 C.F.R. 262.40(b) (2018)), F.A.C., and Section 403.727(1)(a), F.S.

6. On September 10, 2021, Respondent provided written documentation to the Department that the containers identified in Paragraph 5, subparagraphs c) and g) have been properly labeled and marked, the containers identified in Paragraph 5, subparagraph h) have been marked with an accumulation start date, and adequate aisle space identified in Paragraph 5, subparagraph l) has been provided.

7. On September 17, 2021, Respondent provided written documentation to the Department that the container identified in Paragraph 5, subparagraph d) has been closed and a "No Smoking" sign identified in Paragraph 5, subparagraph f) has been posted.

8. On October 1, 2021, Respondent provided written documentation to the Department that personnel training identified in Paragraph 5, subparagraph i) has been conducted.

9. On October 4, 2021 and November 2, 2021, Respondent provided written documentation to the Department that proper waste determinations were conducted on the wastes identified in Paragraph 5, subparagraph a) of this Order.

10. On November 2, 2021, Respondent provided written documentation to the Department that job titles and descriptions, and the name of the employee filling each job in Paragraph 5, subparagraph j) has been completed, the paint/solvent waste spilled/splashed on the floor identified in Paragraph 5, subparagraph k) has been cleaned up, the Facility's contingency plan identified in Paragraph 5, subparagraph o) has been amended, and a copy of the Biennial Report identified in Paragraph 5, subparagraph p) is maintained at the Facility.

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

**ORDERED:**

11. Effective immediately, Respondent shall comply with all Department rules regarding hazardous waste management. Respondent shall correct and redress all violations within the time periods stated below and shall comply with all applicable sections in Chapter 62-730, F.A.C. and Title 40, C.F.R. Parts 260 through 266 and Part 268. All time periods shall run from the effective date of this Order.

a) Within 30 days, Respondent shall provide the Department with written documentation that the three 5-gallon containers of hazardous waste at the automated spray machine at the Facility are kept closed during accumulation except when it is necessary to add or remove waste.

b) Effective immediately, Respondent shall conduct inspections, at least weekly, of the areas where containers holding hazardous waste are being stored at the Facility in order to look for leaks and deterioration of the containers. Respondent shall provide the Department with copies of all completed weekly inspection logs in a monthly report for three consecutive monthly periods.

i. The first monthly report shall cover the month of April 2022 and shall be due to the Department no later than May 15, 2022.

ii. The second monthly report shall cover the month of May 2022 and shall be due to the Department no later than June 15, 2022.

iii. The third monthly report shall cover the month of June 2022 and shall be due to the Department no later than July 15, 2022.

c) Within 30 days, Respondent shall provide the Department with written documentation that the local authorities such as police, fire departments, emergency response teams, and local hospitals have been notified of the type of waste handled at the Facility and the potential need for the services of the authorities in the event of an emergency.

d) Within 30 days, Respondent shall provide the Department with written documentation that a quick reference guide of the Facility's contingency plan prepared in accordance with Section 40 C.F.R. 262.262(b) was submitted to all local emergency responders (i.e., police departments, fire departments, hospitals and State and local emergency response teams that may be called upon to provide emergency services).

12. Within 30 days of the effective date of this Order, Respondent shall pay the Department \$ 24,080 in settlement of the matters addressed in this Order. This amount includes \$ 500 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order.

13. 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) 11 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 14, 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 12 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.

14. 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.

15. Except as otherwise provided, all submittals and payments required by this Order shall be sent to Department of Environmental Protection, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803.

16. 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.

17. Respondent shall use all reasonable efforts to obtain any necessary access to implement the terms 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, Respondent shall notify the Department within five 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 days of written demand by the Department.

18. The Department, for and in consideration of the complete and timely performance by Respondent of all the obligations agreed to in this Order, hereby conditionally waives its right to seek judicial imposition of damages or civil penalties for alleged violations up to the date of the filing of this Order. This waiver is conditioned upon Respondent's complete compliance with all of the terms of this Order.

19. 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.

20. 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.

21. 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.

22. Respondent acknowledges and waives its right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., 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, F.S.

23. 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.

24. 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.

25. This 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.

26. 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:

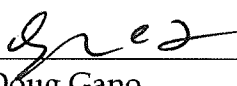
- a) The name and address of each agency affected and each agency's file or identification number, if known;
- b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the 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; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- c) A statement of when and how the petitioner received notice of the agency decision;
- d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

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](mailto: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 15, 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. 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, Florida Statutes. 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, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.

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

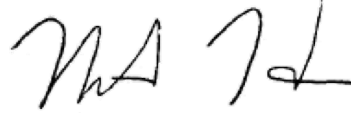
FOR THE RESPONDENT:

	<u>3/31/22</u>
Doug Gano	DATE
Authorized Person	



DONE AND ORDERED this 12 day of April, 2022, in Orange County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

 on behalf of  
\_\_\_\_\_  
Aaron Watkins  
District Director  
Central District

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

  
\_\_\_\_\_  
Clerk

April 12, 2022  
\_\_\_\_\_  
Date

Copies furnished to:

Lea Crandall, Agency Clerk  
Mail Station 35



# FLORIDA DEPARTMENT OF Environmental Protection

Central District Office  
3319 Maguire Blvd., Suite 232  
Orlando, Florida 32803

**Ron DeSantis**  
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**Shawn Hamilton**  
Secretary

September 23, 2021

Doug Gano, Authorized Person  
Designers Choice Cabinetry, LLC  
2838 Grandview Drive  
Simpsonville, South Carolina 29680  
[dougg@executivecabinetry.com](mailto:dougg@executivecabinetry.com)

Re: Warning Letter  
Designers Choice Cabinetry  
HW FLR000150649  
Brevard County

Dear Mr. Gano:

A Compliance inspection was conducted at your facility on July 22, 2021. During this inspection, possible violations of Chapter 403, F.S., Chapter 62-730, Florida Administrative Code (F.A.C.), were observed.

During the inspection Department personnel noted the following:

- Failure to conduct accurate waste determinations
- Failure to keep containers of hazardous waste closed while accumulating
- Failure to label containers of hazardous waste with the words "Hazardous Waste"
- Failure to mark containers of hazardous waste with the hazards of the contents
- Failure to inspect central accumulation areas weekly
- Failure to post a "No Smoking" sign in a central accumulation area
- Failure to mark containers of hazardous waste with an accumulation start date
- Failure to train employees
- Failure to maintain job titles and job descriptions for employees
- Allowed paint/solvent waste to be spilled/splashed on the floor
- Failure to provide adequate aisle space between containers of hazardous waste in a central accumulation area
- Failure to attempt to make arrangements with local authorities and emergency response contractors
- Failure to submit a quick reference guide to local emergency responders
- Failure to amend its contingency plan
- Failure to maintain a copy of the 2019 biennial report

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 Michael Eckoff, at (407) 897-4308, within **7 days** of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in receiving any facts you may have that will 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 the investigation and resolving this matter.

Sincerely,



Aaron Watkins, Director  
Central District  
Florida Department of Environmental Protection

AW/NH/DH/me

Enclosures: Inspection Report (with attachments)

cc: Chuck Reinbold, Designers Choice Cabinetry, [creinbold@dccabinetry.com](mailto:creinbold@dccabinetry.com)  
Albert Gillespie, Designers Choice Cabinetry, [agillespie@dccabinetry.com](mailto:agillespie@dccabinetry.com)



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

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**FACILITY INFORMATION:**

**Facility Name:** Designers Choice Cabinetry  
**On-Site Inspection Start Date:** 07/22/2021 **On-Site Inspection End Date:** 07/22/2021  
**ME ID#:** 87897 **EPA ID#:** FLR000150649  
**Facility Street Address:** 100 Tgk Cir, Rockledge, Florida 32955-3605  
**Contact Mailing Address:** 100 Tgk Cir, Rockledge, Florida 32955-3605  
**County Name:** Brevard **Contact Phone:** (321) 632-0772

**NOTIFIED AS:**

LQG (>1000 kg/month)

**WASTE ACTIVITIES:**

**Generator:** LQG

**INSPECTION TYPE:**

Routine Inspection for LQG (>1000 kg/month) Facility

**INSPECTION PARTICIPANTS:**

**Principal Inspector:** Michael Eckoff, Inspector

**Other Participants:** Mackenzie Black, Environmental Specialist; Chuck Reinbold, Director of Operations

**LATITUDE / LONGITUDE:** Lat 28° 19' 15.69" / Long 80° 43' 15.4"

**NAIC:** 337110 - Wood Kitchen Cabinet and Countertop Manufacturing

**TYPE OF OWNERSHIP:** Private

**Introduction:**

On July 22, 2021, Michael Eckoff and Mackenzie Black, Florida Department of Environmental Protection (FDEP or Department), accompanied by Chuck Reinbold, Designers Choice Cabinetry (DCC or Facility), inspected DCC for compliance with state and federal hazardous waste and air regulations. The findings of the air inspection will be provided under separate cover. The facility most recently notified the Department of its waste activities on February 6, 2020 and was originally issued EPA identification number FLR000150649 on November 10, 2008.

The facility has been in operation at this location since 1997. DCC presently has 240 employees working two shifts, 5-days a week, in a 92,000 square-foot facility. The facility is connected to the City of Rockledge for sanitary sewer and potable water services.

**INSPECTION HISTORY (past five years)**

The facility was inspected by the Department and US Environmental Protection Agency in August 2016 for compliance with state and federal hazardous waste regulations. The facility was not in compliance due to failure to mark one container with an accumulation start date, failure to label one container with the words "Hazardous Waste," failure to keep three containers located in satellite accumulation areas closed while accumulating, failure to label three containers located in satellite accumulation areas with the words "Hazardous Waste" or with other words that identify the contents of the containers, failure to maintain complete job descriptions for facility personnel, failure to include emergency coordinators' home addresses in the contingency plan, failure to submit the contingency plan to local authorities, and failure to submit the biennial report for 2015 by March 1, 2016. The facility submitted corrective actions and the case was closed without formal enforcement action.

**Process Description:**

DCC manufactures residential kitchen and bathroom cabinets to order from maple, oak, cherry, and alder wood. Approximately 400 cabinets and 1,000 doors are manufactured daily. Stacks of lumber are received daily at the

## Designers Choice Cabinetry Inspection Report

Inspection Date: 07/22/2021

facility. The lumber is cut, milled, shaped, and sanded to form the cabinet panels. The panels are then glued, cut down, planed, sanded and assembled to produce the cabinets. Water based glues are used in the manufacturing process. Contact cement is used only as necessary. Sawdust generated by equipment is collected in baghouses located on the south and east sides of the building. Baghouse dust is recycled by East Coast Recycling.

The prepared wood is then painted, stained and sealed. Hand sanders are used for finish work. The facility has seven spray booths, three of which are automated spray machines, one heated tunnel and an electric halogen light heated oven for drying painted pieces. Two automated lines are for paint and primer and the third line is for stain, sealant, or top coat. Between ten and twenty coating colors can be used each day. The automated finish lines pull coatings from 5-gallon containers. There are also four manual coating booths for touch-up work or coating a part that is added later so coatings can be matched. Paint booth filters are changed out approximately every two days and are managed as nonhazardous waste. Solvents, including thinner and acetone, are used for cleaning guns and lines and are continuously recycled until the end of the work day. At the end of each day, the leftover coating and solvent is collected and disposed of as a waste.

### Receiving/Lumber Preparation

Raw lumber is received, cut, shaped, and molded to form cabinets and door panels. The cabinets and doors are sanded and prepped for painting.

### East Baghouse

Baghouse dust was noted on the concrete (Photos 1 to 4). Mr. Reinbold stated a broken pipe caused the release of the dust and that cleanup is expected by this weekend. Near this area was a small dumpster and a garbage can containing solid waste and used rags (Photos 5 and 6). When asked, Mr. Reinbold did not know how the used rags are regulated [40 CFR 262.11].

Just south of the Main Central Accumulation Area was storage for empty drums and containers. Shipping containers in this area contained products.

### Main Central Accumulation Area

The facility's 90-day storage area is located on the southeast side of the property outside the main building. The area consists of a concrete pad surrounded by a locked chain-link fence. A "No Smoking" sign was posted on the fence. Managers and supervisors carry radios for communication purposes. At the time of the inspection, the facility was accumulating seventeen 55-gallon drums of hazardous waste. Adequate aisle spacing was not provided between the drums (Photo 7) [40 CFR 262.255 and 62-730.160(4), Florida Administrative Code (F.A.C.)]. Fifteen drums were not marked with a complete accumulation start date (Photos 8 to 10) [40 CFR 262.17(a)(5)(i)(C)]; only the month and day appeared to be marked on the drums. The remaining two drums were not marked with an accumulation start date (Photos 11 and 12) [40 CFR 262.17(a)(5)(i)(C)]. Four drums were not marked with the hazards of the contents (Photos 8, 10, and 13) [40 CFR 262.17(a)(5)(i)(B)]. Unless otherwise noted, the drums were labeled "Hazardous Waste," marked with the hazards of the contents, and closed.

### South Baghouse

No issues were noted in this area.

### Paint Lines

Three automated spray machines are used to apply paint, primer, stain, and the like to parts. One unit was down for service.

Adjacent to an automatic spray machine applying stain were three open 5-gallon containers of solvent waste (Photos 14 and 15) [40 CFR 262.15(a)(4)]. Two of the containers were receiving spent solvent from the spray machine and the third was receiving spent solvent from a pump in the other 5-gallon containers. The containers were not labeled "Hazardous Waste" or marked with the hazards of the contents [40 CFR 262.15(a)(5)]. Paint/solvent waste appears to be spilled/splashed on the floor in this area (Photo 15) [40 CFR 262.251]. Near this machine was a trash can containing used rags (Photo 16) [40 CFR 262.11].

### Distillation Unit

DCC has a solvent distillation unit located along one wall. The unit has a 30-gallon capacity tank and a separate chiller unit. The unit is operated once each day and allowed to cool overnight. At the time of the inspection, there were fifteen 55-gallon drums in this area. Four drums had unknown contents (Photos 17 and 18) [40 CFR

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262.11]. Seven drums were labeled "Hazardous Waste" but three were not marked with an accumulation start date (Photos 19 and 20) [40 CFR 262.17(a)(5)(i)(C)], four drums were not marked with a complete accumulation start date (Photos 21 to 23) [40 CFR 262.17(a)(5)(i)(C)], only the month and day appeared to be marked on the drums, and four drums were not marked with the hazards of the contents (Photos 21 and 23) [40 CFR 262.17(a)(5)(i)(B)]. Four drums contained recycled solvent. All the drums were closed. A "No Smoking" sign was not posted in the area [40 CFR 262.17(a)(1)(vi)(B)]. Paint/solvent waste appears to be spilled/splashed on the floor in this area (Photos 24 and 25) [40 CFR 262.251].

### "Superfici 3" Paint Booth

At the time of the inspection, there were five 55-gallon drums in this area. Three drums contained water based resin waste that was being managed as non-hazardous waste. Two drums were labeled "Hazardous Waste" and marked with the hazards of the contents but were not marked with an accumulation start date (Photos 26 and 27) [40 CFR 262.17(a)(5)(i)(C)] and one drum had an open funnel attached to the drum (Photo 26) [40 CFR 262.17(a)(1)(iv)(A)].

The four manual paint booths are located near the distillation unit but the area was not inspected. Mr. Reinbold stated there are no waste containers in that area as the wastes are brought to the containers in the distillation unit area.

### Recordkeeping:

Documents and records reviewed at the time of the inspection included: manifests and the facility's contingency plan.

A review of manifests for calendar years 2019, 2020, and 2021, found the facility is shipping hazardous waste off-site approximately two times per month. The hazardous waste transporter utilized by DCC is Freehold Cartage, EPA identification number NJD054126164. Designated facilities are Giant Resource Recovery Sumter, EPA identification number SCD026275626, and Giant Resource Recovery - Attela Inc., EPA identification number ALD070513767.

A review of the contingency plan dated November 2016 indicates Mr. Reinbold is the primary emergency coordinator and Matthew Philman and LeAnne Walton are alternate emergency coordinators. Mr. Reinbold indicated he is not the emergency coordinator and that Mr. Philman and Ms. Walton are no longer employed with the company [40 CFR 262.263(d)]. Mr. Philman left the company approximately six to twelve months ago and Ms. Walton left approximately two years ago.

The following records were not available to review:

- Documentation of training for staff involved in hazardous waste management for calendar years 2018, 2019, 2020, and 2021 (if conducted) [40 CFR 262.17(a)(7)(i)(A)];
- Job title and job description for each position at the facility related to hazardous waste management, and the name of the employee filling each job [40 CFR 262.17(a)(7)(iv)];
- Documentation of attempts to make arrangements with local authorities (police, fire department, other emergency response teams, emergency response contractors, and local hospitals) [40 CFR 262.256(a)];
- A copy of the quick reference guide [40 CFR 262.262(b)];
- A copy of weekly inspection logs for calendar years 2018 (July to December), 2019, 2020, and 2021 to date [40 CFR 262.17(a)(1)(v) and 62-730.160(3), F.A.C.]; and
- A copy of the biennial report for calendar year 2019, required by March 1, 2020 [40 CFR 262.40(b)].

## New Potential Violations and Areas of Concern:

### Violations

Type:	Violation
Rule:	262.11
Question Number:	1.3
Question:	Did the facility conduct a waste determination on all wastes generated? 262.11
Explanation:	A person who generates a solid waste, as defined in 40 CFR 261.2, must make an accurate determination as to whether that waste is a hazardous waste in order to ensure

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wastes are properly managed according to applicable RCRA regulations...

Specifically, Designers Choice Cabinetry failed to determine if used rags and four 55-gallon drum with unknown contents are hazardous wastes.

Corrective Action: Please provide a copy of the results of the waste determinations for the used rags and the four drums to the Department within 30 days from the date of your receipt of this report.

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Type: Violation

Rule: 262.15(a)(4)

Explanation: A container holding hazardous waste must be closed at all times during accumulation...

Specifically, Designers Choice Cabinetry failed to keep closed three 5-gallon containers near an automated spray machine.

Corrective Action: Please provide documentation that the containers are kept closed to the Department within 30 days from the date of your receipt of this report.

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Type: Violation

Rule: 262.15(a)(5)

Explanation: A generator must mark or label its containers with the following: (i) The words "Hazardous Waste" and (ii) An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704).

Specifically, Designers Choice Cabinetry failed to label three 5-gallon containers near an automated spray machine with the words "Hazardous Waste" and mark them with the hazards of the contents.

Corrective Action: Please provide documentation that containers are properly labeled "Hazardous Waste" and marked with an indication of the hazards of the contents to the Department within 30 days from the date of your receipt of this report.

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Type: Violation

Rule: 262.17(a)(1)(iv)(A)

Explanation: A container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste.

Specifically, Designers Choice Cabinetry failed to keep closed one 55-gallon drum.

Corrective Action: Please provide documentation that the drum is kept closed to the Department within 30 days from the date of your receipt of this report.

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Type: Violation

Rule: 262.17(a)(1)(v) , 62-730.160(3)

Explanation: At least weekly, the large quantity generator must inspect central accumulation areas...

Specifically, Designers Choice Cabinetry failed to inspect central accumulation areas weekly.

Corrective Action: Please develop a program for inspecting central accumulation areas weekly, conduct weekly inspections, and document those inspections. Please provide a copy of the weekly inspection logs completed to date to the Department within 30 days from the date

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of your receipt of this report.

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Type:	Violation
Rule:	262.17(a)(1)(vi)(B)
Explanation:	The large quantity generator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction including but not limited to the following: Open flames, smoking, cutting and welding, hot surfaces, friction heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the large quantity generator must confine smoking and open flame to specially designated locations. "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.
Corrective Action:	Specifically, Designers Choice Cabinetry failed to post a "No Smoking" sign in the Distillation Unit CAA. Please provide documentation a "No Smoking" sign is posted to the Department within 30 days from the date of your receipt of this report.

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Type:	Violation
Rule:	262.17(a)(5)(i)(B)
Explanation:	A large quantity generator must mark or label its containers with the following: (B) An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704).
Corrective Action:	Specifically, Designers Choice Cabinetry failed to mark the hazards of the contents on four 55-gallon drum in the main CAA and four 55-gallon drums in the Distillation Unit CAA. Please provide documentation that containers are properly marked with an indication of the hazards of the contents to the Department within 30 days from the date of your receipt of this report.

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Type:	Violation
Rule:	262.17(a)(5)(i)(C)
Explanation:	A large quantity generator must mark or label its containers with the following: (C) The date upon which each period of accumulation begins clearly visible for inspection on each container.
Corrective Action:	Specifically, Designers Choice Cabinetry failed to mark the complete accumulation start date on fifteen 55-gallon drums and an accumulation start date on two 55-gallon drums in the main CAA, failed to mark the complete accumulation start date on four 55-gallon drums and an accumulation start date on three 55-gallon drums in the Distillation Unit CAA, and failed to mark an accumulation start date on two 55-gallon drums in the "Superfici 3" Paint Booth CAA. Please provide documentation of complete accumulation start dates marked on containers to the Department within 30 days from the date of your receipt of this report.

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Type:	Violation
Rule:	262.17(a)(7)(i)(A)



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Explanation:	Facility personnel must successfully complete a program of classroom instruction, online training (e.g., computer-based or electronic), or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this part...
Corrective Action:	Specifically, Designers Choice Cabinetry failed to properly train its employees. Please provide training to employees that meet the requirements stated above. Please provide a copy of the training material provided employees and a list of employees that completed the training to the Department within 30 days from the date of your receipt of this report.
Type:	Violation
Rule:	262.17(a)(7)(iv)(A) , 262.17(a)(7)(iv)(B)
Explanation:	The large quantity generator must maintain the following documents at the facility: (A) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job; and (B) A written job description for each position listed under paragraph (a)(7)(iv)(A) of this section. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position.
Corrective Action:	Specifically, Designers Choice Cabinetry failed to maintain job titles and job descriptions for each position at the facility related to hazardous waste management, and the name of the employee filling each position. Please provide a copy of job titles and job descriptions for each position at the facility related to hazardous waste management, and the name of the employee filling each position to the Department within 30 days from the date of your receipt of this report.
Type:	Violation
Rule:	262.251
Explanation:	A large quantity generator must maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.
Corrective Action:	Specifically, Designers Choice Cabinetry allowed paint/solvent waste to be spilled/splashed on the floor near an automated spray machine and in the Distillation Unit area. Please provide documentation of the areas cleaned up and procedural changes the facility has implement to minimize the possibility of spills/splashes of hazardous waste to the Department within 30 days from the date of your receipt of this report.
Type:	Violation
Rule:	262.255 , 62-730.160(4)
Explanation:	Generators required to inspect containers under 40 C.F.R. 262.16(b)(2)(iv) and 262.17(a)(1)(v), [as adopted in subsection 62-730.160(1), F.A.C.] shall maintain adequate aisle space between containers of hazardous waste to allow for inspection of the condition and labels of the individual containers.
Corrective Action:	Specifically, Designers Choice Cabinetry failed to provide adequate aisle space between containers of hazardous waste in the main CAA. Please provide documentation of adequate aisle space in the main CAA to the Department within 30 days of the date of your receipt of this report.
Type:	Violation

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Rule: 262.256(a)

Explanation: The large quantity generator must attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the types and quantities of hazardous waste handled at the facility. Arrangements may be made with the Local Emergency Planning Committee, if it is determined to be the appropriate organization with which to make arrangements.

Specifically, Designers Choice Cabinetry failed to attempt to make the above arrangements with the above organizations.

Corrective Action: Please provide a copy of the attempt to make arrangements with local authorities to the Department within 30 days from the date of your receipt of this report.

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Type: Violation

Rule: 262.262(b)

Explanation: A large quantity generator that first becomes subject to these provisions after May 30, 2017 or a large quantity generator that is otherwise amending its contingency plan must at that time submit a quick reference guide of the contingency plan to the local emergency responders identified at paragraph (a) of this section or, as appropriate, the Local Emergency Planning Committee. The quick reference guide must include the following elements: (1) The types/names of hazardous waste in layman's terms and the associated hazard associated with each hazardous waste present at any one time (e.g., toxic paint wastes, spent ignitable solvent, corrosive acid); (2) The estimated maximum amount of each hazardous waste that may be present at any one time; (3) The identification of any hazardous wastes where exposure would require unique or special treatment by medical or hospital staff; (4) A map of the facility showing where hazardous wastes are generated, accumulated and treated and routes for accessing these wastes; (5) A street map of the facility in relation to surrounding businesses, schools and residential areas to understand how best to get to the facility and also evacuate citizens and workers; (6) The locations of water supply (e.g., fire hydrant and its flow rate); (7) The identification of on-site notification systems (e.g., a fire alarm that rings off site, smoke alarms); and (8) The name of the emergency coordinator(s) and 7/24-hour emergency telephone number(s) or, in the case of a facility where an emergency coordinator is continuously on duty, the emergency telephone number for the emergency coordinator.

Specifically, Designers Choice Cabinetry failed to provide a copy of its quick reference guide.

Corrective Action: Please provide a copy of the quick reference guide and documentation that the quick reference guide was submitted to local emergency responders to the Department within 30 days from the date of your receipt of this report.

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Type: Violation

Rule: 262.263(d)

Explanation: The contingency plan must be reviewed, and immediately amended, if necessary, whenever: (d) The list of emergency coordinators changes.

Specifically, Designers Choice Cabinetry failed to amend the contingency when the list of emergency coordinators changed.

Corrective Action: Please provide a copy of the contingency plan showing the updated emergency coordinators to the Department within 30 days from the date of your receipt of this report.

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Type: Violation

Rule: 262.40(b)



**Designers Choice Cabinetry Inspection Report**

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**Explanation:** A generator must keep a copy of each Biennial Report and Exception Report for a period of at least three years from the due date of the report.

Specifically, Designers Choice Cabinetry failed to keep a copy of the 2019 Biennial Report.

**Corrective Action:** Please provide a copy of the 2019 Biennial Report and assurances that Biennial Reports will be kept for three years from the due date of the report to the Department within 30 days from the date of your receipt of this report.

**PHOTO ATTACHMENTS:**

Photo 1 - Baghouse dust on concrete pad



Photo 2 - Baghouse dust on concrete pad



Photo 3 - Baghouse dust on concrete pad



Photo 4 - Baghouse dust on concrete pad



Photo 5 - Used rags in small dumpster



Photo 6 - Used rags in garbage can





# Designers Choice Cabinetry Inspection Report

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Photo 7 - Main CAA aisle space issue



Photo 8 - Hazardous waste label



Photo 9 - Hazardous waste labels



Photo 10 - Hazardous waste label



Photo 11 - Hazardous waste label



Photo 12 - Hazardous waste label





# Designers Choice Cabinetry Inspection Report

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Photo 13 - Hazardous waste drums



Photo 15 - Automated spray machine waste containers



Photo 17 - Two drums (red and blue) with unknown contents



Photo 14 - Automated spray machine waste containers



Photo 16 - Used rags in garbage can



Photo 18 - Two drums (red rag on top and blue) unknown contents





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Photo 19 - Hazardous waste label



Photo 20 - Hazardous waste label



Photo 21 - Hazardous waste drum



Photo 22 - Hazardous waste label



Photo 23 - Hazardous waste label



Photo 24 - Splashed/spilled paint/solvent waste on floor



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Photo 25 - Splashed/spilled paint/solvent waste on floor



Photo 26 - Hazardous waste drum



Photo 27 - Hazardous waste drum

**Conclusion:**

Designers Choice Cabinetry was inspected as a large quantity generator of hazardous waste and was not in compliance at that time.



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**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		✓	



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**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

Michael Eckoff	Inspector	
<b>Principal Investigator Name</b>	<b>Principal Investigator Title</b>	
<i>Michael Eckoff</i>	DEP	09/07/2021
<b>Principal Investigator Signature</b>	<b>Organization</b>	<b>Date</b>
Mackenzie Black	Environmental Specialist	
<b>Inspector Name</b>	<b>Inspector Title</b>	
	FDEP - Central District	
	<b>Organization</b>	
Chuck Reinbold	Director of Operations	
<b>Representative Name</b>	<b>Representative Title</b>	
	Designers Choice Cabinetry	
	<b>Organization</b>	

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:**

<b>Approver:</b>	Daniel K. Hall	<b>Inspection Approval Date:</b>	09/08/2021
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