



FLORIDA DEPARTMENT OF Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

February 1, 2023

Sent electronically to: Shane.McLaughlin@RingPower.com

Mr. Shane McLaughlin, Vice President
Ring Power Corporation
500 World Commerce Parkway
St. Augustine, Florida 32092

SUBJECT: Department of Environmental Protection v. Ring Power Corporation
OGC File No.: 22-2275
EPA/DEP ID: FLR 000 119 347

Dear Mr. McLaughlin:

Enclosed is a copy of the executed Consent Order to resolve Case Number 22-2275.

The effective date of this Order is February 1, 2023, and all time frames will be referenced from this date.

As a reminder, a Consent Order is a binding legal document and was voluntarily entered into by both parties.

Should you have any questions concerning the Consent Order, please contact Bonnie Bradshaw at (904) 256-1638, or via email at Bonnie.Bradshaw@floridadep.gov. Your continued cooperation in the matter is appreciated.

Sincerely,

A handwritten signature in blue ink that reads "T.G. Kallemeyn".

Thomas G. Kallemeyn
Assistant District Director

Enclosure: Executed Consent Order

ec: David Harriman (david.harriman@ringpower.com)
FDEP-OGC: Lea Crandall, Agency Clerk
FDEP-NED: Cheryl Mitchell, Bonnie Bradshaw, Joni Petry, Monique Jordan, DEP_NED



FLORIDA DEPARTMENT OF Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Ron DeSantis
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January 31, 2023

Sent electronically to: Shane.McLaughlin@RingPower.com

Mr. Shane McLaughlin, Vice President
Ring Power Corporation
500 World Commerce Parkway
St. Augustine, Florida 32092

SUBJECT: Department of Environmental Protection v. Ring Power Corporation
OGC File No. 22-2275
EPA/DEP ID: FLR 000 119 347

Dear Mr. McLaughlin:

The State of Florida Department of Environmental Protection (“Department”) finds that Ring Power Corporation (“Respondent”) did not conduct complete hazardous waste determinations on seven waste streams, did not keep one hazardous waste satellite container closed, did not properly label three hazardous waste satellite containers, did not properly label one hazardous waste accumulation container, improperly disposed of five hazardous waste aerosol cans and hazardous waste Ozzy Mats, did not keep one box of universal waste lamps closed, did not properly label one box of universal waste lamps, did not accumulate used oil within adequate secondary containment and did not properly label two containers of used oil filters. This is in violation of the rules and statutes cited in the attached Warning Letter (WL22-131). Before sending this letter, the Department requested that the Respondent undertake certain actions to resolve the violations. These actions have since been completed. However, due to the nature of the violations, the Respondent remains subject to civil penalties. The Respondent is also responsible for costs incurred by the Department during the investigation of this matter.

The Department’s Offer

Based on the violations described above, the Department is seeking \$5,910.00 in civil penalties and \$500.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$6,410.00. The civil penalties are apportioned as follows: \$430.00 for violation of 40 Code of Federal Regulations (CFR) 262.11, \$1,420.00 for violation of 40 CFR 262.15(a)(4), \$430.00 for violation of 40 CFR 262.16(b)(6)(i)(B) and 40 CFR 262.15(a)(5), \$1420.00 for violation of 40 CFR 262.20(a)(1), \$430.00 for violation of 40 CFR 273.13(d)(1), \$430.00 for violation of 40 CFR 273.14(e), \$850.00 for violation of 62-710.401(6) , Florida Administrative Code (F.A.C.) and \$500.00 for violation of 62-710.850(5)(a), F.A.C.

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 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida, 32256, by February 3, 2023. 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), Florida Statutes (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, Mr. McLaughlin:

- (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) Respondent must pay \$6,410.00, in full, within 60 days from the execution date of this Order.
- (2) 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." Payment shall be sent to the Department of Environmental Protection, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida, 32256. Online payments by e-check can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay/>. It will take a number of days after this order is final and effective, by filing 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, contact Bonnie Bradshaw at (904) 256-1638, or via e-mail at Bonnie.Bradshaw@FloridaDEP.gov.

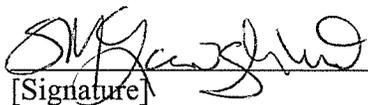
Sincerely,



Thomas G. Kallemeyn
Assistant District Director

FOR THE RESPONDENT:

I, Shane McLaughlin [Type or Print Name], **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: 
[Signature]

Date: 1/31/2023

Title: Vice President

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this 1st day of February 2023, in Duval County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Gregory J. Strong

TCK District Director

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



Clerk

February 1, 2023

Date

Attachments: Notice of Rights
 Warning Letter WL22-131

Final clerked copy furnished to:

Lea Crandall, Agency Clerk (lea.crandall@floridadep.gov)

Sarah Harris, FDEP NED (Sarah.B.Harris@floridadep.gov)

NOTICE OF RIGHTS

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

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

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

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



FLORIDA DEPARTMENT OF Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

May 23, 2022

Sent via email: david.harriman@ringpower.com

Mr. David Harriman, Environmental Manager
Ring Power Corporation
500 World Commerce Parkway
St. Augustine, Florida 32092

**RE: Warning Letter No. WL22-131 (Significant Non-Complier)
Ring Power Corporation
EPA/DEP ID: FLR 000 119 347
St. Johns County – Hazardous Waste**

Dear Mr. Harriman:

A Hazardous Waste Compliance Inspection was conducted at your facility on Tuesday, February 22, 2022. During this inspection, possible violations of Chapters 376 and 403, Florida Statutes (Fla. Stat.), and Chapters 62-710, 62-730 and 62-737, Florida Administrative Code (Fla. Admin. Code), were observed.

During this inspection, Department personnel noted the following:

- The facility did not conduct complete and accurate hazardous waste determinations on seven (7) waste streams;
- The facility did not keep one (1) hazardous waste satellite container closed;
- The facility did not properly label three (3) hazardous waste satellite containers;
- The facility did not properly label one (1) hazardous waste accumulation container;
- The facility disposed of five (5) hazardous waste aerosol cans, three (3) hazardous waste wipe wastestreams and the hazardous waste "Ozzy Mat" wastestream improperly;
- The facility did not keep one (1) box of universal waste lamps closed;
- The facility did not properly label one (1) box of universal waste lamps;

- The facility did not provide adequate secondary containment for one (1) container of used oil; and
- The facility did not properly label two (2) containers of used oil filters.

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Sections 376.121 and 403.121, Florida Statutes.

Please contact Bonnie Bradshaw at (904) 256-1638, or via email at Bonnie.Bradshaw@FloridaDEP.gov, within 15 days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in receiving any facts that you may have which might 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 our investigation and resolving this as soon as possible.

Sincerely,



Gregory J. Strong
District Director

Attachment: Final Inspection Report

Jec: FDEP-NED: Bonnie Bradshaw, Cheryl Mitchell, Joni Petry, DEP_NED
Ring Power: Brian Brown – brian.brown@ringpower.com