



# 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

May 25, 2023

Joseph Visconti, CEO  
Twin Vee PowerCats Co.  
3101 S. U.S. Highway 1  
Fort Pierce, FL 34982  
[Joseph@twinvee.com](mailto:Joseph@twinvee.com)

Re: Department of Environmental Protection vs Twin Vee PowerCats Co.  
Facility EPA ID # FLR000161547  
OGC Case # 23-0727

Dear Mr. Visconti:

Enclosed is the executed Consent Order to resolve the above referenced case. This copy is for your records. Please be mindful of all required deadlines within the Order to ensure compliance.

Your cooperation in this matter is appreciated. Should you have any questions or comments, please contact Johanna Polycart at 561-681-6624 or via e-mail at [Johanna.Polycart@floridadep.gov](mailto:Johanna.Polycart@floridadep.gov)

Sincerely,

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

Jason Andreotta  
Director, Southeast District  
Florida Department of Environmental Protection

Enclosure: Executed Short Form Consent Order

cc: Lea Crandall, OGC  
Julie Kincaid; [julie@twinvee.com](mailto:julie@twinvee.com) – Twin Vee Powercats



# FLORIDA DEPARTMENT OF Environmental Protection

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**Ron DeSantis**  
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May 8, 2023

Joseph Visconti, CEO  
Twin Vee PowerCats Co.  
3101 S. U.S. Highway 1  
Fort Pierce, FL 34982  
[Joseph@twinvee.com](mailto:Joseph@twinvee.com)

SUBJECT: Department of Environmental Protection v. Twin Vee PowerCats Co.  
OGC File No.: 23-0727  
EPA ID: FLR000161547  
St. Lucie County

Dear Mr. 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 State of Florida Department of Environmental Protection (“Department”) finds that Respondent was in violation of the following at the time of the inspection: failure to make a proper waste determination for solvent contaminated rags generated at the facility, failure to close all hazardous waste drums in central accumulation areas, except when adding or removing waste, failure to store ignitable waste at least 50 feet from the property line, failure to label all containers of hazardous waste with the phrase “Hazardous Waste.”, failure to label containers of hazardous waste with an indication of their contents’ hazards, failure to mark containers of hazardous waste with an accumulation date, failure to ensure facility personnel complete hazardous waste training, failure to maintain written job descriptions for facility personnel in positions related to hazardous waste management, failure to have update the facility’s contingency plan with changes in Emergency Coordinators, failure to document weekly inspections for hazardous waste in central accumulation areas, pursuant to Title 40 Code of Federal Regulations Part 262, Chapter 403, Florida Statutes (F.S.), and Rule 62-730, Florida Administrative Code (“F.A.C.”).

Before sending this letter, the Department requested that the Respondent undertake certain actions to resolve the violation(s). These actions have since been completed. However, due to the nature of the violation(s), 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 **\$ 38,278.00** in civil penalties and **\$ 500.00** for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of **\$ 38,778.00**. In lieu of paying **\$1,152.00** of this total, the Department will accept timely completion of the Department's Online Environmental School and reduce the penalty total to **\$37,126.00**.

### **Respondent's Acceptance**

If you wish to accept this offer and fully resolve this pending enforcement matter, please sign this letter and return it to the Department at FDEP Southeast District Office, 3301 Gun Club Road, MSC7210-1, West Palm Beach, FL, 33406 or via email at [Johanna.Polycart@floridadep.gov](mailto:Johanna.Polycart@floridadep.gov) **within twenty (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, Mr. 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;
- (3) acknowledge and waive Respondent's right to an appeal pursuant to Section 120.68, F.S.; and
- (4) acknowledge that payment of the above amount does not constitute a waiver of the Department's right, if any, to recover emergency response related costs and expenses for this matter.

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 elects to complete Environmental School in order to reduce the penalty total to **\$ 37,126.00**, the online course must be completed with a passing score of 80 or above on the Environmental School exam by you Mr. Visconti, within 30 calendar days of the Department's course activation date.
- (2) Notwithstanding the election to complete Environmental School, payment of the **\$500.00** in costs must be paid within **30 calendar days** of the effective date of the Consent Order.

- (3) If Respondent completes Environmental School, Respondent must pay **\$37,126.00** in eighteen monthly installments by the below established due dates:

<b>Payment Due Date</b>	<b>Payment Amount</b>
July 12, 2023	\$2,062.56
August 12, 2023	\$2,062.56
September 12, 2023	\$2,062.56
October 12, 2023	\$2,062.56
November 12, 2023	\$2,062.56
December 12, 2023	\$2,062.56
January 12, 2024	\$2,062.56
February 12, 2024	\$2,062.56
March 12, 2024	\$2,062.56
April 12, 2024	\$2,062.56
May 12, 2024	\$2,062.56
June 12, 2024	\$2,062.56
July 12, 2024	\$2,062.56
August 12, 2024	\$2,062.56
September 12, 2024	\$2,062.56
October 12, 2024	\$2,062.56
November 12, 2024	\$2,062.56
December 12, 2024	\$2,062.48

Failure to timely make an installment payment will enable the Department, at its discretion, to accelerate the remaining balance to become immediately due.

- (4) If Respondent either declines to complete or fails to complete the online Environmental School course as noted in Paragraph (1), Respondent shall make payment of the full civil penalty, which is **\$38,278.00** in eighteen monthly installments by the below established due dates:

<b>Payment Due Date</b>	<b>Payment Amount</b>
July 12, 2023	\$2,126.56
August 12, 2023	\$2,126.56
September 12, 2023	\$2,126.56
October 12, 2023	\$2,126.56
November 12, 2023	\$2,126.56
December 12, 2023	\$2,126.56
January 12, 2024	\$2,126.56
February 12, 2024	\$2,126.56
March 12, 2024	\$2,126.56
April 12, 2024	\$2,126.56
May 12, 2024	\$2,126.56
June 12, 2024	\$2,126.56
July 12, 2024	\$2,126.56
August 12, 2024	\$2,126.56

September 12, 2024	\$2,126.56
October 12, 2024	\$2,126.56
November 12, 2024	\$2,126.56
December 12, 2024	\$2,126.48

Failure to timely make an installment payment will enable the Department, at its discretion, to accelerate the remaining balance to become immediately due.

- (6) 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 is final, effective, and 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 you 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 you, 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 you decline to respond to the Department's offer, the Department will assume that you are not interested in resolving the matter and will proceed accordingly.

If you have any questions, please contact Johanna Polycart at 561-681-6624 or at [Johanna.Polycart@floridadep.gov](mailto:Johanna.Polycart@floridadep.gov)

Sincerely,



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Jason Andreotta, Director  
Southeast District Office

FOR THE RESPONDENT:

I, JOSEPH VISCONTI [Joseph Visconti], HEREBY ACCEPT THE TERMS OF THE  
SETTLEMENT OFFER IDENTIFIED ABOVE.

By:

  
[Signature]

Date:

MAY 8<sup>th</sup>, 2023

Title:

CEO  
Owner

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**FOR DEPARTMENT USE ONLY**

DONE AND ORDERED this 25th day of May, 2023, in Orange County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



Jason Andreotta  
Director  
Southeast District Office

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

Caitlin Hawley

MAY 25, 2023

Clerk

Date

Attachments:      Notice of Rights

Final clerked copy furnished to:

Lea Crandall, Agency Clerk ([lea.crandall@dep.state.fl.us](mailto: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.