



# FLORIDA DEPARTMENT OF Environmental Protection

Southeast District Office  
3301 Gun Club Road, MSC 7210-1  
West Palm Beach, FL 33406  
561-681-6600

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Interim Secretary

June 13, 2023

Robert Kaidy, Technical Director & Partner  
Moises Rodriguez  
657 NE Dixie Hwy.  
Jensen Beach, FL 34957  
[Moe@seaveeboats.com](mailto:Moe@seaveeboats.com)

Re: Department of Environmental Protection vs. Stuart Composites.  
EPA ID # FLR000254581  
AIRS ID: 0850164  
Martin County

Dear Mr. Rodriguez:

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 "J. Andreotta".

for

Jason Andreotta  
Director, Southeast District  
Florida Department of Environmental Protection

Enclosure: Executed SFCO

ec: Lea Crandall, OGC  
Robert Kaidy; Stuart Composites– [rkaidy@seaveeboats.com](mailto:rkaidy@seaveeboats.com)



# 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 26, 2023

Stuart Composites  
Moises Rodriguez  
657 NE Dixie Hwy  
Jensen Beach, FL, 34957  
[Moe@seaveeboats.com](mailto:Moe@seaveeboats.com)

SUBJECT: Department of Environmental Protection v. Stuart Composites,  
OGC File No.: 22-2581  
EPA ID: FLR000254581 AIRS ID: 0850164  
Martin County

Mr. Moises Rodriguez:

This Consent Order ("Order") is entered into between the State of Florida Department of Environmental Protection ("Department") and Stuart Composites ("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 Stuart Composites ("Respondent") was in violation of the following at the time of the inspection:

a. Hazardous Waste Program (April 18<sup>th</sup>, 2022):

- Failure to make a proper generator category determination.
- Failure to close hazardous waste drums, except when adding or removing waste, in the satellite accumulation area.
- Failure to properly label hazardous waste containers in satellite accumulation and central accumulation areas with the words "Hazardous Waste."
- Failure to keep the containers in the central accumulation area in good condition.
- Failure to properly close containers, except when adding or removing waste, in the central accumulation area.

- Failure to conduct weekly inspections on hazardous waste containers in the central accumulation area.
- Failure to label hazardous waste with the words “Hazardous Waste” as well as with an indication of the hazard content.
- Failure to label containers that held hazardous waste in the central accumulation area with an accumulation start date.
- Failure to provide documentation demonstrating proper hazardous waste training has been administered to all staff.
- Accumulation of hazardous waste on-site for longer than 90-days.
- Failure to notify the Department of its hazardous waste activities and obtain an EPA Identification Number required for generators of hazardous waste.
- Failure to prepare a Uniform Hazardous Waste Manifest for hazardous waste disposal.
- Failure to have required emergency equipment in the central accumulation area.
- Failure to make arrangements with local authorities.
- Failure to have a contingency plan.
- Failure to have a quick reference guide.
- Failure to designate an Emergency Coordinator.

All in accordance with the State and Federal regulations, in violation of Title 40 Code of Federal Regulations Parts 262 and 273, Chapter 403, Florida Statutes, and Chapter 62-730, Florida Administrative Code (“F.A.C.”).

b. Air Program (February 18<sup>th</sup>, 2022):

- Failure to install, maintain, or use a required pollution control system or device.
- Failure to obtain a required permit before construction or modification.
- Failure to operate in a manner that minimizes objectionable odors.

All in accordance with the State regulations, in violation of Chapter 403, Florida Statutes, and Chapter 62-4, 62-210 and 62-296, 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 \$98,875.00 in civil penalties for violations of the hazardous waste rules and regulations and \$11,500.00 in civil penalties for the violations of the air rules and regulations. Along with a cumulative \$1,000.00 for costs and expenses, the Department has incurred in investigating this matter which amounts to a total of \$111,375.00.

The civil penalties for Hazardous Waste are apportioned as follows:

- a. \$13,455.00 for violation 40 CFR 262.13;
- b. \$11,330.00 for violation(s) of 62-730.160(1) & 62-730.160(3) F.A.C.; 40 CFR 262.15(a)(4); 40 CFR 262.17(a)(1)(ii); 40 CFR(a)(1)(iv)(A) & 40 CFR 262.17(a)(1)(v);
- c. \$11,330.00 for violation of 62-730.160(1) F.A.C.; 40 CFR 262.15(a)(5); 40 CFR 262.17(a)(5)(i)(A) & 40 CFR 262.17(a)(5)(i)(B);
- d. \$11,330.00 for violation(s) of 62-730.160(1) F.A.C.; 40 CFR 262.17(a)(5)(i)(C); 40 CFR 262.17(b);
- e. \$5,670.00 for violation(s) of 62-730.160(1) F.A.C.; 40 CFR 262.17(a)(7);
- f. \$13,455.00 for violation of 62-730.150(2)(a) & 62-730.160(1) F.A.C.; 40 CFR 262.18(a);
- g. \$430.00 for violation of 62-730.160(1) F.A.C.; 40 CFR 262.20(a)(1);
- h. \$7,090.00 for violation of 62-730.160(1) & 62-730.160(4) F.A.C.; 40 CFR 262.252(c); 40 CFR 262.255 & 40 CFR 262.264;
- i. \$11,330.00 for violation of 62-730.160(1) F.A.C.; 40 CFR 262.256(a) & 40 CFR 262.262(b);
- j. \$13,455.00 for violation of 62-730.160(1) F.A.C.; 40 CFR 262.260(a);

The civil penalties for Air are apportioned as follows:

- a. \$6,000 for violation of 62-296.320(4)(C)1 F.A.C.;
- b. \$4,500 for violation(s) of 62-4.030; 62-210.300(2); & 62-210.300(1)(a) F.A.C.;
- c. \$1,000 for violation of 62-296.320(2) F.A.C.;

In lieu of making cash payment of \$111,375.00, Respondent may elect to offset the amount as described below:

- (1) Respondent may elect to offset the civil penalty amount of \$110,375.00 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 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, Moises Rodriguez:

- (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 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 **30 days** of completing the P2 Project.

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 **\$110,375.00** 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 **\$1,000.00** in costs must be paid within 30 calendar days of the effective date of the Consent Order.
3. If Respondent declines to complete the P2 Project, Respondent shall make payment of the full civil penalty which is **\$110,375.00** in twelve monthly installments by July 22, 2024. Payments are due as follows:

<b>Payment Due Date</b>	<b>Payment Amount</b>
July 22, 2023	\$9,197.92
August 22, 2023	\$9,197.92
September 22, 2023	\$9,197.92
October 22, 2023	\$9,197.92
November 22, 2023	\$9,197.92

December 22, 2023	\$9,197.92
January 22, 2024	\$9,197.92
February 22, 2024	\$9,197.92
March 22, 2024	\$9,197.92
April 22, 2024	\$9,197.92
May 22, 2024	\$9,197.92
June 22, 2024	\$9,197.92
July 22, 2024	\$9,197.88

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

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-assigned 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.

DEP vs. Stuart Composites  
OGC No. 22-2581  
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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, Moises Rodriguez [Moises Rodriguez], HEREBY ACCEPT  
THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

By:  Date: 6/4/23  
[Signature]

Title: Member  
[Type or Print]

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FOR DEPARTMENT USE ONLY

DONE AND ORDERED this 13th day of June, 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.



\_\_\_\_\_  
Clerk

\_\_\_\_\_  
June 13, 2023

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))