



# 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

August 3, 2023

*Sent electronically to: [paul.burlingame@airliquide.com](mailto:paul.burlingame@airliquide.com)*

Mr. Paul Burlingame, President and Chief Executive Officer  
Air Liquide Advanced Materials, Inc.  
3040 US Highway 22  
Branchburg, NJ 08876

**SUBJECT: Department of Environmental Protection v. Air Liquide Advanced  
Materials, Inc.**  
**OGC File No. 21-1089**  
**EPA/DEP ID: FLR000070151**

Dear Mr. Burlingame:


Enclosed is a copy of the executed Consent Order to resolve Case Number 21-1089.

The effective date of this Order is August 3, 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 [Bonnie.Bradshaw@floridadep.gov](mailto:Bonnie.Bradshaw@floridadep.gov). Your continued cooperation in the matter is appreciated.

Sincerely,

  
Thomas G. Kallemeyn  
Assistant District Director

Enclosure: Executed Consent Order

cc: Anita Dawson ([anita.dawson@airliquide.com](mailto:anita.dawson@airliquide.com))

FDEP-OGC: Lea Crandall, Agency Clerk

FDEP-NED: Cheryl Mitchell, Bonnie Bradshaw, Joni Petry, Monique Jordan, DEP\_NED



# FLORIDA DEPARTMENT OF Environmental Protection

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8800 Baymeadows Way West, Suite 100  
Jacksonville, Florida 32256

**Ron DeSantis**  
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July 21, 2023

Sent electronically to: [paul.burlingame@airliquide.com](mailto:paul.burlingame@airliquide.com)

Mr. Paul Burlingame, President and Chief Executive Officer  
Air Liquide Advanced Materials, Inc.  
3040 US Highway 22  
Branchburg, NJ 08876

**SUBJECT: Department of Environmental Protection v. Air Liquide Advanced Materials Inc.**  
**OGC File No.: 21-1089**  
**EPA/DEP ID: FLR 000 070 151**

Dear Mr. Burlingame:

The State of Florida Department of Environmental Protection ("Department") finds that Air Liquide Advanced Materials Inc. ("Respondent") did not conduct and document complete and accurate hazardous waste determinations on four waste streams, did not keep one hazardous waste satellite container closed, did not properly label five hazardous waste satellite containers, did not conduct and/or properly document weekly inspections of two hazardous waste accumulation areas, did not properly label forty-nine hazardous waste accumulation containers, did not train employees in hazardous waste management procedures annually, did not attempt to make emergency arrangements with the local hospital(s), did not prepare a Contingency Plan and Quick Reference Guide that included all required elements, did not properly label eleven universal waste batteries, and did not properly label two boxes of universal waste lamps. The foregoing is in violation of the rules and statutes cited in the attached Warning Letter (WL21-228). Before sending this letter, the Department requested that the Respondent undertake certain actions to resolve the foregoing 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 \$27,536.00 in civil penalties and \$1000.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$28,536.00.

### **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 August 21, 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. Burlingame:

- (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 \$28,536.00, 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](mailto:Bonnie.Bradshaw@FloridaDEP.gov).

Sincerely,

  
\_\_\_\_\_  
Thomas G. Kallemeyn  
Assistant District Director

FOR THE RESPONDENT:

AIR LIQUIDE ADVANCED MATERIALS INC.,

By:  [Signature]  
Name: Paul Burlingame  
Title: President and Chief Executive Officer  
Date: 27 July 2023

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**FOR DEPARTMENT USE ONLY**

DONE AND ORDERED this 3rd day of August 2023, in Duval  
County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



Gregory J. Strong  
District Director

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

Roxanne M. Smith  
Clerk

August 3, 2023  
Date

Attachments:      Notice of Rights  
                            Warning Letter WL21-228

Final clerked copy furnished to:

Lea Crandall, Agency Clerk ([lea.crandall@floridadep.gov](mailto:lea.crandall@floridadep.gov))

Sarah Harris, FDEP NED ([sarah.b.harris@floridadep.gov](mailto: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

October 27, 2021

Sent via email: [anita.dawson@airliquide.com](mailto:anita.dawson@airliquide.com)

Ms. Anita Dawson, Global Environmental & Regulatory Manager  
Air Liquide Advanced Materials  
3040 US Highway 22  
Branchburg, NJ 08876

**RE: Warning Letter No. WL21-228 (Significant Non-Complier)**  
**Air Liquide Advanced Materials**  
**EPA/DEP ID: FLR 000 070 151**  
**Alachua County – Hazardous Waste**

Dear Ms. Dawson:

A hazardous waste compliance inspection was conducted at your facility on July 28, 2021. During this inspection, possible violations of Chapters 376 and 403, Florida Statutes (Fla. Stat.), and Chapters 62-730 and 62-737, Florida Administrative Code (Fla. Admin. Code), were observed.

During the inspection, Department personnel noted the following:

- The facility did not conduct and document complete and accurate hazardous waste determinations on four (4) waste streams.
- The facility did not keep one (1) hazardous waste satellite container closed.
- The facility did not properly label five (5) hazardous waste satellite containers.
- The facility did not conduct and/or properly document weekly inspections of two (2) hazardous waste accumulation areas.
- The facility did not properly label forty-nine (49) hazardous waste accumulation containers.
- The facility did not train employees in hazardous waste management procedures annually.

- The facility did not attempt to make emergency arrangements with the local hospital(s).
- The facility's Contingency Plan and Quick Reference Guide did not include all required elements.
- The facility did not properly label eleven (11) universal waste batteries.
- The facility did not properly label two (2) boxes of universal waste lamps.

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](mailto: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.

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

Tec: FDEP-NED: Bonnie Bradshaw, Cheryl Mitchell, Joni Petry, DEP\_NED  
Air Liquide: Michael Fowler – [michael.fowler@airliquide.com](mailto:michael.fowler@airliquide.com)