

Eckoff, Michael

From: Kyle Little <KLittle@danielshealth.com>
Sent: Friday, January 20, 2023 6:39 PM
To: Eckoff, Michael; Useche, Viviana
Subject: RE: FLD984171850 – Daniels Sharpsmart Inc – Proposed Short Form Consent Order OGC File No 22-2999
Attachments: Daniels Sharpsmart Inc_FLD984171850_WL_220630 (1).pdf; Short Order Consent.pdf; Daniels Sharpsmart Inc_FLD984171850_penalty calculation_220825.xlsx; Cert of liability insurance.pdf
Importance: High

EXTERNAL MESSAGE

This email originated outside of DEP. Please use caution when opening attachments, clicking links, or responding to this email.

Hello Michael & Viviana,

Thank you for your time this week regarding the proposed short form consent order. As mentioned, I was going to take a step back and provide further explanation around the two (2) potential violations since I know there was misunderstanding on our call.

At your convenience, please review the following summary:

Violation of Rule 62-730.170(2)(a). The facility failed to maintain liability insurance for EPA identification number ILR000169029.

62-730.170(2)(a) - we did have and maintained State of Florida Certificate of liability insurance for EPA ID number ILR000169029 and EPA ID number FLD984171850. Evidence of that is described on attached "Cert of liability insurance".

After further review, I cannot confirm liability insurance for EPA ID number ILR000169029 was submitted to the Department.

However, I can confirm liability insurance for EPA ID number FLD984171850 was submitted to the Department. This EPA ID number is connected to our authorization as a hazardous waste transporter.

Violation of Rule 62-730.170(2)(f). The facility failed to register EPA identification number ILR000169029 using Form 62-730.900(1)(b) in the state of Florida to transport hazardous waste.

62-730.170(2)(f) - Daniels submitted *complete and accurate documents* as required and as a result was issued EPA ID number FLD984171850 as a hazardous waste transporter.

In conclusion, Daniels did have and maintained liability insurance and registered EPA ID number FLD984171850 in the state of Florida to transport hazardous waste, however, as we know, EPA ID number FLD984171850 was not on the manifest.

Presuming a regulation that would specifically require this EPA ID number on the manifest, I am respectfully asking for the Department to consider a lesser penalty as an incorrect EPA ID number.

I look forward to hearing back and discussing further. Have a nice weekend.

Best regards,

Kyle Little

Director of Regulatory Compliance
Daniels Health | North America

A. 111 W Jackson Blvd, Suite 1900, Chicago IL 60604
M. 312 – 285 – 9087
F. 312 – 873 – 4031
E. klittle@danielshealth.com
W. www.danielshealth.com

From: Eckoff, Michael <Michael.Eckoff@FloridaDEP.gov>
Sent: Wednesday, January 18, 2023 9:31 AM
To: Kyle Little <KLittle@danielshealth.com>
Cc: Useche, Viviana <Viviana.Useche@FloridaDEP.gov>
Subject: RE: FLD984171850 – Daniels SharpSmart Inc – Proposed Short Form Consent Order OGC File No 22-2999

Good morning Kyle,

As promised, attached is a copy of the approved penalty calculations.

Thank you,
Michael

From: Kyle Little <KLittle@danielshealth.com>
Sent: Tuesday, January 10, 2023 11:58 AM
To: Eckoff, Michael <Michael.Eckoff@FloridaDEP.gov>
Cc: Useche, Viviana <Viviana.Useche@FloridaDEP.gov>
Subject: RE: FLD984171850 – Daniels SharpSmart Inc – Proposed Short Form Consent Order OGC File No 22-2999

EXTERNAL MESSAGE

This email originated outside of DEP. Please use caution when opening attachments, clicking links, or responding to this email.

Hello Michael,

Wednesday, 1/18/23 at 11:00 AM (EST) works fine for me. Please let me know if you would like me to send you an invite.

Best regards,

Kyle Little

Director of Regulatory Compliance
Daniels Health | North America

A. 111 W Jackson Blvd, Suite 1900, Chicago IL 60604
M. 312 – 285 – 9087
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E. klittle@danielshealth.com

W. www.danielshealth.com

From: Eckoff, Michael <Michael.Eckoff@FloridaDEP.gov>

Sent: Tuesday, January 10, 2023 8:47 AM

To: Kyle Little <KLittle@danielshealth.com>

Cc: Useche, Viviana <Viviana.Useche@FloridaDEP.gov>

Subject: RE: FLD984171850 – Daniels Sharpsmart Inc – Proposed Short Form Consent Order OGC File No 22-2999

Good morning Mr. Little,

Thank you for the update.

We have the following dates/times available for a call:

Tuesday, 1/17: 9:00 AM or 10:00 AM

Wednesday, 1/18: 11:00 AM

Thursday, 1/19: 10:00 AM

Please let me know if any of these will work.

Thank you,

Michael

From: Kyle Little <KLittle@danielshealth.com>

Sent: Friday, January 6, 2023 6:07 PM

To: Eckoff, Michael <Michael.Eckoff@FloridaDEP.gov>

Cc: Useche, Viviana <Viviana.Useche@FloridaDEP.gov>

Subject: RE: FLD984171850 – Daniels Sharpsmart Inc – Proposed Short Form Consent Order OGC File No 22-2999

EXTERNAL MESSAGE

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Mr. Eckoff,

Dean has been out of office / out of the country the last several weeks. As such, we will need additional time to review the proposed short form consent order that includes a monetary fine, which is very surprising to me.

May we please schedule a call for the week of the 16th to discuss this further as I have several questions regarding the document.

Thank you

Best regards,

Kyle Little

Director of Regulatory Compliance

Daniels Health | North America

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F. 312 – 873 – 4031
E. klittle@danielshealth.com
W. www.danielshealth.com

From: Eckoff, Michael <Michael.Eckoff@FloridaDEP.gov>
Sent: Thursday, January 5, 2023 7:08 AM
To: Dean McPhee <dmcphée@danielshealth.com>
Cc: Useche, Viviana <Viviana.Useche@FloridaDEP.gov>; Kyle Little <KLittle@danielshealth.com>
Subject: RE: FLD984171850 – Daniels SharpSmart Inc – Proposed Short Form Consent Order OGC File No 22-2999

Good morning Mr. McPhee,

Hope you are having a wonderful Christmas season and a Happy New Year!

Reaching out to check the status of the signed consent order. It was due back to the department by December 20, 2022.

Thank you,
Michael

From: Hawley, Caitlin <Caitlin.Hawley@FloridaDEP.gov> **On Behalf Of** DEP_CD
Sent: Tuesday, December 6, 2022 9:19 AM
To: dmcphée@danielshealth.com
Cc: Ammon, Pamela <Pamela.Ammon@FloridaDEP.gov>; Hess, Nathan <Nathan.Hess@FloridaDEP.gov>; Eckoff, Michael <Michael.Eckoff@FloridaDEP.gov>
Subject: FLD984171850 – Daniels SharpSmart Inc – Proposed Short Form Consent Order OGC File No 22-2999

Greetings,

The Department of Environmental Protection is using electronic correspondence rather than paper mail to deliver documents faster while reducing costs and waste. Please click on the link below to access the above referenced document in OCULUS, the Department of Environmental Protection's electronic document management system.

[https://depdms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&\[guid=2.486584.1\]&\[profile=Enforcement_Legal\]](https://depdms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&[guid=2.486584.1]&[profile=Enforcement_Legal])

To access the documents in OCULUS:

1. Click on the link to open OCULUS at the Login screen.
2. Click on PUBLIC OCULUS login to view the search results screen.
3. Click the arrow button next to *view* in the Operations drop-down menu to open and view the document in its native format. Most OCULUS documents are in .pdf format. Acrobat Reader is required to read the document. The free reader can be downloaded from <http://www.adobe.com/products/reader.html>.

If you are interested in reviewing documents from the Department's Information Portal, you can access the portal at <http://prodenv.dep.state.fl.us/DepNexus/public/searchPortal>.

Thank you for your attention to this matter.

Sincerely,

Florida Department of Environmental Protection
Central District Office

PLEASE NOTE: Florida has a very broad public records law. Electronic communications regarding state business are public records available upon request. Your e-mail communications may therefore be subject to public disclosure.



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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

August 30, 2022

Dan McPhee, Director
Daniels Sharpsmart, Inc.
1087 Park Place, Suite 150
Shakopee, Minnesota 55379
dmphee@danielshealth.com

Re: Warning Letter
Daniels Sharpsmart, Inc.
HW FLD984171850
Orange County

Dear Mr. McPhee:

A Routine inspection was conducted at your facility on June 30, 2022. 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:

- The facility failed to maintain liability insurance for EPA identification number ILR000169029
- The facility failed to register EPA identification number ILR000169029 using Form 62-730.900(1)(b) in the state of Florida to transport hazardous waste.

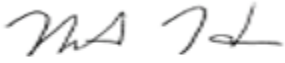
Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Sections 403.121, Florida Statutes.

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.

Daniels Sharpsmart, Inc.; Facility ID No.:FLD984171850
Warning Letter
Page 2 of 2
August 30, 2022

Sincerely,

A handwritten signature in black ink, appearing to read 'AW 7L', is positioned below the word 'Sincerely,'.

On behalf of:

Aaron Watkins, Director
Central District
Florida Department of Environmental Protection

AW/NH/VU/me

Enclosures: Inspection Report (with attachments)



Florida Department of
Environmental Protection

Hazardous Waste Inspection Report

FACILITY INFORMATION:

Facility Name: Daniels Sharpsmart Inc
On-Site Inspection Start Date: 06/30/2022 **On-Site Inspection End Date:** 06/30/2022
ME ID#: 38737 **EPA ID#:** FLD984171850
Facility Street Address: 10705 Rocket Blvd Ste 111 , Orlando, Florida 32824-8500
Contact Mailing Address: 111 W. Jackson Blvd. Suite 1900, Chicago, Illinois 60604
County Name: Orange **Contact Phone:** (312) 546-8916

NOTIFIED AS:

Non-Handler, Pharmaceuticals Healthcare, Transfer Facility, Transporter

WASTE ACTIVITIES:

Generator: Non-Handler **Transporter:** Commercial Waste, Transfer Facility **Universal Waste: Indicate types of UW generated and/or accumulated at the facility: Generate/Accumulate:** Batteries, Mercury Containing Lamps, Mercury Containing Devices **Transport:** Mercury Containing Lamps, Mercury Containing Devices **Transfer Facility:** Mercury Containing Lamps, Mercury Containing Devices **Maximum quantity of UW handled or transported at any time:** Less than 5,000 kg (11,000 lbs); Small Quantity Handler (SQH)

Hazardous Waste Pharmaceuticals:

Pharmaceutical Activities: Healthcare Facility

INSPECTION TYPE:

Routine Inspection for Transporter Facility
Routine Inspection for Transfer Facility Facility

INSPECTION PARTICIPANTS:

Principal Inspector: Michael Eckoff, Inspector
Other Participants: Charles Rivera Jr., Director of Operations - USA

LATITUDE / LONGITUDE: Lat 28° 24' 38.8187" / Long 81° 23' 24.045"

NAIC: 562111 - Solid Waste Collection

TYPE OF OWNERSHIP: Private

Introduction:

On June 30, 2022, Michael Eckoff, Florida Department of Environmental Protection (FDEP or Department), accompanied by Charles Rivera, Jr., Daniels Health, inspected Daniels Sharpsmart, Inc. (Daniels or Facility) for compliance with state and federal hazardous waste transporter and transfer facility regulations. The facility most recently notified the Department of its waste activities on January 17, 2022 and was originally issued EPA identification number FLD984171850 on November 30, 2012.

Daniels is currently registered as a transporter of universal waste lamps and devices, a transfer facility for universal waste lamps, and a transfer facility for universal waste devices. The registration expires on March 1, 2023. Daniels is also registered as a hazardous waste transporter. The registration expires on November 30, 2022. Liability insurance is current until September 30, 2022.

INSPECTION HISTORY (past five years)

The facility was inspected by the Department in April 2020 for compliance with state and federal hazardous waste transportation regulations. The facility was out of compliance for storing hazardous waste for greater than ten days, accepting hazardous waste without a complete manifest, transporting hazardous waste without a manifest, failure to maintain a complete contingency plan, changing information on manifests after the generator signed the manifest, and failure to maintain a complete 10-day transfer facility log. The case was resolved

Daniels Sharpsmart Inc Inspection Report

Inspection Date: 06/30/2022

through issuance of a short form consent order assessing \$5,120 in civil penalties and \$500 in Department costs.

The facility was inspected by the Department in September 2018 for compliance with state and federal hazardous waste transportation regulations. No potential violations were noted at that time.

Process Description:

Daniels is a hazardous waste transporter and 10-day transfer facility and a regulated medical waste transporter.

Ninety-nine containers of hazardous waste pharmaceuticals were located in the 10-day transfer facility. All containers were being properly managed and have been in the 10-day transfer facility for less than ten days.

Records

The contingency plan was dated August 2021. Charles Rivera, Jr. is listed as the emergency coordinator. The facility map was included in the contingency plan.

Review of the 10-day transfer facility log did not reveal any issues. All information required by Rule 62-730.171(6), Florida Administrative Code (F.A.C.), appeared to be documented in the log. The containers listed on the log were present in the 10-day transfer facility.

Review of the manifests for transportation services revealed Daniels is using EPA identification number ILR000169029. EPA identification number ILR000169029 is not registered in the state of Florida for transporting hazardous waste nor has Daniels demonstrated proof of liability insurance [62-730.170(2)(a) and (f), F.A.C.].

Review of personnel training documentation did not reveal any issues.

The closure plan was not dated.

New Potential Violations and Areas of Concern:

Violations

Type:	Violation
Rule:	62-730.170(2)(a)
Explanation:	The transporter shall have and maintain financial responsibility for sudden accidental occurrences in a minimum amount of \$1,000,000.00 per occurrence for combined coverage of injury to persons and for damage to property and the environment from the spillage of hazardous waste while such wastes are being transported including the costs of cleaning up the spill. Such financial responsibility shall be issued by an agent or company authorized or licensed to transact business in the State of Florida. Such financial responsibility shall be maintained at all times, be exclusive of legal defense costs, and be established by any one or a combination of the following: 1. Evidence of casualty/liability insurance on a claim or occurrence basis with or without a deductible. With the deductible the Insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement by the insured for any such payment made by the Insurer. Each insurance policy must be evidenced by a certificate of liability insurance or amended by attachment of an endorsement. 2. Surety bonds.
Corrective Action:	Specifically, Daniels Sharpsmart Inc failed to maintain liability insurance for EPA identification number ILR000169029. Daniels Sharpsmart Inc is required to have and maintain financial responsibility for sudden accidental occurrences in a minimum amount of \$1,000,000.00 per occurrence for combined coverage of injury to persons and for damage to property and the environment from the spillage of hazardous waste while such wastes are being transported including the costs of cleaning up the spill. Such financial responsibility shall be issued by an agent or company authorized or licensed to transact business in the State of Florida. Such financial responsibility shall be maintained at all times, be exclusive of legal defense costs, and be established by any one or a combination of the following:

Daniels Sharpsmart Inc Inspection Report

Inspection Date: 06/30/2022

1. Evidence of casualty/liability insurance on a claim or occurrence basis with or without a deductible. With the deductible the Insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement by the insured for any such payment made by the Insurer. Each insurance policy must be evidenced by a certificate of liability insurance or amended by attachment of an endorsement. 2. Surety bonds.

Please provide documentation of proof of liability insurance for EPA identification number ILR000169029 to the Department within 30 days from the date of your receipt of this report.

Type: Violation

Rule: 62-730.170(2)(f)

Explanation: Transporters of hazardous waste that do not register as used oil handlers shall submit evidence of casualty/liability insurance in accordance with the requirements of paragraphs 62-730.170(2)(a) and (b), of this subsection, and a complete and accurate Form 62-730.900(1)(b) [adopted by reference in paragraph 62-730.150(2)(a), F.A.C.] by September 1 of each year. Upon receipt of complete and accurate documents required by this paragraph, the Department shall issue to each transporter authorization to transport hazardous waste which shall be valid until November 30 of the following year. If the authorization is not renewed by November 30 of the following year because the Department has not received complete and accurate documents for renewal, the transporter will no longer be authorized to transport hazardous waste in Florida.

Specifically, Daniels Sharpsmart Inc failed to register EPA identification number ILR000169029 using Form 62-730.900(1)(b) [adopted by reference in paragraph 62-730.150(2)(a), F.A.C.] in the state of Florida to transport hazardous waste.

Corrective Action: Daniels Sharpsmart Inc is required to submit evidence of casualty/liability insurance in accordance with the requirements of paragraphs 62-730.170(2)(a) and (b), of this subsection, and a complete and accurate Form 62-730.900(1)(b) [adopted by reference in paragraph 62-730.150(2)(a), F.A.C.] by September 1 of each year if not registering as a used oil handler. Upon receipt of complete and accurate documents required by this paragraph, the Department shall issue to Daniels Sharpsmart Inc authorization to transport hazardous waste which shall be valid until November 30 of the following year. If the authorization is not renewed by November 30 of the following year because the Department has not received complete and accurate documents for renewal, Daniels Sharpsmart Inc will no longer be authorized to transport hazardous waste in Florida.

Please submit evidence of casualty/liability insurance and a complete and accurate Form 62-730.900(1)(b) for EPA identification number ILR000169029 to the Department within 30 days from the date of your receipt of this report.

Conclusion:

Daniels Sharpsmart, Inc. was inspected as a hazardous waste transporter and transfer facility and was not in compliance at that time.

Inspection Date: 06/30/2022

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			✓

Inspection Date: 06/30/2022

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

<u>Michael Eckoff</u>	<u>Inspector</u>	
Principal Investigator Name	Principal Investigator Title	
<u>Michael Eckoff</u>	<u>DEP</u>	<u>08/22/2022</u>
Principal Investigator Signature	Organization	Date
<u>Charles Rivera Jr.</u>	<u>Director of Operations - USA</u>	
Representative Name	Representative Title	
	<u>Daniels Health</u>	
	Organization	

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:

Approver:	<u>Viviana Useche</u>	Inspection Approval Date:	<u>08/23/2022</u>
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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

December 6, 2022

Daniels Sharpsmart, Inc.
Dean McPhee, Director
1087 Park Place, Suite 150
Shakopee, Minnesota 55379
dmcphee@danielshealth.com

SUBJECT: Department of Environmental Protection v. Daniels Sharpsmart Inc, OGC
File No.: 22-2999
EPA Identification Number – FLD984171850

Mr. McPhee:

The State of Florida Department of Environmental Protection (“Department”) finds that Daniels Sharpsmart, Inc. (“Respondent”) failed to maintain liability insurance for EPA identification number ILR000169029 in violation of Rule 62-730.170(2)(a), Florida Administrative Code (F.A.C.), and failed to register EPA identification number ILR000169029 using Form 62-730.900(1)(b) to transport hazardous waste in the State of Florida in violation of Rule 62-730.170(2)(f), 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 \$ 7,240 in civil penalties and \$ 500 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$ 7,740. The civil penalty in this matter includes one violation(s) of \$2,000.00 or more.

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 Central District, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803 by **December 20**,

2022. 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, Dean McPhee:

- (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) Respondent must pay \$ 7,740 in full by **January 30,2023**.

- (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." 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 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, please contact Michael Eckoff at (407) 897-4308 or at michael.eckoff@floridadep.gov.

Sincerely,



On behalf of:

Aaron Watkins
District Director
Central District

FOR THE RESPONDENT:

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

By: _____ Date: _____
[Signature]

Title: _____
[Type or Print]

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this __ day of _____, 202_, in Orange County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

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

Date

Attachments: Notice of Rights

Final clerked copy furnished to:

Lea Crandall, Agency Clerk (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 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, 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.

PENALTY COMPUTATION WORKSHEET
SUBJECT TO FINAL APPROVAL

Violator's Name: **Daniels Sharpsmart Inc**

Address: 10705 Rocket Blvd., Suite 111, Orlando, Florida 32824

Name of Department Staff Responsible for the Penalty Computations:
Michael Eckoff

Date: 8/25/2022

PART I - PENALTY DETERMINATIONS

Violation Type and description	RCRA Guideline	ELRA Schedule	ENVIRONMENTAL Harm	Extent of Dev.	Matrix Amount	Adjustments
1 62-730.170(2)(a), F.A.C. - Liability insurance	126		Moderate	Moderate	\$11,330-\$7,090	\$0.00
2 62-730.170(2)(f), F.A.C. - Register EPA ID number	167		Minor	Minor	\$710-\$150	\$0.00
3						\$0.00
4						\$0.00
5						\$0.00
6						\$0.00
7						\$0.00
8					\$0	\$0.00
Subtotals:					\$0	\$0.00

Total Penalties for all violations:

Department Costs:



Nathan Hess, Assistant District Director

12/2/2022

Date

Michael Halpin
Assistant Deputy Secretary, Regulatory

Date

Peer Reviewed by Division: Yes () No ()

PART II - MULTI-DAY PENALTIES AND ADJUSTMENTS

Adjustments

Good faith prior to discovery: _____
Justification: _____
Good faith after discovery: _____
Justification: _____
History of non-compliance: _____
Justification: _____
Economic benefit of non-compliance: _____ Refer to descriptions and calculations below.
Justification: _____ Refer to descriptions and calculations below.
Ability to pay: _____
Justification: _____

Total Adjustments:

ECONOMIC BENEFIT CALCULATIONS

EB = AC(1-T) + DC(I) =

AC = Avoided Costs – expenditures that will never be incurred for violator's noncompliance.

DC = Delayed Costs – expenditures deferred by violator's failure to comply.

T = Corporate Tax Rate = 21% (in 2020)

I = Interest rate charged by IRS for delinquent accounts = 4% (in 2020)

Avoided Costs (AC) and/or Delayed Costs (DC) for each Violation:

Add description including assumptions used for cost calculations. All potential violations: ECONOMIC BENEFIT
Economic Benefit was not included as it was considered de minimis.

MULTI-DAY PENALTIES

Number of days adjustment factor(s) to be applied:

Justification: _____

Or

Number of days matrix amount is to be multiplied:

Justification: _____

Comments:

PART III - OTHER ADJUSTMENTS MADE AFTER MEETING WITH THE RESPONSIBLE PART

ADJUSTMENT

Dollar Amount

Relative merits of the case:

Resource Considerations:

Other Justification:

Date

, District Director

Total

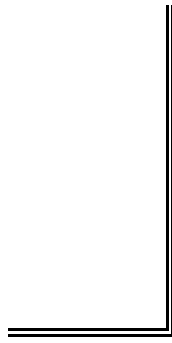
\$7,090.00

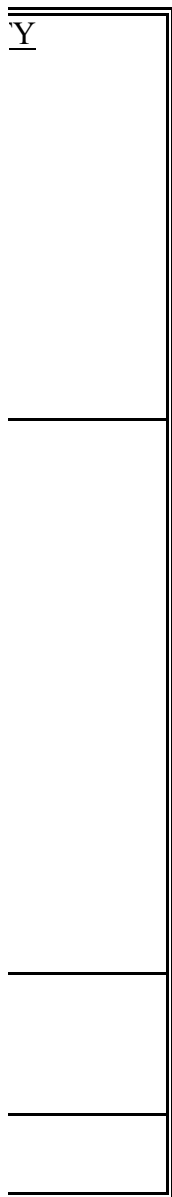
\$150.00

\$0.00

\$7,240

\$500





Harm and Potential for Harm Ranking System

FACILITY NAME: _____						Date: _____	
EPA ID No.: _____						Case #: _____	
Violation	Description	Nature of Waste	Amount of Waste	Discharge	People	Threat	Total Points
1		4	2	0	2	0	8
4		4	1	0	2	0	7
5		4	5	6	2	0	17
6		4	8	0	2	0	14
		2	1	0	1	0	4
Nature of Waste							Score
High Hazard (acutely toxic or reactive)							6
Other HW/Universal Waste							4
Used Oil							3
Used Oil Filters							2
Amount of Waste							
> 5,000 kg/1,375 gal (25 drums) of Waste							8
1,000 to 5,000 kg/275 gal to 1,375 gal (5 to 25 drums) of Waste OR 2.2lbs or > of acutely toxic waste							5
>100 kg to 1,000 kg/25 gal to 275 gal (5 drums) OR <2.2lbs of acutely toxic waste							2
<100 kg /<25 gal of Waste							1
Discharge							
Discharge to surface water or off site discharge.							12
Discharge to ground water							10
Discharge to soil							8
Discharge to air or Impervious Surface/Containment							6
Discharge-de minimus cleanup per 62-780 FAC							2
No Discharge							0
Potential Exposures							
>1,000 people							4
101 - 1,000 people							3
10 - 100 people							2
<10 people							1
Additional Threat Factors (select all that apply for a specific violation-Use if NO discharge observed) (use sliding scale 0 = no risk, 1-4 depending on severity)							
Fire or Explosion Risk							0-4
Incompatible Waste Storage							0-4
Risk of Employee Exposure above PELs							0-4
Container Integrity							0-4
Inadequate Provisions for Detecting and Preventing Releases							0-4
						SUBSTANTIAL (Major)	Above 20
						SIGNIFICANT (Moderate)	13-20
						MINIMAL (Minor)	Under 13

(Hazardous Waste & Universal Waste Cases)

EXTENT OF DEVIATION FROM REQUIREMENT

P
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F
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R

H
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R
M

	MAJOR	MODERATE	MINOR
MAJOR	\$37,500 to \$28,330 (\$32,915)	\$28,330 to \$21,250 (\$24,790)	\$21,250 to \$15,580 (\$18,415)
MODERATE	\$15,580 to \$11,330 (\$13,455)	\$11,330 to \$7,090 (\$9,210)	\$7,090 to \$4,250 (\$5,670)
MINOR	\$4,250 to \$2,130 (\$3,190)	\$2,130 to \$710 (\$1,420)	\$710 to \$150 (\$430)

(Used Oil Cases)

EXTENT OF DEVIATION FROM REQUIREMENT

P
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H
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M

	MAJOR	MODERATE	MINOR
MAJOR	\$10,000 to \$8,000 (\$9,000)	\$7,999 to \$6,000 (\$7,000)	\$5,999 to \$4,600 (\$5,300)
MODERATE	\$4,599 to \$3,200 (\$3,900)	\$3,199 to \$2,000 (\$2,600)	\$1,999 to \$1,200 (\$1,600)
MINOR	\$1,199 to \$500 (\$850)	\$500	\$500

Guidelines for Characterizing HW, Used Oil, Universal Waste and Dry Cleaner Violations

https://fldeploc.dep.state.fl.us/appdata/rcra_epa/Guidance/Draft_HW_Crosswalk_8_15_2019.xlsx

Enforcement Manual

<https://floridadep.gov/ogc/ogc/content/enforcement-manual>

Deviation Choices

Minor

Moderate

Major

Threat

0

1

2

3

4

Mail original completed form to: Department of Environmental Protection For assistance call: 850-245-8707
2600 Blair Stone Road, Mail Station 4560
Tallahassee, Florida 32399-2400

**STATE OF FLORIDA CERTIFICATE OF LIABILITY INSURANCE
HAZARDOUS WASTE TRANSPORTER AND USED OIL HANDLER**

I. Aspen Specialty Insurance Company
(Name of Insurer)

(the "Insurer"), of C/O Aspen Specialty Insurance Management, Inc. Newport Office Center III, 499 Washington Blvd., 8th FL, Jersey City, NJ 07310
(Address of Insurer)

hereby certifies that it has issued liability insurance covering bodily injury and property damage including environmental restoration for sudden accidental occurrences to

Daniels Sharpsmart, Inc.
(Name of Insured)

(the "Insured"), of 111 W. Jackson Blvd., Suite 1900, Chicago, IL 60604
(Physical Address of Insured)

in connection with the insured's obligation to demonstrate financial responsibility under Florida Administrative Code Rule 62-710.600(2) and 62-730.170. The coverage applies at:

<u>EPA/DEP I.D. No.</u>	<u>Name</u>	<u>Physical Address</u>
ILR000169029	Daniels Sharpsmart, Inc.	10705 Rocket Blvd., Suite 111, Orlando, FL 32824
FLD984171850	Daniels Sharpsmart, Inc.	10705 Rocket Blvd., Suite 111, Orlando, FL 32824

(If coverage is for multiple facilities, identify each facility insured.)

This insurance is primary and the company shall not be liable for amounts in excess of \$ 1,000,000 for each accident, exclusive of legal defense costs. The coverage is provided under policy number ER00E0X20, issued on 9/30/2021
(date)

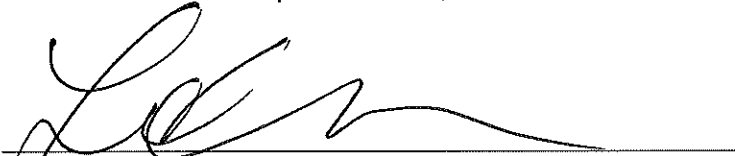
The effective date of said policy is 9/30/2021 and the expiration date of said policy is 9/30/2022
(date)

This insurance is excess and the company shall not be liable for amounts in excess of \$ N/A for each accident in excess of the underlying limit of \$ N/A for each accident, exclusive of legal defense costs. The coverage is provided under policy number N/A, issued on N/A. The effective date of said policy is N/A and the expiration date of said policy is N/A
(date) (date)

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Tallahassee, Florida 32399-2400

2. The Insurer further certifies the following with respect to the insurance described in Paragraph 1:
- (a) Bankruptcy or insolvency of the insured shall not relieve the Insurer of its obligations under the policy.
 - (b) The Insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement by the insured for any such payment made by the Insurer.
 - (c) Whenever requested by the Secretary (or designee) of the Florida Department of Environmental Protection (FDEP), the Insurer agrees to furnish to the Department a signed duplicate original of the policy and all endorsements.
 - (d) Cancellation of the insurance, whether by the Insurer or the Insured and any other termination of the insurance (e.g., expiration, non-renewal), will be effective only upon written notice and only after the expiration of thirty (30) days after a copy of such written notice is received by the Secretary of the FDEP as evidenced by certified mail return receipt.
 - (e) The Insurer shall not be liable for the payment of any judgment or judgments against the Insured for claims resulting from accidents which occur after the termination of the insurance described herein, but such termination shall not affect the liability of the Insurer for the payment of any such judgment or judgments resulting from accidents which occur during the time the policy is in effect.

I hereby certify that the Insurer is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one of more States including Florida.



(Signature of Authorized Representative of Insurer)

Leighanne Heron

(Typed name)

Environmental Underwriter

(Title)

Aspen Specialty Insurance Company

(Name of Insurer)

155 Federal St., Suite 602, Boston, MA 02110

(Address of Representative)

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**STATE OF FLORIDA CERTIFICATE OF LIABILITY INSURANCE
HAZARDOUS WASTE TRANSPORTER AND USED OIL HANDLER**

1. Aspen Specialty Insurance Company
(Name of Insurer)

(the "Insurer"), of C/O Aspen Specialty Insurance Management, Inc. Newport Office Center III, 499 Washington Blvd., 8th FL, Jersey City, NJ 07310
(Address of Insurer)

hereby certifies that it has issued liability insurance covering bodily injury and property damage including environmental restoration for sudden accidental occurrences to

Daniels Sharpsmart, Inc.
(Name of Insured)

(the "Insured"), of 111 W. Jackson Blvd., Suite 1900, Chicago, IL 60604
(Physical Address of Insured)

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(date)

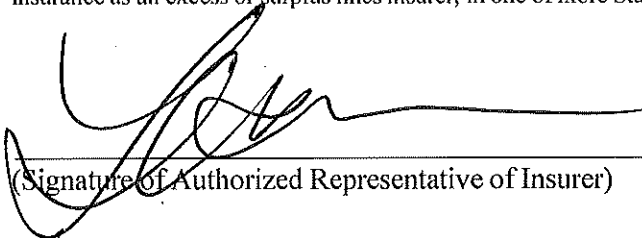
The effective date of said policy is 9/30/2022 and the expiration date of said policy is 9/30/2023
(date)

This insurance is excess and the company shall not be liable for amounts in excess of \$ N/A for each accident in excess of the underlying limit of \$ N/A for each accident, exclusive of legal defense costs. The coverage is provided under policy number N/A, issued on N/A. The effective date of said policy is N/A and the expiration date of said policy is N/A
(date) (date)

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2. The Insurer further certifies the following with respect to the insurance described in Paragraph 1:
- (a) Bankruptcy or insolvency of the insured shall not relieve the Insurer of its obligations under the policy.
 - (b) The Insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement by the insured for any such payment made by the Insurer.
 - (c) Whenever requested by the Secretary (or designee) of the Florida Department of Environmental Protection (FDEP), the Insurer agrees to furnish to the Department a signed duplicate original of the policy and all endorsements.
 - (d) Cancellation of the insurance, whether by the Insurer or the Insured and any other termination of the insurance (e.g., expiration, non-renewal), will be effective only upon written notice and only after the expiration of thirty (30) days after a copy of such written notice is received by the Secretary of the FDEP as evidenced by certified mail return receipt.
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I hereby certify that the Insurer is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one of more States including Florida.



(Signature of Authorized Representative of Insurer)

Leighanne Heron

(Typed name)

Environmental Underwriter

(Title)

Aspen Specialty Insurance Company

(Name of Insurer)

155 Federal St., Suite 602, Boston, MA 02110

(Address of Representative)