



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

February 6, 2024

Ashley Nichols, Director of Additive Manufacturing
Aerojet Rocketdyne, Inc.
790 Fentress Blvd.
Daytona Beach, Florida 32114
ashley.nichols@rocket.com

Re: Aerojet Rocketdyne, Inc.
HW Facility ID #FLR000226886
OGC Case #23-1510

Dear Mr. Nichols:

Enclosed is the executed Consent Order to resolve the above referenced case. This copy is for your records.

Should you have any questions or comments, please contact Carly Cogburn at 407-897-4320 or via e-mail at jenny.e.farrell@floridadep.gov.

Your cooperation in this matter will be appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "AW 7L".

On behalf of:

Aaron Watkins
Director, Central District

Enclosure: Executed SFCO OGC #23-1510

cc: Suzanne Harper, Aerojet-Rocketdyne, Suzanne.Harper@rocket.com
FDEP: Lea Crandall, Daun Festa, Anitra Spencer, Carly Cogburn



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Central District Office
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Ron DeSantis
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January 24, 2024

Aerojet Rocketdyne, Inc.
Ashley Nichols
790 Fentress Blvd
Daytona Beach, Florida 32114
ashley.nichols@rocket.com

SUBJECT: Department of Environmental Protection v. Aerojet-Rocketdyne
OGC File No.: 23-1510
EPA Identification # FLR000226886

Mr. Nichols:

The State of Florida Department of Environmental Protection ("Department") finds that Aerojet Rocketdyne, Inc. ("Respondent") failed to ship off hazardous waste by the end of the 180-day central accumulation area accumulation period in violation of Rule 62-730.160(1), Florida Administrative Code (F.A.C.) (adopting Section 40 Code of Federal Regulations (40 C.F.R.) 262.16(b) (2021), failure to keep one CAA container closed during accumulation in violation of Rule 62-730.160(1), F.A.C. (adopting 40 C.F.R. 262.16(b)(2)(iii)(A) (2021)), failure to label eight containers with an indication of the hazards of the contents in violation of Rule 62-730.160(1), F.A.C. (adopting 40 C.F.R. 262.16(b)(6)(i)(B) (2021)), failure to attempt to make arrangements with local authorities in violation of Rule 62-730.160(1), F.A.C. (adopting 40 C.F.R. 262.16(b)(8)(vi)(A) (2021)), failure to identify at least one employee as an emergency coordinator in violation of Rule 62-730.160(1), F.A.C. (adopting 40 C.F.R. 262.16(b)(9)(i) (2021)), failure to not treat print filters in violation of Rule 62-730.160(1), F.A.C. (adopting 40 CFR 268.3(a) (2021)), failure to meet treatment standards in violation of Rule 62-730.160(1), F.A.C. (adopting 40 CFR 268.40(a) (2021)), failure to submit a one-time notice to receiving facilities and to the Department in violation of Rule 62-730.160(1), F.A.C. (adopting 40 CFR 268.7(a)(2) (2021)), failure to develop a waste analysis plan in violation of Rule 62-730.160(1), F.A.C. (adopting 40 CFR 268.7(a)(5) (2021)), and failure to document weekly central accumulation area inspection in violation of Rule 62-730.160(3), F.A.C. Although there are no actions required to correct the violation(s), the Respondent remains subject to

civil penalties as a result of the violation(s). 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 \$9,600.00 in civil penalties and \$500.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$ 10,100.00. The civil penalties are apportioned as follows: \$430.00 for violation of 40 CFR 262.16(b), \$1,420.00 for violation of 40 CFR 262.16(b)(2)(iii)(A), \$430.00 for violation of 40 CFR 262.16(b)(6)(i)(B), \$430.00 for violation of 40 CFR 262.16(b)(8)(vi)(A), \$430.00 for violation of 40 CFR 262.16(b)(9)(i), \$3,190.00 for violation of 40 CFR 268.3(a), \$1,420.00 for violation of 40 CFR 268.7(a)(2), \$1,420.00 for violation of 40 CFR 268.40(a), \$1,420.00 for violation of 40 CFR 268.7(a)(5), and \$430.00 for violation of 62-730.160(3), F.A.C.

However, in lieu of paying the full civil penalty, the Department has determined that \$9,600.00 of the civil penalty may be offset through implementation of the Pollution Prevention Project (P2 Project) described in the attached Exhibit 1. This amount is referred to as the "offset amount."

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 3319 Maguire Boulevard, Orlando, FL 32803 **by February 13, 2024**. 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, Ashley Nichols:

- (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) Upon signing this letter, you must implement the P2 Project in accordance with the requirements identified in the attached Exhibit 1. You must begin the P2 Project within 30 days, and fully complete the P2 Project within 90 days of your signing this letter. 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 shall be due within 10 days of notice from the Department.
- (2) Respondent shall pay \$ 500.00 by March 1, 2024. The payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "Water Quality Assurance Trust Fund." Payment shall be sent to 3319 Maguire Boulevard, Orlando, FL 32803.
- (3) The payment(s) must: (a) be in the form of a cashier's check or money order; (b) be payable to the "Department of Environmental Protection"; (c) include the OGC Number assigned above and the notation "Water Quality Assurance Trust Fund"; and (d) be sent to 3319 Maguire Boulevard, Orlando, FL 32803.

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 Carly Cogburn at (407) 897-4320 or at Carly.Cogburn@FloridaDEP.gov.

Sincerely,



On behalf of:

Aaron Watkins
District Director
Central District

FOR THE RESPONDENT:

I, Ashley Nichols [Type or Print Name], **HEREBY ACCEPT**

THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

Ashley C
Nichols:A0109B3000001774
By: E8E21920000168D
[Signature]

Digitally signed by Ashley C
Nichols:A0109B3000001774E8E21920
000168D
Date: 2024.02.05 08:32:20 -05'00' Date: 2/5/2024

Title: Director of Additive Manufacturing
[Type or Print]

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this 6 day of February, 2024, 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

February 6, 2024

Date

Attachments: Notice of Rights
 P2 Project
 P2 Project Calculations

DEP vs. Aerojet-Rocketdyne

OGC No. 23-1510

Page 6

Final clerked copy furnished to:

Lea Crandall, Agency Clerk, lea.crandall@dep.state.fl.us

Carly Cogburn, DEP, Carly.Cogburn@FloridaDEP.gov

Suzanne Harper, Aerojet-Rocketdyne, Suzanne.Harper@rocket.com

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.



Suzanne Harper

Environmental, Health & Safety Manager
L3Harris Technologies, Inc.
17900 Beeline Highway,

Jupiter, FL 33478
t 561 882 5556

December 19, 2023

Aaron Watkins, Director
Central District
Florida Department of Environmental Protection
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803

RE: Aerojet Rocketdyne P2 Project Plan

Aerojet-Rocketdyne
790 Fentress Boulevard
Daytona, Volusia County, Florida 32114
Hazardous Waste Facility ID# FLR000226886

Dear Mr. Watkins,

Aerojet Rocketdyne appreciates the opportunity to participate in the P2 program as an option to offset the penalties assigned from the May 2023 FDEP inspection findings at our Daytona Beach site. Attached is a draft copy of the FDEP P2 Project Summary report for your review.

Please let me know if you have comments or need additional information.

Sincerely,

Suzanne Harper

Aerojet-Rocketdyne

Exhibit 1

P2 Project Summary LED Replacement of Fluorescent Lamps

Aerojet Rocketdyne Daytona Beach Facility
790 Fentress Boulevard
386 626-0006

Suzanne Harper, Environmental, Health & Safety Manager

A. Project Description:

The scope of the proposed P2 project is the replacement of 80 fluorescent lamp fixtures in the facility with 2x4 LED 4000K flat panel light fixtures.

B. Environmental and Economic Benefits:

The replacement of fluorescent lamps with LED lamps will result in a reduction of energy consumption and a cost savings. Currently the facility has 80 2-foot by 4-foot T-8 fluorescent lamps throughout the Shop and office areas, containing 4 lamps per fixture, or 320 fluorescent total lamps. Each fixture uses 128 watts, or 561 kW per year, vs. the proposed 50-watt LED fixtures that use 219 kW annually.

The project will save approximately 300 kWh annually and \$3,000 in energy cost based on our current electric utility charge per kilowatt-hour. This represents a 39% decrease.

In addition, the LEDs produce an average of 20% less heat than LED, which will result in a decrease in A/C load and associated energy consumption and cost. Other economic and environmental benefits:

- Longer life span
- More durable
- Low maintenance cost
- Mercury-free
- No hazardous/universal waste disposal cost

<i>Aerojet Rocketdyne Daytona Facility LED Lighting Installation</i>							
Annual Resource Consumption Comparison							
Item	Quantity Used (gal/lb./kwh-specify)			Purchasing Cost (\$)			Percent (%) Reduction
	Before	After	Reduction	Before	After	Reduction	
Water							
Chemicals							
Materials							
Energy	561 kwh	219 kwh	342 kwh	\$5,160	\$2,016	\$3,146	61
Total Annual Cost Savings = \$3,146.00							

<i>Summary of All P2 Projects</i>							
Annual Resource Consumption Comparison							
Item	Quantity Used (gal/lb./kwh-specify)			Purchasing Cost (\$)			Percent (%) Reduction
	Before	After	Reduction	Before	After	Reduction	
Water							
Chemicals							
Materials							
Energy	561 kwh	219 kwh	342 kwh	\$5,160	\$2,015	\$3,146	61
Total Annual Cost Savings = \$3,146.00							

C. Project Cost:

Item	Quantity	Cost (\$)
LED Lamps	80	6,185
Installation Labor Cost	1	8,800
Total Cost		\$14,985.00

Project Investment Cost (\$)	14,985.00
Annual Previous Lighting Energy Cost (\$)	5,160
Annual Current Lighting Energy Cost(\$)	2,016
Annual Cost Savings (\$)	3,146
ROI (years)	4.8

D. Project Reporting:

1. Within 30 days of completing the P2 Project, the Respondent shall submit to the Department a P2 Project Final Report that includes the following:
 - a. A confirmation that the information presented in Sections A-C of the Summary is unchanged, or an updated version with the sections changed appropriately. A statement that the Project(s) was/were implemented successfully. An explanation of any problems encountered and corrections applied. *A statement indicating the date the Project was started and the date completed.*
 - b. Attached expense reports, receipts, purchasing instruments and other documents itemizing costs expended on preparing and implementing the Project.
2. The Department shall review the Final Report and determine:
 - a. Whether the project was properly implemented; and
 - b. Which expenses apply toward pollution prevention credits.
3. A \$1.00 pollution prevention credit for each \$1.00 spent on applicable costs will be applied against the portion of the civil penalty that can be offset.
 - a. The following costs *are applicable as P2 credits* toward the civil penalty offset amount:
 - i. Preparation of the P2 Project;

- ii. Design of the P2 Project;
 - iii. Installation of equipment for the P2 Project;
 - iv. Construction of the P2 Project;
 - v. Testing of the P2 Project;
 - vi. Training of staff concerning the implementation of the P2 Project; and
 - vii. Capital equipment needed for the P2 Project.
- b. The following costs *shall not apply as P2 credits* toward the civil penalty offset amount:
- i. Costs incurred in conducting a waste audit;
 - ii. Maintenance and operation costs involved in implementing the P2 Project;
 - iii. Monitoring and reporting costs;
 - iv. Salaries of employees who perform their job duties;
 - v. Costs expended to bring the facility into compliance with current law, rules and regulations;
 - vi. Costs associated with a P2 Project that is not implemented;
 - vii. Costs associated with a P2 Project that has not been approved by the Department; and
 - viii. Legal costs.
- c. 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 days of written notification by the Department to the Respondent that the balance is due.
4. The Department may terminate the P2 Project at any time during the development or implementation of it, if the Respondent fails to comply with the requirements in this document, act in good faith in preparing and implementing the project, or develop and implement the P2 Project in a timely manner. The Respondent may terminate the P2 Project at any time during its development or implementation.
5. If the P2 Project is terminated for any reason, Respondent shall pay the full balance of the allowable portion of the civil penalty within 10 days of written demand by the Department.

Current		Proposed	
Bulbs	Watts	Panel	Watts
4	128	1	50
Savings (W)			78

Fixture type	watts	Daily watts	Annual (kW)	Annual cost per lamp/fixture \$	Annual Cost \$ Total (x 80 lamps)
T-8 (4 lamp fixture)	128	1536	561	64.52	\$ 5,161.20
LED Fixture	50	600	219	25.19	\$ 2,014.80
Diff	78	936	342	39.33	\$ 3,146.40
% Decrease	61				61

ROI					
Cost of Project					\$ 14,985.00
Cost Savings annually					\$ 3,146.00
ROI (years)					4.8

Fixtures	Savings (W)	Energy Savings (W)	Run Time Daily (h)	Daily Savings (kWh)
80	78	6,240	12	74.88

Current 4x T8 bulbs @ 32watts each

Future 2' x 4' fluorescent fixture
80 fixtures to replace

Assumption

Run lights average of 12 hours/day

DBO electric cost \$0.115/kWh