



# FLORIDA DEPARTMENT OF Environmental Protection

Northwest District Office  
160 West Government Street, Suite 308  
Pensacola, FL 32502

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

June 7, 2024

Eric Powers, Chief Legal Officer  
Trulieve, Inc.  
3494 Martin Hurst Rd  
Tallahassee, FL 32312  
[Eric.Powers@Trulieve.com](mailto:Eric.Powers@Trulieve.com)

RE: Executed Consent Order; DEP v. Trulieve, Inc., OGC File No.: 24-1342, Trulieve,  
Gadsden County

Dear Mr. Powers:

Enclosed is the executed Short Form Consent Order (Order), to resolve hazardous waste issues related to the Trulieve, Inc. facility, EPA Identification #: FLR000231191, located at 816 Commerce Boulevard, Midway, Florida 32343.

Please note the requirements of the Order for which you are responsible and fulfill all pertinent actions accordingly. Unless otherwise noted, all deadlines for completing requirements and actions in the Order are to be calculated from its executed date, which is the date the Order was filed with the Department Clerk, as noted on the signature page.

Your cooperation in resolving this matter is greatly appreciated. If you have any questions, please contact Anna List at (850) 595-0627 by email at [Anna.List@FloridaDEP.gov](mailto:Anna.List@FloridaDEP.gov).

Sincerely,

A handwritten signature in blue ink that reads "Elizabeth Mullins Orr".

*on behalf of*

Elizabeth Mullins Orr  
Director  
Northwest District

EMO/apl

Attachments: Executed Consent Order



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May 29, 2024

**SUBJECT:** Second Proposed Consent Order  
Department of Environmental Protection v. Trulieve, Inc.  
OGC File No.: 24-1342; EPA Identification #: FLR000231191  
Gadsden County

The State of Florida Department of Environmental Protection ("Department") finds that Trulieve, Inc. ("Respondent") at 816 Commerce Boulevard, Midway, Florida 32343, failed to comply with the following requirements:

- Failure to comply with the 180-day accumulation time limit in violation of 40 Code of Federal Regulations ("CFR") 262.16(b);
- Failure to apply for an extension to allow waste to remain on site past the 180-day accumulation limit in violation of 40 CFR 262.16(d);
- Failure to ensure waste amounts on site must not exceed 6000kg accumulation on site in violation of 40 CFR 262.16(b)(1);
- Failure to conduct and document weekly inspections of areas where hazardous waste containers are stored in violation of 40 CFR 262.16(b)(2)(iv);
- Failure to ensure each hazardous waste container and tank is clearly marked with the words "Hazardous Waste" in violation of 40 CFR 262.16(b)(6)(i)(A);
- Failure to notify with the correct generator status in violation of 40 CFR 262.18(a);
- Failure to use a properly completed manifest for all hazardous waste shipments in violation of 40 CFR 262.20(a)(1);
- Failure to sign the hazardous waste manifest by hand in violation of 40 CFR 262.23(a)(1);
- Failure to maintain manifests for three years in violation of 40 CFR 262.40(a);
- Failure of a generator to keep records of exception reports in violation of 40 CFR 262.42(b);
- Failure to notify of a change in status in violation of 62.730.150(2)(b) Florida Administrative Code ("F.A.C.");
- Failure to document weekly inspections of the central accumulation area for hazardous waste in violation of 62.730.160(3) F.A.C.

Before sending this letter, the Department requested that the Respondent undertake certain actions to resolve the 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.

Based on the violations described above, the Department was seeking \$79,000.00 in civil penalties and \$500.00 for costs and expenses the Department incurred in investigating this matter, which amounted to a total of \$79,500.00. The civil penalties were apportioned as follows:

- \$13,455.00 for violation of 40 CFR 262.16(b): Small Quantity Generator (SQG) storage of hazardous waste for longer than 180 days without applying for and receiving a RCRA permit.
- \$13,455.00 for violation of 40 CFR 262.16(b)(1): SQG waste exceeds the limit of 6,000 kg of hazardous waste stored on site.
- \$1,420.00 for violation of 40 CFR 262.16(b)(2)(iv): Generators shall document container inspections and maintain the records for at least 3 years from the date of the inspection.
- \$710.00 for violation of 40 CFR 262.23(a)(1): Failure of a generator to sign a manifest by hand; obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; or retain one copy of the manifest.
- \$1,420.00 for violation of 40 CFR 262.40(a): Generator must keep a copy of each manifest for 3 years from the date the waste was accepted by the transporter.
- \$11,340.00 for violations of 40 CFR 262.16(b)(6)(i)(A): a small quantity generator must mark or label its containers with the following: the words "hazardous waste"; an indication of the hazards of the contents.
- \$860.00 for violations of Chapter 62-730.150(2)(b), F.A.C.: Failure of a generator to notify of changes in status.

Additionally, a \$36,340.00 adjustment to the civil penalty amount was applied relating to economic benefit of non-compliance due to the facility failing to register and subsequently operating as a Hazardous Waste Transporter, Storage, and Disposal (TSD) treatment facility, and failure to comply with Small Quantity Generator (SQG) rules regarding the amount of allowable hazardous waste stored onsite.

The Respondent has corrected the violations in a timely manner and maintained excellent communication with the Department throughout the enforcement process. The Respondent has also taken protective measures to ensure that the facility maintains future compliance such as implementing new waste management procedures, updated

training for all necessary staff, and re-notifying the Department. Based on these good faith efforts, the Department has capped the civil penalties in the amount of \$50,000.00.

### **The Department's Offer**

Based on the violations listed in this Consent Order ("Order"), the Department has applied a penalty reduction the civil penalty. The Department is now seeking \$50,000.00 in civil penalties inclusive of economic benefit for non-compliance and \$500.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$50,500.00.

### **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 160 West Government Street, Pensacola, FL 32502, **June 14, 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), 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, Eric Powers:

- (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 \$50,500.00 in full **within 30 days of the effective date of this Order.** Failure to timely make any installment payment will enable the Department, at its discretion, to accelerate the remaining balance to become immediately due.
  
- (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 (OGC # 24-1342) 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 Anna List at 850-595-0627 or at [Anna.List@FloridaDEP.gov](mailto:Anna.List@FloridaDEP.gov).

Sincerely,  
  
Elizabeth Mullins Orr  
Director  
Northwest District

FOR THE RESPONDENT:

I, Eric Powers, HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

By: \_\_\_\_\_  
[Signature]

Date: 5/31/24

Title: Eric Powers  
[Type or Print]

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this 7th day of June, 2024, in  
Escambia County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

Elin Laskake On behalf of \_\_\_\_\_

Elizabeth Mullins Orr  
Director  
Northwest District

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

Christina Harlow

June 7, 2024

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 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](mailto: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.