



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 5, 2024

Joe Nguyen, Managing Member
Signature Nail Systems LLC
4424 Seaboard Road Suite C
Orlando, FL 32808
joe@snsnails.com

Re: Signature Nail Systems LLC
HW Facility ID #FLR000261842
OGC Case No: 23-1498

Signature Nail Systems LLC
HW Facility ID #FLR000261859
OGC Case No: 23-1498

Dear Mr. Nguyen:

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 Carly.Cogburn@FloridaDEP.gov.

Your cooperation in this matter will be appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Watkins".

Aaron Watkins
Director, Central District

Enclosures: Exhibit I - Warning Letter and Inspection Reports
Exhibit II – In Kind Projects

cc: Dominick Graziano, dgraziano@bgrhlaw.com
Malcom Galvin, mpg3@galvin-law.com
FDEP: Lea Crandall, Anitra Spencer, Carly Cogburn

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION)	CENTRAL DISTRICT
)	
v.)	OGC FILE NO. 23-1498
)	EPA ID NO. FLR000261859
)	EPA ID NO. FLR000261842
SIGNATURE NAIL SYSTEMS LLC)	
_____)	

CONSENT ORDER

This Consent Order (“Order”) is entered into between the State of Florida Department of Environmental Protection (“Department”) and Signature Nail Systems LLC (“Respondent”) to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and Respondent admits the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to administer and enforce the provisions of the Florida Resource Recovery and Management Act, Sections 403.702, et seq., Florida Statutes (“F.S.”), and the rules promulgated in Chapter 62-730, Florida Administrative Code (“F.A.C.”). The Department has jurisdiction over the matters addressed in this Order.

2. Respondent is a “person” within the meaning of Sections 403.031(9) and 403.703(23), F.S.

3. Respondent was the operator of an unauthorized treatment, storage, and disposal facility on real property located at 2295 Canal Street, Oviedo, Florida 32765 (“Oviedo Facility”) and operates a nail polish mixing and distribution facility on real property located at 4500 Seaboard Road, Suite E., Orlando, Florida 32808 (“Orlando Facility”) (collectively referred to as “Facilities”). Respondent was the operator at the Oviedo Facility and is the operator of the Orlando Facility as defined in Rule 62-730.020, F.A.C.

4. Respondent currently holds record title to the parcel of real property identified as Oviedo Facility in Paragraph 3, above (“Property”).

5. Respondent's operations at the Facilities are described in Exhibit I, which is attached and incorporated in this Order.

6. The Department finds that the following violation(s) occurred at the Oviedo Facility:

a) Failure to meet land disposal requirements in violation of Rule 62-730.183 F.A.C. (adopting Section 40 Code of Federal Regulations ("40 C.F.R.") 268.7(c) (2019)).

b) Failure to notify as a hazardous waste generator and obtain an EPA Identification Number in violation of Rule 62-730.160(1), F.A.C. (adopting 40 C.F.R. 262.18(a) (2021)).

c) Failure to apply for and obtain a disposal permit in violation of Rule 62-730.240(1), F.A.C.

7. The Department finds that the following violation(s) occurred at the Orlando Facility:

a) Failure to perform a waste determination of thirty open containers in violation of Rule 62-730.160(1), F.A.C. (adopting 40 C.F.R. 262.11) (2021)).

b) Failure to treat or dispose of its hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility in violation of Rule 62-730.160(1), F.A.C. (adopting 40 C.F.R. 262.14(a)(5)).

c) Failure to document delivery of its hazardous waste through written receipts and other records in violation of 62-730.030(2), F.A.C.

8. The Respondent provided the following corrective actions for the Oviedo Facility:

a) On October 13, 2023, the Respondent submitted a draft Limited Site Assessment Report to the Department.

b) On January 29, 2024, the Respondent submitted notification form 8700-12FL and received EPA Identification number FLR000261859 on February 28, 2024, to resolve the violation in paragraph 6(a) of this order.

c) On June 14, 2024, the Respondent submitted a Source Removal Report to the Department.

9. The Respondent provided the following corrective actions for the Orlando Facility:

a) On January 5, 2024, the Respondent submitted waste analysis information fulfilling waste determination requirements to resolve the violation in paragraph 7(a).

b) On June 7, 2024, the Respondent submitted waste disposal records to document delivery of its hazardous waste through written receipts and other records to resolve the violation in paragraph 7(c).

c) On June 14, 2024, the Respondent submitted notification form 8700-12FL to re-notify as a small quantity generator of hazardous waste after initially notifying the Department as a very small quantity generator of hazardous waste on September 6, 2023.

Having reached a resolution of the matter Respondent and the Department mutually agree and it is

ORDERED:

10. Effective immediately, Respondent shall comply with all Department rules regarding hazardous waste management. Respondent shall correct and redress all violations within the time periods stated below and shall comply with all applicable sections in Chapter 62-730, F.A.C., 62-780 and Title 40, Code of Federal Regulations (“C.F.R.”) Parts 260 through 266 and Part 268. All time periods shall run from the effective date of this Order.

a) With the exception of the activities described in Paragraph 12 and 13 below, effective immediately and henceforth, Respondent shall not conduct any treatment, storage, or disposal activities at the Oviedo Facility.

b) Within 30 days of the effective date of this Order, Respondent shall submit to the Department all manifests for the Orlando Facility for calendar year 2024 prior to the effective date of this order. Effective immediately and continuing every month thereafter until December 31, 2024, Respondent shall submit to the Department all manifests for the Orlando Facility within 10 days of each shipment.

11. Respondent shall immediately cease all discharges from all Facilities to the ground or surface waters of the state that are reasonably expected to cause a violation of the Department's water quality minimum criteria and standards.

12. Within 90 days of the effective date of this Order, Respondent shall commence a Site Assessment in accordance with Rule 62-780.600, F.A.C., at the Oviedo Facility, which shall address all soil and groundwater contamination that may have resulted from discharges that occurred at the Facility, as required by Chapter 62-780. Respondent shall have the burden of proving that any off-site contamination that is contiguous with on-site contamination did not result from discharges that occurred at the Facility. Within 270 days of the effective date of this Order, Respondent shall submit to the Department a Site Assessment Report ("SAR") in accordance with Rule 62-780.600(8), F.A.C. The Department will review and process the SAR in accordance with Rule 62-780.600(9), F.A.C.

13. Upon submittal of the SAR to the Department, Respondent shall commence and complete all further tasks required by Chapter 62-780, F.A.C. in accordance with the requirements and time schedules identified in that Chapter.

14. Within 90 days of the effective date of this Order, Respondent shall pay the Department \$110,344.00 in settlement of the matters addressed in this Order. This amount includes \$500.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order.

15. In lieu of making cash payment of \$109,844.00 in civil penalties as set forth in paragraph 14 above, Respondent may elect to off-set this amount by implementing an in-kind penalty project, which must be approved by the Department. An in-kind project must be either an environmental enhancement, environmental restoration or a capital/facility improvement project and may not be a corrective action requirement of the Order or otherwise required by law. The Department may also consider the donation of environmentally sensitive land as an in-kind project. The value of the in-kind penalty project shall be one and a half times the civil penalty off-set amount, which in this case is the equivalent of at least \$164,766.00. If Respondent chooses to implement an in-kind project, Respondent shall notify

the Department of its election by certified mail within 15 days of the effective date of this Consent Order. Notwithstanding the election to implement an in-kind project, payment of the remaining \$500.00 in costs must be paid within 30 days of the effective date of the Consent Order.

16. If Respondent elects to implement an in-kind project as provided in paragraph 15, then Respondent shall comply with all the requirements and time frames in Exhibit II entitled In-Kind Projects.

17. Respondent agrees to pay the Department stipulated penalties in the amount of \$1,000.00 per day for each and every day Respondent fails to timely comply with any of the requirements of Paragraph(s) 10, 11, 12, and 13 of this Order. A separate stipulated penalty shall be assessed for each violation of this Order, and the Department may demand stipulated penalties at any time after violations occur. Respondent shall pay stipulated penalties owed within 30 days of the Department's issuance of written demand for payment, and shall do so as further described in Paragraph 18, below. Nothing in this Paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Order. Any stipulated penalties assessed under this Paragraph shall be in addition to the civil penalties agreed to in Paragraph 14 of this Order. If the Department is required to file a lawsuit to recover stipulated penalties under this Paragraph, the Department will not be foreclosed from seeking civil penalties for violations of this Order in an amount greater than the stipulated penalties due under this Paragraph.

18. 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 becomes final, effective and filed with the Clerk of the Department before ability to make online payment is available.

19. Except as otherwise provided, all submittals and payments required by this Order shall be sent to DEP_CD@dep.state.fl.us, Department of Environmental Protection, Central District, located at 3319 Maguire Boulevard, Orlando, Florida, 32803.

20. Respondent shall allow all authorized representatives of the Department access to the Facility and the Property at reasonable times for the purpose of determining compliance with the terms of this Order and the rules and statutes administered by the Department.

21. Respondent shall use all reasonable efforts to obtain any necessary access to implement the terms of this Order. If necessary access cannot be obtained, or if obtained, is revoked by owners or entities controlling access to the properties to which access is necessary, Respondent shall notify the Department within three business days of such refusal or revocation. The Department may at any time seek to obtain access as is necessary to implement the terms of this Order. Respondent shall reimburse the Department for any damages, costs, or expenses, including expert and attorney fees, that the Department is ordered to pay, or that the Department incurs in connection with its efforts to obtain access that is necessary to implement the terms of this Order. Respondent shall pay these sums to the Department or arrange a payment schedule with the Department within 30 days of written demand by the Department.

22. In the event of a sale or conveyance of the Oviedo Facility or of the Property upon which the Oviedo Facility is located, if all of the requirements of this Order have not been fully satisfied, Respondent shall, at least 30 days prior to the sale or conveyance of the Oviedo Facility or Property, (a) notify the Department of such sale or conveyance, (b) provide the name and address of the purchaser, operator, or person(s) in control of the Oviedo Facility, and (c) provide a copy of this Order with all attachments to the purchaser, operator, or person(s) in control of the Oviedo Facility. The sale or conveyance of the Oviedo Facility or the Property does not relieve Respondent of the obligations imposed in this Order.

23. If any event, including administrative or judicial challenges by third parties unrelated to Respondent, occurs which causes delay or the reasonable likelihood of delay in complying with the requirements of this Order, Respondent shall have the burden of proving

the delay was or will be caused by circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by Respondent's due diligence. Neither economic circumstances nor the failure of a contractor, subcontractor, materialman, or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines (unless the cause of the contractor's late performance was also beyond the contractor's control) shall be considered circumstances beyond the control of Respondent. Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department by the next working day and shall, within seven calendar days notify the Department in writing of the anticipated length and cause of the delay, the measures taken or to be taken to prevent or minimize the delay, and the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of Respondent, the time for performance hereunder shall be extended. The agreement to extend compliance must describe the provision or provisions extended, the new compliance date or dates, and the additional measures respondent must take to avoid or minimize the delay, if any. Failure of Respondent to comply with the notice requirements of this Paragraph in a timely manner constitutes a waiver of Respondent's right to request an extension of time for compliance for those circumstances.

24. The Department, for and in consideration of the complete and timely performance by Respondent of the obligations agreed to in this Order, hereby conditionally waives its right to seek judicial imposition of damages or civil penalties for violations outlined in this Order. This waiver is conditioned upon (a) Respondent's complete compliance with all of the terms of this Order, and (b) the remediation of contaminated areas to the applicable site rehabilitation levels. The Department's cause of action for damages accrues when the Department concludes that remediation of contaminated areas to the applicable site rehabilitation levels is not feasible or that the Respondent failed to completely implement the Department-approved remedial or corrective action plan (however designated). If the

Department and Respondent fail to reach agreement on the payment of the damages, the Department may initiate appropriate legal action to recover the damages as provided by law.

25. The Department hereby expressly reserves the right to initiate appropriate legal action to address any violations of statutes or the rules administered by the Department that are not specifically resolved by this Order. Nothing herein shall be construed to limit the Department's authority to take any action against Respondent in response to or to recover the costs of responding to conditions at or from the Facility that require Department action to abate an imminent hazard to the public health, welfare, or the environment.

26. This Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law. Entry of this Order does not relieve Respondent of the need to comply with applicable federal, state, or local laws, rules, or ordinances.

27. Respondent is fully aware that a violation of the terms of this Order may subject Respondent to judicial imposition of damages, civil penalties up to \$75,000.00 per day per violation, and criminal penalties.

28. Respondent acknowledges and waives its right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this Order. Respondent also acknowledges and waives its right to appeal the terms of this Order pursuant to Section 120.68, F.S.

29. 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 shall be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

30. The terms and conditions set forth in this Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, F.S. Failure to comply with the terms of this Order shall constitute a violation of Section 403.161(1)(b), F.S.

31. This Consent Order is a final order of the Department pursuant to Section 120.52(7), F.S., and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, F.S. Upon the timely filing of a petition, this Order will not be effective until further order of the Department.

32. Rules referenced in this Order are available at <http://www.dep.state.fl.us/legal/Rules/rulelist.htm>.

FOR THE RESPONDENT:

 8/1/24
Joe Nguyen DATE
Manger, Signature Nail Systems LLC

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this 5th day of August 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.

Mandakini Patel
Clerk

August 5, 2024
Date

Copies furnished to:

FDEP: Carly Cogburn, Michael Eckoff, Jenny E. Farrell, Jill Farris
Dominick Graziano, dgraziano@bgrhlaw.com



FLORIDA DEPARTMENT OF Environmental Protection

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Central District Office
3319 Maguire Blvd., Suite 232
Orlando, Florida 32803

September 25, 2023

Joe Nguyen, Managing Member
Signature Nail Systems LLC
4424 Seaboard Road Suite C
Orlando, FL 32808
mpg3@galvin-law.com

Re: Warning Letter
Signature Nail Systems LLC
HW Facility ID # FLR000261842
Orange County

Signature Nail Systems LLC
HW Facility ID # FLR000261859
Seminole County

Dear Mr. Nguyen:

A compliance inspection was conducted at your facility located at 4500 Seaboard Road Suite C, Orlando, FL on September 6, 2023; and at your facility located at 2295 Canal Street, Oviedo, FL on September 11, 2023. During these inspections, possible violations of Chapter 403, F.S., and Chapter 62-730, Florida Administrative Code (F.A.C.) were observed.

During the inspection on September 6, 2023, Department personnel noted the following:

- Failure to conduct an accurate waste determination on thirty open 5-gallon containers of mixed waste [40 CFR 262.11].
- Failure to maintain disposal records for three years [62-730.030(2), F.A.C.].
- Failure to deliver waste to a treatment, storage, and disposal (TSD) facility [40 CFR 262.14(a)(5)].

During the inspection on September 11, 2023, Department personnel noted the following:

- Operating as a TSD facility without a permit [62-730.240(1), F.A.C.].
- Failure to ensure wastes that were land disposed met treatment standards [40 CFR 268.7(c)].
- Failure to obtain an EPA Identification number [40 CFR 264.11].

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 Carly Cogburn, at (407) 897- 4320, 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.

Sincerely,



On behalf of:

Aaron Watkins, Director
Central District
Florida Department of Environmental Protection

AW/JEF/CC

cc: Karin Santanna, karin@snsnails.com
Carly Cogburn, Carly.Cogburn@floridadep.gov



**Florida Department of
Environmental Protection
Hazardous Waste Inspection Report**

FACILITY INFORMATION:

Facility Name: Signature Nail Systems LLC

On-Site Inspection Start Date: 09/06/2023

On-Site Inspection End Date: 09/06/2023

ME ID#: 157980

EPA ID#: FLR000261842

Facility Street Address: 4500 Seaboard Rd, Orlando, Florida 32808-3846

Contact Mailing Address: 4500 Seaboard Rd, Orlando, Florida 32808-3846

County Name: Orange

Contact Phone: Data is missing from FIESTA

NOTIFIED AS:

N/A

WASTE ACTIVITIES:

Generator: VSQG

INSPECTION TYPE:

Routine Inspection for VSQG (<100 kg/month) Facility

INSPECTION PARTICIPANTS:

Principal Inspector: Carly Cogburn, Inspector

Other Participants: Michael Eckoff, Inspector, Karin Santanna, Operations Manager

LATITUDE / LONGITUDE: Lat 28° 34' 52.5144" / Long 81° 26' 30.9156"

NAIC: Data is missing from FIESTA

TYPE OF OWNERSHIP: Private

Introduction:

On September 6, 2023, Carly Cogburn and Michael Eckoff, Florida Department of Environmental Protection (FDEP or Department), inspected Signature Nail Systems LLC (SNS or Facility) for compliance with state and federal hazardous waste regulations. The Facility was represented by Karin Santanna, Operations Manager.

The property is owned by Colin 2016-10 Industrial Owner LLC, 13727 Noel Road Suite 750, Dallas, Texas, 75240.

The Facility has never been inspected by the Department for compliance with state and federal hazardous waste regulations.

The Facility has 60 employees and operating hours are Monday-Friday, 8:00 a.m. to 4:30 p.m.

Process Description:

Signature Nails Systems LLC mixes dipping powders and pre-made colors of nail polish and gel polish to generate new colors for distributors. The facility is comprised of units B, C, D, and E.

Unit B

Unit B is reserved for packaging dipping powder into pre-made containers for shipping to distributors.

Unit C

In Unit C, the facility mixes dipping powders and packages powders into distributor containers. This unit has one V-Machine and eight powder mixers that are cylindrical. Bot mixing machine types are cleaned in between color use by blowing the powder off the machine.

Unit D

Inspection Date: 09/06/2023

One side of Unit D is used for raw material storage. The other side contains V-Machine mixers used to mix pre-made powders together before being shipped off-site. The V-Machines are cleaned in between color use by blowing the powder off the machine.

Unit E

Unit E is where both gel polish and nail polish are mixed. These polishes are mixed with additional colors, shimmers, and glitter until desired product is produced. Once mixed, the polishes are placed in 1.5-ounce containers to be shipped to distributors

Gel polishes are mixed and stored in UV blocking tents to protect the product.

Rags are used with water multiple times to wipe excess nail polishes off bottles used for mixing. Ms. Santanna stated that the facility lets the rags dry after use before re-using.

Note: When spent rags are ready to be disposed, a waste determination will be required to determine if the spent rags are hazardous per 40 CFR 262.11.

Thinner is used with the gel polishes as an additive to keep the gel polish consistency.

There is a designated mixing area in this unit. Acetone is used to clean the mixing machines and are stored in 5-gallon containers. Empty containers used for mixing gel polishes are placed in this area to dry the residue so that the waste can be peeled off for disposal in the regular trash.

There are five manual assembly nail polish stations. At each station, a container of the newly mixed nail polish is inserted and sealed. A foot pump is then used to pump the nail polish from the container into a nail polish bottle. The bottle is then closed with a nail polish stopper. Acetone is inserted into each of the machines to clean the lines in between colors. Ms. Santanna stated that the facility has not disposed of acetone waste from the machines.

Cleaning Area

In the cleaning area were 30 open 5-gallon containers of mixed waste [40 CFR 262.11].

Records

No disposal records were able to be reviewed as Ms. Santanna stated that the facility did not have any [62-730.030(2), F.A.C.].

Waste from the facility was transported to 2295 Canal Street, Oviedo, Florida for storage [40 CFR 262.14(a)(5)].

On September 12, 2023, the Department requested the following from Karin Santanna:

- Safety data sheets (SDS) for the gel polish
- SDS for the nail polish
- Disposal records
- A timeframe for when the company began working with gel and nail polishes.

On September 14, 2023, the Department requested the following from Karin Santanna:

- Photo documentation to confirm how the open containers have been managed since the inspection date

On September 15, 2023, Caroline Hamby submitted the following to the Department:

- SDS of SNS Nail Lacquer which shows a flash point of 21 degrees Celsius.
- SDS of Color Gel which shows a flash point of more than 100 degrees Celsius.

New Potential Violations and Areas of Concern:

Violations

Inspection Date: 09/06/2023

Type: Violation
Rule: 262.11
Question Number: 1.3
Question: Did the facility conduct a waste determination on all wastes generated? 262.11
Explanation: Generators must determine if their solid waste is a hazardous waste

Signature Nail Systems LLC failed to determine if 30 containers of solid waste are hazardous waste.
Corrective Action: Please submit waste determinations for the 30 containers of mixed waste located in the Cleaning Area of Unit E.

Type: Violation
Rule: 262.14(a)(5)
Explanation: A very small quantity generator that accumulates hazardous waste must either treat or dispose of its hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility.

Signature Nail Systems LLC failed to failed to treat or dispose of its hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility.
Corrective Action: Dispose of hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility.

Type: Violation
Rule: 62-730.030(2)
Explanation: A very small quantity generator (VSQG) which chooses to send its hazardous waste to an off-site treatment, storage or disposal facility shall document delivery of its hazardous waste through written receipts and other records which are retained for at least three years. The written receipts and other records shall include names and addresses of the generator and the treatment, storage or disposal facility, the type and amount of hazardous waste delivered, and the date of shipment.

Signature Nail Systems LLC failed to document delivery of its hazardous waste through written receipts and other records.
Corrective Action: Document delivery of the Facility's hazardous waste through written receipts and other records which are retained for at least three years. The written receipts and other records shall include names and addresses of the generator and the treatment, storage or disposal facility, the type and amount of hazardous waste delivered, and the date of shipment.

Conclusion:

Signature Nail Systems LLC was inspected on September 6, 2023, for compliance with state and federal hazardous waste regulations, and was determined to be out of compliance.

Inspection Date: 09/06/2023

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: 09/06/2023

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

Carly Cogburn
Principal Investigator Name

Inspector
Principal Investigator Title



Principal Investigator Signature

DEP 09/21/2023
Organization **Date**

Michael Eckoff
Inspector Name

Inspector
Inspector Title

DEP
Organization

Karin Santanna
Representative Name

Operations Manager
Representative Title

Signature Nail Systems LLC
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: Jenny E. Farrell

Inspection Approval Date: 09/22/2023



**Florida Department of
Environmental Protection
Hazardous Waste Inspection Report**

FACILITY INFORMATION:

Facility Name: Signature Nail Systems LLC

On-Site Inspection Start Date: 09/11/2023

On-Site Inspection End Date: 09/11/2023

ME ID#: 158036

EPA ID#: FLR000261859

Facility Street Address: 2295 Canal St, Oviedo, Florida 32765-9527

Contact Mailing Address: 4500 Seaboard Rd, Orlando, Florida 32808-3846

County Name: Seminole

Contact Phone: Data is missing from FIESTA

NOTIFIED AS:

N/A

WASTE ACTIVITIES:

Generator: Non-Handler

INSPECTION TYPE:

Routine Inspection for TSD Facility Facility

INSPECTION PARTICIPANTS:

Principal Inspector: Carly Cogburn, Inspector

Other Participants: Michael Eckoff, Inspector, Travis Burch, Inspector, Karin Santanna, Operations Manager, Caroline, Hamby

LATITUDE / LONGITUDE: Lat 28° 42' 11.214" / Long 81° 11' 27.3444"

NAIC: 325620 - Toilet Preparation Manufacturing

TYPE OF OWNERSHIP: Private

Introduction:

On September 6, 2023, Carly Cogburn, Michael Eckoff, and Travis Burch, Florida Department of Environmental Protection (FDEP or Department), inspected Signature Nail Systems LLC (SNS or Facility) for compliance with state and federal hazardous waste regulations. The Facility was represented by Karin Santanna, SNS Operations Manager, and Caroline Hamby, Cleanup Industrial, LLC.

A complaint was received on August 23, 2023, from Seminole County. The complaint reported that there was a large quantity of paint that had been dumped on a concrete pad and a tarp as well as in the soil.

Process Description:

Ms. Santanna stated that the concrete pad was a holding space for waste filled containers. Containers on the pad were supposed to have been on one tarp and then covered by another tarp. Waste inside the containers were nail polish colors that were not acceptable to distribute according to the facility or were bad batches of polish from the suppliers. During the inspection, one tarp was covering the waste on the concrete pad to protect the waste from the elements until clean up could occur. Inspectors noted that that the waste was still in a wet, liquid form.

On the concrete pad were 13 containers of waste that had been scraped off the concrete pad by Cleanup Industrial, LLC. In the surrounding soil were varying colors of polish [40 CFR 268.7(c)].

Ms. Hamby stated that her company checked with at least thirteen labs in the state of Florida to see if any would take samples of the waste, and each lab declined. Ms. Hamby stated she wanted to use the soil sample results the Department previously took.

Ms. Hamby and Ms. Santanna shared that the waste at this facility will sit for at least nine months due to back up at landfills that would accept the waste.

Inspection Date: 09/11/2023

Ms. Santanna stated containers of waste had been transported from the warehouse located at 4500 Seaboard Road Suite E, Orlando, Florida. Ms. Santanna also stated some of the containers holding waste were transported back to the warehouse [62-730.240(1), F.A.C.]

Ms. Hamby stated Cleanup Industrial, LLC offered hazardous waste shipping and disposal for the facility in 2021, but the owner declined.

Records

The facility did not obtain an EPA identification number prior to storing waste at the property [40 CFR 264.11].

On September 12, 2023, the Department requested the following from Karin Santanna:

- Safety data sheets (SDS) for the gel polish
- SDS for the nail polish
- Disposal records
- A timeframe for when the company began working with gel and nail polishes.

On September 14, 2023, the Department requested the following from Karin Santanna:

- A list of waste and soil that has been sampled and the expected date the samples will be sent for analysis.

On September 15, 2023, Caroline Hamby submitted the following to the Department:

- Photo documentation showing clean up progress of the concrete pad.
- SDS of SNS Nail Lacquer which shows a flash point of 21 degrees Celsius.
- SDS of Color Gel which shows a flash point of more than 100 degrees Celsius.

On September 20, 2023, the Department requested the following from Karin Santanna:

- For the Facility to notify using the 8700-12FL form.

New Potential Violations and Areas of Concern:

Violations

Type:	Violation
Rule:	264.11
Explanation:	Every facility owner or operator must apply to EPA for an EPA identification number in accordance with the EPA notification procedures.

Signature Nail Systems LLC failed to apply for an EPA Identification number.

Corrective Action: Please submit a 8700-12FL form to the Department.

Inspection Date: 09/11/2023

Type: Violation
Rule: 268.7(c)
Explanation: Except where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal pursuant to 40 CFR 266.20(b), the owner or operator of any land disposal facility disposing any waste subject to restrictions under this part must: (1) Have copies of the notice and certifications specified in paragraph (a) or (b) of this section.
(2) Test the waste, or an extract of the waste or treatment residue developed using test method 1311 (the Toxicity Characteristic Leaching Procedure, described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846 as incorporated by reference in § 260.11 of this chapter), to assure that the wastes or treatment residues are in compliance with the applicable treatment standards set forth in subpart D of this part. Such testing must be performed according to the frequency specified in the facility's waste analysis plan as required by § 264.13 or § 265.13 of this chapter.

Signature Nail Systems LLC failed to meet requirements for land disposal facilities.

Corrective Action: Signature Nail Systems LLC ceased treatment operations at the Facility.

On September 15, 2023, Caroline Hamby submitted photo documentation showing the Facility is in process of cleaning up the Facility, and will be sending waste samples for laboratory analysis.

Type: Violation
Rule: 62-730.240(1)
Explanation: No person shall begin operation of a hazardous waste facility without applying for and receiving an operation permit from the Department. Application for operation permits shall be made on DEP Forms 62-730.900(2)(a) through (2)(d) as adopted in paragraph 62-730.220(2)(a), F.A.C.

Signature Nail Systems LLC failed to apply for and receive an operation permit from the Department.

Corrective Action: Signature Nail Systems LLC ceased treatment operations at the Facility.

Conclusion:

Signature Nail Systems LLC was inspected on September 6, 2023, for compliance with state and federal hazardous waste regulations, and was determined to be out of compliance.

Inspection Date: 09/11/2023

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: 09/11/2023

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

Carly Cogburn
Principal Investigator Name

Inspector
Principal Investigator Title



Principal Investigator Signature

DEP 09/21/2023
Organization **Date**

Michael Eckoff
Inspector Name

Inspector
Inspector Title

DEP
Organization

Travis Burch
Inspector Name

Inspector
Inspector Title

DEP
Organization

Karin Santanna
Representative Name

Operations Manager
Representative Title

Signature Nail Systems LLC
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.

Caroline
Representative Name

Hamby
Representative Title

Cleanup Industrial, LLC
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: Jenny E. Farrell

Inspection Approval Date: 09/22/2023

Exhibit II

In-Kind Projects

I. Introduction

Proposal

a. Within 60 days of the effective date of this Consent Order, or, of the Department's notification that applying stipulated penalties to an in-kind project is acceptable, Respondent shall submit, by certified mail, a detailed in-kind project proposal to the Department for evaluation. The proposal shall include a summary of benefits, proposed schedule for implementation and documentation of the estimated costs which are expected to be incurred to complete the project. These costs shall not include those incurred in developing the proposal or obtaining approval from the Department for the in-kind project.

b. If the Department requests additional information or clarification due to a partially incomplete in-kind project proposal or requests modifications due to deficiencies with Department guidelines, Respondent shall submit, by certified mail, all requested additional information, clarification, and modifications within 15 days of receipts of written notice.

c. If upon review of the in-kind project proposal, the Department determines that the project cannot be accepted due to a substantially incomplete proposal or due to substantial deficiencies with minimum Department guidelines; Respondent shall be notified, in writing, of the reason(s) which prevent the acceptance of the proposal. Respondent shall correct and redress all the matters at issue and submit, by certified mail, a new proposal within 30 days of receipt of written notice. In the event that the revised proposal is not approved by the Department, Respondent shall make cash payment of the civil penalties as set forth in paragraph 14 above, within 30 days of Department notice.

d. Within 120 days of the effective date of this Consent Order, or, of the Department's notification that applying stipulated penalties to an in-kind project is acceptable Respondent shall obtain approval for an in-kind project from the Department. If an in-kind project proposal is not approved by the Department within 120 days of the effective date of this Consent Order, or, of the Department's notification that applying stipulated penalties to an in-kind project is acceptable then Respondent shall make cash payment of the civil penalties as set forth in paragraph 17 above, within 30 days of Department notice.

e. Within 180 days of obtaining Department approval for the in-kind proposal or in accordance with the approved schedule submitted pursuant to paragraph I(a) above, Respondent shall complete the entire in-kind project.

f. During the implementation of the in-kind project, Respondent shall place appropriate sign(s) at the project site indicating that Respondent's involvement with the project is the result of a Department enforcement action. Respondent may remove the sign(s) after the project has been completed. However, after the project has been completed Respondent shall not post any sign(s) at the site indicating that the reason for the project was anything other than a Department enforcement action.

g. In the event, Respondent fails to timely submit any requested information to the Department, fails to complete implementation of the in-kind project or otherwise fails to comply with any provision of this paragraph, the in-kind penalty project option shall be forfeited, and the entire amount of civil penalties shall be due from the Respondent to the Department within 30 days of Department notice. If the in-kind penalty project is terminated and Respondent timely remits the \$109,844.00 penalty, no additional penalties shall be assessed under paragraph 17 above for failure to complete the requirement of this paragraph.

h. Within 15 days of completing the in-kind project, Respondent shall notify the Department, by certified mail, of the project completion and request a verification letter from the Department. Respondent shall submit supporting information verifying that the project was completed in accordance with the approved proposal and documentation showing the actual costs incurred to complete the project. These costs shall not include those incurred in developing the proposal or obtaining approval from the Department for the project.

i. If upon review of the notification of completion, the Department determines that the project cannot be accepted due to a substantially incomplete notification of completion or due to substantial deviations from the approved in-kind project; Respondent shall be notified, in writing, of the reason(s) which prevent the acceptance of the project. Respondent shall correct and redress all the matters at issue and submit, by certified mail, a new notification of completion within 15 days of receipt of the Department's notice. If upon review of the new submittal, the Department determines that the in-kind project is still incomplete or not in accordance with the approved proposal, the in-kind penalty project option shall be forfeited, and the entire amount of civil penalty shall be due from the Respondent to the Department within 30 days of Department notice. If the in-kind penalty project is terminated and Respondent timely remits the \$109,844.00, no additional penalties shall be assessed under paragraph 17 above for failure to complete the requirements of this paragraph.