



# 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

April 15, 2022

Craig Thatcher  
Thatcher Chemical of Florida  
P.O. Box 27407  
Salt Lake City, UT 84127  
[Craig.Thatcher@tchem.com](mailto:Craig.Thatcher@tchem.com)

Re: Thatcher Chemical  
NPDES Facility ID FLR05H642  
OGC Case No: 21-0978  
Volusia County

Dear Mr. Thatcher:

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 Daniel K. Hall at 407-897-4167 or via e-mail at [Daniel.K.Hall@floridadep.gov](mailto:Daniel.K.Hall@floridadep.gov).

Your cooperation in this matter will be appreciated.

Sincerely,

A handwritten signature in dark ink, appearing to read "AW", is written over a light blue horizontal line.

*On behalf of:*

Aaron Watkins  
Director, Central District

Enclosure

cc: Lea Crandall, OGC  
Zoey Carr, Daun Festa, Mackenzie Black, Central District  
Darren Bauer [Darren.Bauer@tchem.com](mailto:Darren.Bauer@tchem.com)  
Carl Eldred [celdred@stearnsweaver.com](mailto:celdred@stearnsweaver.com)

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT )  
OF ENVIRONMENTAL PROTECTION )  
 )  
v. )  
 )  
THATCHER CHEMICAL OF FLORIDA )  
\_\_\_\_\_ )

IN THE OFFICE OF THE  
CENTRA; DISTRICT

OGC FILE NO. 21-0978

## CONSENT ORDER

This Consent Order ("Order") is entered into between the State of Florida Department of Environmental Protection ("Department") and Thatcher Chemical of Florida ("Respondent") to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and Respondent neither admits nor denies the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida's air and water resources and to administer and enforce the provisions of Chapter 403, Florida Statutes ("F.S."), and the rules promulgated and authorized in Title 62, 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 Section 403.031(5), F.S.
3. Respondent is the owner and is responsible for the operation of Thatcher Chemical of Florida, a facility that manufactures inorganic chemicals for water purification and other uses ("Facility"). Respondent operates the Facility under Department National Pollutant Discharge Elimination System ("NPDES") Stormwater Permit No. FLR05H642 which was issued on September 16, 2019 and will expire on September 15, 2024. The Facility's industrial activities are covered under Standard Industry Classification ("SIC") Code 2819, Chemical and Allied Products, Sector C of the Multi-Sector General Permit (MSGP). The Facility's industrial activities are exposed to stormwater and the stormwater runoff discharges to the Saint John's River Water Management District at Outfall 001 from the on-site detention

pond. Facility is located at 245 Hazen Road, DeLand, in Volusia County, Florida ("Property"). Respondent owns the Property on which the Facility is located.

4. The Department finds that the following violation(s) occurred:

a) Respondent failed to maintain good housekeeping best management practices to manage material storage and waste in violation of 62-621.300(5)(a), Florida Administrative Code (F.A.C.), Federal Registrar Volume 60, Number 189, Pages 50804-51319, published on September 29, 1995, Part XI.C.4(3)(a)(i) - Good Housekeeping.

b) Respondent failed to utilize valves to manage run-off from industrial activities and contributed to a prohibited non-stormwater discharge in violation of 62-621.300(5)(a), Florida Administrative Code (F.A.C.), Federal Registrar Volume 60, Number 189, Pages 50804-51319, published on September 29, 1995, Part XI.C.3.a.(1) and (2) - Prohibition of Non-Stormwater Discharges.

c) Respondent failed to perform employee training in violation of 62-621.300(5)(a), Florida Administrative Code (F.A.C.), Federal Register, Volume 60, Number 189, pages 50804-51319, published on September 29, 1995, Part XI.C.4(3)(a)(v) - Employee Training.

d) Respondent failed to perform Annual Comprehensive Site Compliance Evaluations (ACSCE) in violation of in violation of 62-621.300(5)(a), Florida Administrative Code (F.A.C.), Federal Register, Volume 60, Number 189, pages 50804-51319, published on September 29, 1995, part XI.C.4(4) - Comprehensive Site Compliance Evaluation.

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

**ORDERED:**

5. Respondent shall comply with the following corrective actions within the stated time periods:

a) Within 120 days of the effective date of this Order, Respondent shall install of a roofed structure over the roll-off storage areas. Until installation and if material is exposed to stormwater, routine sweeping shall be performed and recorded.

Records of spills shall be maintained in the Stormwater Pollution Prevention Plan (SWPPP). All roll-offs shall remain covered when not actively being filled or unloaded.

b) Within 60 days of the effective date of this Order, Respondent shall install leak-tight elementary neutralization unit bins in the filter press. Until installation occurs, operators should ensure spills are maintained and cleaned up and do not enter the stormwater water drains.

c) Within 120 days of the effective date of the Order, Respondent shall provide to the Department a plan to ensure operators are trained on proper utilization of the valve system. This includes a tracking system and better visualization for operators to know if the valves are open or closed. Until a permanent solution is agreed upon by the Respondent and the Department, operators shall sample for pH and check for color of the stormwater in the drain before opening any valve.

d) Within 30 days of the effective date of this Order, Respondent shall complete the 2021 Annual Comprehensive Site Compliance Evaluation (ACSCE) and submit to the Department.

e) Within 150 days of the effective date of this Order, Respondent shall complete employee training to ensure all staff are trained on spill response, good housekeeping, material management practices, and procedures for equipment and container cleaning and washing. Training records shall be submitted to the Department.

6. Within 30 days of the effective date of this Order, Respondent shall pay the Department \$ 56,179.64 in settlement of the regulatory matters addressed in this Order. This amount includes \$ 55,679.64 for civil penalties and \$ 500.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order. The civil penalties are proportioned as follows: \$4,000.00 for violation of Part XI.C.4.a.(4); \$36,000.00 for five violations of Part XI.C.3.a.(1) and one violation of Part XI.C.3.a.(2); \$750 for violation of Part XI.C.4.a.(4), and \$1,500.00 for violation of Part XI.C.4.a.(3)(a)(v) as adopted in 62-621.300(5)(a), Florida Administrative Code (F.A.C.), Federal

Register, Volume 60, Number 189, pages 50804-51319, published on September 29, 1995. Additional adjustments were made for economic benefit and history of non-compliance.

7. 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) 5 of this Order. 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 8, 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 6 of this Order.

8. 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 (OGC #21-0978) 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.

9. In lieu of making cash payment of \$ 55,179.64 in civil penalties as set forth in paragraph 6 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 \$ 83,519.46. 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 <sup>[1]</sup>.

10. If Respondent elects to implement an in-kind project as provided in paragraph 9, then Respondent shall comply with all the requirements and time frames within the state time periods:

a) Within 180 days of the effective date of this Consent Order Respondent shall complete the entire in-kind project.

b) 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.

c) 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

[1] An in-kind project has been approved as of the date of this Order. The in-kind project proposal is included in Exhibit 1. The Department's approval letter is included in Exhibit 2.

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 \$ 55,179.64, no additional penalties shall be assessed under paragraph 7 for failure to complete the requirements of this paragraph.

11. Except as otherwise provided, all submittals and payments required by this Order shall be sent to Mackenzie Black, Central District, Department of Environmental Protection, 3319 Maguire Blvd., Ste 232, Orlando, FL 32802 and [DEP\\_CD@dep.state.fl.us](mailto:DEP_CD@dep.state.fl.us).

12. 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.

13. In the event of a sale or conveyance of the Facility or of the Property upon which the 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 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 Facility, and (c) provide a copy of this Order with all attachments to the purchaser, operator, or person(s) in control of the Facility. The sale or conveyance of the Facility or the Property does not relieve Respondent of the obligations imposed in this Order.

14. 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 shall be considered circumstances beyond the control of Respondent (unless the cause of the contractor's late performance was also beyond the contractor's control). 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 (a) the anticipated length and cause of the delay, (b) the measures taken or to be taken to prevent or minimize the delay, and (c) 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 identify 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.

15. The Department, for and in consideration of the complete and timely performance by Respondent of all the obligations agreed to in this Order, hereby conditionally waives its right to seek judicial imposition of damages or civil penalties for the violations described above up to the date of the filing of this Order. This waiver is conditioned upon Respondent's complete compliance with all of the terms of this Order.

16. 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.

17. The Department hereby expressly reserves the right to initiate appropriate legal action to address any violations of statutes or rules administered by the Department that are not specifically resolved by this Order.



18. 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 \$15,000.00 per day per violation, and criminal penalties.

19. 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.

20. 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.

21. 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 constitutes a violation of section 403.161(1)(b), F.S.

22. 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 Consent Order will not be effective until further order of the Department.

23. Persons who are not parties to this Consent 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 Consent Order means that the Department's final action may be different from the position it has taken in the Consent 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 3319 Maguire Blvd, Ste 232, Orlando, FL 32803 or DEP\_CD@dep.state.fl.us. 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. Before the deadline for filing a petition, a person whose substantial interests are affected by this Consent Order may choose to pursue mediation as an alternative remedy under section 120.573, Florida Statutes. Choosing mediation will not adversely affect such person's right to request an administrative hearing if mediation does not

result in a settlement. Additional information about mediation is provided in section 120.573, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.

24. Rules referenced in this Order are available at

<http://www.dep.state.fl.us/legal/Rules/rulelist.htm>.

Attachments:

Exhibit 1 – Proposed In-Kind Project

Exhibit 2 – Department Approval of In-Kind Project

FOR THE RESPONDENT:

  
Name: Craig N. Thatcher  
Title: CEO

4/12/2022  
Date

DONE AND ORDERED this 15 day of April, 2022, in Orange County,  
Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



on behalf of

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

April 15, 2022

Date

Copies furnished to:

Lea Crandall, Agency Clerk  
Mail Station 35

# THATCHER CHEMICAL OF FLORIDA, INC.

P. O. Box 489, Deland, FL 32721-0489



Phone (386) 490-1638

Fax (386) 490-1641

April 1, 2022

**Via Email** ([Nathan.Hess@FloridaDEP.gov](mailto:Nathan.Hess@FloridaDEP.gov))

Nathan Hess  
Assistant Director  
Florida Department of Environmental Protection, Central District  
3319 Maguire Boulevard  
Orlando, Florida 32803

Re: Thatcher Chemical of Florida – Deland  
In-Kind Penalty Proposal  
OGC Case No. 21-0978

Dear Mr. Hess:

Thatcher Chemical of Florida ("TCFL") is pleased to propose an in-kind penalty project to offset the penalties assessed by the Department following its inspection of the TCFL Deland facility on May 20, 2022. Based on the Department's Long Form Consent Order ("LFCO") presented to TCFL on or about January 14, 2022, TCFL failed to maintain good housekeeping best management practices in violation of Rule 62-621.300(5) of the Florida Administrative Code ("F.A.C.") and failed to utilize valves to manage runoff from industrial activities and contributed to a prohibited non-stormwater discharge in violation of Rule 62-621.300(5), F.A.C. A copy of the LFCO is included as Attachment "A." Based on the Department's penalty calculation, TCFL is assessed a penalty of \$55,679.64 for civil penalties and \$500.00 for costs.

Pursuant to the Department's Directive 923, an in-kind penalty project can be considered in this case because TCFL is a private party proposing an in-kind penalty project that does not involve environmental restoration or enhancement for a calculated penalty of over \$50,000. TCFL is proposing a facility improvement that will directly enhance the Department's pollution control activities.

In summary, the proposed project provides for the acquisition of three box trailers to accommodate several improvements to the storage and handling of magnetite product at TCFL's Deland and Palmetto facilities that will enhance pollution controls at both facilities. If the Department were to accept this in-kind project, it would not be giving credit for any required cost of corrective action as the project encompasses improvements at a facility and processes that were not the subject of the inspection. This in-kind project goes above and beyond what would be a discrete corrective action and provides a holistic solution to magnetite product management that eliminates or greatly reduces the associated potential releases.

## Existing Process

Currently, magnetite product is received and off-loaded at the Palmetto facility. A portion of the magnetite is retained for use at the Palmetto facility and a portion is loaded onto standard dump trucks and transported to the Deland facility. The magnetite product is off-loaded at the Deland facility and stored in the concrete containment area identified in the Department's Inspection Report.

As needed in the process, the magnetite is transferred from the containment area to the slurry process tank using a front-end loader. Even when in complete compliance, the existing process has certain levels of release potential that will be largely eliminated by the proposed in-kind penalty project.

### **Proposed In-Kind Project**

The in-kind project requires the acquisition of three fully enclosed box trailers measuring either 48' or 53' in length which will be used for the transportation and on-site storage of magnetite in bulk bags. Specifically, magnetite would be loaded in bulk bags at the Palmetto facility and placed into a trailer. The trailer would be transported to the Deland facility and the magnetite would be stored in the trailer until needed for use in the process. At that time, a bulk bag would be removed from the trailer and transported by forklift to a hoist and unloaded directly into the reactor vessel. The bulk bag would not be opened or emptied until in position over the reactor. The slurry tank will no longer be used.

A total of three box trailers will be required. Two trailers will be used to store and contain the magnetite. The third will be used to transfer product from Palmetto to Deland so that there are always two trailers containing magnetite product at the Deland facility. Based on preliminary pricing, the minimum cost of the three trailers is estimated at \$84,269.46.

### **Environmental Benefits**

The environmental benefits from the implementation of this in-kind project will greatly enhance pollution controls at the Deland and Palmetto facilities and will almost eliminate the potential for releases of magnetite product from storage, transport, and handling stages. The environmental benefits include the following:

- Reduced potential for spills and releases at the Palmetto facility – the use of bulk bags and trailers will eliminate the transfer of magnetite into dump trucks at the Palmetto facility.
- Eradication of fugitive dust releases during transport – magnetite will no longer be transported in dump trucks over 150 miles along major interstates and roadways from Palmetto to Deland. The use of a totally enclosed trailer will eliminate any fugitive dust releases and will minimize the potential for spills and releases during this transport.
- Elimination of spills and releases of magnetite during offloading – magnetite will no longer be offloaded from dump trucks to the containment area but will instead be received in the fully contained trailers. This eliminates this handling process with its potential for releases.
- Removal of the open containment area and elimination of associated releases - open storage of loose magnetite within the containment area and associated releases will cease. Potential releases to stormwater and related conveyances from the storage of magnetite will be eliminated.
- Improved magnetite handling method to eliminate releases during transfer and input to the process - front end loaders will no longer be used to transfer loose magnetite across the Deland facility. Additionally, the process will be modified to facilitate direct input of magnetite into the process such that the slurry tank will no longer be used, further reducing if not eliminating the potential for associated releases.

## Conclusion

TCFL's proposed in-kind penalty project is unique to its current facilities and processes. It will provide for double containment of magnetite product from loading at the Palmetto facility until its use at the Deland facility within the process. The introduction of the magnetite to the environment will be largely eliminated. This revised process also eliminates the need for a simple discrete corrective action and instead presents a holistic change to magnetite transportation, management and handling over two facilities that enhances pollution controls and significantly reduces potential for releases to the environment. Based on the conservative estimated costs of the proposed in-kind penalty of \$84,269.46, TCFL will expend greater than 1.5 times<sup>1</sup> the proposed penalty in instituting the new process/project within its business.

Please do not hesitate to contact Darren Bauer ([Darren.Bauer@tchem.com](mailto:Darren.Bauer@tchem.com)) should you have any questions regarding this proposal.

Sincerely,



Craig Thatcher  
President  
Thatcher Chemical of Florida, Inc.

## Attachment

cc: Mackenzie Black, [Mackenzie.Black@FloridaDEP.gov](mailto:Mackenzie.Black@FloridaDEP.gov)  
Daniel Hall, [Daniel.K.Hall@FloridaDEP.gov](mailto:Daniel.K.Hall@FloridaDEP.gov)  
Darren Bauer, [Darren.Bauer@tchem.com](mailto:Darren.Bauer@tchem.com)  
Carl Eldred, [celdred@stearnsweaver.com](mailto:celdred@stearnsweaver.com)

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<sup>1</sup> It should be realized that TCFL will be adjusting its processes in implementing the in-kind penalty project. Training and adjustments to practices will be required and these costs are not accounted for here. The estimated cost presented is the minimum cost for the trailers under consideration.

IN-KIND PENALTY AUTHORIZATION

CENTRAL DISTRICT

Investigator: Mackenzie Black

Date Submitted: April 4, 2022

1. VIOLATOR: Thatcher Chemical of Florida (NPDES Facility ID FLR05H642)
2. LOCATION OF VIOLATION: 245 Hazen Road, Deland, FL
3. NATURE OF VIOLATION:
  - a) Program Area: NPDES
  - b) Consent Order: OGC No. 21-0978
  - c) Consent Order Effective Date: **TBD**
  - d) Violation Type: Facility is in violation of 621.300(5)(a), Florida Administrative Code (F.A.C.), Federal Register, Volume 60, Number 189, pages 50804-51319, published on September 29, 1995
4. PENALTY:

Calculation Parameters	Cost
Penalty amount assessed in consent order	\$55,679.64
Minimum required in-kind amount (1.5 x the penalty amount)	\$83,519.46
Estimated cost of proposed project	\$84,269.46

5. RESPONSIBLE PARTY:

☐ Government entity

☐ Private party proposing an environmental restoration or enhancement project

☒ Private party proposing a project for a penalty over \$50K (not an environmental restoration or enhancement project)
6. PROJECT TYPE (See DEP Directive 923 for specific requirements under each category):

☐ Material and/or labor support for Environmental Enhancement or Restoration Projects

☐ Environmental Information/Education Projects



☒ Capital or Facility Improvements

☐ Property

7. COMMENTS/JUSTIFICATION:

The project is in addition to the requirements of the Consent Order

Central District Florida Department of Environmental Protection attests that the proposed in-kind project is beyond the normal operation and maintenance needed for the system to maintain compliance. The facility has proposed significant capital improvement that will benefit both their Deland and Palmetto facilities, as well as the transportation of magnetite.

8. PENALTY RECOMMENDATION:

District recommends approval of the proposed In-Kind project. The project is attached.

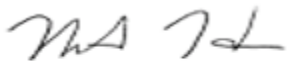
[file:///floridadep/data/CD/all\\_common/Sites/Volusia/ST-NPDES/MSGP/Thatcher%20Chemical\\_FLR05H642/20210520\\_CEI\\_MMB/2021%20Enforcement/In-Kind%20for%20Review/TCFL%20Deland%20-%20In-Kind%20Project%20Proposal%20\(Signed\).PDF](file:///floridadep/data/CD/all_common/Sites/Volusia/ST-NPDES/MSGP/Thatcher%20Chemical_FLR05H642/20210520_CEI_MMB/2021%20Enforcement/In-Kind%20for%20Review/TCFL%20Deland%20-%20In-Kind%20Project%20Proposal%20(Signed).PDF)

**OGC Review is required:**

☐ Unique case identified by Division or District Director

☒ Case involves a proposed cash penalty of \$15,000 or more to be satisfied with an in-kind proposal that does not involve environmental enhancement or restoration

☐ NA – OGC review is not required because case does not meet threshold for OGC review outlined in DEP 923.



*On behalf of:*

---

Aaron Watkins  
Director  
Central District

  X   APPROVED

           DISAPPROVED

X APPROVED

\_\_\_\_\_ DISAPPROVED

/s/ Kirk S. White

\_\_\_\_\_  
Deputy General Counsel

Date: 4/5/22