

December 15, 2021

Mr. Robin Stach, Manager
Aqua-Dyne, LLC
728 Sunset Cove
Madeira Beach, FL 33708

RE: Consent Order CO-AQE-21-00060

CERTIFIED MAIL:

Mr. Stach:

Consent Order CO-AQE-21-00060 (the "Order"), which seeks to resolve violation of Pinellas County Code, Chapter 58 (Environment), Article IV. (Air Quality), is enclosed. A signed Order must be returned to the County Air Quality Division by December 23, 2021. The signed Order may either be hand-delivered to Division HQ at 509 East Av. S, Ste. 138, Clearwater, FL 33756 (Monday through Friday, 8AM to 5PM) or e-mailed to Environmental Specialist 3, Cari Burchfield at airquality@pinellascounty.org.

An officer or a duly authorized representative of Aqua-Dyne, LLC (Aqua-Dyne) must sign the Order. If a representative of Aqua-Dyne signs the Order, a letter or memo signed by an officer of Aqua-Dyne stating that the representative has the requisite signature authority must be included with the signed Order.

If Aqua-Dyne fails to timely sign and return the Order, the Order (offer to settle) is revoked and this matter will be referred to the County Attorney's Office for appropriate enforcement action.

If you have any questions or need more information, please contact Cari Burchfield at (727) 464-4422.

Sincerely,



Sheila E. Schneider, MSCM
Air Quality Division Manager

Copy: Mr. Chris Stach, Aqua-dyne (sent via email to: cchrisstach85@gmail.com)
AIRCOM/Permit 1030579-002-AG

Re: Proposed Final Agency Action (Consent Order)
Aqua-Dyne, LLC
Enforcement Case No: CO-AQE-21-00060

The purpose of this Consent Order (this "Order") is to resolve ongoing violations of Pinellas County Code (the "Code"), Chapter 58, Article IV. committed by Aqua-Dyne, LLC (Aqua-Dyne) at the facility located at 2055 34th Way North, Largo (the "Facility") operating under FDEP Air General Permit No. 1030579-002-AG (the "Permit") (the "Subject Code Violations"). The Subject Code Violations are described in the Notice of Violation issued by the Pinellas County Air Quality Division (the "Division") to Aquadyne on October 27, 2021 (the "NOV"), a copy of which is attached hereto. To resolve the Subject Code Violations, Aqua-Dyne agrees to:

- 1) In accordance with F.A.C. 62-210.310 (as incorporated into the Code by Section 58-103(a) of said Code) and the Permit, compile complete and accurate records documenting the quantity of resin and gelcoat used at the Facility, on a monthly basis, for the period running from April 23, 2018 (the effective date of the Permit) to November 30, 2021. Such records must be provided together with the signed Order as per the instructions on the cover letter to this Order.
- 2) In accordance with F.A.C. 62-210.310 and the Permit, compile complete and accurate records documenting the quantity of resin and gelcoat used at the Facility, on a monthly basis, for the period running from December 1, 2021 until the Permit's expiration (scheduled April 23, 2023) or termination. Such records must be provided to the Division by the 10th of each subsequent month. For example, the records for December 2021 are due January 10, 2022. The records may be mailed or hand delivered to Division HQ at 509 East Av. S, Ste. 138, Clearwater, FL 33756 (Monday through Friday, 8AM to 5PM); alternatively, the records may be e-mailed to airquality@pinellascounty.org.

The Division reserves the right to require that Aqua-Dyne retain the services of a third party business to compile the requisite records at any time. Aqua-Dyne is encouraged to submit records to TDG Properties Largo, LLC, until and unless TDG Properties Largo, LLC requests otherwise.

- 3) Provide a check or money order for a total of \$8,530 (eight thousand five hundred thirty dollars) to be paid in three monthly installments; this amount fully satisfies the Subject Code Violations, including any Division compliance inspection fees that remain outstanding as of the effective date of this Order. The check or money order must be made out to the "**Pinellas County Board of County Commissioners**" with a notation for the "**Pinellas County Air Pollution Recovery Fund.**" The Division Case # (**CO-AQE-21-00060**) must be written at the top of each check or money order. The check or money order be provided with the signed Order as per the instructions on the cover letter to this Order.

Three payments are due on, or before the following dates:

- 1) First payment of \$2,843.34 is due December 23, 2021 (include signed Consent Order)
- 2) Second payment of \$2,843.33 is due January 24, 2022.
- 3) Third payment of \$2,843.33 is due February 24, 2022.

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Miscellaneous

This Order constitutes a binding agreement fully relieving Aqua-Dyne of any liability to the County for the Subject Code Violations. However, this Order does not relieve Aqua-Dyne of any liability to third parties, nor does it relieve any third parties of any liability for the Subject Code Violations. Moreover, if any term herein is not satisfactorily and timely performed by Aqua-Dyne, the County may: (a) seek specific performance, together with any other available contractual remedies, from a court of competent jurisdiction; or (b) terminate this Order and initiate formal enforcement proceedings for the Subject Code Violations. The County's rights under (a) and (b) are not waivable or time barred.

This Order is effective upon execution by both parties. By executing this Order, Aqua-Dyne is not relieved of the need to comply with all statutes, regulations, and ordinances at the Federal, state, and local levels as applicable. This Order is governed by the laws of the State of Florida; any litigation arising hereunder shall be filed and heard in Pinellas County, Florida. This Order is severable; if any provision is deemed invalid by a court of competent jurisdiction, the remainder remains in effect.

AQUA-DYNE, LLC:



Signature

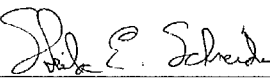
Robin J. Stach

Printed Name

12/21/21

Date

PINELLAS COUNTY:



Sheila E. Schneider, Manager

*Pinellas County Air Quality Division
509 East Ave. South, Ste. 138
Clearwater, Florida 33756*

12/27/2021

Date

Approved as to form:



County Attorney

ENTERED and FILED this 27th day of Dec., 2021, in Clearwater, Florida.