



ENVIRONMENTAL PROTECTION DIVISION

David D. Jones, P.E., CEP, Manager

3165 McCrory Place, Suite 200

Orlando, FL 32803-3727

407-836-1400 • Fax 407-836-1499

www.ocfl.net

April 21, 2023

**EMAIL AND CERTIFIED MAIL: 9489 0090 0027 6388 9907 79**

Mr. Mike Osborne  
Industrial Container Services – FL, LLC  
6191 Jones Ave.  
Zellwood, FL 32798  
[mike.osborne@mauserpackaging.com](mailto:mike.osborne@mauserpackaging.com)

**RE: Amended Settlement by Consent Agreement  
ICS – FL Drum Reconditioning Facility – Facility #0950055  
6191 Jones Ave., Zellwood, FL 32798  
(PID 21-20-27-2784-00-190)  
Orange County Commission District: 2  
EPD Incident #22-614082  
File No: AQM #22-009**

Dear Mr. Osborne:

The purpose of this document is to resolve the matters identified by the Orange County Environmental Protection Division (“EPD”) in the Code Violation Summary attached as Warning Letter #22-009. Additional violations were discovered during review of files submitted by the facility, that were requested as part of an existing violation investigation, as well as after a site inspection conducted on February 21, 2023. The review of files showed that the facility failed to perform periodic maintenance on the pollution control equipment (Thermal Oxidizer) for Emissions Unit (EU) 001 (Drum Reclamation Furnace). This was determined to be the cause of at least two excess smoke events reported to EPD as malfunctions. In addition, review of records, provided during and after the site inspection, show that the facility is using two coatings that do not appear to be compliant with Reasonably Available Control Technology (RACT) rules.

Pursuant to **Title V Air Operation Permit 0950055-010-AV, Appendix NESHAP-A, 40 Code of Federal Regulations (CFR) 63, Subpart A, General Provisions, Condition 63.6**

**§63.6** Compliance with standards and maintenance requirements.

(e) *Operation and maintenance requirements.* (1)(i) At all times, including periods of startup, shutdown, and malfunction, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. During a period of startup, shutdown, or malfunction, this general duty to minimize emissions requires that the owner or operator reduce emissions from the affected source to the greatest extent which is consistent with safety and good air pollution control practices. The general duty to minimize emissions during a period of startup, shutdown, or malfunction does not require the owner or operator to achieve emission levels that would be required by the applicable standard at other times if this is not consistent with safety and good air pollution control practices, nor does it require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether such operation and maintenance

April 21, 2023

ICS – FL Drum Reconditioning Facility Amended Consent Agreement

EPD Incident #22-614082

File No: AQM #22-009

Page 2 of 6

procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures (including the startup, shutdown, and malfunction plan required in paragraph (e)(3) of this section), review of operation and maintenance records, and inspection of the source.

Pursuant to **Title V Air Operation Permit 0950055-010-AV, Appendix NESHAP-A, 40 CFR 63, Subpart A, General Provisions, Condition 63.2 -**

**§63.2 Definitions.**

*Malfunction* means any sudden, infrequent, and not reasonably preventable failure of air pollution control and monitoring equipment, process equipment, or a process to operate in a normal or usual manner which causes, or has the potential to cause, the emission limitations in an applicable standard to be exceeded. **Failures that are caused in part by poor maintenance or careless operation are not malfunctions.**

**Title V Air Operation Permit 0950055-010-AV, Condition C.8.**, pursuant to **Rule 62-296.513(2), Florida Administrative Code (F.A.C.)**, states that no owner or operator of a coating line for miscellaneous metal parts and products shall cause, allow, or permit the discharge into the atmosphere of any volatile organic compounds in excess of:

- a. 4.3 pounds per gallon of coating (0.52 kilograms per liter), excluding water, delivered to a coating applicator that applies clear coatings;\*
- b. 3.5 pounds per gallon of coating (0.42 kilograms per liter), excluding water, delivered to a coating applicator in a coating application system that is air dried or forced warm air dried at temperatures up to 194°F (90°C);
- c. 3.5 pounds per gallon of coating (0.42 kilograms per liter), excluding water, delivered to a coating applicator that applies extreme performance coatings; or
- d. 3.0 pounds per gallon of coating (0.36 kilograms per liter), excluding water, delivered to a coating applicator for all other coatings and coating application systems.

If more than one emission limitation above (**C.8.a.** through **C.8.d.**) applies to a specific coating, then the least stringent emission limitation shall be applied. All volatile organic compound emissions from solvent washing shall be considered in the emission limitations described above (**C.8.a.** through **C.8.d.**), unless the solvent is directed into containers that prevent evaporation into the atmosphere.

*{\*Permitting Note: Per EPA's 09-03-1980 memo signed by Tom Helms, other drum interior coatings are included even though they may not be true "clear coat".}*

Orange County is under contract with the Florida Department of Environmental Protection ("FDEP") to carry out permitting, monitoring, compliance, and enforcement actions for FDEP air quality rules under Chapter 62 of the Florida Administrative Code (F.A.C.). These rules have been incorporated by reference into Chapter 15, Article III, of the Orange County Code.

The corrective action conditions shall be met within six months of the effective date of this Agreement by the following requirements:

- Provide monthly updates to EPD on the progress of improvements to the facility's camera system to allow for better viewing of the drum reclamation furnace thermal oxidizer stack in order to prevent excess smoke emissions. Updates shall be emailed to [AirComplianceOrangeCounty@ocfl.net](mailto:AirComplianceOrangeCounty@ocfl.net) no later than the last day of each month, beginning January 31, 2023.

April 21, 2023

ICS – FL Drum Reconditioning Facility Amended Consent Agreement

EPD Incident #22-614082

File No: AQM #22-009

Page 3 of 6

- Provide updates to EPD if and when additional improvements are made to the facility to address the issue with excess smoke, such as installation of an in-stack opacity meter. Updates shall be emailed to [AirComplianceOrangeCounty@ocfl.net](mailto:AirComplianceOrangeCounty@ocfl.net).
- Revise maintenance plan to include periodic inspection and cleaning of drum reclamation furnace ducts leading to the thermal oxidizer and ensure inspection and cleaning events are documented. Provide a copy of the revised maintenance plan to EPD.
- Immediately cease using coatings that are not in compliance with RACT rules.
- Draft a new or edit an existing Standard Operating Procedure (SOP) or memo that explains how Industrial Container Services – FL LLC (ICS) will prevent these violations in the future.

In accordance with Orange County guidelines, the appropriate penalties and administrative costs for the alleged violations are apportioned as follows:

- \$7,499.00, a revised amount for violation of Rules 62-296.320 & 62-296.513(2), F.A.C., adopted by reference in Section 15-90, Orange County Code; Section 403.161 Florida Statutes (FS); 40 CFR 63, Subpart A, and Title V Air Operation Permit 0950055-010-AV.
- \$1,874.75, a revised amount for History of Non-Compliance.
- \$500.00, a revised amount for associated administrative costs.

In the interim of issuing this Consent Agreement, payment of the initial penalty assessed in the amount of \$5,875.00 was received on March 13, 2023, from ICS. In addition, ICS provided monthly camera system updates on January 27, 2023, February 28, 2023, and March 27, 2023. The March update indicated that the new camera showing the exhaust stack is now installed and operational. A photo of the view from the camera was also provided.

The EPD proposes to resolve this matter upon timely completion of the aforementioned corrective action conditions and your additional payment of **\$3,998.75**. EPD acknowledges that payment by you does not constitute an admission of liability. This additional payment of **\$3,998.75** must be made payable to the **Orange County BCC** by cashier's check or money order and shall include the AQM File Number assigned above and the notation "**Air Quality Improvement Fund.**"

The payment is due no later than May 31, 2023.

EPD, in consideration of the complete and timely performance of the obligations in this Consent Agreement, hereby conditionally withholds its right to begin formal enforcement proceedings, or seek judicial imposition of damages, and/or civil penalties for the violations described herein.

If you violate the terms of this Consent Agreement or do not sign and return this letter to EPD at the address above within thirty (30) days of the date of this letter. EPD will assume that you are declining to settle this matter on the above-described terms. Without this resolution, it is EPD's intent to either institute judicial proceedings in a court of competent jurisdiction or begin formal enforcement proceedings before the Orange County Code Enforcement Special Magistrate. In either case, it would be EPD's intent to seek damages, penalties, and costs in no less an amount than that provided above.

April 21, 2023

ICS – FL Drum Reconditioning Facility Amended Consent Agreement

EPD Incident #22-614082

File No: AQM #22-009

Page 4 of 6

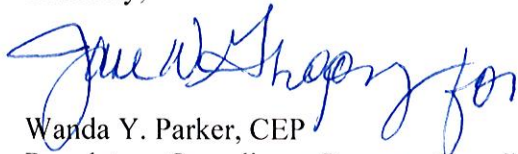
The County hereby expressly reserves the right to initiate any appropriate legal action to enforce the terms of this Consent Agreement or to address, prevent or prohibit any violations of applicable County ordinances, statutes, or the rules promulgated there under, that are not specifically resolved by the terms of the Consent Agreement.

The provisions of this Consent Agreement shall apply to and be binding upon the parties, their officers, directors, agents, servants, employees, successors and assigns. No modifications of the terms of the Consent Agreement shall be effective until reduced to writing and executed by both you and the County.

Your signature on this letter constitutes your acceptance of EPD's offer to resolve this matter on these terms. If you elect to sign this letter, please return it to EPD at 3165 McCrory Place, Suite 200, Orlando, Florida 32803, together with a cashier's check or money order for **\$3,998.75**. Signed letters may also be emailed to [AirComplianceOrangeCounty@ocfl.net](mailto:AirComplianceOrangeCounty@ocfl.net). The Consent Agreement shall be effective upon EPD's final signature (the "Effective Date").

Please contact me at 407-836-1434 or [Wanda.Parker@ocfl.net](mailto:Wanda.Parker@ocfl.net) if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Wanda Y. Parker for".

Wanda Y. Parker, CEP  
Regulatory Compliance Program Coordinator  
Air Quality Management  
Orange County Environmental Protection Division

April 21, 2023  
ICS – FL Drum Reconditioning Facility Amended Consent Agreement  
EPD Incident #22-614082  
File No: AQM #22-009  
Page 5 of 6

FOR THE RESPONDENT:

I, Mike Osborne, HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

\_\_\_\_\_  
Mike Osborne  
Facility Manager  
Industrial Container Services – FL, LLC

\_\_\_\_\_  
Date

FOR DIVISION USE ONLY:

\_\_\_\_\_  
Wanda Y. Parker, CEP  
Regulatory Compliance Program Coordinator  
Air Quality Management  
Orange County Environmental Protection Division

Entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2023, in Orlando, Florida.

Attachment

ML/WYG:kw

- c: David Jones, P.E., CEP, Manager, EPD  
Renee Parker, LEP, Assistant Manager, EPD  
Elizabeth R. Johnson, CEP, Assistant Manager, EPD  
Jane Gregory, CHMM, CIT, LEED GA, Environmental Programs Administrator, EPD  
Aaron Watkins, Director, Central District, FDEP, [aaron.watkins@floridadep.gov](mailto:aaron.watkins@floridadep.gov)  
Jessica Dalton, Environmental Administrator, FDEP, [jessica.dalton@floridadep.gov](mailto:jessica.dalton@floridadep.gov)  
John Stephens, Mauser Packaging, [john.stephens@mauserpackaging.com](mailto:john.stephens@mauserpackaging.com)  
Lorne Mills, Mauser Packaging, [lorne.mills@mauserpackaging.com](mailto:lorne.mills@mauserpackaging.com)  
Rick Capps, Mauser Packaging, [rick.capps@mauserpackaging.com](mailto:rick.capps@mauserpackaging.com)  
Ilka Bundy, Environmental Team Leader, EPD  
Mary Lawrence, Senior Environmental Specialist, EPD  
Terri Brinson, Administrative Specialist, EPD



**ENVIRONMENTAL PROTECTION DIVISION**

**David D. Jones, P.E., CEP, Manager**

3165 McCroly Place, Suite 200  
Orlando, FL 32803-3727  
407-836-1400 • Fax 407-836-1499  
www.ocfl.net

**COPY**

November 14, 2022

**EMAIL AND CERTIFIED MAIL: 9489 0090 0027 6383 0983 19**

**WARNING LETTER: AQM # 22-009**

Mr. Mike Osborne  
Industrial Container Services – FL, LLC  
PO Box 278  
Zellwood, FL 32798  
[mike.osborne@mauserpackaging.com](mailto:mike.osborne@mauserpackaging.com)

**RE: Orange County – Permit No. 0950055-010-AV  
ICS – FL Drum Reconditioning Facility  
6191 Jones Ave., Zellwood, FL 32798  
(PID 21-20-27-2784-00-190)  
Violation of Chapter 15, Article III, Orange County Code  
Violation of Title V Air Operation Permit 0950055-010-AV  
EPD Incident #22-614082  
Orange County Commission District: 2**

Dear Mr. Osborne:

The Orange County Environmental Protection Division (EPD) has the power and duty to control and prohibit air pollution in the County in accordance with the rules and regulations promulgated by Orange County, the Florida Department of Environmental Protection (FDEP) and the Environmental Protection Agency (EPA).

The purpose of this letter is to advise you of possible violations of the law for which you may be responsible and to seek your cooperation in resolving the matter. An inspection conducted by EPD staff on October 4, 2022, and a complaint investigation conducted without an inspection on October 17, 2022, indicate that violations of federal, state and county codes, statutes, regulations, and ordinances may exist at the above-referenced facility. EPD noted the following:

- The facility exceeded the permitted opacity limit by emitting black smoke from Emissions Unit (EU) 001 that was observed exceeding 20% opacity.
- The facility failed to timely notify EPD of plant operation problems and noncompliance with the permitted opacity limit.

It is noted that on October 19, 2022, the facility submitted a startup, shutdown, and malfunction report, and additional information regarding the October 4, 2022, incident, after EPD requested the information from the facility via email on October 17, 2022.

*Serving our community by conserving, protecting, and enhancing the environment for current and future generations.*

COPY

**Orange County Code - Chapter 15 Environmental Control - Article III. Air Quality Control - Division 2. - Rules:**

The board of county commissioners adopts by specific reference the rules of the Florida Department of Environmental Protection relating to air quality standards and criteria, design, construction, permitting, performance, operation, maintenance, monitoring and reporting requirements for air pollution sources.

**Section 403.161 (1) (b), Florida Statutes**, provides that it shall be a violation of this chapter, and it shall be prohibited for any person to fail to obtain any permit required by this chapter or by rule or regulation, or to violate or fail to comply with any rule, regulation, order, permit, or certification adopted or issued by the FDEP pursuant to its lawful authority.

**Title V Air Operation Permit 0950055-010-AV, Condition FW5**, pursuant to Rules 62-296.320(4)(b)1. & 4., Florida Administrative Code (F.A.C.), states that no person shall cause, let, permit, suffer, or allow to be discharged into the atmosphere the emissions of air pollutants from any activity equal to or greater than 20% opacity. This regulation does not impose a specific testing requirement.

**Title V Air Operation Permit 0950055-010-AV, Specific Condition A.4.**, pursuant to Rule 62-296.320(4)(b)1., F.A.C., states that the visible emission for each particulate emissions source are limited to less than 20 percent opacity.

Pursuant to **Title V Air Operation Permit 0950055-010-AV, Appendix RR, Facility-Wide Reporting Requirements, Condition RR2.** -

**RR2.** Reports of Problems.

a. Plant Operation-Problems. If the permittee is temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by hazard of fire, wind or by other cause, the permittee shall immediately notify the EPD. Notification shall include pertinent information as to the cause of the problem, and what steps are being taken to correct the problem and to prevent its recurrence, and where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with Department or EPD rules.

b. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the EPD with the following information:

(1) A description of and cause of noncompliance; and

(2) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the EPD for penalties or for revocation of this permit.

c. When requested by the EPD, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes



COPY

aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the EPD, such facts or information shall be corrected promptly.


d. "Immediately" shall mean the same day, if during a workday (i.e., 8:00 a.m. - 5:00 p.m.), or the first business day after the incident, excluding weekends and holidays; and, for purposes of Rule 62-4.160(15) and 40 Code of Federal Regulations (CFR) 70.6(a)(3)(iii)(B), "promptly" or "prompt" shall have the same meaning as "immediately". [Rules 62-4.130, 62-4.160(8), 62-4.160(15), and 62-213.440(1)(b), F.A.C.; 40 CFR 70.6(a)(3)(iii)(B)]

**You are requested to contact Mary Lawrence at (407) 836-1490 or at [mary.lawrence@ocfl.net](mailto:mary.lawrence@ocfl.net) within fifteen (15) days of receipt of this Warning Letter to schedule a time to discuss the matter.** EPD is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may conference in anyone that you feel could help resolve the matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 15-71, Orange County Code.

We look forward to your cooperation in completing the investigation and resolution of this matter. If you do not comply with the timeframe to contact staff, it will be assumed that you are not interested in settling this matter, and this matter will be referred to the Orange County Code Enforcement Special Magistrate with a recommendation that further enforcement action be taken against you.

Sincerely,



Wanda Y. Parker, CEP  
Regulatory Compliance Program Coordinator  
Air Quality Management  
Orange County Environmental Protection Division

ML/WYP:kw

- c: David Jones, P.E., CEP, Manager, EPD
- Renee H. Parker, LEP, Assistant Manager, EPD
- Elizabeth R. Johnson, CEP, PWS, MPA, Assistant Manager, EPD
- Jane Gregory, CHMM, CIT, LEED GA, Environmental Programs Administrator, EPD
- Aaron Watkins, Director, Central District, FDEP, [aaron.watkins@floridadep.gov](mailto:aaron.watkins@floridadep.gov)
- Jessica Dalton, Environmental Administrator, FDEP, [jessica.dalton@floridadep.gov](mailto:jessica.dalton@floridadep.gov)
- Iika Bundy, Environmental Team Leader, EPD
- Mary Lawrence, Senior Environmental Specialist, EPD