



ENVIRONMENTAL PROTECTION DIVISION

Renée H. Parker, LEP, Manager

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

February 23, 2024

VIA EMAIL

Mr. Kevin Beverage
Gateway Services, Inc.
kbeverage@gatewayservicesinc.com

**RE: Executed Settlement by Consent Agreement and Case Closure
Pet Angel Apopka (F.K.A. Greenbrier Pet Loss Services
Facility ID No. 0950149
3703 W. Kelly Park Rd., Apopka, FL 32712
Orange County Commission District: 2
EPD Incident #23-630751
File No: AQM #23-007**

Dear Mr. Beverage:

Attached is the executed Consent Agreement to resolve the above referenced incident. We are in receipt of the full penalty payment and consider this matter closed.

If you have any questions, please contact me at 407-836-1434. Your attention to this matter has been appreciated.

Sincerely,

A handwritten signature in blue ink that reads "Wanda Y. Parker".

Wanda Y. Parker, CEP
Regulatory Compliance Program Coordinator
Air Quality Management

Attachment

ML/WYP:ml

c: Renée Parker, LEP, 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
Jessica Dalton, Environmental Administrator, FDEP, jessica.dalton@floridadep.gov
Cody Duplantis, Pet Angel, cduplantis@petangelmemorialcenter.com
Shelly Walker, Gateway Services, Inc., walkerm@gatewayservicesinc.com
Heather Dinkel, Gateway Services, Inc. hdinkel@gatewayservicesinc.com
Ilka Bundy, Environmental Team Leader, EPD
Quinn Outing, Senior Environmental Specialist, EPD
Mary Lawrence, Senior Environmental Specialist, EPD



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Renée H. Parker, LEP, Manager

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February 5, 2024

EMAIL AND CERTIFIED MAIL: 9489 0090 0027 6344 9299 11

Mr. Kevin Beverage
Gateway Services, Inc.
2 Daniels Way
Cranston, RI 02921
kbeverage@gatewayservicesinc.com

**RE: Proposed Settlement by Consent Agreement
Pet Angel Apopka (F.K.A. Greenbrier Pet Loss Services)
Facility ID No. 0950149
3703 W. Kelly Park Rd., Apopka, FL 32712
Orange County Commission District: 2
EPD Incident #23-630751
File No: AQM #23-007**

Dear Mr. Beverage:

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 #23-007. 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.

As of November 7, 2023, you have successfully addressed the following Corrective Actions:

1. Conducted visible emissions retesting on Emissions Unit (EU) 007.
2. Re-registered facility for Air General Permit due to ownership & contact changes.
3. Installed opacity sensor on EU 010.
4. Provided startup/shutdown/malfunction procedures to be used on cremation units.
5. Provided operations and maintenance manuals for each type of cremation unit.

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

- \$7,000.00 for violation of Rules 62-210.310(5) and 62-296.401(6), F.A.C., adopted by reference in Section 15-90, Orange County Code; and Section 403.161 Florida Statutes (FS).
- \$1,750.00 for lack of good faith after discovery.
- \$3,500.00 for history of non-compliance.

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

February 5, 2024

Pet Angel Apopka (F.K.A. Greenbrier Pet Loss Services)

EPD Incident #23-630751

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- \$750.00 for associated administrative costs.

EPD proposes to resolve this matter upon your timely payment of **\$13,000.00**. EPD acknowledges that payment by you does not constitute an admission of liability. This payment of **\$13,000.00** must be made payable to the **Orange County BCC** by check or money order and shall include the AQM File Number assigned above and the notation "**Air Quality Improvement Fund.**" The payments may be made in four (4) equal installments of \$3,250.00 and are due as follows:

- The first payment of \$3,250.00 shall be paid no later than March 1, 2024.
- The second payment of \$3,250.00 shall be paid no later than April 1, 2024.
- The third payment of \$3,250.00 shall be paid no later than May 1, 2024.
- The fourth payment of \$3,250.00 shall be paid no later than June 3, 2024.

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.

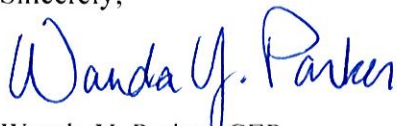
The County hereby expressly reserves the right to initiate any appropriate legal action to enforce the terms of this Consent Agreement or to address, prevent or prohibit any violations of applicable County ordinances, statutes, or the rules promulgated there under, that are not specifically resolved 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 check or money order for **\$13,000.00**. Signed letters may also be emailed to 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 if you have any questions.

Sincerely,




Wanda Y. Parker, CEP

Regulatory Compliance Program Coordinator

Air Quality Management

FOR THE RESPONDENT:

I, Kevin Beverage HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.



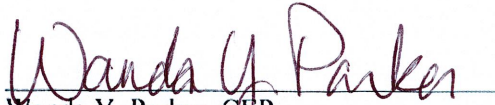
Kevin Beverage
Gateway Services, Inc.

16.2.2024

Date

February 5, 2024
Pet Angel Apopka (F.K.A. Greenbrier Pet Loss Services)
EPD Incident #23-630751
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FOR DIVISION USE ONLY:



Wanda Y. Parker, CEP
Regulatory Compliance Program Coordinator
Air Quality Management

Entered into this 22 day of February, 2024, in Orlando, Florida.

Attachment

ML/WYP:kw

c: Renée Parker, LEP, 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
Jessica Dalton, Environmental Administrator, FDEP, jessica.dalton@floridadep.gov
Cody Duplantis, Pet Angel, cduplantis@petangelmorialcenter.com
Shelly Walker, Gateway Services, Inc., walkerm@gatewayservicesinc.com
Heather Dinkel, Gateway Services, Inc. hdinkel@gatewayservicesinc.com
Ilka Bundy, Environmental Team Leader, EPD
Mary Lawrence, Senior Environmental Specialist, EPD
Terri Brinson, Administrative Specialist, EPD



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Renée H. Parker, LEP, Manager

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COPY

October 18, 2023

EMAIL AND CERTIFIED MAIL: 9489 0090 0027 6388 9441 16

WARNING LETTER: AQM # 23-007

Mr. Cody Duplantis
Greenbrier Pet Loss Services, LLC
3703 W Kelly Park Rd.
Apopka, FL 32712-5134
cduplantis@gatewayservicesinc.com

**RE: Greenbrier Pet Loss Services – Facility #0950149
3703 W Kelly Park Rd., Apopka, FL 32712
Violation of Chapter 15, Article III, Orange County Code
Violation of Rule 62-210.310, Florida Administrative Code (F.A.C.)
Violation of Rule 62-296.401, F.A.C.
Violation of Chapter 403, Florida Statutes (F.S.)
Orange County Commission District: 2
EPD Incident #23-630751**

Dear Mr. Duplantis:

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. Inspections conducted by EPD on December 05, 2022, and July 12, 2023, indicate that violations of federal, state and county codes, statutes, regulations, and ordinances may exist at the above-referenced facilities. EPD noted the following:

- On December 05, 2022, EU 005 failed to reach the minimum secondary chamber temperature of 1600 degrees Fahrenheit before cremation began and throughout the process.
- On July 12, 2023, black smoke emissions were observed from EU 007, exceeding the permissible visible emissions limit.

- On July 12, 2023, when the temperature strip chart for the EU 007 was observed, it was noted that a spike in temperature occurred, preceded by a dip in temperature which indicated that the secondary combustion temperature was reduced to below the minimum requirement of 1600 degrees Fahrenheit.
- On July 12, 2023, no startup/shut down/malfunction plans were available for any of the cremation units.
- On July 12, 2023, no opacity monitor sensor was installed on EU 010.

The following describes the compliance assistance provided to the facility, correspondence between EPD and the facility, and the corrective action completed by the facility following the above-mentioned inspections:

- On January 04, 2023, EPD emailed the facility requesting they provide recent temperature recorder calibration records for EU 005 and that they ensure the unit is properly calibrated to prevent combustion in the primary chamber prior to the secondary chamber reaching at least 1600 degrees Fahrenheit. The facility responded on February 01, 2023, indicating that the facility has ordered a new digital temperature gauge and temperature strip chart recorder for EU 005.
- On February 01, 2023, the facility responded to the January 04, 2023, email sent by EPD, indicating that there was a mistake on the visible emissions test report and they intended on having it revised.
- On March 23, 2023, the facility further responded to EPD, indicating that the EU 005 visible emissions test, conducted on December 05, 2022, was actually conducted during startup/warm up phase of the unit, rather than during cremation and it will be retested. The unit was successfully retested on July 12, 2023.
- On July 12, 2023, EPD requested copies of the startup/shutdown/malfunction plans be located and sent to EPD for review. Regarding the missing opacity sensor for EU 010, the facility stated that the previous monitoring system began to malfunction, and that the facility planned to replace the pollution monitoring system in late August (along with the rebuilding of the entire unit).
- On July 17, 2023, the facility's consultant performed a visible emissions retest for EU 007. During testing, EU 007 maintained a minimum secondary combustion temperature of 1600 degrees Fahrenheit before cremation began and throughout the process, and a maximum observed opacity was 0.0%, which is below the opacity limit.
- On August 29, 2023, EPD sent an inspection follow-up email to the facility requesting an update on the installation of the opacity pollution monitoring system for EU 010, and for operations manuals (containing startup/shut down/malfunction plans) for all of the

crematory units at the facility. As of October 16, 2023, no additional response from the facility has been received.

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.

Pursuant to Rule 62-210.310(5)(d)2.a., F.A.C., facilities comprising animal crematories shall comply with all applicable provisions of subsection 62-296.401(6), F.A.C.

Pursuant to Rule 62-296.401(6)(b)1., F.A.C., visible emissions shall not exceed 5% opacity, except that visible emissions not exceeding 15% opacity shall be allowed for one six-minute period in any one-hour period.

Pursuant to Rule 62-296.401(6)(c)1.a. & b., F.A.C., the actual operating temperature of the secondary chamber combustion zone shall be no less than 1,600 degrees Fahrenheit throughout the combustion process in the primary chamber. The primary chamber and stack volumes shall not be used in calculating this residence time. Animal remains shall not be loaded into the primary chamber until the secondary chamber combustion zone temperature is equal to or greater than 1,600 degrees Fahrenheit. If an animal crematory cannot commence operation without first loading the primary chamber, then loading before commencing operation is allowed; however, firing of the primary chamber burners shall not begin until the secondary chamber zone temperature is equal to or greater than 1,600 degrees Fahrenheit.

Pursuant to Rule 62-296.401(6)(c)3., F.A.C., all animal crematory units shall be maintained in proper working order in accordance with the manufacturer's specifications to ensure the integrity and efficiency of the equipment. If a crematory unit contains a defect that affects the integrity or efficiency of the unit, the unit shall be taken out of service. No person shall use or permit the use of that unit until it has been repaired or adjusted. A written plan with operating procedures for startup, shutdown and malfunction of each crematory unit shall be maintained and followed during those events.

Pursuant to Rule 62-296.401(6)(i)1., F.A.C., each crematory unit installed after February 1, 2007, shall be equipped and operated with a pollutant monitoring system to automatically control combustion based on continuous in-stack opacity measurement. Such system shall be calibrated to restrict combustion in the primary chamber whenever any opacity exceeding 15% opacity is occurring.

October 18, 2023
Greenbrier Pet Loss Services, L.L.C.
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COPY

You are requested to contact Mary Lawrence at (407) 836-1490 or at 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. This meeting is an opportunity for you to provide written documentation, clarify any misconceptions and/or disclose pertinent information. You may bring 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, LEP
Regulatory Compliance Program Coordinator
Air Quality Management
Orange County Environmental Protection Division

SA/MI/WYP: exp

c: Renée H. Parker, LEP, Manager, EPD
Elizabeth R. Johnson, CEP, PWS, MPA, Assistant Manager, EPD
Jane Gregory, CHMM, CTF, LEED GA, Environmental Programs Administrator, EPD
Aaron Watkins, Director, Central District, FDEP, aaron.watkins@floridadep.gov
Jessica Dalton, Environmental Administrator, FDEP, jessica.dalton@floridadep.gov
Carlos Cantu, Greenbrier Pet Loss Services, L.L.C., ccantu@gatewayservicesinc.com
Ilka Bundy, Environmental Team Lead, EPD
Mary Lawrence, Senior Environmental Specialist, EPD
Saul Arias, Environmental Specialist II, EPD