



# 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

June 27, 2024

Mark Kovich, Manager  
Designers Choice Cabinetry, LLC  
2838 Grandview Drive  
Simpsonville, South Carolina 29680  
[mkovich@essentialcabinetrygroup.com](mailto:mkovich@essentialcabinetrygroup.com)

Re: Designers Choice Cabinetry  
Air Facility ID #0090245  
HW Facility ID #FLR000150649  
OGC Case #24-1900

Dear Mr. Kovich:

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 Wanda Robles at 407-897-4126 or via e-mail at [wanda.robles@floridadep.gov](mailto:wanda.robles@floridadep.gov) or Michael Eckoff at 407-897-4308 or via e-mail at [michael.eckoff@floridadep.gov](mailto:michael.eckoff@floridadep.gov).

Your cooperation in this matter will be appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "AW 7/2", is written over a light blue horizontal line.

*On behalf of:*

Aaron Watkins  
Director, Central District

Enclosure

cc: FDEP: Lea Crandall, Anitra Spencer  
Tina Holcomb, Essential Cabinetry Group, [tholcomb@essentialcabinetrygroup.com](mailto:tholcomb@essentialcabinetrygroup.com)  
Michael Cade, Essential Cabinetry Group, [mcade@essentialcabinetrygroup.com](mailto:mcade@essentialcabinetrygroup.com)



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June 12, 2024

Designers Choice Cabinetry, LLC  
Mark Kovich, Manager  
2838 Grandview Drive  
Simpsonville, South Carolina 29680

SUBJECT: Department of Environmental Protection v. Designers Choice Cabinetry, LLC, OGC File No.: 24-1900  
AIRS ID 0090245  
EPA identification number FLR000150649

Mr. Kovich:

The State of Florida Department of Environmental Protection ("Department") finds that Designers Choice Cabinetry, LLC ("Respondent") failed to record or recorded incorrectly components of the Work Practice Implementation Plan, in violation of Rule 62-204.800(11)(b)26, Florida Administrative Code ("F.A.C.") (adopting Section 40 Code of Federal Regulations ("40 C.F.R.") 63.803(c) (2017)), failed to keep closed containers of volatile organic compounds and/or hazardous air pollutants, in violation of Rule 62-204.800(11)(b)26, F.A.C. (adopting 40 C.F.R. 63.803(g) (2017)), failed to conduct accurate waste determinations, in violation of Rule 62-730.160(1), F.A.C. (adopting 40 C.F.R. 262.11 (2021)), failed to keep closed three containers of hazardous waste in satellite accumulation areas ("SAAs"), in violation of Rule 62-730.160(1), F.A.C. (adopting 40 C.F.R. 262.15(a)(4) (2021)), failed to mark one container of hazardous waste in a SAA with the words "Hazardous Waste" and an indication of the hazards of the contents, in violation of Rule 62-730.160(1), F.A.C. (adopting 40 C.F.R. 262.15(a)(5) (2021)), failed to keep closed one container of hazardous waste in a central accumulation area ("CAA"), in violation of Rule 62-730.160(1), F.A.C. (adopting 40 C.F.R. 262.17(a)(1)(iv)(A) (2021)), failed to document the time of the inspection and the name of the inspector in the weekly inspection logs, and inspect a CAA, in violation of Rule 62-730.160(1), F.A.C. (adopting 40 C.F.R. 262.17(a)(1)(v) (2021)), and Rule 62-730.160(3), F.A.C., failed to mark four containers of hazardous waste in CAAs with the date accumulation began, in violation of Rule 62-730.160(1), F.A.C. (adopting 40 C.F.R. 262.17(a)(5)(i)(C) (2021)), failed to train facility personnel, in violation of Rule 62-730.160(1), F.A.C. (adopting 40

C.F.R. 262.17(a)(7)(i)(A) (2021)), stored two containers of hazardous waste for greater than 90 days without a permit, in violation of Rule 62-730.160(1), F.A.C. (adopting 40 C.F.R. 262.17(b) (2021)), failed to prepare a manifest, in violation of Rule 62-730.160(1), F.A.C. (adopting 40 C.F.R. 262.20(a)(1) (2021)), allowed releases of paint/solvent, in violation of Rule 62-730.160(1), F.A.C. (adopting 40 C.F.R. 262.251 (2021)), failed provide adequate aisle spacing between containers of hazardous waste in CAAs, in violation of Rule 62-730.160(1), F.A.C. (adopting 40 C.F.R. 262.255 (2021)), and Rule 62-730.160(4), F.A.C., failed to document arrangements agreed to with local emergency response authorities in the contingency plan, in violation of Rule 62-730.160(1), F.A.C. (adopting 40 C.F.R. 262.261(c) (2021)), and failed to include the associated hazard associated with each hazardous waste in the quick reference guide, in violation of Rule 62-730.160(1), F.A.C. (adopting 40 C.F.R. 262.262(b) (2021)). Before sending this letter, the Department requested that the Respondent undertake certain actions to resolve the violations. These actions have since been completed. However, due to the nature of the violations, the Respondent remains subject to civil penalties. The Respondent is also responsible for costs incurred by the Department during the investigation of this matter.

### **The Department's Offer**

Based on the violations described above, the Department is seeking \$133,852 in civil penalties and \$500 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$134,352. The civil penalty in this matter includes six violation(s) of \$2,000.00 or more.

However, in lieu of paying the full civil penalty, the Department has determined that \$133,852 of the civil penalty may be offset through implementation of the Pollution Prevention Project (P2 Project) described in the attached Exhibit. This amount is referred to as the "offset amount."

### **Respondent's Acceptance**

If you wish to accept this offer and fully resolve the enforcement matter pending against the Respondent, please sign this letter and return it to the Department at Central District, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803 by July 1, 2024. The Department will then countersign it and file it with a designated clerk of the Department. Once the document is filed with the designated clerk, it will constitute a final order of the Department pursuant to Section 120.52(7), F.S. and will be effective unless a request for an administrative hearing is filed by a third party in accordance with Chapter 120, F.S. and the attached Notice of Rights.

By accepting this offer you, Mark Kovich:

- (1) certify that you are authorized and empowered to negotiate, enter into, and accept the terms of this offer in the name and on behalf of Respondent;
- (2) acknowledge and waive Respondent's right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this offer, once final; and
- (3) acknowledge and waive Respondent's right to an appeal pursuant to Section 120.68, F.S.

The Department acknowledges that the Respondent's acceptance of this offer does not constitute an admission of liability for the violation(s) referenced above.

### **Respondent's Performance**

After signing and returning this document to the Department,

- (1) Upon signing this letter, you must implement the P2 Project in accordance with the requirements identified in the attached Exhibit. Your failure to timely start or complete the P2 Project, or timely provide the Department with the Final Report, will cause the P2 Project option to be forfeited and the balance of the civil penalty shall be due within 10 days of notice from the Department.
- (2) Respondent shall pay \$500 by July 31, 2024. The payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "Water Quality Assurance Trust Fund." Payment shall be sent to Central District, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803.
- (3) The payment(s) must: (a) be in the form of a cashier's check or money order; (b) be payable to the "Department of Environmental Protection"; (c) include the OGC Number assigned above and the notation "Water Quality Assurance Trust Fund"; and (d) be sent to Central District, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803.

The Department may enforce the terms of this document, once final, and seek to collect monies owed pursuant to Sections 120.69 and 403.121, F.S.

Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither the Respondent nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, F.S. Once this letter is clerked and becomes a final order of the Department, as explained above, the attached Notice of Rights will apply to parties, other than the Respondent, whose interests will be substantially affected.

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.

Please be aware that if the Respondent declines to respond to the Department's offer, the Department will assume that the Respondent is not interested in resolving the matter and will proceed accordingly.

If you have any questions, please contact Wanda Robles at (407) 897-4126 or [wanda.robles@floridadep.gov](mailto:wanda.robles@floridadep.gov) or Michael Eckoff at (407) 897-4308 or [michael.eckoff@floridadep.gov](mailto:michael.eckoff@floridadep.gov).

Sincerely,



---

Aaron Watkins  
District Director  
Central District

FOR THE RESPONDENT:

I, Mark Kovich [Type or Print Name], HEREBY ACCEPT  
THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

By: [Signature]  
[Signature]

Date: 06/28/2024

Title: CEO/President  
[Type or Print]

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FOR DEPARTMENT USE ONLY

DONE AND ORDERED this 27 day of June, 2024, in  
Orange County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

[Signature] on behalf of

Aaron Watkins, 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.

[Signature]

June 27, 2024

Clerk

Date

Attachments: Notice of Rights  
Approved Pollution Prevention Project Summary

Final clerked copy furnished to:  
Lea Crandall, Agency Clerk ([lea.crandall@dep.state.fl.us](mailto:lea.crandall@dep.state.fl.us))

### NOTICE OF RIGHTS

Persons who are not parties to this 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 Order means that the Department's final action may be different from the position it has taken in the 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](mailto: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 the address indicated above. 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. Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.

## Exhibit I

### Pollution Prevention (P2) Project Summary

Designers Choice Cabinetry, LLC  
100 TGK Cir., Rockledge

A. **Project Plan:** Respondent shall submit a completed proposed P2 Project Plan (“Plan”) **within 60 days** of the effective date of this Order. The plan submitted shall include the information as specified in Paragraphs B, C, and D below.

B. **Project Description:** Summarize P2 Projects selected. Describe the processes or operations to be modified and the specific changes to be made. Include details such as the specific equipment to be installed, materials to be substituted, and the actual changes to be made to processes or operations. Include manufacturer or vendor information, and specifications.

C. **Environmental and Economic Benefits:** Explain why and how each Project proposed constitutes pollution prevention.

Specify how each resource (material, chemical, water, and energy) is saved, and from which processes or operations. Specify how each waste (solid and hazardous waste, industrial wastewater, and/or air emissions) is generated, the waste type, and from which processes or operations.

Estimate the *annual* savings in *resources* - raw materials, chemicals, water, and/or energy at the process or operation front end. Estimate the *annual* reductions in *wastes* - solid and hazardous waste, wastewater, and/or air emission reductions at the process or operation back end.

Figures quoted should represent weights or volumes annually and should be equalized for production rate changes. Associated cost savings should be included. This item will be documented using the tables provided below.

Complete Table 1 for each Project individually. If more than one project will be completed, include a new table as needed. Complete Table 2 to summarize all the P2 projects that will be completed. If more than one P2 Project will be completed, add or average corresponding figures from each Project table to complete the Summary table.

**Table 1. Specific Project**

| <i>(Project Name)</i>                         |  |       |           |                      |       |           |                          |
|---|--|-------|-----------|----------------------|-------|-----------|--------------------------|
| <b>Annual Resource Consumption Comparison</b> |  |       |           |                      |       |           |                          |
| Item  | Quantity Used (gal/lb/kWh-specify)       |       |           | Purchasing Cost (\$) |       |           | Percent (%)<br>Reduction |
|   | Before                                   | After | Reduction | Before               | After | Reduction |                          |
| Water   |  |       |           |                      |       |           |                          |
| Chemicals                                     |  |       |           |                      |       |           |                          |
| Materials                                     |  |       |           |                      |       |           |                          |
| Energy  |  |       |           |                      |       |           |                          |
| Total Annual Cost Savings =                   |  |       |           |                      |       |           |                          |
| <b>Annual Waste Generation Comparison</b>     |  |       |           |                      |       |           |                          |
| Item  | Quantity Generated (gal/lb/tons-specify) |       |           | Disposal Cost (\$)   |       |           | Percent (%)<br>Reduction |
|   | Before                                   | After | Reduction | Before               | After | Reduction |                          |
| Hazardous Waste                               |  |       |           |                      |       |           |                          |
| Industrial Wastewater                         |  |       |           |                      |       |           |                          |
| Solid Waste                                   |  |       |           |                      |       |           |                          |
| Air Emissions                                 |  |       |           |                      |       |           |                          |
| Total Annual Cost Savings =                   |  |       |           |                      |       |           |                          |
| <b>Total Annual Avoided Cost Savings =</b>    |  |       |           |                      |       |           |                          |

**Table 2. Summary of all P2 Projects**

| <i>Summary of All P2 Projects</i>             |  |       |           |                      |       |           |                          |
|---|--|-------|-----------|----------------------|-------|-----------|--------------------------|
| <b>Annual Resource Consumption Comparison</b> |  |       |           |                      |       |           |                          |
| Item  | Quantity Used (gal/lb/kwh-specify)       |       |           | Purchasing Cost (\$) |       |           | Percent (%)<br>Reduction |
|   | Before                                   | After | Reduction | Before               | After | Reduction |                          |
| Water   |  |       |           |                      |       |           |                          |
| Chemicals                                     |  |       |           |                      |       |           |                          |
| Materials                                     |  |       |           |                      |       |           |                          |
| Energy  |  |       |           |                      |       |           |                          |
| Total Annual Cost Savings =                   |  |       |           |                      |       |           |                          |
| <b>Annual Waste Generation Comparison</b>     |  |       |           |                      |       |           |                          |
| Item  | Quantity Generated (gal/lb/tons-specify) |       |           | Disposal Cost (\$)   |       |           | Percent (%)<br>Reduction |
|   | Before                                   | After | Reduction | Before               | After | Reduction |                          |
| Hazardous Waste                               |  |       |           |                      |       |           |                          |
| Industrial Wastewater                         |  |       |           |                      |       |           |                          |
| Solid Waste                                   |  |       |           |                      |       |           |                          |
| Air Emissions                                 |  |       |           |                      |       |           |                          |
| Total Annual Cost Savings =                   |  |       |           |                      |       |           |                          |
| <b>Total Annual Avoided Cost Savings =</b>    |  |       |           |                      |       |           |                          |

D. **Project Cost:** Each P2 project should include an itemized list of costs, a subtotal, and the Project total costs. A projected payback period in months or years needs to be included for each Project.

Additionally, provide a grand total cost for all Projects and an average projected payback period, for multiple Projects. A list or table should be submitted to complete this item.

E. **Implementation:** Respondent shall complete the project within **180 days** of Department approval of the proposed P2 Project Plan submitted per paragraph A above.

F. **Project Reporting:**

1. Within **60 days** of completing the P2 Project, the Respondent shall submit to the Department a P2 Project Final Report that includes the following:
  - a. A confirmation that the information presented in Sections A-C of the Summary is unchanged, or an updated version with the sections changed appropriately. A statement that the Project(s) was/were implemented successfully. An explanation of any problems encountered and corrections applied. *A statement indicating the date the Project was started and also the date completed.*
  - b. Attached expense reports, receipts, purchasing instruments and other documents itemizing costs expended on preparing and implementing the Project.
2. The Department shall review the Final Report and determine:
  - a. Whether the project was properly implemented; and
  - b. Which expenses apply toward pollution prevention credits.
3. A \$1.00 pollution prevention credit for each \$1.00 spent on applicable costs will be applied against the portion of the civil penalty that can be offset.
  - a. The following costs *are applicable as P2 credits* toward the civil penalty offset amount:
    - i. Preparation of the P2 Project;
    - ii. Design of the P2 Project;
    - iii. Installation of equipment for the P2 Project;
    - iv. Construction of the P2 Project;
    - v. Testing of the P2 Project;
    - vi. Training of staff concerning the implementation of the P2 Project; and
    - vii. Capital equipment needed for the P2 Project.
  - b. The following costs *shall not apply as P2 credits* toward the civil penalty offset amount:
    - i. Costs incurred in conducting a waste audit;
    - ii. Maintenance and operation costs involved in implementing the P2 Project;
    - iii. Monitoring and reporting costs;

- iv. Salaries of employees who perform their job duties;
    - v. Costs expended to bring the facility into compliance with current law, rules and regulations;
    - vi. Costs associated with a P2 Project that is not implemented;
    - vii. Costs associated with a P2 Project that has not been approved by the Department; and
    - viii. Legal costs.
  - c. If any balance remains after the entire P2 credit is applied to the allowable portion of the civil penalty, Respondent shall pay the difference within 30 days of written notification by the Department to the Respondent that the balance is due.
- 4. The Department may terminate the P2 Project at any time during the development or implementation of it, if the Respondent fails to comply with the requirements in this document, act in good faith in preparing and implementing the project or develop and implement the P2 Project in a timely manner. The Respondent may terminate the P2 Project at any time during its development or implementation.
- 5. If the P2 Project is terminated for any reason, Respondent shall pay the full balance of the allowable portion of the civil penalty within 10 days of written demand by the Department.