

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

FILED

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**U.S. EPA REGION 4
HEARING CLERK**

In the Matter of:

**Peninsula Metal Finishing Inc.,
2550 Dinneen Avenue,
Orlando, Florida 32804
EPA ID No.: FLD982104812**

Respondent.

Docket No. **RCRA-04-2024-4007(b)**

Proceeding Under Section 3008(a) of the
Resource Conservation and Recovery Act,
42 U.S.C. § 6928(a)

CONSENT AGREEMENT

I. NATURE OF ACTION

1. This is a civil administrative action for penalties and injunctive relief brought under Section 3008(a) of the Resource Conservation and Recovery Act (RCRA or the Act), 42 U.S.C. § 6928(a), and Sections 22.13(b) and 22.18 of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (Consolidated Rules), as codified at Title 40 of the Code of Federal Regulations (C.F.R.), Part 22.
2. This Consent Agreement and the attached Final Order shall collectively be referred to as the CAFO.
3. Having found that settlement is consistent with the provisions and objectives of the Act and applicable regulations, the Parties have agreed to settle this action pursuant to 40 C.F.R. § 22.18 and consent to the entry of this CAFO without Respondent's admission of violation or adjudication of any issues of law or fact herein.

II. PARTIES

4. Complainant is the Director of the Enforcement and Compliance Assurance Division, United States Environmental Protection Agency (EPA) Region 4, who has been delegated the authority on behalf of the Administrator of the EPA to enter into this CAFO pursuant to 40 C.F.R. Part 22 and Section 3008(a) of the Act.

5. Respondent is Peninsula Metal Finishing Inc., a corporation doing business in the State of Florida. This proceeding pertains to Respondent's facility located at 2550 Dinneen Avenue Orlando, Florida 32804 (Facility).

III. GOVERNING LAW

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the State of Florida (State) has received final authorization to carry out a hazardous waste program in lieu of the federal program set forth in RCRA. The requirements of the authorized State program are found at Fla. Stat. §§ 403.702 - 403.7721 and Fla. Admin. Code Ann. r. 62-730.
7. Pursuant to Section 3006(g) of RCRA, 42 U.S.C. § 6926(g), the requirements established by the Hazardous and Solid Waste Amendments of 1984 (HSWA), Pub. L. 98-616, are immediately effective in all states regardless of their authorization status and are implemented by the EPA until a state is granted final authorization with respect to those requirements. The State has received final authorization for certain portions of HSWA, including those recited herein.
8. Although the EPA has granted the State authority to enforce its own hazardous waste program, the EPA retains jurisdiction and authority to initiate an independent enforcement action pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2). This authority is exercised by the EPA in the manner set forth in the Memorandum of Agreement between the EPA and the State.
9. As the State's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations for the violations of those authorized provisions alleged herein will be to the authorized State program; however, for ease of reference, the federal citations will follow in brackets.
10. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), Complainant has given notice of this action to the State before issuance of this CAFO.
11. Fla. Stat. § 403.721 [Section 3002(a) of RCRA, 42 U.S.C. § 6922(a)], requires the promulgation of standards applicable to generators of hazardous waste. The implementing regulations for these standards are found at Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. Part 262].
12. Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925], sets forth the requirement that a facility treating, storing, or disposing of hazardous waste must have a permit or interim status. The implementing regulations for this requirement are found at Fla. Admin. Code Ann. r. 62-730.180(1) (permitted) and Fla. Admin. Code Ann. r. 62-730.180(2) (interim status) [40 C.F.R. Parts 264 (permitted) and 265 (interim status)].
13. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.2], a "solid waste" is any discarded material that is not otherwise excluded from the regulations. A discarded material includes any material that is abandoned by being stored in lieu of being disposed.

14. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.3], a solid waste is a “hazardous waste” if it meets any of the criteria set forth in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.3(a)(2)] and is not otherwise excluded from regulation as a hazardous waste by Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.4(b)].
15. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.3(a)(2)(i) and 261.20], solid wastes that exhibit any of the characteristics identified in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.21-24] are characteristic hazardous waste and are provided with the EPA Hazardous Waste Numbers D001 through D043.
16. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.20 and 261.22], a solid waste that exhibits the characteristic of corrosivity is a hazardous waste and is identified with the EPA Hazardous Waste Number D002.
17. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.20 and 261.24], a solid waste that exhibits the characteristic of toxicity is a hazardous waste and is identified with the EPA Hazardous Waste Number associated with the toxic contaminant causing it to be hazardous.
18. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.24], a solid waste that exhibits the characteristic of toxicity for cadmium is identified with the EPA Hazardous Waste Number D006.
19. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.24], a solid waste that exhibits the characteristic of toxicity for chromium is identified with the EPA Hazardous Waste Number D007.
20. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.3(a)(2)(ii) and 261.30], a solid waste is a listed “hazardous waste” if it is listed in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. Part 261, Subpart D].
21. Listed hazardous wastes include the F-Listed wastes from nonspecific sources identified in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.31].
22. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.31], the following spent non-halogenated solvents: xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents; and still bottoms from the recovery of these spent solvents and spent solvent mixtures are listed hazardous wastes identified with the EPA Hazardous Waste Number F003.
23. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.31], the following spent non-halogenated solvents: toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol, and 2-nitropropane; all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the

above non-halogenated solvents or those solvents listed in F001, F002, or F004; and still bottoms from the recovery of these spent solvents and spent solvent mixtures are listed hazardous wastes identified with the EPA Hazardous Waste Number F005.

24. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.31], wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with time, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum are listed hazardous wastes identified with the EPA Hazardous Waste Number F006.
25. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.31], spent cyanide plating bath solutions from electroplating operations are listed hazardous wastes identified with the EPA Hazardous Waste Number F007.
26. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.31], plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process are listed hazardous wastes identified with the EPA Hazardous Waste Number F008.
27. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.31], spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process are listed hazardous wastes identified with the EPA Hazardous Waste Number F009.
28. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.31], wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process are listed hazardous wastes identified with the EPA Hazardous Waste Number F019.
29. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], a “generator” is defined as any person, by site, whose act or process produces hazardous waste identified or listed in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. Part 261], or whose act first causes a hazardous waste to become subject to regulation.
30. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], a “large quantity generator” (LQG) is a generator who generates greater than or equal to 1,000 kilograms of non-acute hazardous in a calendar month.
31. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], a “facility” includes all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste.
32. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], a “person” includes a corporation.

33. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], an “owner” is the person who owns a facility or part of a facility and an “operator” is the person responsible for the overall operation of a facility.
34. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(2) and Fla. Stat. § 403.703(41) [see 40 C.F.R. § 260.10], “storage” means the containment or holding of a hazardous waste, either on a temporary basis or for a temporary basis or for a period of years, in such a manner as not to constitute disposal of such hazardous waste.
35. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], “container” is defined as any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.
36. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.2], must determine if that waste is a hazardous waste following the methods articulated in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.11].
37. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.15(a)], a generator may accumulate as much as 55 gallons of non-acute hazardous waste in containers at or near the point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or without having interim status, as required by Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. §§ 262.16(b) or 262.17(a)], except as required by Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.15(a)(7) and (8)], provided that the generator complies with the satellite accumulation area (SAA) conditions listed in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.15(a)] (hereinafter referred to as the “SAA Permit Exemption”).
38. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.15(a)(4)], which is a condition of the SAA Permit Exemption, a generator is required to keep containers of hazardous waste closed at all times during accumulation, except when adding, removing or consolidating waste; or when temporary venting of a container is necessary for the proper operation of equipment, or to prevent dangerous situations, such as build-up of extreme pressure.
39. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.15(a)(5)(i)], which is a condition of the SAA Permit Exemption, a generator is required to mark or label its containers with the words “Hazardous Waste.”
40. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.15(a)(5)(ii)], which is a condition of the SAA Permit Exemption, a generator is required to mark or label its containers with an indication of the hazards of the contents.
41. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17], a LQG may accumulate hazardous waste on site for 90 days or less without a permit or without having

interim status, as required by Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17] (hereinafter referred to as the “LQG Permit Exemption”).

42. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(1)(ii)], which is a condition of the LQG Permit Exemption, if a container holding hazardous waste is not in good condition, or if it begins to leak, the generator must immediately transfer the hazardous waste from this container to a container that is in good condition, or immediately manage the waste in some other way that complies with the LQG Permit Exemption.
43. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(1)(iv)(A)], which is a condition of the LQG Permit Exemption, a container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste.
44. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(5)(i)(A)], which is a condition of the LQG Permit Exemption, a generator must mark or label its containers with the words “Hazardous Waste.”
45. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(5)(i)(B)], which is a condition of the LQG Permit Exemption, a generator must mark or label its containers with an indication of the hazards of the contents.
46. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(5)(i)(C)], which is a condition of the LQG Permit Exemption, a generator must mark or label its containers with the date upon which each period of accumulation begins clearly visible for inspection on each container.
47. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(6)], which incorporates Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.251], and is a condition of the LQG Permit Exemption, a generator is required to maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.
48. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(6)], which incorporates Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.255], and is a condition of the LQG Permit Exemption, a generator is required to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.
49. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(6)], which incorporates Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.256(a)], and is a condition of the LQG Permit Exemption, a generator must attempt to make arrangements with the local authorities identified, as appropriate for the type of waste handled at the facility and the potential need for the services of these authorities.

50. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(6)], which incorporates Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.262(b)], and is a condition of the LQG Permit Exemption, a generator must submit a quick reference guide of the contingency plan to the local emergency responders identified at Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.262(a)] or, as appropriate, the Local Emergency Planning Committee.
51. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(7)(i)(A)-(B)], which is a condition of the LQG Permit Exemption: (A) facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the regulations; and (B) the program must be directed by a person trained in hazardous waste management procedures, and must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.
52. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(7)(iii)], which is a condition of the LQG Permit Exemption, facility personnel must take part in an annual review of the initial training required by Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(7)(i)].
53. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(7)(iv)(A)], which is a condition of the LQG Permit Exemption, the LQG must maintain the following documents and records at the facility: the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job.
54. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(b)], which is a condition of the LQG Permit Exemption, an LQG cannot accumulate hazardous waste for more than 90 days without obtaining an extension to the 90-day storage limit.
55. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.40(a)], a generator must keep a copy of each manifest signed in accordance with Fla. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.23(a)] for three years or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.
56. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) and (2) [40 C.F.R. § 262.41(a)], a generator who is a large quantity generator for at least one month of an odd-numbered year (reporting year) who ships any hazardous waste off-site to a treatment, storage, or disposal facility within the United States must complete and submit Biennial Reports to the Florida Department of Environmental Protection (FDEP) by March 1 of the following even-numbered year which must cover generator activities during the previous year.
57. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(3), generators of hazardous waste who accumulate hazardous waste on-site under Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.16 and § 262.17] shall maintain written documentation of the inspections required

under Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. §§ 262.16 and 262.17]. The generator shall keep the written documentation of the inspections under this section for at least three years from the date of the inspection. At a minimum, this documentation shall include the date and time of the inspection, the legibly printed name of the inspector, the number of containers, the condition of the containers, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

IV. FINDINGS OF FACTS

58. Respondent's Facility is located at 2550 Dinneen Avenue, Orlando, Florida 32804.
59. Respondent offers electroplating and metal finishing services to the automotive industry, theme parks, defense contractors, the military, and other commercial entities.
60. Respondent generates 1,000 kilograms or more of hazardous wastes in a calendar month. Therefore, Respondent is a LQG of hazardous waste.
61. Respondent generates hazardous wastes with the following EPA Hazardous Waste Numbers at the Facility: D002, D006, D007, F003, F005, F006, F007, F008, and F019. Respondent operates numerous SAAs and Central Accumulation Areas (CAAs) throughout the Facility.
62. On July 14, 2021, the EPA and the FDEP conducted a compliance evaluation inspection (CEI) at Respondent's Facility (hereinafter referred to as the "2021 CEI"). The EPA's findings of the 2021 CEI were documented in a report emailed to the Respondent on September 16, 2021.
63. On August 9, 2023, the EPA and the FDEP conducted another CEI at Respondent's Facility (hereinafter referred to as the "2023 CEI"). The EPA's findings of the 2023 CEI were documented in a report emailed to the Respondent on November 27, 2023.
64. During the 2023 CEI, the EPA found that Respondent had yet to resolve many outstanding violations stemming from the 2021 CEI.
65. At the time of the 2021 CEI, the inspectors observed that Respondent had not conducted a hazardous waste determination for the following:
 - a. one large barrel line tank storing plating solution in the zinc plating process line area;
 - b. one 5-gallon and nine 1-gallon containers of laboratory waste below a sink in the cadmium plating area;
 - c. three unlabeled containers near the nickel strip plating area; and
 - d. one 55-gallon container of PM Rinse Solution near the chromate plating line area that was marked with an accumulation start date of September 16, 2016.
66. At the time of the 2023 CEI, the inspectors observed that Respondent had not conducted a hazardous waste determination for the following:

- a. one large barrel line tank storing plating solution in the zinc plating process line area;
 - b. one 5-gallon container of waste sludge material near the black oxide line area;
 - c. one 55-gallon container of solid clumps waste near the zinc barrel line area;
 - d. sixteen 55-gallon containers storing plating rinse water near the chromate conversion/anodize plating coating line area;
 - e. twenty-two 55-gallon containers storing anodize rinse and dye solutions near the on-site wastewater treatment system; and
 - f. one 55-gallon and two 5-gallon containers of spent blasting media near the anodize plating waste.
67. At the time of the 2023 CEI, the inspectors observed one open 5-gallon container of hazardous waste in a SAA below a sink in the chemistry laboratory.
68. At the time of the 2021 CEI, the inspectors observed the following containers of hazardous waste in SAAs that Respondent had not labeled with the words "Hazardous Waste":
- a. one 1-gallon container labeled "cyanide lab waste" (EPA Hazardous Waste Numbers F007 and F019) that was staged on the floor in the corner of the cadmium plating area;
 - b. one 1-gallon container labeled "acid strip spent" (EPA Hazardous Waste Number D002) under the sink in the cadmium plating area; and
 - c. one 55-gallon container of hazardous waste rags and gloves (EPA Hazardous Waste Numbers D006 and D007) in the nickel plating line area.
69. At the time of the 2021 CEI, the inspectors observed the following containers of hazardous waste in SAAs that Respondent had not marked with an indication of the hazards of the contents:
- a. one 55-gallon poly drum marked "Hazardous Waste" in the zinc strip line area;
 - b. one 1-gallon container labeled "cyanide lab waste" (EPA Hazardous Waste Numbers F007 and F019) that was staged on the floor in the corner of the cadmium plating area;
 - c. one 1-gallon container labeled "acid strip spent" (EPA Hazardous Waste Number D002) under the sink in the cadmium plating area;
 - d. one 55-gallon poly container storing hazardous waste gloves, rags, and debris (EPA Hazardous Waste Numbers D006 and D007) in the anodize plating area;
 - e. one 55-gallon poly drum storing hazardous waste filters (EPA Hazardous Waste Numbers D006 and D007) in the specialized plating lines area;

- f. one 55-gallon container of hazardous waste rags and gloves (EPA Hazardous Waste Numbers D006 and D007) in the nickel plating line area; and
 - g. one 55-gallon poly drum of hazardous nitric acid (EPA Hazardous Waste Number D002) in the nickel plating line area.
- 70. At the time of the 2023 CEI, the inspectors observed one 55-gallon rusted container storing hazardous waste aluminum sulfate in the CAA of the chemical inventory area.
- 71. At the time of the 2021 CEI, the inspectors observed four open 250-gallon containers of hazardous anodize plating waste (EPA Hazardous Waste Numbers D006, D007, F008, and F009) in the CAA near the nickel plating area.
- 72. At the time of the 2021 CEI, the inspectors observed the following containers of hazardous waste in various CAAs that Respondent had not labeled with the words "Hazardous Waste":
 - a. four 250-gallon containers of anodize plating waste (EPA Hazardous Waste Numbers D006, D007, F008, and F009) near the nickel plating area; and
 - b. four 5-gallon containers, two 15-gallon containers, and two 55-gallon poly drums in the staging area next to the wastewater treatment system area.
- 73. At the time of the 2023 CEI, the inspectors observed the following containers of hazardous waste in various CAAs that Respondent had not labeled with the words "Hazardous Waste":
 - a. one 55-gallon hazardous waste container marked "Cadmium Strip," "Ammonium Nitrate + Water" (EPA Hazardous Waste Numbers D002 and D006) in the chemical inventory area;
 - b. seven 55-gallon containers non-treated plating waste (EPA Hazardous Waste Numbers D006, D007, F008, and F009) in the wastewater treatment system area;
 - c. eleven 55-gallon containers of hazardous wastewater sludge (EPA Hazardous Waste Numbers D006, D007, F008, and F009) in the wastewater treatment system area;
 - d. two 5-gallon containers storing spent sleeve filters (EPA Hazardous Waste Number D007) from the chrome plating line area in the wastewater treatment system area; and
 - e. ten open 5-gallon containers storing black oxide waste solution/sludge (EPA Hazardous Waste Numbers D006, D007, F008, and F009) in the wastewater treatment system area.
- 74. At the time of the 2021 CEI, the inspectors observed the following containers of hazardous waste in various CAAs that Respondent had not marked with an indication of the hazards of the contents:
 - a. four 250-gallon containers of anodize plating waste (EPA Hazardous Waste Numbers D006, D007, F003, and F005) near the nickel plating area;

- b. one 55-gallon drum of hazardous waste ammonium nitrate waste (EPA Hazardous Waste Numbers D006 and D007) in the chemical inventory area; and
 - c. ten 5-gallon containers, one 15-gallon container, three 55-gallon poly drums, and one cubic yard box storing plating filter cake/sludge (EPA Hazardous Waste Number F006) in the staging area next to the wastewater treatment system.
75. At the time of the 2023 CEI, the inspectors observed the following containers of hazardous waste in various CAAs that Respondent had not marked with an indication of the hazards of the contents:
- a. two closed 55-gallon containers marked "Hazardous Waste" and "Caustic Solid Corrosive" (EPA Hazardous Waste Number D002) in the area outside the laboratory;
 - b. one 55-gallon container marked "Cadmium Strip," "Ammonium Nitrate + Water" (EPA Hazardous Waste Numbers D002 and D006) in the chemical inventory area;
 - c. eighteen 55-gallon containers non-treated plating waste (EPA Hazardous Waste Numbers D006, D007, F008, and F009) in the wastewater treatment system area;
 - d. one open cubic yard gaylord box storing plating filter cake (EPA Hazardous Waste Number F006) in the wastewater treatment system area;
 - e. two open 5-gallon containers in the wastewater treatment system area; and
 - f. ten open 5-gallon containers storing black oxide waste solution/sludge (EPA Hazardous Waste Numbers D006, D007, F006, F008, and F009) in the wastewater treatment system area.
76. At the time of the 2021 CEI, the inspectors observed the following containers of hazardous waste in various CAAs that Respondent had not labeled with an accumulation start date:
- a. four 250-gallon containers of anodize plating waste (EPA Hazardous Waste Numbers D006, D007, F008, and F009) near the nickel plating area;
 - b. one 55-gallon drum of hazardous waste ammonium nitrate waste (EPA Hazardous Waste Numbers D006 and D007) in the chemical inventory area; and
 - c. ten 5-gallon containers, two 15-gallon containers, three 55-gallon poly drums, and one cubic yard box storing plating filter cake/sludge (EPA Hazardous Waste Number F006) in the staging area next to the wastewater treatment system.
77. At the time of the 2023 CEI, the inspectors observed the following containers of hazardous waste in various CAAs that Respondent had not labeled with an accumulation start date:

- a. one 55-gallon hazardous waste container marked "Cadmium Strip," "Ammonium Nitrate + Water" (EPA Hazardous Waste Numbers D002 and D006) in the chemical inventory area;
 - b. seven 55-gallon containers non-treated plating waste (EPA Hazardous Waste Numbers D006, D007, F008, and F009) in the wastewater treatment system area;
 - c. five 15-gallon and eighteen 50-gallon containers storing acid waste (EPA Hazardous Waste Number D002) in the wastewater treatment system area;
 - d. eleven 55-gallon containers storing hazardous waste wastewater sludge (EPA Hazardous Waste Numbers D006, D007, F006, F008, and F009) in the wastewater treatment system area;
 - e. one open cubic yard gaylord box storing plating filter cake (EPA Hazardous Waste Number F006) in the wastewater treatment system area;
 - f. two open 5-gallon containers storing spent sleeve filters (EPA Hazardous Waste Numbers D006 and D007) in the wastewater treatment system area; and
 - g. one closed 55-gallon container storing hazardous waste filters, rags, and debris in the wastewater treatment system area.
78. At the time of the 2023 CEI, the inspectors observed a release of hazardous waste (EPA Hazardous Waste Number D006) on the floor of the CAA in the cadmium line area.
79. At the time of the 2023 CEI, the inspectors observed a lack of sufficient aisle space in the CAAs of the chromate conversion coating line area and wastewater treatment system area.
80. At the time of the 2021 CEI, the records reviewed by the inspectors indicated that Respondent had not made arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the types and quantities of hazardous waste handled at the Facility.
81. At the time of the 2021 CEI, the Respondent indicated to the inspectors that a quick reference guide and an amended contingency plan had not been submitted to the local emergency planning committee.
82. At the time of the 2021 CEI, the records reviewed by the inspectors indicated that Respondent had not provided adequate RCRA hazardous waste training to its employees.
83. At the time of the 2021 CEI, the records reviewed by the inspectors indicated that Respondent had not conducted annual RCRA refresher training for at least three employees responsible for managing hazardous waste.

84. At the time of the 2021 CEI, the records reviewed by the inspectors indicated that Respondent's RCRA Job Description & Training document, dated August 13, 2021, did not list the correct alternate emergency coordinator.
85. At the time of the 2021 CEI and 2023 CEI, the inspectors observed that Respondent was storing hazardous waste in containers and tanks for longer than 90 days, without an extension to the 90-day storage limit, and without a permit, in the following areas:
 - a. the zinc strip line area;
 - b. the area outside the laboratory;
 - c. near the nickel strip plating area; and
 - d. the wastewater treatment system area next to the chemical inventory area.
86. At the time of the 2021 CEI, the records reviewed by the inspectors indicated that Respondent had not kept a copy of each signed manifest for three years or until it had received a signed copy from the designated facility that received the waste.
87. At the time of the 2021 CEI and 2023 CEI, the records reviewed by the inspectors indicated that Respondent had failed to submit 2017, 2019, and 2021 Biennial Reports to the FDEP.
88. At the time of the 2021 CEI, the records reviewed by the inspectors indicated that Respondent failed to maintain written documentation of container inspections for at least three years from the date of the inspection.
89. On October 30, 2024, Respondent submitted a RCRA Waste Container Inventory document called "Container Schedule 2024-10-30- AZO Dyes + Rinses EPA." The RCRA Waste Container Inventory included waste stored longer than 90 days, as of October 30, 2024.

V. ALLEGED VIOLATIONS

90. Respondent is a "person" as defined in Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10]. Respondent is the "owner" and "operator" of a "facility" located at 2550 Dinneen Avenue Orlando, Florida 32804, as those terms are defined in Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10].
91. Respondent generates wastes that are "solid waste," as that term is defined in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.3].
92. Respondent is a "generator" of "hazardous waste," as those terms are defined in Fla. Admin. Code Ann. r. 62-730.020(1) and 62-730.030(1) [40 C.F.R. §§ 260.10 and 261.3].
93. Respondent failed to conduct a hazardous waste determination for one large barrel line tank in the zinc plating process line area, eleven containers in the cadmium plating area, three containers near the nickel strip plating area, one container near the chromate plating line

area, one container near the black oxide line area, one container in the zinc barrel line area, sixteen containers next to the chromate conversion/anodize plating coating line area, twenty-two containers near the on-site wastewater treatment system area, and three containers near the anodize plating waste area. The EPA therefore alleges that Respondent violated Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.11] by failing to make a hazardous waste determination on solid waste generated at the Facility.

94. Respondent failed to keep one 5-gallon container storing hazardous waste closed at all times during accumulation except when adding, removing, or consolidating waste in the chemistry laboratory. The EPA therefore alleges that Respondent violated Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to keep its container of hazardous waste closed in accordance with Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.15(a)(4)], which is a condition of the SAA Permit Exemption.
95. Respondent failed to label hazardous waste containers stored in Respondent's SAAs near the cadmium plating area and nickel plating line area with the words "Hazardous Waste." The EPA therefore alleges that Respondent violated Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to comply with the marking and labeling requirement in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.15(a)(5)(i)], which is a condition of the SAA Permit Exemption.
96. Respondent failed to mark containers with an indication of the hazards of the contents in SAAs within the zinc strip line area, cadmium plating area, anodize plating area, specialized plating lines area, and the nickel plating line area. The EPA therefore alleges that Respondent violated Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to comply with the marking and labeling requirement in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.15(a)(5)(ii)], which is a condition of the SAA Permit Exemption.
97. Respondent failed to transfer the contents of one 55-gallon rusted container storing hazardous waste aluminum sulfate in the CAA near the chemical inventory area to a container that was in good condition, or immediately manage the waste in some other way that complies with the conditions for exemption. The EPA therefore alleges that Respondent violated Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to comply with the container management requirement in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(1)(ii)], which is a condition of the LQG Permit Exemption.
98. Respondent failed to keep four 250-gallon containers storing anodize plating hazardous waste in the CAA near the nickel plating area, closed at all times during accumulation except when adding, removing, or consolidating waste. The EPA therefore alleges that Respondent violated Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to comply with the container

management requirement in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(1)(iv)(A)], which is a condition of the LQG Permit Exemption.

99. Respondent failed to mark the containers stored in Respondent's CAAs near the chemical inventory area, the wastewater treatment system area, and the nickel plating area with the words "Hazardous Waste." The EPA therefore alleges that Respondent violated Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to comply with the marking and labeling requirements in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(5)(i)(A)], which is a condition of the LQG Permit Exemption.
100. Respondent failed to mark containers and cubic yard boxes stored in Respondent's CAAs near the nickel plating area, chemical inventory area, staging area next to the wastewater treatment system area, area outside the laboratory, and wastewater treatment system area with an indication of the hazards of the contents. The EPA therefore alleges that Respondent violated Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to comply with the marking and labeling requirements in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(5)(i)(B)], which is a condition of the LQG Permit Exemption.
101. Respondent failed to mark containers and cubic yard boxes stored in Respondent's CAAs near the nickel plating area, chemical inventory area, staging area next to the wastewater treatment system area, and wastewater treatment system area with the date upon which each period of accumulation began. The EPA therefore alleges that Respondent violated Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to comply with the marking and labeling requirements in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(5)(i)(C)], which is a condition of the LQG Permit Exemption.
102. Respondent did not maintain or operate the Facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste on the floor of the CAA in the cadmium line area. The EPA therefore alleges that Respondent violated Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(6)], by not complying with the maintenance and operation requirements in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.251].
103. Respondent failed to maintain adequate aisle space in the CAAs of the chromate conversion coating line area and wastewater treatment system area of the Facility to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of Facility operation in an emergency. The EPA therefore alleges that Respondent violated Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in Fla. Admin.

Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(6)], by not complying with the aisle space requirements in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.255].

104. Respondent failed to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the types and quantities of hazardous waste handled at the Facility. The EPA therefore alleges that Respondent violated Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(6)], by not complying with requirements to make arrangements with local responders in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.256(a)].
105. Respondent failed to submit a quick reference guide and amended contingency plan to the local emergency planning committee. The EPA therefore alleges that Respondent violated Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(6)], by not complying with the contingency plan requirements in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.262(b)].
106. Respondent failed to provide adequate RCRA hazardous waste training. The EPA therefore alleges that Respondent violated Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet the personnel training requirement in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(7)(i)(A)-(B)], which is a condition of the LQG Permit Exemption.
107. Respondent failed to give Facility personnel annual RCRA refresher training. The EPA therefore alleges that Respondent violated Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet the personnel training requirement in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(7)(iii)], which is a condition of the LQG Permit Exemption.
108. Respondent's RCRA Job Description & Training document, dated August 13, 2021, failed to list the alternate emergency coordinator with a job title and the name of the employee filling the job. The EPA therefore alleges that Respondent violated Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet the personnel training records requirement in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(7)(iv)(A)], which is a condition of the LQG Permit Exemption.
109. Respondent stored hazardous waste for more than 90 days, without a permit or interim status and without an extension to the 90-day storage limit, in containers and tanks in the zinc strip line area, area outside the laboratory, nickel strip plating area, and chemical inventory area. The EPA therefore alleges that Respondent violated Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing hazardous waste in excess of 90 days

without a permit or interim status, because Respondent failed to get an extension to the 90-day storage limit pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(b)], which is a condition of the LQG Permit Exemption.

110. Respondent failed to keep a copy of each manifest signed in accordance with 40 C.F.R. § 262.23(a) for three years or until it received a signed copy from the designated facility which received the waste. The EPA therefore alleges that Respondent violated Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.40(a)].
111. Respondent failed to submit 2017, 2019, and 2021 Biennial Reports to the FDEP. The EPA therefore alleges that Respondent violated Fla. Admin. Code Ann. r. 62-730.160(1) and (2) [40 C.F.R. § 262.41(a)].
112. Respondent failed to maintain written documentation of container inspections for at least three years from the date of the inspection. The EPA therefore alleges that Respondent violated Fla. Admin. Code Ann. r. 62-730.160(3).

VI. STIPULATIONS

113. The issuance of this CAFO simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).
114. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:
 - a. admits that the EPA has jurisdiction over the subject matter alleged in this CAFO;
 - b. neither admits nor denies the factual allegations set forth in Section IV (Findings of Facts) of this CAFO;
 - c. consents to the assessment of a civil penalty as stated below;
 - d. consents to the issuance of this compliance order;
 - e. consents to the conditions specified in this CAFO;
 - f. waives any right to contest the allegations set forth in Section V (Alleged Violations) of this CAFO; and
 - g. waives its rights to appeal the Final Order accompanying this CAFO.
115. For the purpose of this proceeding, Respondent:
 - a. agrees that this CAFO states a claim upon which relief may be granted against Respondent;
 - b. acknowledges that this CAFO constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;

- c. waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CAFO, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706;
 - d. waives any rights it may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to compel compliance with the CAFO, and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action;
 - e. waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during any discussions with, or to be served with and reply to, any memorandum or communication addressed to EPA officials where the purpose of such discussion, memorandum, or communication is to persuade such official to accept and issue this CAFO;
 - f. waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the Final Order accompanying this Consent Agreement; and
 - h. agrees to comply with the terms of this CAFO.
116. Within two-hundred and ten (210) days of the Effective Date of this CAFO, Respondent shall submit to the EPA a certification signed by a duly authorized representative stating that the Facility is in compliance with the requirements of the authorized State program set forth in Fla. Stat. §§ 403.702 - 403.7721 and Fla. Admin. Code Ann. r. 62-730, and the Act and its implementing regulations, and that all the violations alleged in this CAFO have been corrected to the extent possible. This certification shall be as follows:

"I certify under penalty of law, to the best of my knowledge and belief, that all violations alleged in this CAFO have been corrected. All work was done under my direction or supervision according to a system designed to assure that qualified personnel implemented and completed the required tasks. This certification is based on my inquiry of the person(s) who performed the tasks, or those persons directly responsible for the person(s) who performed the tasks. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

117. The certification required to be submitted under this CAFO pursuant to Paragraph 116 above shall be e-mailed to:

Alan Newman
Environmental Engineer
Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division

US Environmental Protection Agency
Newman.Alan@epa.gov

118. In accordance with 40 C.F.R. § 22.5, the individuals named in the Certificate of Service are authorized to receive service related to this proceeding and the Parties agree to receive service by electronic means.

VII. TERMS OF PAYMENT

119. Based on Respondent's substantiated ability to pay claim, Respondent consents to the payment of a civil penalty, which was calculated in accordance with the Act, in the amount of **\$1,000.00**, which is to be paid within thirty (30) days of the Effective Date of this CAFO.
120. Respondent shall pay the civil penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the following EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions, see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>. In addition, Respondent shall identify every payment with Respondent's name and the docket number of this CAFO, Docket No. RCRA-04-2024-4007(b).
121. Respondent shall send proof of payment, within twenty-four (24) hours of payment of the civil penalty, to:

Regional Hearing Clerk
R4_Regional_Hearing_Clerk@epa.gov

and

Alan Newman
Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division
Newman.Alan@epa.gov

and

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov

122. "Proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with Respondent's name and "Docket No. **RCRA-04-2024-4007(b)**."

123. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to remit the civil penalty as agreed to herein, the EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the costs of processing and handling the delinquent claim. Accordingly, the EPA may require Respondent to pay the following amounts on any amount overdue:
- a. Interest. Interest will begin to accrue on the civil penalty from the Effective Date of this CAFO. If the civil penalty is paid within thirty (30) days of the Effective Date of this CAFO, interest is waived. However, if the civil penalty is not paid in full within thirty (30) days, interest will continue to accrue on any unpaid portion until the unpaid portion of the civil penalty and accrued interest are paid. Interest will be assessed at the rate of the United States Treasury tax and loan rate, as established by the Secretary of the Treasury, in accordance with 31 U.S.C. § 3717(a)(1), 31 C.F.R. § 901.9(b)(2), and 40 C.F.R. § 13.11(a).
 - b. Non-Payment Penalty. On any portion of a civil penalty more than ninety (90) days past due, Respondent must pay a non-payment penalty of not more than six percent (6%) per annum, which will accrue from the date the penalty payment became due and is not paid, as provided in 31 U.S.C. § 3717(e)(2) and 31 C.F.R. § 901.9(d). This non-payment penalty is in addition to charges which accrue or may accrue under subparagraphs (a) and (c) and will be assessed monthly. 40 C.F.R. § 13.11(c).
 - c. Monthly Handling Charge. Respondent must pay a late payment handling charge to cover the administrative costs of processing and handling the delinquent claim, based on either actual or average cost incurred. 31 C.F.R. § 901.9(c) and 40 C.F.R. § 13.11(b). Administrative costs will be assessed monthly throughout the period the debt is overdue except as provided by 40 C.F.R. § 13.12.
124. In addition to what is stated in the prior Paragraph, if Respondent fails to timely pay any portion of the penalty assessed under this CAFO, the EPA may:
- a. refer the debt to a credit reporting agency or a collection agency (*see* 40 C.F.R. §§ 13.13 and 13.14);
 - b. collect the debt by administrative offset (i.e., the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds (*see* 40 C.F.R. Part 13, Subparts C and H);
 - c. suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds (*see* 40 C.F.R. § 13.17); and/or

- d. refer the debt to the Department of Justice as provided in 40 C.F.R. § 13.33. In any such judicial action, the validity, amount, and appropriateness of the penalty and of this CAFO shall not be subject to review.

125. Penalties paid pursuant to this CAFO shall not be deductible for purposes of federal taxes.

126. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, the EPA is required to send a completed Form 1098-F (“Fines, Penalties, and Other Amounts”) to the Internal Revenue Service (IRS) annually with respect to any court order and settlement agreement (including administrative settlements), that requires a payor to pay an aggregate amount that the EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor’s violation of any law or the investigation or inquiry into the payor’s potential violation of any law, including amounts paid for “restitution or remediation of property” or to come “into compliance with a law.” The EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (for example, a copy of Form 1098-F). In order to provide the EPA with sufficient information to enable it to fulfill these obligations, the EPA herein requires, and Respondent herein agrees, that:

- a. Respondent shall complete a Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- b. Respondent shall therein certify that its completed Form W-9 includes Respondent’s correct Tax Identification Number (TIN) or that Respondent has applied and is waiting for issuance of a TIN;
- c. Respondent shall email its completed Form W-9 to EPA’s Cincinnati Finance Center Region 4’s contact, Jessica Henderson (Henderson.Jessica@epa.gov), on or before the date that Respondent’s initial penalty payment is due, pursuant to Paragraph 119 of this CAFO, and the EPA recommends encrypting Form W-9 email correspondence; and
- d. In the event that Respondent has certified in its completed Form W-9 that it has applied for a TIN and that TIN has not been issued to Respondent by the date that its initial penalty payment is due, then Respondent, using the same email address identified in the preceding sub-paragraph, shall further:
 - i. notify the EPA’s Cincinnati Finance Center of this fact, via email, by the date that Respondent’s initial penalty payment is due; and
 - ii. provide the EPA’s Cincinnati Finance Center with Respondent’s TIN, via email, within five (5) days of Respondent’s issuance and receipt of the TIN.
- e. Failure to comply with providing the Form W-9 or TIN may subject Respondent to a penalty. See 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1.

VIII. WORK TO BE PERFORMED

127. Within five (5) days of the Effective Date of this CAFO, Respondent shall submit an updated RCRA Waste Container Inventory to identify all hazardous waste stored over ninety (90) days, which includes, but is not limited to, waste documented in the 2021 CEI and 2023 CEI.
128. Within one-hundred and eighty (180) days of the Effective Date of this CAFO, Respondent shall complete all treatment of hazardous waste and off-site disposal of such treated waste, and dispose of all remaining, untreated hazardous waste, identified in the updated RCRA Waste Container Inventory required in the previous Paragraph, to a designated treatment, storage, or disposal facility (TSDF), that holds the permits required to manage such wastes.
129. Respondent shall, within thirty-five (35) days of the Effective Date of this CAFO and every thirty (30) days thereafter, submit an updated RCRA Waste Container Inventory that provides the status of all containers (sent for disposal off-site or still stored on-site) and a summary of all hazardous waste treatment and disposal work completed to date.
130. Along with each updated RCRA Waste Container Inventory required to be submitted as set forth in Paragraph 129 above, on the same schedule, Respondent shall also submit to the EPA all corresponding manifests, land disposal restriction (LDR) notifications, and certifications from the designated TSDF, and all waste determination records, e.g., waste profiles, waste sampling and laboratory analysis, analytical methods used to demonstrate the validity and relevance of the analysis, quality control/quality assurance data, and the composition of the waste and the properties of the waste.

IX. NOTIFICATION AND CERTIFICATION

131. Unless otherwise specified, copies of all reports, correspondence, notices, or other submittals relating to or required under this CAFO shall be in writing, and reports shall be submitted electronically via email, and shall be sent to:

Alan Newman
Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division
Newman.Alan@epa.gov

and

Brooke York
Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division
York.Brooke@epa.gov

132. Any report or other document submitted by Respondent pursuant to this CAFO which makes any representation concerning Respondent's compliance or noncompliance with any

requirement of this CAFO shall be certified by a responsible corporate officer of Respondent or a duly authorized representative. A responsible corporate officer means: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation.

133. The certification required by Paragraph 132 above, shall be in the following form:

"I certify that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to evaluate the information submitted. I certify that to the best of my knowledge and belief the information contained in or accompanying this submittal is true, accurate, and complete. As to those identified portion(s) of this submittal for which I cannot personally verify the accuracy, I certify that this submittal and all attachments were prepared in accordance with procedures designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my gathering the information, or the immediate supervisor of such person(s), the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: _____

Name: _____

Title: _____

Date: _____"

X. EFFECT OF CAFO

134. In accordance with 40 C.F.R. § 22.18(c), Respondent's full compliance with this CAFO shall only resolve Respondent's liability for federal civil penalties for the violations and facts specifically alleged above.
135. Full payment of the civil penalty, as provided in Section VII (Terms of Payment) shall not in any case affect the right of the EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. 40 C.F.R. § 22.18(c).

136. Any violation of this CAFO may result in a civil penalty for each day of continued noncompliance with the CAFO and/or the suspension or revocation of any federal or state permit issued to the violator, as provided in Section 3008(c) of the Act, 42 U.S.C § 6928(c).
137. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws or statutes, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit, except as expressly provided herein.
138. Nothing herein shall be construed to limit the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment as provided under the Act.
139. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of both Parties, and approval of the Regional Judicial Officer.
140. The provisions of this CAFO shall apply to and be binding upon Respondent and its successors and assigns. Respondent shall direct its officers, directors, employees, agents, trustees, and authorized representatives to comply with the provisions of this CAFO, as appropriate.
141. Any change in the legal status of the Respondent, or change in ownership, partnership, corporate or legal status relating to the Facility, will not in any way alter Respondent's obligations and responsibilities under this CAFO.
142. By signing this Consent Agreement, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information or personally identifiable information.
143. By signing this Consent Agreement, the Complainant and the undersigned representative of Respondent each certify that one is fully authorized to execute and enter into the terms and conditions of this CAFO and has the legal capacity to bind the party one represents to this CAFO.
144. By signing this Consent Agreement, both Parties agree that each party's obligations under this CAFO constitute sufficient consideration for the other party's obligations.
145. By signing this Consent Agreement, Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and continues to be, true, accurate, and complete for each such submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

146. The EPA also reserves the right to revoke this CAFO and settlement penalty if and to the extent that the EPA finds, after signing this CAFO, that any information provided by Respondent was materially false or inaccurate at the time such information was provided to the EPA. If such false or inaccurate material was provided, the EPA reserves the right to assess and collect any and all civil penalties for any violation described herein. The EPA shall give Respondent notice of its intent to revoke, which shall not be effective until received by Respondent in writing.
147. Unless specifically stated otherwise in this CAFO, each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.
148. It is the intent of the Parties that the provisions of this CAFO are severable. If any provision or authority of this CAFO or the application of this CAFO to any party or circumstances is held by any judicial or administrative authority to be invalid or unenforceable, the application of such provisions to other parties or circumstances and the remainder of the CAFO shall remain in force and shall not be affected thereby.
149. For purposes of the identification requirement of Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 1.162-21(b)(2), performance of Paragraph(s) 127 - 130, is restitution, remediation, or required to come into compliance with law.

XI. EFFECTIVE DATE


150. This CAFO shall become effective after execution of the Final Order by the Regional Judicial Officer, on the date of filing with the Regional Hearing Clerk.

[Remainder of Page Intentionally Left Blank

Complainant and Respondent will Each Sign on Separate Pages.]

The foregoing Consent Agreement In the Matter of **Peninsula Metal Finishing Inc.**, Docket No. **RCRA-04-2024-4007(b)**, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:



Signature

4/24/2025

Date

Printed Name: F.J. COACHMAN

Title: PRESIDENT

Address: 2550 DINNEEN AVE. ORLANDO, FL 32804

The foregoing Consent Agreement In the Matter of **Peninsula Metal Finishing Inc.**, Docket No. **RCRA-04-2024-4007(b)**, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR COMPLAINANT:

Keriema S. Newman
Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 4

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

In the Matter of:

Peninsula Metal Finishing Inc.
2550 Dinneen Avenue,
Orlando, Florida 32804
EPA ID No.: **FLD982104812**

Respondent.

Docket No. **RCRA-04-2024-4007(b)**

Proceeding Under Section 3008(a) of the
Resource Conservation and Recovery Act,
42 U.S.C. § 6928(a)

FINAL ORDER

The Regional Judicial Officer is authorized to ratify this Consent Agreement which memorializes a settlement between Complainant and Respondent. 40 C.F.R. §§ 22.4(b) and 22.18(b)(3). The foregoing Consent Agreement is, therefore, hereby approved, ratified, and incorporated by reference into this Final Order in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, 40 C.F.R. Part 22.

The Respondent is hereby ORDERED to comply with all of the terms of the foregoing Consent Agreement effective immediately upon filing of this Consent Agreement and Final Order with the Regional Hearing Clerk. This Final Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

BEING AGREED, IT IS SO ORDERED.

Tanya Floyd
Regional Judicial Officer

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order, In the Matter of **Peninsula Metal Finishing Inc.**, Docket No. **RCRA-04-2024-4007(b)**, were filed and copies of the same were emailed to the Parties as indicated below.

Via email to all Parties at the following email addresses:

To Respondent: Francis Coachman
Peninsula Metal Finishing Inc.
fscoachman@bellsouth.net
2550 Dineen Avenue
Orlando, Florida 32804
(407) 291-1023

To EPA: Alan Newman
Environmental Engineer
newman.alan@epa.gov
(404) 562-8589

Ximena Vasquez
Associate Attorney
vasquez.maria-ximena@epa.gov
(404) 562-9548

Shannon L. Richardson, Regional Hearing Clerk
R4_Regional_Hearing_Clerk@epa.gov