



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

ELECTRONIC MAIL
CONFIRMATION OF RECEIPT EMAIL REQUESTED

Gary Wilder
Owner
Lizard Juice
8565 Somerset Drive, Suite A
Largo, Florida 33773
gary@lizardjuice.com

SUBJ: Opportunity to Show Cause
Resource Conservation Recovery Act (RCRA) Compliance Evaluation Inspection (CEI)
Lizard Juice: FLR000221036

Dear Gary Wilder:

On March 23, 2023, the U.S. Environmental Protection Agency, along with the Florida Department of Environmental Protection (FDEP), conducted a RCRA CEI at the Lizard Juice located in Largo, Florida to determine the facility's compliance status with RCRA and applicable regulations. This was an EPA-lead inspection.

The EPA has determined that the facility may not be in compliance with several requirements of Chapter 403 of the Florida Statutes (Fla. Stat.), Fla. Stat. § 403.702 et seq. [Subtitle C of RCRA, 42 U.S.C. §§ 6921 to 6939(g)], and the regulations promulgated pursuant thereto, found at Rule 62-730 et seq. of the Florida Administrative Code Annotated (Fla. Admin. Code Ann.) [Title 40 of the Code of Federal Regulations (C.F.R.) Parts 260 through 279] based on potential violations observed during the CEI. The observations made during the inspection are summarized in the attached RCRA CEI Report.

Please provide a detailed written response within fourteen (14) days following receipt of this letter describing any actions that the Lizard Juice has taken and/or intends to take related to the observations and potential violations documented in the RCRA CEI Report. Your response should be emailed to:

William Kappler
kappler.william@epa.gov
U.S. Environmental Protection Agency, Region 4
RCRA Enforcement Section
Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division

Information currently available to the EPA suggests that the Lizard Juice may be in violation of, or have committed violations of, RCRA. By this letter, the EPA is extending to you an opportunity to advise the Agency, via a conference call, of any further information the EPA should consider with respect to the

potential violations. The Lizard Juice may elect to be represented by legal counsel at this meeting and should be prepared to present relevant information and documentation pertaining to the EPA's observed potential violations.

The EPA may determine that a formal enforcement action is appropriate and may assess civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). Therefore, the Lizard Juice has the opportunity to present factors and documentation that could mitigate any penalties that may be assessed against the facility, including information on the Lizard Juice's ability to pay a penalty. Prior to the meeting, the Lizard Juice may review the following documents:

- RCRA Civil Penalty Policy found at: <https://www.epa.gov/sites/default/files/2020-05/documents/june2003rcracivilpenaltypolicyamended050620.pdf>
- Amendments to EPA's Civil Penalty Policies to Account for Inflation: https://www.epa.gov/system/files/documents/2022-01/2022amendmentstopenaltypoliciesforinflation_0.pdf, and
- Inflation Adjustments found at: <https://www.govinfo.gov/content/pkg/FR-2022-01-12/pdf/2022-00349.pdf>

Please be advised that any information provided by the Lizard Juice at the meeting may be used by the EPA in any civil or criminal proceedings related to this or other matters. Any false, fictitious, or fraudulent material omissions, statements or representations may subject the Lizard Juice to criminal penalties under Section 3008(d)(3) of RCRA, 42 U.S.C. § 6928(d)(3).

If the Lizard Juice chooses to accept this offer to meet with the EPA, the facility should contact William Kappler **within fourteen (14) days** following receipt of this letter to schedule a conference call. William Kappler can be reached at (404) 562-8498 or by email at kappler.william@epa.gov. If you decide not to accept this offer to meet to discuss the observed potential violations, the EPA may proceed with enforcement action against the Lizard Juice as authorized under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), including the assessment of appropriate civil penalties and injunctive relief.

If the Lizard Juice is a Small Business or a Small Community, you can find compliance and enforcement resources specifically designed to meet your needs at: <http://www2.epa.gov/enforcement/small-businesses-and-enforcement>. In that webpage you can find information about the Small Business Regulatory Enforcement Fairness Act (SBREFA) that accords some rights to small businesses and is aimed at providing assistance to small businesses and other small entities, making tools available for better understanding of the regulatory and enforcement processes, and seeing that there is no unfair treatment relating to the regulatory enforcement process.

Please feel free to contact William Kappler if you have any technical questions regarding the observations and findings from the inspection performed at the Lizard Juice facility.

Sincerely,

ARACELI
CHAVEZ

Digitally signed by
ARACELI CHAVEZ
Date: 2023.05.31
08:50:38 -04'00'

for Kimberly L. Bingham

Chief

Chemical Safety and Land Enforcement Branch

Enclosure

cc: Jeff Gregg; FDEP (Jeff.Gregg@FloridaDEP.gov)