



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

ELECTRONIC MAIL
CONFIRMATION OF RECEIPT EMAIL REQUESTED

Mr. Tariq Beazer
Environmental Health and Safety
Beckman Coulter Hialeah Facility
740 W 83rd Street
Hialeah, Florida 33014
tbeazer@beckman.com

SUBJ: Opportunity to Show Cause
Resource Conservation Recovery Act (RCRA) Compliance Evaluation Inspection (CEI)
Beckman Coulter Hialeah Facility
EPA ID: FLD982104812

Dear Mr. Beazer:

On August 26, 2021, the U.S. Environmental Protection Agency, along with the Florida Department of Environmental Protection (FDEP) conducted a RCRA CEI at Beckman Coulter Hialeah Facility located in Hialeah, Florida to determine the facility's compliance status with RCRA and applicable regulations. This RCRA CEI was an EPA-lead inspection.

The EPA has determined that the facility may not be in compliance with several requirements of the 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 Beckman Coulter Hialeah Facility has taken and/or intends to take related to the observations and potential violations documented in the RCRA CEI Report. Your response should be mailed and emailed to:

Parvez Mallick
U.S. Environmental Protection Agency, Region 4
RCRA Enforcement Section
61 Forsyth Street
Atlanta, Georgia 30303
mallick.parvez@epa.gov

Information currently available to the EPA suggests that Beckman Coulter Hialeah Facility 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. Beckman Coulter Hialeah Facility 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, Beckman Coulter Hialeah Facility has the opportunity to present factors and documentation that could mitigate any penalties that may be assessed against the facility, including information on Beckman Coulter Hialeah Facility ability to pay a penalty. Prior to the meeting, Beckman Coulter Hialeah Facility may review the following documents:

- RCRA Civil Penalty Policy found at: <http://www2.epa.gov/sites/production/files/documents/rcpp2003-fnl.pdf>
- Revised Penalty Matrices found at: <https://www.epa.gov/sites/production/files/2018-01/documents/amendmentstotheepacivilpenaltypoliciesoaccountforinflation011518.pdf>
- Inflation Adjustments found at: <https://www.epa.gov/sites/production/files/2020-01/documents/2020penaltyinflationruleadjustments.pdf>.

Please be advised that any information provided by Beckman Coulter Hialeah Facility 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 Beckman Coulter Hialeah Facility to criminal penalties under Section 3008(d)(3) of RCRA, 42 U.S.C. § 6928(d)(3).

If Beckman Coulter Hialeah Facility chooses to accept this offer to meet with the EPA, the facility should contact **within fourteen (14) days** following receipt of this letter to schedule a virtual meeting or conference call. Parvez Mallick can be reached at (404) 562-8594 or by email at mallick.parvez@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 Beckman Coulter Hialeah Facility 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 Beckman Coulter Hialeah Facility 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 Parvez Mallick if you have any technical questions regarding the observations and findings from the inspection performed at Beckman Coulter Hialeah Facility.

Sincerely,

KIMBERLY Digitally signed by
BINGHAM KIMBERLY BINGHAM
Date: 2021.10.28
12:38:25 -04'00'

Kimberly L. Bingham
Chief
Chemical Safety and Land Enforcement Branch

Enclosure

cc: Ms. Alannah Irwin; FDEP Southeast District (Irwin.Alannah@FloridaDEP.gov)
Mr. Justin Stark; FDEP Southeast District (Justin.Stark@FloridaDEP.gov)
Mr. Jeff Gregg; FDEP Tallahassee (Jeff.Gregg@FloridaDEP.gov)