

# Hopping Green & Sams

Attorneys and Counselors

November 15, 2011

Kathy Winston  
Florida Dept Environmental Protection  
Southeast District Office  
400 N. Congress Avenue, Ste. 200  
West Palm Beach, FL 33401

RE: Raider Environmental Services, Inc.; EPA ID # FLR000143891  
Warning Letter # 11-0041HW13SED

Dear Ms. Winston:

I am writing to you on behalf of Raider Environmental Services, Inc. ("Raider") in response to your July 7, 2011 Warning Letter and subsequent emails of October 11 and 27 and November 9, related to the March 14 inspection of Raider's used oil processing facility ("Facility") located in Opa Locka. In the October 27 email, the Department raised what it considered to be the remaining issues arising from the March inspection: the submittal of the "as built" drawings and example general facility inspection log. Raider has been working with Bheem Khotur and you regarding these issues and has now submitted both the drawings and logs in the form requested by the Department and is therefore in full compliance with the Department's requests stemming from the inspection.

This leaves as the remaining issue, Raider's response to the Department's proposed penalty amounts in its November 9 offer to settle. First, Raider would like to express its appreciation of the Department's willingness to reduce the penalty amounts from those proposed in the Warning Letter, particularly the multi-day penalties. However, Raider would like to request that the Department once more reconsider its proposed penalty related to financial assurance. Raider regrets the misunderstanding regarding financial assurance requirements and the delay in obtaining the requisite assurance mechanism. The Facility did not ignore this rule requirement. To the contrary, Raider believed in good faith that it had met the financial assurance requirements when it submitted a check for the closure amount upon issuance of the Facility's permit; the Facility was never informed otherwise. You discovered the issue during the March inspection, but Raider only became aware of it when the Facility received the Warning Letter in July. Furthermore, the delay in obtaining the financial mechanism required by the Department was not intentional. Rather, banks are very reluctant these days to acquire any liability, real or perceived, which made it difficult for Raider to obtain the requisite financial

assurance. Despite this difficulty, the financial assurance documents requested by the Department are now in place.

Furthermore, Raider does not believe that this violation meets the definition of a Major/Major violation found in the Department's Settlement Guidelines dated July 17, 2007. This violation did not result in pollution nor could it have been reasonably expected to result in pollution that represented a substantial threat to human health or the environment. Instead, Raider believes that the Potential for Harm was Minor. In addition, Raider believes that the Extent of Deviation from the requirements was Moderate for reasons set forth above. According to the Settlement Guidelines, the penalty for a Minor/Moderate violation is \$500.

Therefore, Raider respectfully requests the Department to consider a further reduction of the financial assurance penalty amount. Raider is prepared to offer the Department a total settlement of \$6,500 including Department costs and expenses. Raider also appreciates the Department's willingness to accept 12 equal monthly payments. Thank you.

Sincerely,

HOPPING GREEN & SAMS



Ralph A. DeMeo

cc: Jill Creech, P.E.  
Steve Obst  
John Jones  
Satish Kastury