

Memorandum

Florida Department of Environmental Protection

TO: File

FROM: Kathy Winston, Environmental Consultant, Hazardous Waste Section

DATE: January 18, 2012

RE: Concerning typo in monthly payment amounts for the Consent Order with
Raider Environmental Services – OGC# 11-1755

On January 17, 2012 the executed Consent Order for this facility was clerked and sent out. It was then brought to the attention of the case manager that there appeared to be a miscalculation of the monthly penalty amounts. When reviewed it was realized that it was actually a typo. The Consent Order says the eleven monthly payments made after the first payment should be \$916.66 instead of 916.16. This correction would bring the total amount to \$11,000, which is the agreed upon amount including coat and expense. OGC was informed of this issue and their response was that as long as we could get an email acknowledgment of these corrections that the Consent Order would not have to be reissued. That confirmation was received from the facility owner and his attorney and the related email chains are attached.

From: Winston, Kathy
Sent: Wednesday, January 18, 2012 10:43 AM
To: 'Ralph DeMeo'
Cc: 'Steve Obst'; 'John Jones'; Paula Cobb
Subject: RE: Executed CO

Thanks for getting back with me so quickly. A memo will be put to the file which will include the email chain below, as well, the email Steve sent confirming acknowledgment of the error. Sorry for any inconvenience and the Department appreciates your cooperation in this matter.

From: Ralph DeMeo [<mailto:RalphD@hgslaw.com>]
Sent: Wednesday, January 18, 2012 9:31 AM
To: Winston, Kathy
Cc: 'Steve Obst'; 'John Jones'; Paula Cobb
Subject: RE: Executed CO

Kathy:

This is to confirm on behalf of Raider Environmental Services that we have been duly informed by DEP of the clerical error in the Short Form Consent Order and that the change in the 11 monthly payments referred to in your 1/17 email is acceptable. Thank you again for your cooperation in reaching an amicable resolution of this matter.

Regards,

Ralph

Ralph A. DeMeo | Hopping Green & Sams, P.A. | *Attorneys and Counselors* | P.O. Box 6526 | Tallahassee, FL 32314 | www.hgslaw.com | 850.222.7500 | 850.224.8551 (fax) | ralphd@hgslaw.com | Legal Assistant: Christine Bloor | christinb@hgslaw.com | Notice: The information contained in this e-mail message and/or its attachment(s) may be an Attorney-Client matter and may include PRIVILEGED AND

CONFIDENTIAL information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify me by return mail to ralphd@hgsllaw.com or by telephone at 850.222.7500 and delete this message and any attachments. Thank you.

From: Winston, Kathy [<mailto:Kathy.Winston@dep.state.fl.us>]

Sent: Tuesday, January 17, 2012 3:47 PM

To: Ralph DeMeo

Cc: 'Steve Obst'; 'John Jones'

Subject: FW: Executed CO

Importance: High

Ralph, see Jack's email below. It appears that all I need is an acknowledgment from you that the facility has been informed of the error and that you agreed that the new calculation is correct.

From: Chisolm, Jack

Sent: Tuesday, January 17, 2012 3:39 PM

To: Lurix, Joe

Cc: Winston, Kathy; Kantor, Karen E.; Roughton, Laurie

Subject: RE: Executed CO

I think an email is OK for this minor clerical error. Get Ralph to acknowledge that the change is correct.

Florida's Water - Ours to Protect: Check out the latest information on Florida Water Issues at <http://www.protectingourwater.org/> presented by the Florida Department of Environmental Protection.

From: Lurix, Joe

Sent: Tuesday, January 17, 2012 3:31 PM

To: Chisolm, Jack

Cc: Winston, Kathy; Kantor, Karen E.

Subject: Fw: Executed CO

Importance: High

Jack

SFCO amendment with signatures of all parties with corrected payment, or just a letter informing Respondent of error?

Joe Lurix
Waste Program Administrator
SED
561-681-6672

Sent from my BlackBerry Wireless Handheld

From: Winston, Kathy
To: 'Steve Obst' ; 'John Jones' ; RalphD@hgslaw.com
Cc: Kantor, Karen E.; Lurix, Joe
Sent: Tue Jan 17 13:40:36 2012
Subject: Executed CO

The executed Consent Order for your facility went out today; however, a typo was found in the payment calculations. The first months payment is correct at \$916.74; however, each of the following eleven payments should be \$916.66 not \$916.16. I am not sure whether a revised CO or some kind of note to file can be made to correct this but I wanted to give you a heads up so that in case we don't have to reissue the Consent Order; you are aware of the correct payment schedule amounts. I will get back to you on how the Department is going to deal with this and also offer my sincere apologies and hope that it doesn't cause you any inconvenience.

Kathy Winston
Environmental Consultant
Hazardous Waste Compliance/Enforcement
(561)681-6756
Fax (561)681-6770

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Please take a few minutes to share your comments on the service you received from the department by

clicking on this link [DEP Customer Survey](#).

From: Winston, Kathy
Sent: Tuesday, January 17, 2012 4:43 PM
To: 'Steve Obst'
Subject: RE: Executed CO

Importance: High

I have already forwarded something to Ralph telling him that our OGC office says as long as he acknowledges that we have sent him a corrected amount and he is OK with the calculation; the CO does not have to be amended. I just have to make note to file. Thanks for your cooperation with this and hope we can continue to work together to keep your facility in compliance.

From: Steve Obst [<mailto:steve@raiderenvironmental.com>]
Sent: Tuesday, January 17, 2012 4:33 PM
To: Winston, Kathy
Cc: Ralph DeMeo
Subject: RE: Executed CO

I am fine with the correction.

Steve Obst
Raider Environmental Services

4103 NW 132nd Street
Opa Locka, Florida 33054
Office: 305-994-9949 Fax: 305-681-6175 Cell: 954-605-6853
Email: steve@raiderenvironmental.com

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P please consider the environment before printing this e-mail.

From: Winston, Kathy [<mailto:Kathy.Winston@dep.state.fl.us>]
Sent: Tuesday, January 17, 2012 3:47 PM
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Cc: 'Steve Obst'; 'John Jones'
Subject: FW: Executed CO
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Kathy Winston
Environmental Consultant

Hazardous Waste Compliance/Enforcement

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Fax (561)681-6770

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