



# FLORIDA DEPARTMENT OF Environmental Protection

Northwest District  
160 W. Government Street, Suite 308  
Pensacola, FL 32502

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

August 31, 2023

Mihir Patel, Registered Agent  
Shradha 2, Inc.  
500 E. Orange Ave.  
Tallahassee, FL 32301  
[mihirpatel004@gmail.com](mailto:mihirpatel004@gmail.com)

Mihir Patel  
Solo Food Store  
415 E. Orange Ave.  
Tallahassee, FL 32301

Minal Patel, Secretary  
Shradha 2, Inc.  
106 Northfield Drive  
Thomasville, GA 31757

Subject: Executed Consent Order, DEP vs Shradha 2, Inc., OGC File NO. 23-1045; Leon County

Dear Gentlemen,

Enclosed is the executed Consent Order (OGC File No. 23-1045) to resolve storage tank issues relating to the Solo Food Store, Facility ID# 8837745 located at 415 E. Orange Ave, Tallahassee, Florida, 32301.

Please note the requirements of the Consent Order for which you are responsible and fulfill all pertinent actions accordingly. All Consent Order time requirements begin the date that it is clerked in our Department unless otherwise noted.

Your cooperation in resolving this matter is greatly appreciated. If you have any questions, please contact Sara Merritt at (850) 595-0589 or by email at [Sara.Merritt@FloridaDEP.gov](mailto:Sara.Merritt@FloridaDEP.gov).

Sincerely,

A handwritten signature in blue ink that reads "Elizabeth Mullins Orr".

*on behalf of*

Elizabeth Mullins Orr  
Director  
Northwest District

EMO/sm



# FLORIDA DEPARTMENT OF Environmental Protection

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160 W. Government Street, Suite 308  
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August 16, 2023

Mihir Patel, Registered Agent  
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500 E. Orange Ave.  
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[mihirpatel004@gmail.com](mailto:mihirpatel004@gmail.com)

Mihir Patel  
Solo Food Store  
415 E. Orange Ave.  
Tallahassee, FL 32301

Minal Patel, Secretary  
Shradha 2, Inc.  
106 Northfield Drive  
Thomasville, GA 31757

SUBJECT: 2<sup>nd</sup> Proposed Consent Order, OGC No.: 23-1045  
Department of Environmental Protection v Shradha 2, Inc.  
Solo Food Store, Facility ID#8837745  
Leon County

Dear Gentlemen,

On June 30, 2023, the State of Florida Department of Environmental Protection ("Department") issued a Consent Order ("CO") that found Shradha 2, Inc. ("Respondent") at Facility ID#8837745 located at 415 E. Orange Ave, Tallahassee, Florida, 32301, had failed to treat corrosion of the submersible turbine pump head, in violation of Rule 62-761.700(1)(a)2, Florida Administrative Code ("F.A.C."), failed to mark fillbox covers according to designated color-symbol system, in violation of Rule 62-761.500(4)(b), F.A.C., and failed to have an interstitial sensor connected to the automatic tank gauge to maintain required release detection, in violation of Rule 62-761.600(1)(f)1, F.A.C.

Based on the violations described above, the Department was seeking \$6,000.00 in civil penalties and \$250.00 for costs and expenses the Department incurred in investigating this matter, which amounted to a total of \$6,250.00. The civil penalty is apportioned as follows:

- \$1,500.00 for violation of Rule 62-761. 700(1)(a)2, F.A.C. and Section 403.121(3)(g), Florida Statutes ("F.S.")
- \$1,500.00 for violation of Rule 62-761.500(4)(b), F.A.C. and Section 403.121(3)(g), F.S.
- \$3,000.00 for violation of Rule 62-761.600(1)(f)1, F.A.C. and Section 403.121(3)(g), F.S.

On July 26, 2023, additional information was supplied to the Department, and a request to review the penalties. After a review of the information was completed, the Department determined that the Respondents had repaired the interstitial sensor and replaced and marked the fillbox covers as required

but failed to provide documentation of corrosion repair to the pump head in a timely manner, in violation of Rule 62-761.700(1)(a)2, F.A.C.

Based on this new information received for the violations listed in the original Proposed Consent Order, the Department has removed the original penalty calculation:

- \$1,500.00 for violation of Rule 62-761.500(4)(b), F.A.C. and Section 403.121(3)(g), F.S.
- \$3,000.00 for violation of Rule 62-761.600(1)(f)1, F.A.C. and Section 403.121(3)(g), F.S.

Before sending this letter, the Department requested that the Respondent undertake certain actions to resolve the violation(s). These actions have since been completed. However, due to the nature of the violation(s), the Respondents remain subject to civil penalties. The Respondents are also responsible for costs incurred by the Department during the investigation of this matter.

### **The Department's Offer**

Based on the information received for the violations listed in the original Proposed Consent Order, the Department has revised the original penalty calculation as follows:

- The violation of Rule 62-761.700(1)(a)2, F.A.C. and Section 403.121(3)(g), F.S. will be changed to a violation of Section 403.121(4)(f), F.S. with a penalty of \$750.00.
- Department costs will be reduced from \$250.00 to \$100.00.

Based on the violations listed in this CO, the Department is seeking \$750.00 in civil penalties and \$100.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$850.00. The civil penalties are apportioned as follows:

- \$750.00 for violation of Rule 62-761.700(1)(a)2, F.A.C. and Section 403.121(4)(f), F.S.

### **Respondents' Acceptance**

If you wish to accept this offer and fully resolve the enforcement matter pending against the Respondents, please sign this letter and return it to the Department at the Northwest District Office, 160 W. Government Street, Suite 308, Pensacola, Florida 32502 **by August 31, 2023**. The Department will then countersign it and file it with a designated clerk of the Department.

Once the document is filed with the designated clerk, it will constitute a final order of the Department pursuant to Section 120.52(7), F.S. and will be effective unless a request for an administrative hearing is filed by a third party in accordance with Chapter 120, F.S. and the attached Notice of Rights.

By accepting this offer you, Mihir Patel or Minal Patel:

- (1) certify that you are authorized and empowered to negotiate, enter into, and accept the terms of this offer in the name and on behalf of Respondents;
- (2) acknowledge and waive Respondents' right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this offer, once final;
- (3) acknowledge and waive Respondents' right to an appeal pursuant to Section 120.68, F.S.; and

- (4) acknowledge that payment of the above amount does not constitute a waiver of the Department's right, if any, to recover emergency response related costs and expenses for this matter.

The Department acknowledges that the Respondents' acceptance of this offer does not constitute an admission of liability for the violation(s) referenced above.

### **Respondents' Performance**

After signing and returning this document to the Department,

- (1) Respondents must pay \$850.00 in full **within 30 days of the effective date of this Order.**
- (2) Respondents shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Water Quality Assurance Trust Fund." Online payments by e-check can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay/>. It will take a number of days after this order is final, effective and filed with the Clerk of the Department before ability to make online payment is available.

The Department may enforce the terms of this document, once final, and seek to collect monies owed pursuant to Sections 120.69 and 403.121, F.S.

Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither the Respondents nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, F.S. Once this letter is clerked and becomes a final order of the Department, as explained above, the attached Notice of Rights will apply to parties, other than the Respondent, whose interests will be substantially affected.

Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondents and the Department, and filed with the clerk of the Department.

Please be aware that if the Respondents decline to respond to the Department's offer, the Department will assume that the Respondents are not interested in resolving the matter and will proceed accordingly.

If you have any questions, please contact Ms. Sara Merritt at [Sara.Merritt@FloridaDEP.gov](mailto:Sara.Merritt@FloridaDEP.gov) or 850-595-0589.

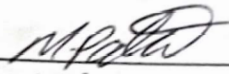
Sincerely,



Elizabeth Mullins Orr  
Director  
Northwest District

FOR THE RESPONDENT:

I, MIHIR PATEL [Type or Print Name], HEREBY ACCEPT THE TERMS OF THE  
SETTLEMENT OFFER IDENTIFIED ABOVE.

By:   
[Signature]

Date: 8/31/23

Title: President.  
[Type or Print]

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this 31st day of August, 2023, in Escambia County,  
Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

 on behalf of

Elizabeth Mullins Orr  
Director  
Northwest District

Filed, on this date, pursuant to section 120.52, F.S., with the designated Department Clerk, receipt of which  
is hereby acknowledged.



August 31, 2023

Clerk

Date

Attachments: Notice of Rights

Final clerked copy furnished to:

Lea Crandall, Agency Clerk ([lea.crandall@dep.state.fl.us](mailto:lea.crandall@dep.state.fl.us))

### NOTICE OF RIGHTS

Persons who are not parties to this Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Order means that the Department's final action may be different from the position it has taken in the Order.

The petition for administrative hearing must contain all of the following information:

- a) The OGC Number assigned to this Order;
- b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;
- c) An explanation of how the petitioner's substantial interests will be affected by the Order;
- d) A statement of when and how the petitioner received notice of the Order;
- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Order; and
- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Order.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 or received via electronic correspondence at [Agency\\_Clerk@floridadep.gov](mailto:Agency_Clerk@floridadep.gov), within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at the address indicated above. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under Sections 120.569 and 120.57, Florida Statutes. Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.