

Black, Alexis

From: Sarkisyan, Marianna
Sent: Thursday, June 18, 2020 4:02 PM
To: David Dee; Black, Alexis; Boatwright, Kelley M.; Lynch, Michael
Cc: Beason, Doug; Willis, Anne
Subject: RE: FDEP v. Angelo's Aggregates Materials (OGC File No. 20-0992)

Mr. Dee,

I was forwarded the below correspondence. I've been assisting the district with this matter, so feel free to reach to me directly with any inquiries. I'll ask the district to send you the penalty calculations. You are welcome to reach out to the district staff if you have any additional questions or need any additional information, but please include me in your correspondence.

I'm cc'ing Anne Willis, my assistant on this email. She can assist with scheduling if you wish to set up a meeting in the near future. Look forward to getting this thing resolved.

Best regards,



Marianna Sarkisyan
Assistant Deputy General Counsel - Litigation
Florida Department of Environmental Protection
3900 Commonwealth Blvd. MS 35
Tallahassee, FL 32399
Marianna.Sarkisyan@FloridaDEP.gov
Ph: (850)245-2263

From: David Dee <ddee@gbwlegal.com>
Sent: Thursday, June 18, 2020 1:15 PM
To: Black, Alexis <Alexis.Black@FloridaDEP.gov>
Cc: Beason, Doug <Doug.Beason@dep.state.fl.us>; Yeargan, Mary <Mary.Yeargan@dep.state.fl.us>; Dominic Iafrate (Diafrate@angelosrm.com)

Black, Alexis

From: David Dee <ddee@gbwlegal.com>
Sent: Thursday, June 18, 2020 1:15 PM
To: Black, Alexis
Cc: Beason, Doug; Yeargan, Mary; Dominic lafrate (Dlafrate@angelosrm.com); John Arnold; Boatwright, Kelley M.
Subject: FDEP v. Angelo's Aggregates Materials (OGC File No. 20-0992)

Alexis,

I am sending you this e-mail to confirm and supplement the information I left for you in a voice message earlier this morning.

Two days ago I was retained by Angelo's Aggregates Materials (Angelo's) and asked to assist Angelo's with its evaluation of the FDEP's proposed consent order in OGC Case No. 20-0992. It is my goal, and I have been told it is Angelo's goal, to work cooperatively with the FDEP and resolve the pending enforcement case as expeditiously as possible. To help accomplish this goal, I plan to schedule a virtual meeting with Angelo's representatives in the near future to discuss the civil penalties in FDEP's proposed consent order. After I complete my discussions with Angelo's representatives, I would like to schedule a virtual meeting with you and the Department's other representatives. I would like to hear the Department's perspective about this case and the proposed civil penalties.

In the interim, I would greatly appreciate receiving some additional information from the FDEP. In the proposed consent order, the FDEP requests payment of \$48,985 for civil penalties. Please send me the penalty calculation worksheets and any other documents that show how the FDEP calculated the proposed civil penalty.

Please note that I am copying Doug Beason in the FDEP Office of General Counsel to ensure that OGC is aware of my representation of Angelo's and my intention to discuss this case with you in the future. I want to be sure that OGC representatives participate in those discussions, to the extent that they wish to do so. If you or Doug want me to coordinate with someone else in OGC, please send me the contact information for that person.

I look forward to working with you and the Department to promptly resolve the issues that have been raised in the Department's enforcement case.

David S. Dee, Esq.

Gardner, Bist, Bowden, Bush, Dee, LaVia & Wright, P.A.

1300 Thomaswood Drive

Tallahassee, FL 32308

Telephone: (850) 385-0070

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Black, Alexis

From: Tafuni, Steven
Sent: Friday, June 19, 2020 11:11 AM
To: Black, Alexis
Subject: FW: FDEP v. Angelo's Aggregates Materials (OGC File No. 20-0923)
Attachments: Solid Waste Penalty Calculation Worksheet.pdf; Copy of Industrial Wastewater Penalty Calculation Worksheet.pdf

Steven Tafuni

FDEP-SWD, Government Operations Consultant,
Compliance Assurance Program
13051 N. Telecom Pkwy
Temple Terrace, FL 33637-0926
tel: 813-470-5792
E-mail: Steven.Tafuni@floridadep.gov

From: Lynch, Michael <Michael.Lynch@dep.state.fl.us>
Sent: Friday, June 19, 2020 11:02 AM
To: David Dee <ddee@gbwlegal.com>
Cc: Beason, Doug <Doug.Beason@dep.state.fl.us>; Yeargan, Mary <Mary.Yeargan@dep.state.fl.us>; Dominic Iafrate (Dlafrate@angelosrm.com) <Dlafrate@angelosrm.com>; John Arnold <john.phillip.arnold@gmail.com>; Boatwright, Kelley M. <Kelley.M.Boatwright@dep.state.fl.us>; Morgan, Steve <Steve.Morgan@FloridaDEP.gov>; Tafuni, Steven <Steven.Tafuni@FloridaDEP.gov>; Newsome, Kaitlyn <Kaitlyn.Newsome@FloridaDEP.gov>; Sarkisyan, Marianna <Marianna.Sarkisyan@dep.state.fl.us>
Subject: RE: FDEP v. Angelo's Aggregates Materials (OGC File No. 20-0923)

David,

Per our conversation, please see the attached Penalty Spreadsheets for OGC Case No. 20-0992 (Solid Waste) and No. 20-0923 (Industrial Wastewater).

In addition, below are three potential dates for us to meet and discuss the cases. Please let me know if any of these work for you.

July 7th 1PM-2PM
July 10th 1PM-2PM
July 14th 1PM-2PM

Thank you,
Mike



Michael Lynch
Environmental Administrator
Southwest District
Florida Department of Environmental
Protection
813-470-5746
Michael.Lynch@FloridaDEP.gov

From: David Dee <ddee@gbwlegal.com>
Sent: Thursday, June 18, 2020 12:54 PM
To: Lynch, Michael <Michael.Lynch@dep.state.fl.us>
Cc: Beason, Doug <Doug.Beason@dep.state.fl.us>; Yeagan, Mary <Mary.Yeagan@dep.state.fl.us>; Dominic Iafrate (Dlafrate@angelosrm.com) <Dlafrate@angelosrm.com>; John Arnold <john.phillip.arnold@gmail.com>; Kelly.M.Boatwright@dep.state.fl.us; Morgan, Steve <Steve.Morgan@FloridaDEP.gov>
Subject: FDEP v. Angelo's Aggregates Materials (OGC File No. 20-0923)

Michael,

I am sending you this e-mail to confirm and supplement the information I left for you in a voice message earlier this morning.

Two days ago I was retained by Angelo's Aggregates Materials (Angelo's) and asked to assist Angelo's with its evaluation of the FDEP's proposed consent order in OGC Case No. 20-0923. It is my goal, and I have been told it is Angelo's goal, to work cooperatively with the FDEP and resolve the pending enforcement case as expeditiously as possible. To help accomplish that goal, Angelo's has requested Dr. Tim Townsend and Innovative Waste Consulting Services, LLC (IWSC), to assist Angelo's with its evaluation of the FDEP's proposed consent order, and the preparation of the proposed Corrective Action Plan that FDEP has requested. I plan to schedule a virtual meeting with Dr. Townsend, IWSC, and Angelo's other representatives in the near future because I want to obtain a better understanding of the facts in the FDEP's enforcement case and the appropriateness of the requirements in FDEP's proposed consent order. After I complete my discussions with Angelo's representatives and consultants, I would like to schedule a virtual meeting with you and the Department's other representatives. I would like to hear the Department's perspective about this case and the requirements in the consent order.

In the interim, I would greatly appreciate receiving some additional information from the FDEP. In the proposed consent order, the FDEP requests payment of \$23,860.38 for civil penalties, including \$9,365.38 for “calculated economic benefit.” Please send me the penalty calculation worksheets and any other documents that show how the FDEP calculated the proposed civil penalty.

On June 8, 2020, the FDEP sent a letter that instructed Angelo’s to sign the consent order by June 19, 2020 or contact the FDEP. Accordingly, I am responding to the FDEP letter by sending you this e-mail on behalf of Angelo’s. As a practical matter, I need to complete several tasks before I advise Angelo’s about the FDEP’s proposed consent order and, therefore, I am not able to make any recommendation to Angelo’s by June 19, 2020.

Please note that I am copying Doug Beason in the FDEP Office of General Counsel to ensure that OGC is aware of my representation of Angelo’s and my intention to discuss this case with you in the future. I want to be sure that OGC representatives participate in those discussions, to the extent that they wish to do so. If you or Doug want me to coordinate with someone else in OGC, please send me the contact information for that person.

I look forward to working with you and the Department to promptly resolve the issues that have been raised in the Department’s enforcement case.

David S. Dee, Esq.

Gardner, Bist, Bowden, Bush, Dee, LaVia & Wright, P.A.

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Black, Alexis

From: Lynch, Michael
Sent: Friday, June 19, 2020 12:51 PM
To: Newsome, Kaitlyn; Black, Alexis; Tafuni, Steven
Subject: FW: FDEP v. Angelo's Aggregates Materials (OGC File No. 20-0923)

FYI

From: David Dee <ddee@gbwlegal.com>
Sent: Friday, June 19, 2020 12:49 PM
To: Lynch, Michael <Michael.Lynch@dep.state.fl.us>
Cc: Boatwright, Kelley M. <Kelley.M.Boatwright@dep.state.fl.us>; Sarkisyan, Marianna <Marianna.Sarkisyan@dep.state.fl.us>
Subject: RE: FDEP v. Angelo's Aggregates Materials (OGC File No. 20-0923)

Thank you for the clarification. I have forwarded your note to Dominic and John.

David S. Dee, Esq.
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From: Lynch, Michael [mailto:Michael.Lynch@dep.state.fl.us]
Sent: Friday, June 19, 2020 12:03 PM
To: David Dee <ddee@gbwlegal.com>
Cc: Boatwright, Kelley M. <Kelley.M.Boatwright@dep.state.fl.us>
Subject: RE: FDEP v. Angelo's Aggregates Materials (OGC File No. 20-0923)

David,

Here is so more information concerning Cell 17 (I believe I misspoke earlier, when I said cell 7):

Cell 17 is not authorized to take waste nor has an active operation permit from the Solid Waste program. Enterprise contacted the Department in March stating that they were running out of room in Cell 16. They began overfilling some of the other cells which is the largest penalty noted on the Solid Waste Penalty Calculation Spreadsheet.

The problem is that while the facility has stopped discharging leachate to the IW pond, the facility has not stopped accepting waste at the facility and therefore continues overfilling the existing disposal areas in violation of their Solid Waste permit and intends to continue to do so until the operation permit is issued, which allows them to operate Cell 17. If the facility elects to take several weeks to consider the Consent Orders then they should either stop accepting waste or they should be prepared to incur additional Solid Waste penalties.

Please let me know if I can assist further.

Thank you,
Mike



Michael Lynch
Environmental Administrator
Southwest District
Florida Department of Environmental
Protection
813-470-5746

Black, Alexis

From: Boatwright, Kelley M.
Sent: Tuesday, July 14, 2020 1:14 PM
To: David Dee
Cc: Lynch, Michael; Sarkisyan, Marianna; Morgan, Steve; Dominic lafrate (Dlafrate@angelosrm.com); John Arnold; Tafuni, Steven; Black, Alexis
Subject: RE: FDEP's proposed consent orders for Enterprise Landfill

Hi David –

Thank you for the signed SFCO. We will get it executed and copies back to you and Domenic by tomorrow at the latest.

Take care,

Kelley



Ms. Kelley Boatwright

Florida Department of Environmental Protection
Southwest District
Assistant Director
Kelley.M.Boatwright@FloridaDEP.gov
Office: 813-470-5723

From: David Dee <ddee@gbwlegal.com>
Sent: Tuesday, July 14, 2020 11:56 AM
To: Boatwright, Kelley M. <Kelley.M.Boatwright@dep.state.fl.us>
Cc: Lynch, Michael <Michael.Lynch@dep.state.fl.us>; Sarkisyan, Marianna <Marianna.Sarkisyan@dep.state.fl.us>; Morgan, Steve <Steve.Morgan@FloridaDEP.gov>; Dominic lafrate (Dlafrate@angelosrm.com) <Dlafrate@angelosrm.com>; John Arnold <john.phillip.arnold@gmail.com>
Subject: FDEP's proposed consent orders for Enterprise Landfill

Kelley,

I am pleased to report that the Department's short-form consent order has been signed by Mr. lafrate. A copy of the signed consent order is attached for your file. The original hard copy will be sent to the Department by U.S. Mail.

This morning I have been working on some edits to the Department's long-form consent order. I hope to submit the revised draft to the Department for its consideration before the end of the week.

David S. Dee, Esq.

Gardner, Bist, Bowden, Bush, Dee, LaVia & Wright, P.A.

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From: Dominic Iafrate [<mailto:Dlafrate@angelosrm.com>]

Sent: Tuesday, July 14, 2020 11:20 AM

To: David Dee <ddee@gbwlegal.com>; john.phillip.arnold@gmail.com

Subject: SKM_C45820071410450.pdf

EXECUTED CONSENT AGREEMENT

Sent from [Mail](#) for Windows 10