

Dibble, Dickson

From: Dibble, Dickson
Sent: Friday, January 07, 2011 2:08 PM
To: Phillips, Cindy
Cc: Ajhar, Rebecca; Veazey, Sandra; Vielhauer, Trina
Subject: FW: Belspur Oaks Pet Crematory - Warning Letter WL08-0020AS41SWD
Attachments: civil penalty worksheet 01 03 2011.pdf; Guidelines for Characterizing Air Violations 6-10-10.pdf

Cindy,

REF: ARMS# 0810085-006-AG

Thank you for taking the time to discuss this situation with me.

I hope that an equitable resolution can be had in order to relieve some of the operating and financial burden expressed by Mr. Bounds, respectively, in his 01/05/11 e-mail below and during my conversation with him on the same day.

Thank you and have a great weekend!

Dick

Dickson E. Dibble, ES III

FL Dept of Environmental Protection
Div. of Air Resource Management
Bureau of Air Monitoring & Mobile Sources
Air General Permit Program
Tel. (850) 921-9586
FAX (850) 922-6979
ICG-#345

Dickson.Dibble@dep.state.fl.us



Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure

From: Dibble, Dickson
Sent: Wednesday, January 05, 2011 4:38 PM
To: Veazey, Sandra
Cc: Ajhar, Rebecca
Subject: FW: Belspur Oaks Pet Crematory - Warning Letter WL08-0020AS41SWD

Sandra,

Thank you for taking the time to discuss this situation with me and the offer to further discuss with Trina and Cindy.

Attached are the documents that were sent by SWD's Falandysz to the "VIOLATOR", Mr. Raymond Bounds, via the e-mail below.

Dick

Dickson E. Dibble, ES III

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From: Belspur Oaks Pet Crematory, Inc. [mailto:belspuroaks@msn.com]
Sent: Wednesday, January 05, 2011 2:05 PM
To: Dibble, Dickson
Subject: FW: Belspur Oaks Pet Crematory - Warning Letter WL08-0020AS41SWD

Hello Mr. Dibble,

Here is the information I received.

If there is any way I can continue to operate between January 8th and until the permit is final it would be greatly appreciated.

Sincerely,

Raymond C. Bounds
President

Belspur Oaks Pet Crematory, Inc.
6060 28th Street East #9

Bradenton, FL 34203

Phone:

(941) 751-5044

(800) 327-6064

Fax:

(941) 929-9065

Web:

www.belspuroaks.com



From: Falandysz, Cynthia [mailto:Cynthia.Falandysz@dep.state.fl.us]
Sent: Monday, January 03, 2011 11:19 AM
To: belspuroaks@msn.com
Cc: Nasca, Mara
Subject: Belspur Oaks Pet Crematory - Warning Letter WL08-0020AS41SWD

Dear Mr. Bounds,

Please accept this email as notification that the Department is finalizing a Short Form Consent Order for the resolution of the above referenced Warning Letter for Belspur Oaks Pet Crematory.

The Southwest District Director approved the attached civil penalties for the items identified in the Warning Letter. The civil penalties were calculated in accordance with the Department' Enforcement Manual guidelines, which are also attached for your review. The Short Form Consent Order, OGC File No. 10-2759, will be issued to you this week.

If you have any questions, please feel free to contact me.

Sincerely,

Cindy Falandysz
Florida Department of Environmental Protection
Air Resource Management
13051 N. Telecom Parkway
Temple Terrace, FL 33637-0926
813.632.7600, extension 123
Fax 813.632.7668
email: Cynthia.Falandysz@dep.state.fl.us

"This staff assessment is preliminary and is designed to assist in the review of the information provided prior to final agency action. The comments provided herein are not the final position of the department and may be subject to revision pursuant to additional information and further review".

The Department of Environmental Protection values your feedback as a customer. DEP Secretary Mimi Drew is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.

Recipient

Phillips, Cindy
Ajhar, Rebecca
Veazey, Sandra
Vielhauer, Trina

Delivery

Delivered: 1/7/2011 2:08 PM
Delivered: 1/7/2011 2:08 PM
Delivered: 1/7/2011 2:08 PM
Delivered: 1/7/2011 2:08 PM



Memorandum

Florida Department of
Environmental Protection

SOUTHWEST DISTRICT
AIR RESOURCE MANAGEMENT
PENALTY COMPUTATION WORKSHEET

Violator's Name: Mr. Raymond Bounds, President

Identify Violator's Facility: Belspur Oaks Pet Crematory, Inc.
6060 28th Street East, Suite #9
Bradenton, Florida 34203
Manatee County
Facility ID: 0810085
Warning Letter No. WL08-0020AS41SWD

Name of Department Staff Responsible for the Penalty Computations: Wendy Simmons, Environmental Specialist I

Date: December 14, 2010

PART I - Penalty Determinations

	Violation Type	Poten- tial for Harm	Extent of Devia- tion	Matrix Amount	Mul- ti- Unit	Mul- ti- Day	Adjust- ments (Part II)	Total
2.	Category B-Visible Emissions Violations	Minor	Minor	\$500		N/A	N/A	\$500
3.	Category I-Improper Operation or Maintenance	Minor	Mod- erate	\$500		N/A	N/A	\$500
5.	Category I-Improper Operation or Maintenance	Minor	Mod- erate	\$500	x 3	x 2 years	N/A	\$3,000
6.	Category F-Record-keeping Violations	Minor	Minor	\$500		N/A	N/A	\$500
	Subtotal							\$4,500
	DEP costs							\$750

Total Penalties and Costs for all Violations: \$5,250.00

Mr. Raymond Bounds, President
Belspur Oaks Pet Crematory
Penalty Computation Worksheet
Facility ID: 0810085
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Notes:

Penalty Calculation was performed utilizing the "Guidelines for Characterizing Air Violations" revised June 10, 2010. The matrix section of the guidelines was used since the facility has entitlement under a general permit.

1. Category G - Reporting and Notification Violations: Belspur Oaks Pet Crematory, Inc., failed to report periods of non-compliance to the Department as required under Rule 62-210.310(3)(i), F.A.C.

The Department is not pursuing penalties for this due to the age of the violation.

2. Category B - Visible Emission Violations: The VE test, conducted December 5, 2007, on Emission Unit No. 003 indicates a visible emissions exceedance of 6% opacity for a 6-minute average. According to Rule 62-296.401(6)(b)1. F.A.C., visible emissions shall not exceed 5% opacity, six minute average, except that visible emissions not exceeding 15% opacity shall be allowed for up to six minutes in any one hour period.

Potential for Harm: Minor - Facility is operating under an air general permit entitlement.

Extent of Deviation: Minor - Percent opacity greater than 100 percent of allowable, but less than 115 percent of allowable, for 3 hours or less during an operating day.

A \$500.00 civil penalty amount was assessed from the matrix:

3. Category I - Improper Operation or Maintenance: During the inspection conducted on March 25, 2009, Emission Unit No. 001 had improper natural gas flow during operation of the unit. Rule 62-296.401(6)(e), F.A.C. states: "All animal crematory units shall be maintained in proper working order in accordance with the manufacturer's specifications to ensure the integrity and efficiency of the equipment....A written plan with operating procedures for startup, shutdown and malfunction of each crematory unit shall be maintained and followed during those events. Each unit's burners shall be operated with a proper air-to-fuel ratio."

Potential for Harm: Minor - Facility is operating under an air general permit entitlement.

Extent of Deviation: Moderate - Poor operation or maintenance such that the control device is considered to be partially bypassed.

A \$500.00 civil penalty amount was assessed from the matrix.

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4. Category G-Reporting and Notification Violations: Belspur Oaks Pet Crematory, Inc. failed to report periods of non-compliance to the Department as required under Rule 62-210.310(3)(i), F.A.C.

The Department is not pursuing penalties for this violation, compliance assistance was provided, instead.

5. Category I-Improper Operation or Maintenance: The Department's review of facility chart records from June 1, 2007 through July 29, 2009 determined that on multiple occasions, Belspur Oaks Pet Crematory, Inc. operated all three cremation units at temperatures below required temperature limits based on testing temperatures and Rule 62-296.401(6)(c)1. and 2., F.A.C.

Potential for Harm: Minor - Facility is operating under an air general permit entitlement.
Extent of Deviation: Minor - Poor operation or maintenance such that the control device is considered to be partially bypassed.

A \$500.00 civil penalty amount was assessed from the matrix for operating all three cremation units with temperature issues in 2008 and 2009, as follows: $\$500 \times 3$ emission units = \$1,500. Then $\$1,500 \times 2$ years (June 2007 through July 2009) for a total penalty of \$3,000.

6. Category F-Recordkeeping Violations: The Department's review of facility chart records from June 1, 2007 through July 29, 2009 determined that Belspur Oaks Pet Crematory, Inc. failed to adequately maintain records of cremation unit operations as required by Rule 62-296.401(6)(i), F.A.C. On multiple occasions, Belspur Oaks Pet Crematory, Inc. failed to record continuous temperature monitoring including operator name, operator indication of when cremation in the primary chamber was begun, date, time, and temperature markings.

Potential for Harm: Minor - Facility is operating under an air general permit entitlement.
Extent of Deviation: Minor - Moderate - Poor operation or maintenance such that the control device is considered to be partially bypassed.

A \$500.00 civil penalty amount was assessed from the matrix.

Departmental Costs & Expenses

The following enforcement manual guidelines were followed in estimating the Department costs & expenses to be recovered in settling this enforcement action.

Level of Enforcement Case:

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 Belspur Oaks Pet Crematory
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- Minimal Enforcement Case: \$100.00 - \$500.00
- Average Enforcement Case: \$500.00 - \$1,000.00
- Complex Enforcement Case: \$1,000.00 - \$5,000.00

This case has been classified as an Average Enforcement Case, for an Enforcement Case cost of \$750.00.

Part II - Multi-day Penalties and Adjustments

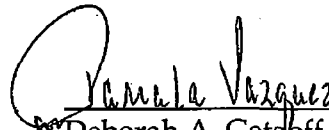
ADJUSTMENTS	DOLLAR AMOUNT	JUSTIFICATION
Good faith/Lack of good faith prior to discovery	N/A	
Good faith/Lack of good faith after discovery	N/A	
History of non-compliance	N/A	This facility does not have a history of non-compliance within the past five years.
Economic benefit of non-compliance	N/A	
Ability to pay		
Other		
Total Adjustments	N/A	
MULTI-DAY PENALTIES		
Number of days adjustment factors to be applied		
Number of days matrix amount is to be multiplied	\$1,500.00	The penalty amount was assessed for two years (June 2007 and July 2009) for multiple days of operation below required temperature limits.

Part III - Other Adjustments Made After Meeting with the Responsible Party

ADJUSTMENTS	DOLLAR AMOUNT	JUSTIFICATION
Relative merits of the case		
Resource considerations		
Other justification		

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1-3-2011
 Date


 Deborah A. Getzoff
 District Director
 Southwest District

PENALTY ASSESSMENT MATRIX

POTENTIAL FOR HARM	EXTENT OF DEVIATION FROM REQUIREMENT		
	MAJOR	MODERATE	MINOR
MAJOR	\$8,000-10,000	\$6,000-8,000	\$4,600-6,000
MODERATE	\$3,200-4,600	\$2,000-3,200	\$1,200-2,000
MINOR	\$500-1,200	\$500	\$500

ELRA PENALTIES APPLICABLE TO THE AIR PROGRAM

Section	Description	Penalty	Code	Days
1	Air-emission-permit exceedance, or unpermitted / unauthorized air emission	\$1000	403.121(3)(f)	12
	• Add-on 1 - If the emission results in an air quality violation, add \$1000	+ \$1000		
	• Add-on 2 - If the emission was from a major source and the source was major for the pollutant in violation, add \$3000	+ \$3000		
	• Add-on 3 - If the emission was more than 150 percent of the allowable level, add \$1000	+ \$1000		
2	Failure to install, maintain or use a required pollution control system or device	\$4000	403.121(4)(b)	14
3	Failure to obtain a required permit before construction	\$3000	403.121(4)(c)	15

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	or modification			
4	Failure to construct in compliance with a permit	\$2000	403.121(4)(d)	16
5	Failure to conduct required monitoring or testing	\$2000	403.121(4)(d)	17
6	Failure to conduct required training	\$1000	403.121(4)(e)	18
7	• Failure to maintain required staff to respond to emergencies	\$1000	403.121(4)(e)	18
	• Failure to prepare, maintain or update required contingency plans	\$1000		
	• Failure to adequately respond to emergencies to bring an emergency situation under control	\$1000		
8	Failure to submit required notification to the department	\$1000	403.121(4)(e)	19
9	Failure to prepare, submit, maintain or use required reports or other required documentation	\$500	403.121(4)(f)	19
10	Failure to comply with any other departmental regulatory statute or rule requirement not specifically identified by this ELRA penalty schedule	\$500	403.121(5)	20