Message

From: Ramalho, Louis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3F5EC3325BE640FEA8E4CD98387B9710-LRAMALHO]
Sent: 1/28/2020 6:07:54 PM
To: Schaller, Charles [cschaller@bakerdonelson.com]
CC: Toffel, Melissa [Toffel.Melissa@epa.gov]; Tim Miller [tmiller@nationalpremiumbeer.com]
Subject: FW: FW: 930 Port Street ATP
Attachments: Tnk Mntr.jpg; 93 Tank Test Pass.png; 930 Inventory and line test.png; Tank RD table _0120_.docx

FYI.

From: Toffel, Melissa <Toffel.Melissa@epa.gov>
Sent: Tuesday, January 28, 2020 1:05 PM
To: Ramalho, Louis <Ramalho.Louis@epa.gov>
Subject: FW: FW: 930 Port Street ATP

Lou – I have updated the chart to reflect the new information provided by Mr. Miller this morning. I highlighted the new info in green. This new information does not change our latest iteration of the penalty calculation because none of the Days of Noncompliance multipliers change with this new information.

Melissa Toffel, U.S. EPA Region III
Enforcement & Compliance Assurance Division
Air, RCRA & Toxics Branch
1650 Arch Street (Mail Code 3ED22)
Philadelphia, PA 19103
P: 215-814-2060
F: 215-814-3163

From: Tim Miller <tmiller@nationalpremiumbeer.com>
Sent: Tuesday, January 28, 2020 9:02 AM
To: Ramalho, Louis <Ramalho.Louis@epa.gov>
Cc: Toffel, Melissa <Toffel.Melissa@epa.gov>; Charles Schaller <cschaller@bakerdonelson.com>
Subject: Re: FW: 930 Port Street ATP

On Mon, Jan 20, 2020 at 4:06 PM Tim Miller <tmiller@nationalpremiumbeer.com> wrote:

This should fill in a few blank spaces, another 7 hours of work!

Tim Miller
Owner, 930 Port Street Inc.
410-310-3553 | tmiller@nationalpremiumbeer.com
28102 Baileys Neck Road, Easton MD 21601

EASTON POINT
24 HR GAS AND DIESEL

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On Tue, Nov 5, 2019 at 10:17 AM Ramalho, Louis <Ramalho.Louis@epa.gov> wrote:

Mr. Miller: Mr. Steinmetz has determined that your company, 930 Port Street, Inc., can pay at least $60,000 of the total proposed penalty of $138,982; a 57% reduction of the original amount. EPA is willing to provide you with an installment payment plan over a 12 month period with a 1% interest rate on the outstanding principal balance with an average monthly payment of approximately $5,050.00 per month. This offer is good for 20 days. Please let me know if you agree to accepted this offer. If EPA does not hear from you in writing on or before November 25th, EPA will assume that you have rejected our offer at which time EPA may proceed with the filing of a formal Administrative Complaint and Opportunity for a Hearing on this matter before an administrative law judge.

Regards,

Lou Ramalho

(215) 814-2681

From: Steinmetz, Harry <Steinmetz.Harry@epa.gov>
Sent: Tuesday, November 05, 2019 8:48 AM
To: Ramalho, Louis <Ramalho.Louis@epa.gov>
Cc: Toffel, Melissa <Toffel.Melissa@epa.gov>
Subject: 930 Port Street ATP

Folks,

To arrive at an ability to pay amount in settlement for a RCRA penalty proposed against 930 Port Street, Inc., I reviewed the following information:

- Form 1120-S, U.S. Income Tax return for an "S" Corporation for calendar years 2014 through 2018 inclusive;
- EPA's Financial Statement for Businesses;
- Publicly available real property assessments, valuations and ownerships;
- Follow-up telephone calls with Timothy Miller in the company of EPA's attorney, Louis Ramalho and the site inspector, Melissa Toffel.

Based on my review of the financial information provided by 930 Port Street, Inc., I have determined that the company is in a position to pay at least $60,000.00 in settlement of the proposed civil penalty through an Ability to Pay Settlement. I feel this can be paid in 12 monthly equal installments with available cash and the remaining balance, if any, can be financed with the company's substantial real estate equity providing assurance and security to a lender.

Harry R. Steinmetz, Investigator

Superfund & Emergency Management Division

U.S. EPA Region III (3SD41)

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