

From: [Gering, Charles](#)
To: [Kono, Michiko](#)
Cc: [Devkota, Om](#); [Richardson, Shannon](#)
Subject: RE: Question about penalty payment status under Ferrara Candy Company CAFO, Docket No. CAA-04-2021-0201(b)
Date: Tuesday, June 29, 2021 4:55:18 PM
Attachments: [ATT00001.txt](#)
[Florence--Proof of payment 5-20-21 \(01345000x9E1B0\).pdf](#)
Importance: High

Michi,

Thanks for your message. Ferrara does not have a copy of the check in sent on May 20, 2021, which was never presented to its bank for payment. Attached is a screen shot from Ferrara's SAP system which shows that a check was prepared on May 20, 2021 for \$26, 872.00, the amount of the agreed penalty, and sent to "Environmental Protection Agency" in Springfield, Illinois. Thus, it appears that the check was sent to the Illinois Environmental Protection Agency, which is headquartered in Springfield, Illinois. The screen shot also reflects that Ferrara voided the check on June 16, 2021 after it learned that the payment was sent to the incorrect address.

With respect to the replacement payment, I apologize for the confusion regarding the timing of the payment. I understood that the payment would be made yesterday, but my understanding was incorrect. I am advised that the payment is being arranged by Ferrara's finance department, and we expect the payment to be made by ACH transfer on Thursday, July 1, 2021. Again, sorry for the confusion. I have reminded Ferrara about the need to provide proof of payment within 24 hours after the replacement payment is made.

Please let me know if you have further questions.

Chuck



Charles M. Gering
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received this e-mail in error, please notify the sender by e-mail reply.

From: Kono, Michiko <Kono.Michiko@epa.gov>
Sent: Tuesday, June 29, 2021 8:02 AM
To: Gering, Charles <cgering@pedersenhaupt.com>
Cc: Devkota, Om <devkota.om@epa.gov>; Richardson, Shannon <Richardson.Shannon@epa.gov>
Subject: RE: Question about penalty payment status under Ferrara Candy Company CAFO, Docket No. CAA-04-2021-0201(b)

Chuck – Does Ferrara have a copy of the check from May 20 or some other proof about the attempted but unsuccessful payment? If yes, could you email me a copy so that I can forward it to the EPA Finance Office contact in Cincinnati who asked me today if I had such documentation? It would be helpful because the Finance Office would be able to put the information in their file.

Did Ferrara make the payment as planned yesterday? I realize that Ferrara may not have sent the proof of payment yet but thought I would ask while I was emailing the above question.

Thanks.
Michi (EPA Region 4)

From: Gering, Charles <cgering@pedersenhaupt.com>
Sent: Friday, June 25, 2021 12:45 PM
To: Kono, Michiko <Kono.Michiko@epa.gov>
Subject: RE: Question about penalty payment status under Ferrara Candy Company CAFO, Docket No. CAA-04-2021-0201(b)

Michi,

Thanks for your message. I will check with Ferrara and let you know if they want that information. My understanding is that they intend to stop payment on the check when they make the ACH payment, but I will let you know if that is incorrect.

Chuck

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From: Kono, Michiko <Kono.Michiko@epa.gov>
Sent: Friday, June 25, 2021 11:30 AM
To: Gering, Charles <cgering@pedersenhoupt.com>
Subject: RE: Question about penalty payment status under Ferrara Candy Company CAFO, Docket No. CAA-04-2021-0201(b)

I would need to look into this some more because the person in the Cincinnati Finance Office who works with Region 4 went on maternity leave this week, but does Ferrara want a contact at the EPA Finance Office for asking about the uncashed, unreturned check? I do have a name of the person who is covering for Jessica through September, and I often google "How to pay an EPA fine" when looking for EPA payment information, including who I could call.

From: Gering, Charles <cgering@pedersenhoupt.com>
Sent: Friday, June 25, 2021 12:09 PM
To: Kono, Michiko <Kono.Michiko@epa.gov>
Subject: RE: Question about penalty payment status under Ferrara Candy Company CAFO, Docket No. CAA-04-2021-020
Hello, Michi. Thanks for your follow-up message.

Yes, Ferrara has confirmed that it sent the check to the wrong address on May 20. The check it sent was not returned and has not been cashed. Ferrara has arranged for an ACH payment to be made, and I am advised that the ACH transfer will be completed on Monday, June 28, 2021. I have confirmed the ACH payment instructions from the CAFO with Ferrara, as well as the "proof of payment" requirements.

Ferrara apologizes for the error and the resulting delay. Please let me know if you have any questions or require further information.

Chuck

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From: Kono, Michiko <Kono.Michiko@epa.gov>
Sent: Friday, June 25, 2021 7:26 AM
To: Gering, Charles <cgering@pedersenhoupt.com>
Subject: RE: Question about penalty payment status under Ferrara Candy Company CAFO, Docket No. CAA-04-2021-0201(b)

Chuck – Just wondering. Has Ferrara determined what happened, or is its investigation continuing?
Thanks. Michi (EPA Region 4)

From: Gering, Charles <cgering@pedersenhoupt.com>
Sent: Tuesday, June 15, 2021 1:20 PM
To: Kono, Michiko <Kono.Michiko@epa.gov>
Subject: RE: Question about penalty payment status under Ferrara Candy Company CAFO, Docket No. CAA-04-2021-0201(b)

Michi,

Ferrara made a payment on May 20, 2021, but apparently there was confusion regarding the payment instructions. We are investigating and I will get back to you as soon as I have more information.

Chuck

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From: Kono, Michiko <Kono.Michiko@epa.gov>
Sent: Monday, June 14, 2021 10:51 AM
To: Gering, Charles <cgering@pedersenhoupt.com>
Subject: FW: Question about penalty payment status under Ferrara Candy Company CAFO, Docket No. CAA-04-2021-0201(b)

Just to follow up – the penalty was \$26,872. Thanks.

From: Kono, Michiko
Sent: Monday, June 14, 2021 10:46 AM
To: Gering, Charles <cgering@pedersenhoupt.com>
Subject: Question about penalty payment status under Ferrara Candy Company CAFO, Docket No. CAA-04-2021-0201(b)

Hi Chuck. I hope all is well in Chicago.

Today our EPA finance office contact in Cincinnati asked me to ask you about the status of the penalty payment for the Ferrara Candy Company RMP CAFO, referenced above. The penalty of \$26,909.39 was due June 4, and it has not been recorded as received by EPA. Could you give me information about where the company is on payment of the penalty?

Thank you for your help.

Michi
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(404) 562-9558