McKenzie Tank Lines (St. Marks Terminal) Penalty Justification & Computation

Based upon Guidelines for Characterizing Used Oil Violations (1/24/2006)

1. 62.710.401(6) F.A.C. General Requirements for the Storage of Used Oil (28.1)

McKenzie failed to label several used oil drums with the words "Used Oil" and several of the drums were open and not labeled. There was no secondary containment provided for any of the drums located at the facility. There were several drums and 5-gallon buckets that contained used oil that were not labeled, closed or in secondary containment.

(a) Potential for Harm

Moderate

McKenzie had several drums and buckets of used oil that were not labeled, closed or inside secondary containment. <u>In accordance with the Guidelines for Characterizing Used Oil Violations (1/24/2006)</u>, the Potential for Harm for containers not labeled properly or closed for a volume between 25 but less than 550 gallons of used oil is **Moderate**.

(b) Extent of Deviation

Moderate

McKenzie failed to ensure that its Used Oil was properly managed. In accordance with the Guidelines for Characterizing Used Oil Violations (1/24/2006), the Extent of Deviation for containers not labeled properly or closed for a volume between 25 but less than 550 gallons of used oil is **Moderate**.

2.) 62-710.850(5)(a) F.A.C General Req's for the Storage of Used Oil Filters/Drums (26.2)

McKenzie failed to ensure that all its containers of used oil filters were labeled, closed and located inside secondary containment. In accordance with "62-710.850(5)(a) - All persons storing used oil filters shall store used oil filters in above ground containers which are clearly labeled "Used Oil Filters," and which are in good condition (no severe rusting, apparent structural defects or deterioration) with no visible oil leakage. The containers shall be sealed or otherwise protected from weather and stored on an oil-impermeable surface."

McKenzie's oil filter drums were not labeled, closed or inside secondary containment.

(a) Potential for Harm

Minor

<u>In accordance with the Guidelines for Characterizing Used Oil Violations (1/24/2006)</u>, the Potential for Harm for not complying with the General Requirements for the storage of used oil filters is **Minor**.

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(b) Extent of Deviation

Minor

<u>In accordance with the Guidelines for Characterizing Used Oil Violations (1/24/2006)</u>, the Potential for Harm for not complying with the General Requirements for the storage of used oil filters less than three drums is **Minor**.

**RCRA PENALTY POLICY APPLIED for March 2007.

McKenzie Tank Lines St. Marks Terminal February 28, 2007 Page 3 of 5

Waste Management Program

PENALTY COMPUTATION WORKSHEET

Violator's Name: Mck	Kenzie Tank Line	es (St. Marks	Terminal)			
Waste Management Pr	rogram: <u>Hazard</u>	ous Waste S	ection			
Department Staff Resp	oonsible for the I	Penalty Com	putations: <u>Ter</u>	ry Wells	<u></u>	
Date: <u>April 12, 2007</u>						
	PART I - C	Class A Pena	lty Determinati	<u>on</u>		
Violation <u>Type</u>	Potential <u>for Harm</u>	Extent of Dev.	Matrix <u>Amount</u>	Multi- <u>day</u>	Adjust- ments	Total
1. 62.710.401(6) F.A.C.		Moderate	\$2,600			\$2,600
General Requirement 2. 62-710.850(5)(a) F.A.C General Requirement	Minor	Minor	\$500			\$500
3		<u> </u>				
4.						
5.						
		Total Penalti	es for all Violat	tions:		\$3,100
Mishale Kennek	2					
77,00	/		June 29, 2007			
Michael S. Kennedy, F Program Administrato			Date			

McKenzie Tank Lines St. Marks Terminal February 28, 2007 Page 4 of 5

PENALTY COMPUTATION WORKSHEET

PART II - Multi-day Penalties and Adjustments

ADJUSTMENTS	Dollar Amount
Good faith/Lack of good faith prior to discovery:	
Justification:	
Good faith/Lack of good faith after discovery:	
Justification:	
History of non-compliance:	
Justification:	
Economic benefit of non-compliance:	No adjustment
Justification: No economic benefit for the two violations cited.	
Ability to pay:	
Justification:	
Total Adjustments:	
MULTI-DAY PENALTIES	Dollar Amount
Number of days adjustment factor(s) to be applied:	
Total Dollar Amount:	
Justification:	
OR	
Number of days matrix amount is to be multiplied:	
Justification:	

Total Adjusted Penalty: \$3,100 Department Expenses: \$250 McKenzie Tank Lines St. Marks Terminal February 28, 2007 Page 5 of 5

PENALTY COMPUTATION WORKSHEET

<u>Part III - Other Adjustments Made After Meeting with the Responsible Party</u>

ADJUSTMENTS:	Dollar Amount
Relative merits of the case:	
Resource considerations:	
Other justification:	
Richard Fancher	
District Director	
Date	