

PENALTY COMPUTATION WORKSHEET

Facility Name: H&J Asphalt Inc.
Facility Address: 4310 NW 35th Avenue, Miami, Florida 33142

Department Staff Responsible for the Penalty Computations:

Jay Choi

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Date: 4/22/2016

PART I - Class A Penalty Determinations

Violat ion	Alleged Violation Type	Guidelines for Characterizing Violations	Harm/Potenti al Harm Ranking	Extent of Deviation	Matrix Amount	Multi-day	Adjustment s	Economic Benefit Calculation	Total
#1	40 CFR 279.22(c)(1) Unit Management; Used oil container labeling	UO Page 2	Fixed per ELRA 403.121(5), F.S.		\$500		\$100 ↑ 20% (see Page 2)		\$600
#2	40 CFR 279.22(d) Emergency Procedures; Release of Used oil	UO Page 1	Fixed per ELRA 403.121(4)(e), F.S.		\$1,000				\$1,000
#3	40 CFR 279.65(a) Record Keeping; Used Oil acceptance logs	UO Page 1	Fixed per ELRA 403.121(4)(f), F.S.		\$500		\$100 ↑ 20% (see Page 2)		\$600
* See attached Used Oil Harm and Potential for Harm Ranking System Worksheet						Penalties Subtotal:		\$2,200	
						Department Costs:		\$500	
						Total:		\$2,700	

All penalty calculations are based on the Florida Department of Environmental Protection Hazardous Waste Regulation Section's "Guidelines for Characterizing Hazardous Waste Violations" revised as of July 28, 2013, and "Guidelines for Characterizing Used Oil Violations," revised July 28, 2013. Certain violations require Harm Ranking System characterization and have been utilized where applicable; refer to the attached Harm Ranking System worksheet(s). The attached civil penalty worksheets are formulated and tendered only in the context of settlement negotiations in order to attempt to reach a cooperative settlement.

Jennifer K. Smith

4/26/16

Jennifer K. Smith
District Director
Southeast District

Date

PENALTY COMPUTATION WORKSHEET

(continued)

Facility Name: H&J Asphalt Inc.

Facility Address: 4310 NW 35th Avenue, Miami, Florida 33142

Part II - Multi-day Penalties and Adjustments

Adjustments:

Dollar Amount:

Good Faith/lack of good Faith prior to Discovery:

Justification:

History of Non-Compliance:

\$200

Justification:

An upward adjustment of 20% was applied to Violations # 1 (\$100) and #3 (\$100) as they are repeat violations from the previous enforcement case in 2014.

Economic Benefit of Non-Compliance:

Justification:

The calculation of Economic Benefit was not applicable to the violations cited in this case.

Ability to pay:

Justification:

Multi-Day Penalties:

Dollar Amount:

Number of days adjustment factor(s) to be applied:

Justification:

Number of days matrix amount is to be multiplied:

Justification:

Part III-Other Adjustments Made After Meeting With Responsible Party

Adjustments:

Dollar Amount:

Relative Merits of the Case:

Resource Consideration:

In the interest of obtaining an amicable settlement and considering Department resources, the matrix amounts were taken from the bottom of the box and ELRA was used wherever possible.

Other Justification:

To settle the matter in a timely manner and avoid the risk of litigation, the Department accepted the facility's settlement offer of \$734, plus \$500 costs and expenses, for a total of \$1,234.

-\$1,466



5/11/16

Jennifer K. Smith
District Director
Southeast District

Date

ECONOMIC BENEFIT CALCULATION

FACILITY: H&J Asphalt Inc.

VIOLATION:

The calculation of Economic Benefit was not applicable to the violations cited in this case.

Avoided Costs (AC) \$ -

X 0

TOTAL AC \$ -

Delayed Costs (DC) \$ -

X \$ -

TOTAL DC \$ -

$$\begin{array}{rcccl} \text{AC}(1-T) & + & \text{DC}(I) & = & \text{ECONOMIC BENEFIT} \\ & & & & \text{(EB)} \\ & \text{where } T=35\%, I=3\% & & & \\ \hline \$0*(1-0.35) & + & \$0*(.03) & = & \text{EB} \\ \\ \text{Therefore, } \$0 & + & \$0 & = & \$0 \end{array}$$

The economic benefit amount (all violations added together) was compared to the chart on page 28 of the RCRA Civil Penalty Policy Manual. Economic Benefit was not pursued based on the following:

When the gravity-based and multi-day total penalty is:

\$30,000 or less:

\$30,001 to \$49,999:

\$50,000 or more:

Economic Benefit should be pursued if it totals:

at least \$3,000

at least 10% of the proposed penalty

\$5,000 or more