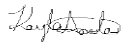




## PENALTY COMPUTATION WORKSHEET

Facility Name: World Petroleum Corp. OGC File No. 18-0012  
 Facility Address: 3650 SW 47th Ave, Davie, FL 33314

**Department Staff Responsible for the Penalty Computations:**

  
 Kayla Acosta

  
 Norva Blandin

  
 Juchan Choi

Date: 1/31/2018

**PART I - Class A Penalty Determinations**

PART I - Class A Findings Determinations									
Violation	Alleged Violation Type	Guidelines for Characterizing Violations	Harm Ranking*	Extent of Dev.	Matrix Amount	Multi-day	Adjustments	Economic Benefit Calculation	Total
#2	F.A.C. 62-710.510(1), F.A.C. 62-710.510(1)(b)  Record Keeping: Missing EPA ID numbers on Manifests	UO Page 1	ELRA 403.121(4)(F)		\$500		\$150  (↑ 30%)		\$650
#3	40 CFR 263.20(h)(2)(i)  Record Keeping: Missing EPA ID numbers on Manifests	HW PDF Page 3	Minor	Minor  (#2)	\$710				\$710
#4, #5	40 CFR 279.52(b), 40 CFR 279.52(b)(4), 40 CFR 279.52(b)(3), 40 CFR 279.52(b)(3)(ii)  Used Oil Processing: Contingency Plan and Notification to Local Authorities	UO Page 1	ELRA 403.121(4)(e)		\$1,000		\$300  (↑ 30%)		\$1,300
							Subtotal		\$2,660
							Department Costs:		\$500
							Total:		\$3,160

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 June 28, 2013, and "Guidelines for Characterizing Used Oil Violations revised June 28, 2013." Certain violations require Harm Ranking System characterizations and have been utilized where applicable; refer to the attached HW and UO Harm Ranking System worksheets. 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  
 Southeast District Director  
 Florida Department of Environmental Protection

2/2/18  
 Date

## **PENALTY COMPUTATION WORKSHEET**

(continued)

Facility Name: World Petroleum Corp. OGC File No. 18-0012  
Facility Address: 3650 SW 47th Ave, Davie, FL 33314

### **Part II - Multi-day Penalties and Adjustments**

**Adjustments:**

Good Faith/lack of good Faith prior to Discovery:

**Dollar Amount:**

\$0

Justification:

Good Faith/lack of good Faith after Discovery:

\$0

Justification:

History of Non-Compliance:

\$450

Justification:

For Violation #2 pursuant to the requirements of a Used Oil Transporter, WP failed to include the EPA ID numbers of generators of used oil in their manifest records. This is a repeated violation from 2014 and therefore warrants an upward adjustment for history of noncompliance. Violation #4 in which WP failed to update their Contingency Plan, was a repeated violation from 2013 and 2014. This violation warrants an upward adjustment of 30%. Violation #5 pursuant to the requirements for emergency preparedness, WP failed to notify local authorities of the facility's revised Contingency Plan. This is a repeated violations from a 2013 inspection inspection and therefore warrants an upwards adjustment of 30% for history of noncompliance.

Economic Benefit of Non-Compliance:

Justification:

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, ELRA was used wherever possible when it yielded the lower penalty amount.

Other Justification:

Jennifer K. Smith  
Southeast District Director  
Florida Department of Environmental Protection

Date

FACILITY NAME: World Petroleum Corp.							Date: 11/02/2017
EPA ID No.: FLD980709075							Case #:
Violation	Description	Nature of Waste	Amount of Waste	Discharge	People	Threat	Total Points
40 CFR 262.11	Waste determination	4	5	0	2	0	11
F.A.C. 62-710.510(1), F.A.C. 62-710.510(1)(b)	Used Oil Transporter Acceptance and Delivery Records (Incomplete Record Keeping)	3	0	0	2	0	5
							0
							0
							0
							0
							0
							0
<b>Nature of Waste</b>							<b>Score</b>
High Hazard (acutely toxic or reactive)							6
Other HW/Universal Waste							4
Used Oil							3
Used Oil Filters							2
<b>Amount of Waste</b>							
> 5,000 kg/1,375 gal (25 drums) of Waste							8
1,000 to 5,000 kg/275 gal to 1,375 gal (5 to 25 drums) of Waste OR 2.2lbs or > of acutely toxic waste							5
>100 kg to 1,000 kg/25 gal to 275 gal (5 drums) OR <2.2lbs of acutely toxic waste							2
<100 kg /<25 gal of Waste							1
<b>Discharge</b>							
Discharge to surface water or off site discharge.							12
Discharge to ground water							10
Discharge to soil							8
Discharge to air or Impervious Surface/Containment							6
Discharge-de minimus cleanup per 62-780 FAC							2
No Discharge							0

<b>Potential Exposures</b>		
>1,000 people		4
101 - 1,000 people		3
10 - 100 people		2
<10 people		1
<b>Additional Threat Factors (select all that apply for a specific violation-Use if NO discharge observed) (use sliding scale 0 = no risk, 1-4 depending on severity)</b>		
Fire or Explosion Risk		0-4
Incompatible Waste Storage		0-4
Risk of Employee Exposure above PELs		0-4
Container Integrity		0-4
Inadequate Provisions for Detecting and Preventing Releases		0-4
	<b>SUBSTANTIAL (Major)</b>	Above 20
	<b>SIGNIFICANT (Moderate)</b>	13-20
	<b>MINIMAL (Minor)</b>	Under 13

**Additional Threat Factors Examples:**

Fire or Explosion Risk: Highest ranking = fire or explosion is imminent, waste stored near ignition or fuel source; Lowest ranking = no risk of fire or explosion.

Incompatible Waste Storage: Highest ranking = wastes stored inappropriately with incompatibles not physically separated; Lowest ranking = no incompatible waste storage.

Risk of Employee Exposure above PELs: Highest ranking = PELs above exposure limits; Lowest ranking = no risk of exposure. Note, facility's lack of ability to measure PEL if there is a potential issue should be considered.

Container Integrity: Highest ranking = Containers are compromised; Lowest ranking = no containers are compromised.

Inadequate Provisions for Detecting and Preventing Releases: Highest ranking = No containment, no inspections, high potential for release; Lowest ranking = inspections performed, low potential for releases.

Note: This guideline is intended to support Directive 923, the Guidelines for Characterizing Hazardous Waste Violations, and the violation matrix spreadsheet (Guidelines for Characterizing Hazardous Waste, Universal Waste, Used Oil and Drycleaning Violations) to facilitate a consistent way of categorizing Harm and Potential for Harm. In order to account for case-specific circumstances, the default scores for any particular category can be adjusted based on professional judgement to better match the unique site conditions and findings from the inspection or information provided in response to the inspection findings. To help foster consistency and supportable decisions, professional judgement that will result in deviation from the default scores should be discussed with the program office.

Generator Status	Regulation Description	Focus Area	Rule Cite	Harm & Potential for Harm	Extent of Deviation	Classification*	Comments
CESQG	Failure of a person who generates a solid waste, as defined in 40 CFR 261.2, to determine if that waste is a hazardous waste.	Waste Management	262.11	Minor	Major	Case Specific (potential SNC)	after laboratory analysis, resulted that none of the 22-drums were hazardous. Violation was removed from the Penalty Calc.
UOT/UOP/UB/UBTF/UBOMKT	Each registered person shall maintain records on DEP Form 62-710.901(2) or on substantially equivalent forms which contain at least the same information as the Department form. These records shall include the following information: (a) The name, business address, telephone number and EPA Identification number of the transporter; (b) The source of the used oil, including the name and street address of each source, and the EPA identification number of the source if the generator has one; (c) The total number of gallons of used oil received from each source, including any oily wastes which may be an integral part of the used oil shipment; (d) The type of used oil received, using the type code designation found in the form instructions; (e) The date of receipt; (f) The destination or end use of used oil and oily wastes, including the name and street address of each destination or end user, the EPA identification number if applicable, and the end use code designation found in the form instructions; and (g) Documentation of halogen screening in accordance with the requirements of Rule 62-710.600, FAC. (Records are incomplete)	Record Keeping	F.A.C. 62-710.510(1) F.A.C. 62-710.510(1)(b)	Minor	Moderate	Case Specific (potential SNC)	
CESQG	Failure of a Transporter to maintain copies of SQG Shipping papers for 3 years	Record Keeping	263.20(h)(4)	Minor	Minor	SV (Compliance Assistance)	263.20(h)(2)(i) Not characterized in the WM Division Guidelines

UOP	<p>The contingency plan must be reviewed, and immediately amended, if necessary, whenever:</p> <ul style="list-style-type: none"> <li>(i) Applicable regulations are revised;</li> <li>(ii) The plan fails in an emergency;</li> <li>(iii) The facility changes—in its design, construction, operation, maintenance, or other circumstances—in a way that materially increases the potentials for fires, explosions, or releases of used oil, or changes the response necessary in an emergency;</li> <li>(iv) The list of emergency coordinators changes; or</li> <li>(v) The list of emergency equipment changes.</li> </ul>	Processing	<p>40 CFR 279.52(b)(4)</p> <p>40 CFR 279.52(b)(4)(iv)</p>	Minor	Moderate	SV (Compliance Assistance)	
UOP	<p>A copy of the contingency plan and all revisions to the plan must be: (i) Maintained at the facility; and (ii) Submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.</p>	Processing	<p>40 CFR 279.52(b)(3)</p> <p>40 CFR 279.52(b)(3)(ii)</p>	Minor	Moderate	SV (Compliance Assistance)	Not characterized in the WM Division Guidelines