

PENALTY COMPUTATION WORKSHEET

Facility Name: LSK Logistics, LLC
 Facility Address: 2625 NW 40th St, Miramar, FL 33142, 7535 W 2nd Ct, Hialeah, FL 33014

[Guidelines for Characterizing Hazardous Waste Violations \(ENFORCEMENT MANUAL-PDF\)](#)
[GUIDELINES FOR CHARACTERIZING USED OIL VIOLATIONS \(ENFORCEMENT MANUAL-PDF\)](#)
[GUIDELINES SPREADSHEET TOOL FOR EVALUATING SDC \(POWER DATA HOME LINK\)](#)

Department Staff Responsible for the Penalty Computation:

Dustin Otero

CHH

Samuel Soons

[Specific Compliance Assistance Guidelines For RCRA/Hazardous Waste](#)

Date: 11/2/2018

Name: Navee Harsh

Title: Facility Operator

PART I - Class A Penalty Determination

Violation	Alleged Violation Type	Guidelines for Characterizing Violation	ELRA Cite	Amount	Multi-Day Multi-Facility	Economic Benefit Calculation	Total
# 1, # 2	40 CFR 279.42 - F.A.C. 62-710.500, F.A.C. 62-710.500(4) Used Oil Transporter Transfer Facility Handling Requirement Failure to Re-Notify as a Transporter and Display in Motor-vehicle Used Oil Handling Registration	LO PDF** (Page 2)	ELRA 403.758(2)**	\$500**			\$500
# 3	40 CFR 279.71 - 40 CFR 279.71 (c) Used Oil Disposal Transporting Used Oil for Disposal to an Unpermitted Facility Name	LO PDF** (Page 1)	ELRA 403.121(3)(c)**	\$2,000**			\$2,000
# 4, # 5, # 6	F.A.C. 62-710.400(3)(a) - 40 CFR 279.52(a)(1) - 40 CFR 279.52(a)(2)(ii) Used Oil Labels Inspection Loop Top Washer Fluid Failure to Properly Label & Drive, Monitor Facility Inspection Loop and have an Approved Eye Washer Fluid	LO PDF** (Page 2)	ELRA 403.121(1)**	\$500**			\$500
# 7	F.A.C. 62-710.510(3) Used Oil Annual Report Failure to submit 2017 and all other annual reports	LO PDF** (Page 2)	ELRA 403.758(2)**	\$300**			\$300
# 8	F.A.C. 62-710.400(2)(c) Used Oil Liability Insurance Failure to Submit in Most up-to-date Certification of Liability Insurance	LO PDF** (Page 2)	ELRA 403.758(2)**	Not Paying			Not Paying
# 9, # 10, # 11	F.A.C. 62-710.400(2)(c) - 40 CFR 279.52(b)(3)(c) - 40 CFR 279.52(b)(2)(v) Used Oil Contingency Plan Failure to Provide Training Records for the Past Three Years, Failure to distribute to local audience and provide copy of facility's contingency plan	LO PDF** (Page 1)	ELRA 403.121(4)(c)**	\$1000**			\$1,000
# 12	F.A.C. 62-710.510(1) Used Oil EPA ID Used Oil Filter Disposal Records Not Included An EPA ID	LO PDF** (Page 2)	ELRA 403.121(1)**	\$500**			\$500
# 13	F.A.C. 62-710.400(4) Cost Estimate Failure to provide 2017 Cost Estimates	LO PDF** (Page 2)	ELRA 403.121(1)**	\$500**			\$500
Penalty Subtotal							\$5,100
Adjustment							\$100
Department Costs							\$700
Total							\$6,750

**See instructions on Characterizing Used Oil Violations - Administrative Division (2/18/14)

All penalty calculations are based on the Florida Department of Environmental Protection's Hazardous Waste Regulation Section's "Guidelines for Characterizing RCRA Violations," revised as of June 28, 2013. Certain violations require Hazard Ranking System characterizations and have been utilized where applicable; refer to the attached Hazardous Waste: Harm and Potential for Harm Ranking System Worksheet. The attached civil penalty worksheets are formulated and rendered only in the context of settlement negotiations and are not intended to be used for enforcement purposes.

Samuel Soons
 District Director
 Southeast District
 Florida Department of Environmental Protection

8/31/18
 Date

PENALTY COMPUTATION WORKSHEET

(continued)

Facility Name: U.S. Lubricants, LLC
Facility Address: 3636 NW 48th Ter, Miami 33142, 7855 W 2nd Ct Bay 2, Miami 33014

Part II - Multi-day Penalties and Adjustments

Adjustments: **Dollar Amount:**
Lack of Good Faith Efforts to Comply After Discovery:
Justification:

History of Non-Compliance: \$950
Justification: For Violation #1, pursuant to the requirements of re-notifying as a transporter, U.S. Lubricants, LLC failed to re-notify the Department as a used oil transporter and used oil transfer facility in at least one (1) previous inspection (i.e. in the 07/28/2014 inspection) within the past five (5) years, which therefore warrants an upward adjustment of 25% for history of non-compliance.

For Violation #3, pursuant to the requirements of transporting to an unregistered used oil burner, U.S. Lubricants, LLC failed to use a registered used oil burner in at least one (1) previous inspection (i.e. in the 07/28/2014 inspection) within the past five (5) years, which therefore warrants an upward adjustment of 25% for history of non-compliance.

For Violation #4, pursuant to the requirements of not labeling four (4) used oil drums, U.S. Lubricants, LLC failed to have used oil drums properly labeled in at least one (1) previous inspection (i.e. in the 07/28/2014 inspection) within the past five (5) years, which therefore warrants an upward adjustment of 25% for history of non-compliance.

For Violation #9, pursuant to the requirements of providing training records of the past three years of its employees, U.S. Lubricants, LLC failed to show that its employees were receiving yearly training in at least one (1) previous inspection (i.e. in the 07/28/2014 inspection) within the past five (5) years, which therefore warrants an upward adjustment of 25% for history of non-compliance.

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:

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 a settlement (and considering Department resources), the base penalty amounts assigned by the Department to each of the five (5) violations exactly match those prescribed by the Guidelines for Characterizing Used Oil Violations - Administrative Penalties (ELRA).

Other Justification: _____

8/31/18

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

Date

Regulatory Description	Focus Area	Rule Cite	ERIS Cite	Comments
Used oil inventories: processors and refiners/burners' fuel marketers who have not previously complied with the notification requirements of RCRA Section 3010 must comply with these requirements and obtain a CERCLA EPA Identification number	Notification	40 CFR 279.42 - F.A.C. 62-710.500	ELRA 403.798(2)**	Repeat Violation from 07/26/2014 Inspection
Each registered person shall display the validated registration form and identification number in a prominent place at each facility location.	Notification	F.A.C. 62-710.500(a)	ELRA 403.121(5)**	
A used oil fuel marketer may indicate a shipment of off-specification used oil only to a used oil burner when: (a) He has an EPA identification number; and (b) Burns the used oil in an individual furnace or boiler identified in 279.41(a).	Transport	40 CFR 279.71 - 40 CFR 279.71 (a)	ELRA 403.121(3)(g)**	Repeat Violation from 07/26/2014 Inspection
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 cover missing, apparent structural defects, or deterioration) with no visible oil leakage. The containers shall be sealed or otherwise protected from sunlight and not stored on an oil-impervious surface. (1) Contained	Fiber Management	F.A.C. 62-710.503(a)	ELRA 403.121(5)**	Repeat Violation from 07/26/2014 Inspection
No later than March 1 of each year, each person registered or required to register with Rule 62-710.500 F.A.C. shall submit an annual report for the preceding calendar year to the Department. DEP Form 62-710.901(1). The report shall be submitted to the records kept pursuant to this section.	Record Keeping	F.A.C. 62-710.510(b)	ELRA 403.798(2)**	
Heavy, velocity, and insulative vehicle insurance with a combined single limit of no less than \$100,000. Such insurance, or additional policy must in no way exclude pollution coverage for sudden and accidental alleged or threatened discharge, disposal, seepage, migration, release or escape of used oil, and must include any cost or expense relating to pollution damage for which the insurer is a legally liable. Such insurance must be maintained at all times and be evidence of legal defense costs. (Being required for bond)	Financial	F.A.C. 62-710.600(2)(F)	ELRA 403.798(2)**	
Maintain a record of training in the company's reporting record and the individual personnel lists indicating the type of training received along with the dated signatures of those receiving and providing the training. These records shall be available for review by Department personnel during inspections.	Training	F.A.C. 62-710.600(2)(G)	ELRA 403.121(4)(g)**	Repeat Violation from 07/26/2014 Inspection
(1) Testing and maintenance of equipment. All facility communication or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure proper operation in time of emergency.	Processing	40 CFR 279.32(a)(3)	ELRA 403.121(5)**	
Following, unless one of the hazards posed by used oil handled at the facility could require a particular kind of equipment specified in paragraphs (a)(2)(i) through (v) of this section: (i) An internal communication or alarm system capable of providing immediate cross-facility instructions (voice or signal) to facility personnel; (ii) A device, such as a telephone (communically available at the scene of the equipment) or a hand-held two way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams; (iii) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as the using foam, inert gas, or dry chemical), spill control equipment and decontamination equipment; and (iv) water of adequate volume and pressure to supply water loss streams, or foam producing equipment, or automatic sprinklers, as warranted.	Processing	40 CFR 279.32(a)(2)(vi)	ELRA 403.121(5)**	
Processors and refiners of used oil processors and refiners facilities must comply with the following requirements (must have contingency plan meeting the following requirements): (1) Develop and implementation of contingency plan (2) Content of contingency plan (3) Copies of contingency plan (4) Announcement of contingency plan (5) Emergency coordinator (6) Emergency procedures	Processing	40 CFR 279.32(b)(1)(i)	ELRA 403.121(4)(g)**	
Processors and refiners facilities must comply with the following requirements (must have contingency plan meeting the following requirements): (1) Develop and implementation of contingency plan (2) Content of contingency plan (3) Copies of contingency plan (4) Announcement of contingency plan (5) Emergency coordinator (6) Emergency procedures	Processing	40 CFR 279.32(b)(2)(v)	ELRA 403.121(4)(g)**	
DEP Form 62-710.901(2) or an substantially approved form which contains 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 only tanks 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 at each facility, 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) Description of oil leakage.	Record Keeping	F.A.C. 62-710.510(1)	ELRA 403.121(5)**	
(a) The owner or operator of a used oil processing facility shall provide the Department with proof of financial assurance issued in force of the State of Florida in the amount of the closing bond estimate for the facility. The proof, along with the closing cost estimate, shall be submitted to the Department as part of the permit application process for the facility. Proof of financial assurance shall consist of either a surety bond guaranteeing payment or a surety bond guaranteeing performance, which complies with the requirements of rule 62-701.630, F.A.C. An owner or operator may request a release of proof of financial assurance in lieu of, or in combination with, the requirement for a surety bond, consisting of one or more of the following financial instruments which comply with the requirements of rule 62-701.630, F.A.C.: (must fund): (1) acceptable lines of credit; insurance; or financial bond and corporate guarantee. Financial documents shall be collected on Form 62-701.900(3)(a), (b), (c), (d), (e), (f) (or (h)), as appropriate. (2) For the purpose of determining the closing bond estimate, the owner or operator shall estimate the total cost of closing the facility using Form 62-701.900(3)(a), (b), (c), (d), (e), (f) (or (h)).	Processor	F.A.C. 62-710.800(a)	ELRA 403.798(2)**	