

PENALTY COMPUTATION WORKSHEET

Facility Name: Heritage Crystal Clean  
Facility Address: 1280 Northeast 48th Street Pompano Beach Florida 33064

Department Staff Responsible for the Penalty Computations:

Justin Stark  
Norva Blandin  
Alannah Irwin  
Date: 1/11/2019

PART I - Class A Penalty Determinations

Violation	Alleged Violation Type	Guidelines for Characterizing Violations	Harm/Potential Harm Ranking	Extent of Dev.	Matrix Amount	Multi-Day/Multi-Event	Adjustments	Economic Benefit Calculation	Total
#1 & #4	40 CFR 263.22(a);40 CFR 263.20(a)  Recordkeeping - Failure to keep return signed copies from the designated facilities for hazardous wastes and Failure to use a manifest for Small Quantity Generators	HW PDF*	Minor*	Moderate**	\$2,130.00				\$2,130.00
#2 & #6	40 CFR 279.45; 40 CFR 279.52(b)(3)  Failure to maintain a written SPCC Plan /Contingency Plan for used oil transfer facility; Failure to send a notification letters of their SPCC/Contingency Plan to local emergency authorities	UO PDF*	Minor*	Moderate**	500.00				\$500.00
#3	40 CFR 279.46(a), F.A.C 62-710.510(1)  Failure to include EPA ID of the generators and designated facility for used oil manifests (Missing EPA ID's, or discrepancies between Transporter #2 and Designated Facility)	UO PDF*  (Page 8)	Minor*	Moderate**  #3	\$500				\$500.00
#5	40 CFR 265.174 , F.A.C 62-730.160(5)  Hazardous Waste Weekly Inspections - Failure to conduct weekly inspection on its hazardous wastes storage area (missing elements)	HW PDF*  Page 7	Minor*	Minor**  #1	\$710				\$710.00
* See Guidelines for Characterizing Hazardous Waste Violations							Penalties Subtotal:		\$3,840
** See Settlement Guidelines for Civil and Administrative Penalties - Attachment IV (Hazardous Waste Cases)							Department Costs:		\$500
							Total:		\$4,340

All penalty calculations are based on the Florida Department of Environmental Protection Hazardous Waste Regulation Section's "Guidelines for Characterizing RCRA Violations," revised as of June 28, 2013. Certain violations require Harm Ranking System characterization 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 tendered only in the context of settlement negotiations in order to attempt to reach a cooperative settlement.

Jennifer K. Smith  
Date: 3/5/19

District Director  
Southeast District  
Florida Department of Environmental Protection

**PENALTY COMPUTATION WORKSHEET**

(continued)

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

Adjustments:		Dollar Amount:
Good Faith Efforts to Comply After Discovery:		
Justification:		
Not Pursuing:		
Justification:		
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:		
<b><u>Part III-Other Adjustments Made After Meeting With Responsible Party</u></b>		
Adjustments:		Dollar Amount:
Relative Merits of the Case:		
	After the informal meeting was conducted, the Department, based on good faith efforts and being able to demonstrate that the facility is currently in compliance, and the SPCC plan was adequate, a downward of \$350 was warranted for the violations #2 & #6.	-350.00
Resource Consideration:		
Other Justification:	<u>In the interest of obtaining a settlement and considering Department resources, the RCRA matrix were taken from the bottom of the chart</u>	

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

3/5/19

Date

Focus Area	Rule Cite	Harm & Potential for Harm	Extent of Deviation	Classification*	Regulation Description	Comments
Manifest	40 CFR 263.22	Minor	Minor	Case Specific (potential SNC)		
Emergency Preparedness	40 CFR 279.45	Minor	Minor	Case Specific (potential SNC)	Failure to maintain site specific SPCC Plan	Oil. (Generator/Transporter/Transfer Facility/ Processor/ Burner) Upon detection of a release of used oil to the environment that is not subject to the requirements of Part 280, Subpart F of this Chapter and which has occurred after the effective date of the recycled used oil management program in effect in the State in which the release occurred.
Record Keeping	40 CFR 279.46(d) F.A.C. 62-710.510((1)	Minor	Moderate	Case Specific (potential SNC)	Used oil transporters/ processors/ burners must keep a record of each used oil shipment accepted for transport/ processing/ burning. (Records are incomplete)	\$500
Record Keeping	40 CFR 265.174 F.A.C. 62-730.160(5)	Minor	Moderate	Case Specific (potential SNC)	Generators shall document container inspections and maintain the records for at least 3 years from the date of the inspection. At a minimum, this documentation shall include the date and time of the inspection, the legibly printed name of the inspector, the number of containers, the condition of the containers, a notation of the observations made, and the date and nature of any repairs or other remedial actions	Violation should be cited under 262.16(b)(iv) based off of the new generator rules. 265.174 was an old citation before the new rules. However, the citation is still the same.
Manifest	40 CFR 263.20	Minor	Major= no docs; Moderate= w/shipping papers or bill of lading on file	Case Specific (potential SNC)	Failure of a Transporter to use a hazardous waste manifest	
Emergency Preparedness	40 CFR 279.52 (b) (3)	Minor	Minor	Case Specific (potential SNC)	Failure to maintain site specific SPCC Plan- notification to local authorities	Used Oil Violations OGC Page 9 # 1 and #3

FACILITY NAME: HCC							Date:1/7/19
EPA ID No.: FLD984262410							Case #:
Violation	Description	Nature of Waste	Amount of Waste	Discharge	People	Threat	Total Points
40 CFR 263.22	Manifest	4	2	0	1	0	7
40 CFR 279.45	Recordkeeping - SPCC	3	2	0	1	0	6
40 CFR 279.46(d) F.A.C. 62-710.510((1)	Acceptance and delivery records (Missing EPA ID's, or discrepancies between Transporter #2 and Designated Facility)	3	2	0	1	0	6
40 CFR 265.174 F.A.C. 62-730.160(5)	Weekly inspection logs	4	2	0	1	0	7
40 CFR 263.20	Manifest	4	2	0	1	0	7
40 CFR 279.52 (b) (3)	Notification to Local Authorities	3	2	0	1	0	6
Nature of Waste							Score
High Hazard (acutely toxic or reactive)							6
Other HW/Universal Waste							4
Used Oil							3
Used Oil Filters							2
Amount of Waste							
> 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
Discharge							
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
Potential Exposures							
>1,000 people							4
101 - 1,000 people							3
10 - 100 people							2
<10 people							1
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)							
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

## Harm and Potential for Harm Ranking System

<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.