

PENALTY COMPUTATION WORKSHEET  
SUBJECT TO FINAL APPROVAL

# 18-1184

Violator's Name: Heritage-Crystal Clean, LLC (EPA ID #FLR 000 154 278)

Address: 11643 103rd Street, Jacksonville, FL (Duval County)

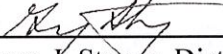
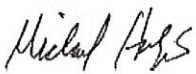
Name of Department Staff Responsible for the Penalty Computations:  
Cheryl Mitchell

Date: 7/9/2018

PART I - PENALTY DETERMINATIONS

Violation Type	RCRA Guideline	ELRA Schedule	ENVIRON- MENTAL Harm	Extent of Dev.	Matrix Amount	Adjust- ments	Total
1 62-710.401(6), FAC - UO trucks parked for >24-hrs are not on an oil-imperm. surface/no 2nd cont.	UO144		3+8+0+1+0= 12 Minor	Always Major	\$850	\$765	\$1,615
2 40 CFR 279.44(a) - The facility did not determine halogen content of all used oil that it transports.	UO159		3+8+0+1+0= 12 Minor	Always Major	\$850		\$850
3 40 CFR 262.11 - Failed to make a HW determination on Branch Debris.	HW216		4+5+0+1+0=10 Minor	Always Major	<del>\$3,190</del>	<del>\$358</del>	\$3,548
4 40 CFR 279.46(a)(2) - Facility did not list EPA ID on acceptance shipping docs.	UO40		3+8+0+1+0= 12 Minor	Always Moderate	\$500		\$500
5 62-710.510(1), FAC - Facility did not have a UO/UOF log.	UO36		3+8+0+1+0= 12 Minor	Always Major	<del>\$850</del>		\$850
6 62-710.510(1)(g), FAC - Facility did not document halogen test results.	UO162		3+8+0+1+0= 12 Minor	Always Major	<del>\$850</del>		\$850
7 62-710.850(5)(a), FAC - UOF in trailer are not stored on an oil-impermeable surface.	UO130		2+8+0+1+0= 11 Minor	Always Major	\$850	Included with #1	\$850
8 62-730.171(6), FAC - Facility's HW log was missing 2 shipments of HW and all VSQG HW.	HW146		Always Moderate	Moderate for Incomplete Log	<del>\$9,210</del>		\$9,210
9 40 CFR 279.22(d) - Failure to respond to UO releases.	UO140		3+1+2+1+0= 7 Minor	Always Major	\$850	\$18	\$868
10 40 CFR 265.52(a) - Facility did not have a complete Contingency Plan.	HW25		Always Minor	Minor for Incomplete Plan	\$430	\$488	\$918
11 40 CFR 265.53(b) - Facility did not distribute Contingency Plan.	HW31		Always Minor	Always Minor	\$430	Included with #10	\$430

PART I - PENALTY DETERMINATIONS (continued)

Violation Type	RCRA Guideline	ELRA Schedule	ENVIRON- MENTAL Harm	Extent of Dev.	Matrix Amount	Adjust- ments	Total
40 CFR 265.37 - Facility did not make emergency 12 arrangements.	HW55		Always Minor	Minor	\$430	Included with #10	\$430
Subtotals:					\$13,290 \$19,290	\$1,271 \$1,629	\$14,551 \$20,919
<b>Total Penalties for all violations:</b>							<b>\$20,919</b>
Department Costs:							\$500
 Gregory, J. Strong, District Director				November 26, 2018 Date			
 Michael Halpin Assistant Deputy Secretary, Regulatory				11/28/2018 Date			
Peer Reviewed by Division: <b>Yes (X)</b> No ( )							

**PART II - MULTI-DAY PENALTIES AND ADJUSTMENTS**

<u>Adjustments</u>	<u>Amount</u>
Good faith prior to discovery: _____	\$0
Justification: _____	
Good faith after discovery: _____	\$0
Justification: _____	
History of non-compliance: _____	\$0
Justification: _____	
Economic benefit of non compliance: _____ Refer to description and calculations below.	\$1,629
Justification: _____ Refer to description and calculations below.	
Ability to pay: _____	\$0
Justification: _____	
<b>Total Adjustments:</b>	<b>\$1,629</b>

$$EB = AC(1-T) + DC(I) = \$358 + \$488 + \$765 + \$18 = \$1,629$$

AC = Avoided Costs – expenditures nullified by violator's failure to comply (Operating and Maintenance costs)

DC = Delayed Costs – expenditures deferred by violator's failure to comply (Capital Costs)

T = Corporate Tax Rate = 35% (in 2016/2017)

I = Interest rate charged by IRS for delinquent accounts = 3% (in 2016/2017)

**Avoided Costs (AC) for Violation Numbers 3, 10-12:**

Violation 3: Facility failed to perform waste determination by TCLP analysis on "Branch Debris" wastestream. Cost Est. = \$550

$$AC = \$550 * .65 = \$357.50 = \$358$$

Violations 10, 11, 12: Facility did not maintain a complete Contingency Plan, did not distribute to local authorities and did not make emergency response arrangements. Estimated cost of inhouse labor to complete the plan including emergency response arrangements and distribute to local authorities is \$750.

$$AC = \$750 * .65 = \$487.50 = \$488$$

**Delayed Costs (DC) for Violation Numbers 1, 7, 9:**

Violations 1, 7: Facility failed to place used oil filter containers and used oil vac trucks on an oil impermeable surface. Cost estimate to provide 3 containment systems for 3 vac trucks (~\$6,000 each) and 1 containment system for 1 UOF semi-trailer (~\$7,500) = \$25,500

$$DC = \$25,500 * .03 = \$765$$

Violation 9: Facility failed to respond to and clean-up used oil releases in the Truck Parking Lot. Cost Est using in-house labor for excavation and disposal of 2 drums of non-hazardous petroleum contaminated dirt/limerock =  $2 * \$0.50/\text{lbs} * 600\text{lbs} = \$600$

$$DC = \$600 * .03 = \$18$$

**MULTI-DAY PENALTIES**

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

Justification: \_\_\_\_\_ \$ -

Or

Number of days matrix amount is to be multiplied:

Justification: \_\_\_\_\_ \$ -

Comments:

PART III - OTHER ADJUSTMENTS MADE AFTER MEETING WITH THE RESPONSIBLE PARTY

ADJUSTMENT

Dollar Amount

Relative merits of the case:

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Resource Considerations:

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Other Justification:

Violation 3: penalty eliminated based upon lab data indicating Branch Debris was non-hazardous waste;  
Violations 5, 6, 8: penalty adjusted to "low end" of penalty matrix due to additional information submitted by the facility.

April 29, 2019

Date

Gregory J. Strong, District Director