

PENALTY COMPUTATION WORKSHEET
SUBJECT TO FINAL APPROVAL

Violator's Name: Evo Corporation (EPA ID #NCD 982 114 803)

Address: 1703 Vargrave St., Winston-Salem, NC 27107

Name of Department Staff Responsible for the Penalty Computations:
Bonnie Bradshaw

Date: 2/4/2019

PART I - PENALTY DETERMINATIONS

Violation Type	RCRA Guideline	ELRA Schedule	ENVIRON- MENTAL Harm	Extent of Dev.	Matrix Amount	Adjust- ments	Total
1 62-730.150(2)(a), FAC: Failed to notify as transporter in Florida.	Similar to HW125		Minor for TRA with EPA ID in another state	Always Major	\$3,190		\$3,190
2 40 CFR 279.22(c): Containers not labeled "used oil"	UO146		3+1+0+1+0=5 Minor	Always Major	\$850		\$850
3 62-710.401(6), FAC: No secondary containment for used oil	UO103		3+2+0+1+0=6 Minor	Always Major	\$850		\$850
4 40 CFR 262.14(a)(5): Disposed of aerosol can in trash	HW214		4+1+0+1+0=6 Minor	Always Major	\$3,190		\$3,190
5 40 CFR 279.22(d): Did not clean up used oil release	UO142		3+1+2+1+0=7 Minor	Minor for de minimis cleanup	\$500		\$500
6 62-710.850(5)(a), FAC: Used oil filter drums not stored on oil-impermeable surface	UO132		3+2+0+1+0=6 Minor	Minor for <3 drums	\$500		\$500
Subtotals:					\$9,080	\$0.00	\$9,080
Total Penalties for all violations:					\$9,080		\$9,080
Department Costs:						\$500	\$500


Gregory, J. Strong, District Director

Michael Halpin, Assistant Deputy Secretary, Regulatory

February 19, 2019
Date

Date

Peer Reviewed by Division: Yes () No (X) N/A ()

7,264
 REFER
 TO PART III
 FOR DEDUCTION
 INSTRUCTIONS

PART II - MULTI-DAY PENALTIES AND ADJUSTMENTS

<u>Adjustments</u>	<u>Amount</u>
Good faith prior to discovery: _____	
Justification: _____	
Good faith after discovery _____	
Justification: _____	
History of non-compliance: _____	
Justification: _____	
Delayed costs for violations 3, and 5 were determined to be \$14.25. Economic Benefit (EB) is not being pursued because it is less than 10% of the total proposed penalty of \$9,080. EB calculations are shown below.	
Economic benefit of non-compliance: _____	
Justification: _____	
Ability to pay: _____	
Justification: _____	
Total Adjustments:	\$0

$$EB = AC(1-T) + DC(I) = \$0 + \$14.25$$

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):

There were no Avoided Costs.

Delayed Costs (DC) for Violation Numbers 3 and 5:

Violation 3: The facility did not have secondary containment for four drums and one bucket of Used Oil (UO). The use of the small bucket for UO collection was eliminated; the cost estimate for secondary containment for 4 drums: \$300 for 4-drum spill pallet **DC = \$300(0.03) = \$9**

Violation 5: The facility did not clean up 1 UO spill. Cost estimate of inhouse labor to clean up and properly manage waste from release: \$25 labor; \$150 1/2 drum disposal. Sum \$25 + \$150 = \$175 **DC = \$175(0.03) = \$5.25**

$$DC = \$9 + \$5.25 = \$14.25$$

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:

Resource Considerations:

Other Justification: 20% Good Faith adjustment was made based upon the facility's responsiveness
after the inspection.

$20\% * \$9,080 = \$1,816$

$\$9,080 - \$1,816 = \$7,264$



May 10, 2019

Date

Gregory J. Strong, District Director