

## PENALTY COMPUTATION WORKSHEET


Facility Name: Chem Klean Corp- EPA ID FLR000231258

Facility Address: 9330 NW 100th Street, Medley, FL 33178-1263

Department Staff Responsible for the Penalty Computations:



Norva Blandin



Romina Lancellotti



Justin Stark

Date: 9/10/2019

### 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	40 CFR 279.42(a); F.A.C. 62-710.500(1)(a) Used Oil/Used Oil Filter Transporter/Transfer Facility Notification: Failure to Notify as a Used Oil Transfer Facility	UO PDF* (Page 2)	ELRA 403.758(2)**		\$300**			not pursued	\$300
#2	40 CFR 279.46(a)(2) Used Oil/Used Oil Filter Transporter/Transfer Facility Record Keeping Acceptance and Delivery Records	UO PDF* (Page 2)	ELRA 403.121(5)**		\$500**			not pursued	\$500
<a href="#">* See Guidelines for Characterizing Used Oil Violations</a> <a href="#">** See Guidelines for Characterizing Used Oil Violations - Administrative Penalties (ELRA)</a>							Penalties Subtotal:		\$800
							Department Costs:		\$500
							Total:		\$1,300

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.

Jason Andreotta  
District Director  
Southeast District  
Florida Department of Environmental Protection

Date

**PENALTY COMPUTATION WORKSHEET**

(continued)

Facility Name: Chem Klean Corp

Facility Address: 9330 NW 100th Street, Medley, FL 33178-1263

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

**Adjustments:**

**Dollar Amount:**

Lack of Good Faith Efforts to Comply After Discovery:

Justification:

Economic Benefit calculations were performed for Violations #1. The economic benefit amount was compared to the chart on page 28 of the RCRA Civil Penalty Policy Manual. When the gravity-based and multi-day penalties combined is \$30,000 or less, Economic Benefit should be pursued if it totals at least \$3,000. The Economic Benefit for this violation was calculated at \$65 and was not pursued in this case.

\$65

History of Non-Compliance:

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:

**Part III-Other Adjustments Made After Meeting With Responsible Party**

**Adjustments:**

**Dollar Amount:**

Relative Merits of the Case:

Resource Consideration:

Other Justification:

Jason Andreotta  
District Director  
Southeast District  
Florida Department of Environmental Protection

Date

## ECONOMIC BENEFIT CALCULATION

**FACILITY:** Chem Klean Corp  
**VIOLATION:** 40 CFR 279.42(a); F.A.C. 62-710.500(1)(a)

The facility failed to register as a Used Oil Transfer Facility.

The economic benefit is based on avoided costs of the annual registration fee for used oil transfer facilities, per the DEP's "Guidelines for Characterizing Hazardous Waste Violations" revised as of June 28, 2013, the RCRA Civil Penalty Policy of June 2003, and the "RCRA Hazardous Waste Program-Economic Benefit Calculation Guidance" revised May 2015. The annual registration fee for an used oil transfer facilities is \$100, per Chapter 62-710.500(2). The facility failed to register as an operating used oil transfer facility for the current year. However, the facility registered as Used Oil Transporter.

<b>Avoided Costs (AC)</b>	\$	<u>100</u>	<i>Annual Registration Fee</i>
	X	<u>1</u>	<i>Number of years not registered</i>
<b>TOTAL AC</b>	\$	<b>100</b>	

<b>Delayed Costs (DC)</b>	<u>                    </u>	<i>N/A</i>
	X <u>                    </u>	
<b>TOTAL DC</b>		

---

$$\begin{array}{rcccl} \text{AC}(1-T) & + & \text{DC}(I) & = & \text{ECONOMIC BENEFIT (EB)} \\ \text{where } T=35\%, I=3\% & & & & \\ \hline \$100*(1-0.35) & + & \$*(.03) & = & \text{EB} \\ \hline \text{Therefore, } \$65 & + & \$0 & = & \text{\$65} \end{array}$$

The economic benefit amount (all violations added together) was compared to the chart on page 28 of the RCRA Civil Penalty Policy Manual. Economic Benefit was not pursued based on the following:

When the gravity-based and multi-day total penalty is:  
\$30,000 or less:  
\$30,001 to \$49,999:  
\$50,000 or more:

Economic Benefit should be pursued if it totals:  
at least \$3,000  
at least 10% of the proposed penalty  
\$5,000 or more

Regulation Description	Focus Area	Rule Cite	Classification*	Review for Economic Benefit	Penalty	ELRA
Used oil transporters/ processors and re-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 DEP/EPA Identification number.	Notification	40 CFR 279.42(s); F.A.C. 62-710.500(1)(s)	SV Compliance Assistance	x	\$300	403.758(2)
Used oil transporters/ processors/ burners must keep a record of each used oil shipment accepted for transport/ processing/ burning. (Records are incomplete)	Record Keeping	40 CFR 279.46(s)(2)	SV Compliance Assistance		\$500	ELRA 403.121(5)