

PENALTY COMPUTATION WORKSHEET

Facility Name: TG Oil Services- EPA ID FLR000222836

Facility Address: 7815 W 2nd Ct, unit 7, Hialeah, FL 33014

Department Staff Responsible for the Penalty Computations:



Norva Blandin
Date: 10/1/2019



Juliana Reis



Justin Stark

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) , 62-710.500(1) F.A.C. Used Oil/Used Oil Filter Transporter/Transfer Facility Notification: Failure to Notify as a Used Oil Transfer Facility and to Re-notify as UO Transporter	UO PDF* (Page 2)	ELRA 403.758(2)**		\$300**			not pursued	\$300
# 2	40 CFR 279.44(a) Used Oil/Used Oil Filter Transporter/Transfer Facility Record Keeping Rebuttable Presumption	UO PDF* (Page 1)	ELRA 403.121(4)(d) **		\$2,000**				\$2,000
# 3	40 CFR 279.45 Used Oil/Used Oil Filter Transporter/Transfer Facility SPCC Plan/ Contingency Plan	UO PDF* (Page 1)	ELRA 403.121(4)(e)**		\$1,000**				\$1,000
# 4	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**				\$500
# 5	62-710.401(6) F.A.C.; 40 CFR 279.45(d) Used Oil/Used Oil Filter Processor/Transfer Facility Secondary Containment	UO PDF* (Page 1)	ELRA 403.121(4)(b)**		\$4,000**				\$4,000
# 6	62-710.600(2)(c) F.A.C. Used Oil/Used Oil Filter Transporter Employee Training	UO PDF* (Page 1)	ELRA 403.121(4)(e)**		\$1,000**			not pursued	\$1,000
<div>* See Guidelines for Characterizing Used Oil Violations ** See Guidelines for Characterizing Used Oil Violations - Administrative Penalties (ELRA)</div>							Penalties Subtotal:		\$8,800
							Department Costs:		\$500
							Total:		\$9,300
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.									



11/13/2019

Date

Jason Andreatta
District Director
Southeast District

Florida Department of
Environmental Protection

PENALTY COMPUTATION WORKSHEET

(continued)

Facility Name: TG Oil Services
Facility Address: 7815 W 2nd Ct, unit 7, Hialeah, FL 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: N/A

Justification:

Economic Benefit of Non-Compliance:

Justification:

Economic Benefit calculations were performed for Violations #1 and #6. 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 \$1,170.00 so was not pursued in this case.

\$1,170

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:

In order to get a more applicable settlement, the Department proposed a downward adjustment of 5% of the total of the proposed penalties.

\$440

Resource Consideration:

Other Justification:

Jason Andreotta

Date

District Director

Southeast District

Florida Department of Environmental Protection

ECONOMIC BENEFIT CALCULATION

FACILITY: TG Oil Services

VIOLATION:

Violation #1. The facility failed to register as a Used Oil Transporter and as 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.

Avoided Costs (AC)	\$	100	<i>Annual Registration Fee</i>
	X	3	<i>Number of years not registered</i>
TOTAL AC	\$	300	

Delayed Costs (DC) _____

X _____

TOTAL DC

$$\begin{array}{rcccl} \text{AC}(1-T) & + & \text{DC}(I) & = & \text{ECONOMIC BENEFIT} \\ & & & & \text{(EB)} \\ & \text{where } T=35\%, I=3\% & & & \\ \$300*(1-0.35) & + & \$*(.03) & = & \text{EB} \\ \text{Therefore, } \$195 & + & \$0 & = & \text{\$195} \end{array}$$

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

ECONOMIC BENEFIT CALCULATION

FACILITY: TG Oil Services

VIOLATION:

Violation #6. The facility failed to conduct employee training for used oil guidelines for the last three (3) years.

The economic benefit is based on avoided costs of the annual training fee for used oil transporters, 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 transporter training fee is \$300, per Chapter 62-710.600(2)(c). The facility failed to conduct employee training for used oil transportation for the last three (3) years.

Avoided Costs (AC)	\$	300	<i>Training Fee</i>
	X	5	<i>Number of years without Employee Training</i>
TOTAL AC	\$	1,500	

Delayed Costs (DC) _____

X _____

TOTAL DC

$$\begin{array}{rclcl} \text{AC}(1-T) & + & \text{DC}(I) & = & \text{ECONOMIC BENEFIT} \\ & & & & \text{(EB)} \\ & \text{where } T=35\%, I=3\% & & & \\ \hline \$1500*(1-0.35) & + & \$*(.03) & = & \text{EB} \\ \hline \text{Therefore, } \$975 & + & \$0 & = & \text{\$975} \end{array}$$

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(a); F.A.C. 62-710.500(1)(a)	SV Compliance Assistance	x	\$300	403.758(2)
To ensure that used oil is not a hazardous waste under the rebuttable presumption of §279.10(b)(1)(ii), the used oil transporter / processing / re-refining / burner facility must determine whether the total halogen content of used oil being transported or stored at a transfer facility is above or below 1,000 ppm. (No testing performed)	Rebuttal Presumption	279.44(a)/ 279.53(a)/ 279.63(a)	Case Specific (potential SNC)		\$2,000	403.121(4)(d)
Used oil transporters are subject to all applicable Spill Prevention, Control and Countermeasures (40 CFR part 112: Oil Pollution Prevention)	SPCC	279.45	Case Specific (potential SNC)		\$1,000	403.121(4)(e)
Used oil transporters must keep a record of each used oil shipment accepted for transport. Records for each shipment must include the EPA identification number (if applicable) of the generator, transporter, or processor/re-refiner who provided the used oil for transport.	Record Keeping	279.46(a)(2)	Case Specific (potential SNC)		\$500	403.121(4)(b)
No person may store used oil in above-ground containers unless such containers are clearly labeled with the words "used oil" and are in good condition (no severe rusting, apparent structural defects or deterioration) with no visible oil leakage. If such containers are not stored inside a structure, they must be covered or otherwise protected from the weather. If they are not double-walled tanks, they must be stored on an oil-impermeable surface such as sealed concrete or asphalt, and must have secondary containment.	Secondary Containment	62-710.401(6)/ 279.45(d)	Case Specific (potential SNC)		\$4,000	403.121(4)(b)
Maintain a record of training in the company's operating record and the individual personnel files indicating the type of training received along with the dated signature of those receiving and providing the training. These records shall be available for review by Department personnel during inspections.	Training	62-710.600(2)(c)	SV (Compliance Assistance)	X	\$1,000	403.121(4)(f)