

SAFETY-KLEEN SYSTEMS

Penalty Justification

Based upon Guidelines for Characterizing RCRA Violations (January 1999)

1. 40 CFR 171.2(e) & 263.20 No Shipping Papers (5.1)

S-K shipped one 30 gal drum of hazardous waste solvent without shipping papers on April 23, 2008

(a) Potential for Harm Minor

The RCRA ranking system in the Guidelines for Characterizing RCRA Violations (January 1999) for determining the Potential for Harm requires consideration of the following three categories: (1) nature of the waste, (2) volume of the waste, and (3) location of receptors of the waste.

(1) The nature of the hazardous waste in question is a Category 2 waste and is assigned a score of "4".

(2) The volume of waste involved in the violation is less than six 55-gallon drums. A score of "2" is the appropriate assignment.

(3) In regards to location of receptors of the waste, a score of "1" is assigned because the violation did involve an actual discharge. A score of "1" is assigned (potential exposure to people) since less than 10 people were potentially exposed.

<u>Category</u>	<u>Score</u>
Nature of Waste	4
Volume of Waste	2
Location of receptor:	
a. Discharge to environment	1
<u>b. Potential exposure to people</u>	<u>1</u>
Total	<u>8</u>

When using the Guidelines for Characterizing RCRA Violations (January 1999), a minor "Potential for Harm" designation is assigned a total score of 8-12.

(b) Extent of Deviation Major

In accordance with the Guidelines for Characterizing RCRA Violations (January 1999), the Extent of Deviation for a transporter's failure to use shipping papers is major.

2. 40 CFR 263 Part B Incorrect information on Shipping Papers/containers (5.3)

S-K shipped transported 1-16 gal and 2 30-gal drums of waste without the proper identification of waste and generator id on shipping papers and containers.

(a) Potential for Harm **Minor**

In accordance with the Guidelines for Characterizing RCRA Violations (January 1999), the Potential for Harm for a transporter's failure to use correct information on shipping papers is minor.

(b) Extent of Deviation **Minor**

In accordance with the Guidelines for Characterizing RCRA Violations (January 1999), the Extent of Deviation for a transporter's failure to use correct information on shipping papers is minor.

3) 40 CFR 264.15(b) Equipment Inspection Schedule

S-K failed to complete annual inspections of the non-accessible equipage points for 2007.

(a) Potential for Harm **Minor**

In accordance with the Guidelines for Characterizing RCRA Violations (January 1999), the Potential for Harm for a TSD's failure to follow a written inspection schedule for equipment is minor.

(b) Extent of Deviation **Minor**

In accordance with the Guidelines for Characterizing RCRA Violations (January 1999), the Extent of Deviation for a TSD's failure to follow a written inspection schedule for equipment is minor.

4) 40 CFR 264.14 & Permit Spec. Cond. 12 in Part 1 Signage

Two signs were found on the ground and signage is not in accordance with the permit.

(a) Potential for Harm **Minor**

In accordance with the Guidelines for Characterizing RCRA Violations (January 1999), the Potential for Harm for a TSD's failure to place signage in accordance with permit condition is minor.

(b) Extent of Deviation **Minor**

In accordance with the Guidelines for Characterizing RCRA Violations (January 1999), the Extent of Deviation for a TSD's failure to place signage in accordance with permit condition is minor.

PENALTY COMPUTATION WORKSHEET

Violator's Name: Safety-Kleen Systems

Waste Management Program: Hazardous Waste Section

Department Staff Responsible for the Penalty Computations: Nicole McDonald & Jim Byer


Date: June 12, 2008

PART I - Class A Penalty Determination

	<u>Violation Type</u>	<u>Potential for Harm</u>	<u>Extent of Dev.</u>	<u>Matrix Amount</u>	<u>Multi-day</u>	<u>Adjustments</u>	<u>Total</u>
1.	<u>40 CFR 171.2(e) & 263.20</u> <u>Shipping Documentation</u>	<u>Minor</u>	<u>Major</u>	<u>\$2,900</u>	<u> </u>	<u> </u>	<u>\$2,900</u>
2.	<u>40 CFR 263 part B</u> <u>Incorrect info on shipping papers</u>	<u>Minor</u>	<u>Minor</u>	<u>\$600</u>	<u> </u>	<u> </u>	<u>\$600</u>
3.	<u>40 CFR 264.15(b)</u> <u>Equipment Inspection Schedule</u>	<u>Minor</u>	<u>Minor</u>	<u>\$600</u>	<u> </u>	<u> </u>	<u>\$600</u>
4.	<u>40 CFR 264.14</u> <u>Signage per permit</u>	<u>Minor</u>	<u>Minor</u>	<u>\$600</u>	<u> </u>	<u> </u>	<u>\$600</u>

Total Penalties for all Violations: \$4,700

\$ 4,100



May 14, 2008



Michael S. Kennedy, P.G.
Program Administrator
Waste Management Program

Date

PENALTY COMPUTATION WORKSHEET

PART II - Multi-day Penalties and Adjustments

ADJUSTMENTS

Dollar Amount

Good faith/Lack of good faith prior to discovery: _____

Justification: _____

Good faith/Lack of good faith after discovery: _____

Justification: _____

History of non-compliance: _____

Justification: _____

Economic benefit of non-compliance: _____

Justification: _____

Ability to pay: _____

Justification: _____

Total Adjustments: _____

MULTI-DAY PENALTIES

Dollar Amount

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

Total Dollar Amount: _____

Justification: _____

OR

Number of days matrix amount is to be multiplied: _____

Justification: _____

Total Adjusted Penalty: ~~\$4,700~~

Department Expenses: \$250

\$4,500 JS

PENALTY COMPUTATION WORKSHEET

Part III - Other Adjustments Made After Meeting with the
Responsible Party

ADJUSTMENTS:

Dollar Amount

Relative merits of the case: _____

Resource considerations: _____

Other justification: _____

Date

W. Richard Fancher
District Director