

PENALTY COMPUTATION WORKSHEET

Facility Name: Fuels Unlimited

FACILITY/EPA ID #: FLR000050369

Facility Address: 509 South French Avenue, Sanford, Florida 32771

Staff Responsible for Penalty Computations: John White Date: December 22, 2014

Violation Type		Manual Guide	Potential for Harm	Extent of Deviation	Matrix Range	# Counts	Economic Benefit	Total
a.	279.53(c) – Halogen Rebuttable Presumption	ELRA 403.121(4)(d) Line 125	---	---	\$2,000		---	\$1,999
b.	403.161(1)(b) – Permit Violation	ELRA 403.121(4)(d) Line 125	----	---	\$2,000	X4	---	\$8,000

The penalty calculations were prepared using the Department's Guidelines for Characterizing Used Oil Violations dated June 2013.

- a. Violation 279.53(c) - If the used oil contains greater than or equal to 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in subpart D of part 261 of this chapter. The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste. Fuels Unlimited made no effort to rebut the presumption that the contents of the 17,500-gallon capacity tank were not hazardous waste.

Economic Benefit Calculation:

279.53(c) – Halogen Rebuttable Presumption for Used Oil

Hazardous Waste Determination and Characterization. Facility avoided cost of sampling tank for specific F-List constituents to determine if hazardous waste had been mixed with the used oil.

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

$$EB = \$84.00(.65) + \$0.00(.03)$$

$$EB = \$54.60 + \$0.00$$

$$EB = \$54.60$$

- b. Permit 266845-HO-002, Part 1 – General Standards and Conditions, Condition Number 45.d and Part II – Used Oil Processing Conditions, Conditions 1.b.(4) and 2.a. Pursuant to 40 CFR 279.55, for the written analysis plan, and 40 CFR 279.56, concerning Tracking, the Permittee shall: Analyze, prior to shipment, all outgoing shipments of used oil for the

parameters listed in the permit application to determine whether the used oil is on-specification or off-specification. Records of each shipment must include the laboratory analytical results. Records and results of used oil analyses performed as described in the analysis plan required under 40 CFR 279.55, and described in the permit application, must be kept in the written operating record at the Facility. Fuels Unlimited failed to analyze shipments of used oil to determine if the oil was on-specification or off-specification as required under the Permit.

403.161(1)(b) – Fuels Unlimited failed to analyze used oil to determine if the oil was on-specification or off-specification. The cost of the analysis is estimated at \$100.00 per sample. It is estimated that the facility failed to perform these required analysis for at least 15 shipments.

$$\begin{aligned} EB &= AC(1-T) + DC(I) \\ EB &= 100.00(15)(.65) + \$00.00(.03) \\ EB &= \$975.00 \end{aligned}$$

The combined economic benefit for both violations cited is \$1,029.60. As this is below the \$3,000.00 minimum required for consideration, the economic benefit is not being included in the civil penalty assessment.

Multiday penalties were not selected as it was not possible to determine the number of days out of compliance at this time.