

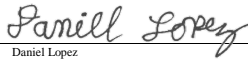
PENALTY COMPUTATION WORKSHEET

Facility Name: Ricky's Oil & Environmental Services LLC
 Facility Address: 7290 NW 66th Street, Miami, FL 33166-9430

Department Staff Responsible for the Penalty Computations:



Norva Blandin



Daniel Lopez



Bridgette Bucell

Date: 2/7/2018

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	F.A.C. 62-710.510(1)(b) Used Oil Transporter/Processor Record Keeping: Incomplete Used Oil Acceptance and Delivery Records	UO PDF* (Page 1)	ELRA 403.121(4)(f)**		\$500**		\$50 († 10%)		\$550
# 2	40 CFR 279.52(b)(4)(iv) Used Oil Processor Contingency Plan: Failure to Update Emergency Coordinator's Contact Information	UO PDF* (Page 1)	ELRA 403.121(4)(e)**		\$1,000**				\$1,000
# 3	40 CFR 279.52(b)(3)(ii) Used Oil Processor Contingency Plan: Failure to Submit Updated Contingency Plan to Local Emergency Authorities	UO PDF* (Page 1)	ELRA 403.121(4)(f)**		\$500**		\$50 († 10%)		\$550
# 4	F.A.C. 62-710.850(5)(a) Used Oil Filter Transfer Facility Used Oil Filter Management: Improper Used Oil Filter Storage Container Handling/Labeling Practices	UO PDF* (Page 2)	ELRA 403.121(5)**		\$500**		\$50 († 10%)		\$550
* See Guidelines for Characterizing Used Oil Violations								Penalties Subtotal:	\$2,650
** See Guidelines for Characterizing Used Oil Violations - Administrative Penalties (ELRA)								Department Costs:	\$500
								Total:	\$3,150

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.



Jennifer K. Smith
 District Director
 Southeast District
 Florida Department of Environmental Protection

2/9/18

Date

PENALTY COMPUTATION WORKSHEET

(continued)

Facility Name: Ricky's Oil & Environmental Services LLC

Facility Address: FLD981019755

Part II - Multi-day Penalties and Adjustments

Adjustments:

Dollar Amount:

Lack of Good Faith Efforts to Comply After Discovery:

Justification:

History of Non-Compliance:

\$150

Justification:

For Violation #1, pursuant to the requirements of used oil and used oil filter acceptance and delivery record keeping, ROES failed to fully complete its used oil and used oil filter acceptance and delivery records in at least one (1) previous inspection (i.e. in the 04/02/2015 inspection) within the past five (5) years, which therefore warrants an upward adjustment of 10% for history of non-compliance.

For Violation #3, pursuant to the requirements of used oil processor contingency plans, ROES failed to submit its up-to-date contingency plan to local emergency authorities in at least one (1) previous inspection (i.e. in the 11/05/2013 inspection) within the past five (5) years, which therefore warrants an upward adjustment of 10% for history of non-compliance.

For Violation #4, pursuant to the requirements of used oil filter management, ROES failed to properly handle/label its used oil filter storage containers in at least one (1) previous inspection (i.e. in the 11/05/2013 inspection) within the past five (5) years, which therefore warrants an upward adjustment of 10% for history of non-compliance.

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:

In the interest of obtaining a settlement (and considering Department resources), the base penalty amounts assigned by the Department to each of the four (4) violations exactly match those prescribed by the Guidelines for Characterizing Used Oil Violations - Administrative Penalties (ELRA).

Other Justification:

Jennifer K. Smith
District Director
Southeast District
Florida Department of Environmental Protection

Date

Regulation Description	Focus Area	Rule Cite	Harm & Potential for Harm	Extent of Deviation	Classification*
<p>Each registered person shall maintain records on DEP Form 62-710.901(2) or on substantially equivalent forms which contain at least the same information as the Department form. These records shall include the following information:</p> <p>(a) The name, business address, telephone number and EPA Identification number of the transporter;</p> <p>(b) The source of the used oil, including the name and street address of each source, and the EPA identification number of the source if the generator has one;</p> <p>(c) The total number of gallons of used oil received from each source, including any oily wastes which may be an integral part of the used oil shipment;</p> <p>(d) The type of used oil received, using the type code designation found in the form instructions;</p> <p>(e) The date of receipt;</p> <p>(f) The destination or end use of used oil and oily wastes, including the name and street address of each destination or end user, the EPA identification number if applicable, and the end use code designation found in the form instructions; and</p> <p>(g) Documentation of halogen screening in accordance with the requirements of Rule 62-710.600, FAC.</p> <p>(Records are incomplete)</p>	Record Keeping	F.A.C. 62-710.510(1)(b)	Minor	Moderate	Case Specific (potential SNC)
<p>The contingency plan must be reviewed, and immediately amended, if necessary, whenever:</p> <p>(i) Applicable regulations are revised;</p> <p>(ii) The plan fails in an emergency;</p> <p>(iii) The facility changes—in its design, construction, operation, maintenance, or other circumstances—in a way that materially increases the potentials for fires, explosions, or releases of used oil, or changes the response necessary in an emergency;</p> <p>(iv) The list of emergency coordinators changes; or</p> <p>(v) The list of emergency equipment changes.</p>	Processing	40 CFR 279.52(b)(4)(iv)	Minor	Moderate	SV (Compliance Assistance)
<p>A copy of the contingency plan and all revisions to the plan must be:</p> <p>(i) Maintained at the facility; and</p> <p>(ii) Submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.</p>	Processing	40 CFR 279.52(b)(3)(ii)	Minor	Minor	SV (Compliance Assistance)
<p>All persons storing used oil filters shall store used oil filters in above ground containers which are clearly labeled "Used Oil Filters," and which are in good condition (no severe rusting, apparent structural defects or deterioration) with no visible oil leakage. The containers shall be sealed or otherwise protected from weather and stored on an oil-impermeable surface.</p> <p>(> 10 Drums)</p>	Filter Management	F.A.C. 62-710.850(5)(a)	Moderate	Major	Case Specific (potential SNC)

FACILITY NAME: Ricky's Oil & Environmental Services LLC							Date: 02/07/2018
EPA ID No.: FLD981019755							Case #: 180805
Violation	Description	Nature of Waste	Amount of Waste	Discharge	People	Threat	Total Points
F.A.C. 62-710.510(1)(b)	Used Oil Transporter Acceptance and Delivery Records (Incomplete Record Keeping)	3	0	0	2	0	5
F.A.C. 62-710.850(5)(a)	Used Oil Filter Transfer Facility Container Management and Labeling (Improper Storage and Labeling)	2	8	0	2	1	13
Nature of Waste							Score
High Hazard (acutely toxic or reactive)							6
Other HW/Universal Waste							4
Used Oil							3
Used Oil Filters							2
Amount of Waste							
> 5,000 kg/1,375 gal (25 drums) of Waste							8
1,000 to 5,000 kg/275 gal to 1,375 gal (5 to 25 drums) of Waste OR 2.2lbs or > of acutely toxic waste							5
>100 kg to 1,000 kg/25 gal to 275 gal (5 drums) OR <2.2lbs of acutely toxic waste							2
<100 kg /<25 gal of Waste							1
Discharge							
Discharge to surface water or off site discharge.							12
Discharge to ground water							10
Discharge to soil							8
Discharge to air or Impervious Surface/Containment							6
Discharge-de minimus cleanup per 62-780 FAC							2
No Discharge							0
Potential Exposures							
>1,000 people							4
101 - 1,000 people							3
10 - 100 people							2
<10 people							1
Additional Threat Factors (select all that apply for a specific violation-Use if NO discharge observed) (use sliding scale 0 = no risk, 1-4 depending on severity)							
Fire or Explosion Risk							0-4
Incompatible Waste Storage							0-4
Risk of Employee Exposure above PELs							0-4
Container Integrity							0-4
Inadequate Provisions for Detecting and Preventing Releases							0-4
SUBSTANTIAL (Major)			Above 20				
SIGNIFICANT (Moderate)			13-20				
MINIMAL (Minor)			Under 13				

Additional Threat Factors Examples:

Fire or Explosion Risk: Highest ranking = fire or explosion is imminent, waste stored near ignition or fuel source; Lowest ranking = no risk of fire or explosion.

Incompatible Waste Storage: Highest ranking = wastes stored inappropriately with incompatibles not physically separated; Lowest ranking = no incompatible waste storage.

Harm and Potential for Harm Ranking System

Risk of Employee Exposure above PELs: Highest ranking = PELs above exposure limits; Lowest ranking = no risk of exposure. Note, facility's lack of ability to measure PEL if there is a potential issue should be considered.

Container Integrity: Highest ranking = Containers are compromised; Lowest ranking = no containers are compromised.

Inadequate Provisions for Detecting and Preventing Releases: Highest ranking = No containment, no inspections, high potential for release; Lowest ranking = inspections performed, low potential for releases.

Note: This guideline is intended to support Directive 923, the Guidelines for Characterizing Hazardous Waste Violations, and the violation matrix spreadsheet (Guidelines for Characterizing Hazardous Waste, Universal Waste, Used Oil and Drycleaning Violations) to facilitate a consistent way of categorizing Harm and Potential for Harm. In order to account for case-specific circumstances, the default scores for any particular category can be adjusted based on professional judgement to better match the unique site conditions and findings from the inspection or information provided in response to the inspection findings. To help foster consistency and supportable decisions, professional judgement that will result in deviation from the default scores should be discussed with the program office.