

PENALTY COMPUTATION WORKSHEET

Violator's Name: Universal Environmental Services

Identify Violator's Facility: 6940B Mission Lane, Fort Myers FLR000225029

Name of Department Staff Responsible for the Penalty Computations: Karen Bayly

Inspection Date: 2-13-18 Warning Letter Date: 3-1-18 Meeting Date: 4-16-18

	Violation Type	Manual Guide	Potential for Harm	Extent of Deviation	Matrix Range	Adjustment	Total
1.	62-710.500(1)(a) failure to register used oil transfer facility with FDEP	UO Line 25	Minor	Minor	ELRA 403.758(2) fixed \$300	-40% (\$120)	\$ 300
2.	279.45(e)(2) – impervious coating/sealant on concrete floor and walls worn off; cracks in floor and walls	UO 101/102	Minor	Major	ELRA 403.121(4)(b) fixed \$4000	-40% (\$1600)	\$4,000
	SUB TOTAL					(1,720)	\$4,300 \$2,580
	DEP COSTS						\$ 500

Total Penalties Including Department Costs: \$4,800

\$3,080

FACILITY NAME: <u>Universal Environmental Services</u>						Date: <u>3-1-18</u>	
EPA ID No.: <u>FLR000225029</u>				Case #: _____			
Violation	Description	Nature of Waste	Amount of Waste	Discharge	People	Threat	Total Points
62-710.500(1)(a)	Registration						0
279.45(e)(2)	Secondary containment	3	8	0	1		12
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

PENALTY JUSTIFICATION/DEVIATION WORKSHEET

Facility Name: Universal Environmental Services Date: 3-1-18

EPA ID: FLR000225029 Case #: _____

Use this worksheet to explain all deviations from the program specific guidelines for characterizing violations and for all violations that do not have a specific penalty guideline included within the Enforcement Manual.

1. Failure to register used oil transfer facility with FDEP.
Penalty assessed pursuant to program specific guidelines
2. Impervious coating/sealant on concrete floor and walls worn off; cracks in floor and walls.
Penalty assessed pursuant to program specific guidelines

4-16-18 – Enforcement meeting

The inspection report, violations and proposed civil penalty were reviewed. It was noted that upon being notified of the violation(s) by the Department, UES cooperated with the Department and took immediate action to correct the violation(s). Based on the prompt good faith efforts taken by UES to comply after being notified of the violation(s), the Department opted to reduce the civil penalty pursuant to DEP Directive 923.

UES agreed to resolve the case by entering a Short Form Consent Order (SFCO) with the Department.

ECONOMIC BENEFIT WORKSHEET

Facility Name: Universal Environmental Services

Date: 3-1-18

EPA ID No.: FLR000225029

Case #: _____

Economic Benefit = Avoided Costs (1-T) + Delayed Costs DC(I)

EB = AC(1-t) + DC(I)

T = Current Tax Rate = .34

I = IRS Interest Rate = 3% per year

Violation: Failure to register used oil transfer facility with FDEP.

Facility submitted notification on 11-17-17 and annual registration fee.

Avoided Costs = $\$0(1-.35) = \0

Delayed Costs = $\$0(3\%) = \0

EB = $\$0$

Violation: Used oil secondary containment structure not adequately sealed. (Delayed Cost)

UES leases tanks from Edison Oil Company (EOC). EOC maintains insurance and containment structure for storage tank system. Immediately following the inspection, EOC purchased epoxy sealant, repaired the cracks and sealed the containment structure. EOC provided e-mail and photos of sealed containment structure on 4-11-18. EOC assumed responsibility for the containment structure, therefore no economic benefit derived by UES.

Delayed Costs = $\$0(.03) = \0

Avoided Costs = $\$0(1-.35) = \0

EB = $\$0$