

From: [Perrigan, Glen](#)
To: [Bayly, Karen](#)
Subject: RE: Assessed/Finalized penalty worksheet
Date: Monday, July 23, 2018 10:31:33 AM
Attachments: [AssessedFinalized penalty worksheet.msg](#)
[image002.png](#)

Hi Karen

Both Janet and I reviewed and concur with your draft worksheet. Thanks.



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From: Bayly, Karen
Sent: Wednesday, July 18, 2018 12:05 PM
To: Perrigan, Glen <Glen.Perrigan@dep.state.fl.us>
Subject: Assessed/Finalized penalty worksheet

Glen – attached is the Speedy Oil Environmental assessed/final penalty worksheet for your review.
Thanks. Karen

file:///floridadep/data/SD/ALL_Common/Sites/Lee/HW/FLR000226332%20-%20Speedy%20Oil%20Environmental/Draft%20Penalty%20Computation%20Worksheet.docx

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PENALTY COMPUTATION WORKSHEET

Violator's Name: Speedy Oil Environmental LLC

Identify Violator's Facility: 6940C Mission Lane, Fort Myers FLR000226332

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

Inspection Date: 2-13-18 Warning Letter Date: 6-15-18 Meeting Date: 6-27-18

	Violation Type	Manual Guide	Potential for Harm	Extent of Deviation	Matrix Range	Adjustment	Total
1.	62-710.600 failure to register, notify and obtain certification to transport used oil/used oil filters; and used oil transfer facility	UO Lines 34,60,67	Minor	Major	ELRA 403.121(4)(f) 403.121(4)(c) 403.121(4)(a) \$5000 \$1,000	+20% \$2000 EB \$3,575	\$10,575 \$1,000
2.	279.45(e)(2) – impervious coating/sealant on concrete floor and walls worn off; cracks in floor and walls	UO Line 101/102	Minor	Major	ELRA 403.121(4)(b) fixed \$4000	-40% (1,600)	\$4,000 \$2,400
3.	279.44(a) – failure to accurately determine total halogen content	UO Line 159	Minor	Major	ELRA 403.121(4)(d) \$1,000	EB \$195	\$1,195 \$1,000
	SUB TOTAL						\$15,770 \$4,400
	DEP COSTS						\$ 1,000 \$600

Total Proposed Penalties Including Department Costs: \$16,770

Final Penalty Including Department Costs: \$5,000

FACILITY NAME: <u>Speedy Oil Environmental</u>					Date: <u>5-14-18</u>		
EPA ID No.: <u>FLR000226332</u>					Case #: <u>08-1117</u>		

Violation	Description	Nature of Waste	Amount of Waste	Discharge	People	Threat	Total Points
62-710.600/500	Certification/Registration	3	8	0	1		12
279.45(e)(2)	Secondary containment	3	8	0	1		12
279.44(a)	Rebuttable presumption	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: Speedy Oil Environmental

Date: 5-14-18

EPA ID: FLR000226332

Case #: 18-1117

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, notify and obtain certification to transport used oil/used oil filters; and operate used oil transfer facility.

Records reflect approximately 493,440-gallons of used oil and 89 drums of used oil filters were transported and stored at the transfer facility between April 2017 and April 2018.

Because of the nature of Speedy Oil Environmental business and length of time the facility was operating, it is reasonable to assume that Speedy Oil Environmental should have known about the Department's regulations.

Additionally, this violation was previously cited at Speedy Oil Recovery, which is associated with Speedy Oil Environmental.

Due to the reasons above, the District recommends assessing an additional 20% to the base penalty amount of \$2000.

2. Impervious coating/sealant on concrete floor and walls worn off; cracks in floor and walls; storage tank system not entirely within secondary containment.
Penalty assessed pursuant to program specific guidelines.
3. Used oil not being properly screened to determine halogen content prior to acceptance and transporting.
Penalty assessed pursuant to program specific guidelines.

6-27-18 – meeting held at District office with Joe Snedegar (Speedy Oil Environmental), Jon Iglehart (FDEP District Director) and Karen Bayly (FDEP). The inspection report, violations and proposed civil penalty were reviewed.

Regarding violation #1, Mr. Snedegar stated that he gave up using the 15,000-gallon storage tank at Edison Oil to store used oil in May 2018. Used oil collected from customers by Speedy Oil Recovery is currently delivered to Universal Environmental Service (UES) used oil transfer facility (FLR000225029) located at 6940B Mission Lane, Fort Myers. The 6,500-gallon semi-truck previously used by Speedy Oil Environmental to transport bulk used oil is currently parked at the Edison Oil property and only used to transport water. Mr. Snedegar further indicated that due to the high cost of vehicle pollution/liability insurance, he may let it expire on 9-1-2018 and possibly turn Speedy Oil Environmental over to UES.

Regarding violation #2, Mr. Snedegar stated that he paid Edison Oil \$1,500 towards the immediate repair of the containment structure and UES paid \$3,000. The Department opted to reduce the civil penalty 40% based on good faith efforts taken.

Regarding violation #3, Mr. Snedegar stated that he purchased new Dexsil Clor-d-Tect test kits; and the halogen sniffer currently used was purchased in 2014 or 2015 although the operating manual is dated 1997. Mr. Snedegar indicated he plans to purchase a new halogen sniffer.

The proposed civil penalty was reviewed. It was discussed and agreed that if Mr. Snedegar could provide insurance records for 2017 and 2018, and purchase receipts for new test kits and sniffer, the Department would adjust the penalty. Mr. Snedegar agreed to provide the documentation and enter into a short form consent order to resolve the case.

Subsequent to the meeting, records were provided documenting Speedy Oil Environmental maintained the required insurance during the time period it was operating as an unregistered used oil/used oil filter transporter and used oil transfer facility; and is currently registered with FDEP as a used oil/used oil filter transporter and transfer facility. In addition, Mr. Snedegar provided receipts for the purchase of two new halogen sniffers and chlor-d-tect test kits. The Department adjusted the assessed penalties pursuant to DEP Directive 923.

ECONOMIC BENEFIT WORKSHEET

Facility Name: Speedy Oil Environmental
EPA ID No.: FLR000226332

Date: 5-14-18
Case #: 18-1117

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, notify and obtain certification to transport used oil/used oil filters; and operate used oil transfer facility. (Avoided Cost)

Transporter failed to maintain transporter liability insurance since approximately April 2017. Pursuant to DEP document 'Revised Prices for Calculating Economic Benefit' dated 7-30-2008, transporter financial responsibility is estimated \$5,500 per vehicle per year.

Avoided Costs = \$5,500(1-.35) = \$3,575

EB = ~~\$3,575~~ 0

Economic benefit eliminated based on information provided subsequent to meeting.

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

Speedy Oil Environmental 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 Speedy Oil Environmental.

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

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

EB = \$0

Violation: failure to accurately determine total halogen content. Estimated costs of maintaining/calibrating halogen sniffer and purchasing new Dexsil Clor-d-Tect test kits is \$300.

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

Avoided Costs = \$300(1-.35) = \$195

EB = ~~\$195~~ 0

Economic benefit eliminated based on information provided subsequent to meeting.