

PENALTY COMPUTATION WORKSHEET
SUBJECT TO FINAL APPROVAL

Violator's Name:	Water Recovery, LLC (EPA ID #FLR 000 069 062)
Address:	1819 Albert St., Jacksonville, FL 32202 - Duval County
Name of Department Staff Responsible for the Penalty Computations:	Bonnie Bradshaw
Date:	12/21/2020

PART I - PENALTY DETERMINATIONS


	Violation Type and description	RCRA Guideline	ELRA Schedule	ENVIRON- MENTAL Harm	Extent of Dev.	Matrix Amount	Adjust- ments	Total
1	40 CFR 262.11: Failed to perform accurate/complete hazardous waste (HW) determination.	HW279		4+8+0+3+0=15 Moderate	Moderate for 25-75%	Combined with #3		\$0
2	40 CFR 262.20(a)(1): Failed to use HW manifest and dispose of HW properly.	HW154		4+8+6+3+0=21 Major	Major for LQG with no docs	\$32,915		\$32,915
3	40 CFR 268.7(a)(1): Failed to determine if waste required treatment prior to land disposal.	HW274		4+8+0+3+0=15 Moderate	Always Major	\$13,455		\$13,455
4	40 CFR 273.13(d): Failed to close two (2) boxes of spent lamps.	UW37		Minor for no release	Moderate for 10-100 lamps	\$1,420		\$1,420
5	40 CFR 273.14(e): Failed to label two (2) boxes of spent lamps.	UW38		Always Minor	Moderate for 10-100 lamps	Combined with #4		\$0
6	40 CFR 273.15(c): Failed to mark two (2) boxes of spent bulbs with accumulation start date.	UW42		Minor for SQH	Always Moderate	\$1,420		\$1,420
						Subtotals:	\$49,210	\$49,210.00
						Good Faith Adjustment	(-15%)	-\$7,381.50
						Total Penalties for all violations:		\$41,829
						Department Costs:		\$500



Gregory, J. Strong, District Director

January 21, 2021

Date



Michael Halpin, Assistant Deputy Director

January 27, 2021

Date

Peer Reviewed by Division: Yes (X) **Received 1/12/21** No ()

PART II - ADJUSTMENTS AND MULTI-DAY PENALTIES

ADJUSTMENTS

	<u>Amount</u>
Good faith prior to discovery:	\$0
Justification:	
Good faith after discovery:	
Justification:	
History of non-compliance:	\$0
Justification:	
Economic benefit of non compliance:	
Justification:	
Ability to pay:	\$0
Justification:	
Total Adjustments:	

$$\text{EB} = \text{AC}(1-\text{T}) + \text{DC}(\text{I}) = \$0 + \$1401.24$$

AC = Avoided Costs – expenditures nullified by violator's failure to comply (Operating and Maintenance costs)

DC = Delayed Costs – expenditures deferred by violator's failure to comply (Capital Costs)

T = Corporate Tax Rate = 21% (in 2020)

I = Interest rate charged by IRS for delinquent accounts = 4% (in 2020)

Avoided Costs (AC) for Violation 3:

Violation 3: Avoided costs were considered, but not included due to the fact that the waste was required to be removed from the Subtitle D solid waste landfill and properly disposed of.

Delayed Costs (DC) for Violations 1 and 3:

Violation 1: The facility did not make HW determinations on ICP-OES wastewater. Cost for TCLP metals, volatiles, semi-volatiles, pesticides and herbicides = \$607. **DC = \$607(0.04) = \$24.28**

Violation 3: The facility did not determine if hazardous waste required treatment prior to land disposal. Cost estimate of properly managing 26.48 tons of hazardous waste: \$1,300 per ton (incineration) x 26.48 = \$34,424. **DC = \$34,424(0.04) = \$1,376.96**

Total DC = \$24.28 + \$1,376.96 = \$1,401.24

MULTI-DAY PENALTIES

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

Justification: \$ -

Or

Number of days matrix amount is to be multiplied:

Justification: \$ -

Comments:

PART III - OTHER ADJUSTMENTS MADE AFTER MEETING WITH THE RESPONSIBLE PARTY

ADJUSTMENT

Dollar Amount

Relative merits of the case:

Resource Considerations:

Other Justification:

Date

Gregory J. Strong, District Director