

PENALTY COMPUTATION WORKSHEET  
SUBJECT TO FINAL APPROVAL

Violator's Name:	<u>Ring Power Corp. (EPA ID #FLR 000119347)</u>
Address:	<u>500 World Commerce Parkway, St. Augustine, FL 32092, St. Johns County</u>
Name of Department Staff Responsible for the Penalty Computations:	<u>Bonnie Bradshaw</u>
Date:	<u>7/29/2022</u>

## PART I - PENALTY DETERMINATIONS

Violation Type	RCRA Guideline	ELRA Schedule	ENVIRONMENTAL Harm	Extent of Dev.	Matrix Amount	Adjustments	Total
1 40 CFR 262.11: Incomplete waste determination on seven (7) wastestreams (2 non-hazardous).	HW279		4+2+6+1+0=13 Moderate	Minor for <25%	\$5,670		\$5,670
2 40 CFR 262.15(a)(4): One (1) satellite container not properly closed.	HW29		4+1+0+1+0=6 Minor	Always Moderate	\$1,420		\$1,420
3 40 CFR 262.15(a)(5): Three (3) satellite containers not properly labeled.	Combined with #4				Combined with #4		\$0
4 40 CFR 262.16(b)(6)(i)(B): One (1) accumulation container was not properly labeled.	HW16		4+2+0+1+0=7 Minor	Always Minor	\$430		\$430
5 40 CFR 262.20(a)(1): Disposed of five (5) aerosol cans, hazardous waste wipes & Ozzy Mats as non-hazardous waste.	HW154		4+1+6+1+0=12 Minor	Moderate for SQG with no docs	\$1,420		\$1,420
6 40 CFR 273.13(d)(1): One (1) box of universal waste lamps not closed.	UW37		Minor for no release	Minor for <10 lamps	\$430		\$430
7 40 CFR 273.14(e): One (1) box of universal waste lamps not properly labeled.	UW38		Always Minor	Minor for <10 lamps	\$430		\$430
8 62-710.401(6): Used oil container not equipped with secondary containment.	UO144		3+5+0+1+0=9 Minor	Always Major	\$850		\$850
9 62-710.850(5)(a): Two (2) drums of used oil filters not properly labeled.	UO132		3+2+0+1+0=6 Minor	Always Minor	\$500		\$500
Subtotals:					\$11,150	\$0.00	\$11,150.00

**Total Penalties for all violations:** **\$11,150**

Department Costs:	\$500
-------------------	-------

September 1, 2022  
Date

Gregory, J. Strong, District Director

Peer Reviewed by Division: Yes ( ) No (X) N/A (X) **Not required.**

PART II - ADJUSTMENTS AND MULTI-DAY PENALTIES

ADJUSTMENTS

Amount

Good faith prior to discovery:		\$0
Justification:		
Good faith after discovery:		
Justification:		
History of non-compliance:		\$0
Justification:		
Economic benefit of non compliance:	Economic benefit was considered, but was not pursued because it was calculated to be less than 10% of the proposed penalty and below \$3,000.	
Justification:		
Ability to pay:		\$0
Justification:		
Total Adjustments:		<b>\$0.00</b>

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

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)

There are no Avoided Costs (AC).

Delayed Costs (DC) for Violation Number 1:

Violation 1: The facility did not make HW determinations on seven (7) wastestreams:

1. Spent Ozzy Mats: Cost estimate for TCLP metals analysis = \$140 + \$150 sampling fee = \$290. DC = \$290(0.04) = \$11.60
2. MCRC Tank 1 Sludge: Cost estimate for TCLP metals analysis = \$140 + \$150 sampling fee = \$290. DC = \$290(0.04) = \$11.60
3. MCRC Torrent 500 parts washer spent solvent: Cost estimate for TCLP volatiles analysis = \$242 + \$150 sampling fee = \$392. DC = \$392(0.04) = \$20.48
4. MCRC Torrent 500 parts washer spent filters: Cost estimate for TCLP metals analysis = \$140 + \$150 sampling fee = \$290. DC = \$290(0.04) = \$11.60

5. Blasting/Painting Shop tape: Not calculated because wastestream determined to be non-hazardous.

6. Blasting/Painting Shop paint booth filters: Not calculated because wastestream determined to be non-hazardous.

7. Blasting/Painting Shop distillation bottoms: 2; Cost for senior staff to update and document hazardous waste determination at a labor rate of \$40 per hour = \$40(0.5 hours)(.04) = \$0.80

Total DC = \$11.60 + \$11.60 + \$20.48 + \$11.60 + \$0.80 = \$56.08

Economic benefit was considered, but was not pursued because it was calculated to be less than 10% of the proposed penalty and below \$3,000.

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

## Harm and Potential for Harm Ranking System

FACILITY NAME: Ring Power Corp							Date: 7/29/22	
EPA ID No. FLR000119347							Case #:22-2275	
Violation	Description	Nature of Waste	Amount of Waste	Discharge	People	Threat	Total Points	
#1	Incomplete waste determination on seven (7) wastestreams.	4	2	6	1	0	13	MOD
#2	One 55-gallon satellite container not properly closed.	4	1	0	1	0	6	MIN
#4 & #3	One (1) accumulation container was not properly labeled (#4). Three (3) satellite containers not properly labeled (#3).	4	2	0	1	0	7	MIN
#5	Disposed of five (5) aerosol cans, hazardous waste wipes & Ozzy Mats as non-hazardous. waste.	4	1	6	1	0	12	MIN
#8	Used oil container not equipped with secondary containment.	3	5	0	1	0	9	MIN
# 9	Two 55-gallon drums of used oil filters not properly labeled.	3	2	0	1	0	6	MIN
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 gallons (25 drums) of waste							8	
1,000 to 5,000 kg/275 gallons to 1,375 gallons (5 to 25 drums) of waste OR 2.2lbs or > of acutely toxic waste							5	
>100 kg to 1,000 kg/25 gallons to 275 gallons (5 drums) OR <2.2lbs of acutely toxic waste							2	
<100 kg /<25 gallons of waste							1	
Discharge								
Discharge to surface water or off-site discharge.							12	
Discharge to groundwater							10	
Discharge to soil							8	
Discharge to air or Impervious Surface/Containment							6	
Discharge-de minimus cleanup per 62-780 F.A.C.							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		

### Hazardous Waste

Violation #	New Guideline	New Rule Cite	Harm & Potential for Harm	Extent of Deviation	Classification*	Economic Benefit Calculation	Regulation Description
1	HW279	262.11	H & PH Ranking	% of wastestreams w/o determination: > 75% = Major 25%-50% = Moderate <25% = <b>Minor</b>	Case Specific (potential SNC)	<b>X</b>	Failure of a person who generates a solid waste, as defined in 40 CFR 261.2, to determine if that waste is a hazardous waste.
2	HW29	262.15(a)(4)	H & PH Ranking	Moderate	SV (Compliance Assistance)		Waste satellite accumulation containers must be closed at all times, unless: adding, removing, consolidating, wastes; for proper operating of equipment; or to prevent pressure buildup.
3	HW35 & 36	262.15(a)(5)(i) & (ii)	Minor	Minor	SV (Compliance Assistance)		Waste satellite accumulation must be marked with the words "hazardous waste." Waste satellite accumulation must have an indication of the hazards of the contents SAA.
4	HW16	262.16(b)(6)(i)(B)	H & PH Ranking	Minor	SV (Compliance Assistance)		Waste accumulation containers must identify the hazards of the contents of the container CAA.
5	HW154	262.20(a)(1)	H & PH Ranking	Major=LQG w/no docs; <b>Moderate=LQG w/shipping papers to TSD or SQG w/no docs;</b> Minor= SQG w/shipping papers to TSD	Case Specific (potential SNC)		Failure to prepare a hazardous waste manifest thus improper disposal (Rank it for Improper disposal).

### Universal Waste

Violation #	Guideline #	Rule Cite	Harm & Potential for Harm	Extent of Deviation	Classification*	Review for Economic Benefit	Regulation Description
6	UW37	Florida 62-737.400(5)(a); 40 CFR 273.13(c)(1); 40 CFR 273.13(d)(1); 40 CFR 273.33(c)(1); 40 CFR 273.33(d)(1)	Moderate=release; <b>Minor=No release</b>	Major > 100 lamps or devices; Moderate >10<100; <b>Minor &lt;10</b>	Case Specific (potential SNC)		Fragile universal waste devices, universal waste lamps crushed per paragraph (6)(b) below, and lamps or devices showing evidence of leakage, spillage, or damage that could cause leakage, shall be placed in closed containers that are structurally sound; compatible with the universal waste lamp or device; and that lack evidence of leakage, spillage or damage that could allow leakage
7	UW38	62-737.400(5)(b); 40 CFR 273.14(e); 40 CFR 273.34(e); 40 CFR 273.34(d)(1); 40 CFR 273.34(d)(2); 40 CFR 273.14(d)(1); 40 CFR 273.14(d)(2)	Minor	Major > 100 lamps or devices; Moderate >10<100; <b>Minor &lt;10</b>	Case Specific (potential SNC)		Universal waste lamps, devices or the containers in which they are stored shall be labeled or marked clearly as follows: (d)(1): "Universal Waste - Mercury Containing Equipment," "Waste Mercury-Containing Equipment," or "Used Mercury-Containing Equipment." (d)(2): "Universal Waste - Mercury Thermostat(s)," "Waste Mercury Thermostat(s)," or "Used Mercury Thermostat(s)." (e): "Universal Waste - Lamp(s)," or "or "Used Lamp(s).

### Used Oil

Violation #	Guideline #	Rule Cite	Harm & Potential for Harm	Extent of Deviation	Classification*	Review for Economic Benefit	Regulation Description
8	UO144	62-710.401(6)	H & PH Ranking	Major	Case Specific (potential SNC)		No person may store used oil in aboveground containers unless such containers are clearly labeled with the words "used oil" and are in good condition (no severe rusting, apparent structural defects or deterioration) with no visible oil leakage. If such containers are not stored inside a structure, they must be covered or otherwise protected from the weather. If they are not double-walled tanks, they must be stored on an oil-impermeable surface such as sealed concrete or asphalt, and must have secondary containment.
9	UO132	62-710.850(5)(a)	H & PH Ranking	Minor	Case Specific (potential SNC)		All persons storing used oil filters shall store used oil filters in aboveground 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. ( < 3 Drums)

P  
O  
T  
E  
N  
T  
I  
A  
L  
  
F  
O  
R  
  
H  
A  
R  
M

Hazardous Waste & Universal Waste Cases			
EXTENT OF DEVIATION FROM REQUIREMENT			
	MAJOR	MODERATE	MINOR
MAJOR	\$37,500 to \$28,330 (\$32,915)	\$28,330 to \$21,250 (\$24,790)	\$21,250 to \$15,580 (\$18,415)
MODERATE	\$15,580 to \$11,330 (\$13,455)	\$11,330 to \$7,090 (\$9,210)	\$7,090 to \$4,250 (\$5,670)
MINOR	\$4,250 to \$2,130 (\$3,190)	\$2,130 to \$710 (\$1,420)	\$710 to \$150 (\$430)

P  
O  
T  
E  
N  
T  
I  
A  
L  
  
F  
O  
R  
  
H  
A  
R  
M

Used Oil Cases			
EXTENT OF DEVIATION FROM REQUIREMENT			
	MAJOR	MODERATE	MINOR
MAJOR	\$10,000 to \$8,000 (\$9,000)	\$7,999 to \$6,000 (\$7,000)	\$5,999 to \$4,600 (\$5,300)
MODERATE	\$4,599 to \$3,200 (\$3,900)	\$3,199 to \$2,000 (\$2,600)	\$1,999 to \$1,200 (\$1,600)
MINOR	\$1,199 to \$500 (\$850)	\$500	\$500