

## Eckoff, Michael

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**From:** Hess, Nathan  
**Sent:** Friday, December 2, 2022 12:08 PM  
**To:** Useche, Viviana  
**Cc:** Eckoff, Michael  
**Subject:** RE: FOR REVIEW: Daniels Sharpsmart Inc peer review memo and penalty calculations

Signed, please proceed.

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**From:** Useche, Viviana <Viviana.Useche@FloridaDEP.gov>  
**Sent:** Friday, December 2, 2022 11:56 AM  
**To:** Hess, Nathan <Nathan.Hess@FloridaDEP.gov>  
**Cc:** Eckoff, Michael <Michael.Eckoff@FloridaDEP.gov>  
**Subject:** FW: FOR REVIEW: Daniels Sharpsmart Inc peer review memo and penalty calculations

Nathan,

PRM has been updated. PRM and PC ready for approval.

Thanks,



**Viviana Penuela Useche**  
**Environmental Manager**  
Florida Department of Environmental Protection  
Central District  
[Viviana.Useche@floridadep.gov](mailto:Viviana.Useche@floridadep.gov)  
407-897-2919

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**From:** Eckoff, Michael <[Michael.Eckoff@FloridaDEP.gov](mailto:Michael.Eckoff@FloridaDEP.gov)>  
**Sent:** Friday, December 2, 2022 10:56 AM  
**To:** Useche, Viviana <[Viviana.Useche@FloridaDEP.gov](mailto:Viviana.Useche@FloridaDEP.gov)>  
**Subject:** FW: FOR REVIEW: Daniels Sharpsmart Inc peer review memo and penalty calculations

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**From:** Useche, Viviana <[Viviana.Useche@FloridaDEP.gov](mailto:Viviana.Useche@FloridaDEP.gov)>  
**Sent:** Wednesday, September 21, 2022 11:06 AM  
**To:** Hess, Nathan <[Nathan.Hess@FloridaDEP.gov](mailto:Nathan.Hess@FloridaDEP.gov)>  
**Cc:** Eckoff, Michael <[Michael.Eckoff@FloridaDEP.gov](mailto:Michael.Eckoff@FloridaDEP.gov)>  
**Subject:** FW: FOR REVIEW: Daniels Sharpsmart Inc peer review memo and penalty calculations

Nathan,

Please see below PC and PRM for Daniels Shaprsmart (HW) for review.

Thanks,



**Viviana Penuela Useche**  
**Environmental Manager**  
Florida Department of Environmental Protection  
Central District  
[Viviana.Useche@floridadep.gov](mailto:Viviana.Useche@floridadep.gov)  
407-897-2919

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**From:** Eckoff, Michael <[Michael.Eckoff@FloridaDEP.gov](mailto:Michael.Eckoff@FloridaDEP.gov)>  
**Sent:** Thursday, August 25, 2022 3:18 PM  
**To:** Useche, Viviana <[Viviana.Useche@FloridaDEP.gov](mailto:Viviana.Useche@FloridaDEP.gov)>  
**Subject:** FOR REVIEW: Daniels Sharpsmart Inc peer review memo and penalty calculations

[file:///floridadep/data/CD/all\\_common/Sites/Orange/HW/Daniels%20Sharpsmart\\_FLD984171850/Enforcement/PRM](file:///floridadep/data/CD/all_common/Sites/Orange/HW/Daniels%20Sharpsmart_FLD984171850/Enforcement/PRM)



**Michael Eckoff**  
Environmental Consultant  
Compliance Assurance Program  
Central District  
[michael.eckoff@floridadep.gov](mailto:michael.eckoff@floridadep.gov)  
Office: 407.897.4308



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## Memorandum

## Florida Department of Environmental Protection

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To: Aaron Watkins, District Director  
Central District

Through: Nathan Hess, Assistant District Director  
Central District, Compliance Assurance Program

From: Viviana Useche, Environmental Manager  
Michael Eckoff, CAP Inspector

Date: 8/25/2022

Subject: Peer Review Request for Daniels Sharpsmart, Inc. in Orlando, FL

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The Central District Compliance Assurance Program is requesting a peer review for the following case.

**Division/Program: Waste Management/Hazardous Waste**

**Facility/Site ID No.** FLD984171850

**Facility/Site Name:** Daniels Sharpsmart, Inc.

**Facility Owner:** Daniels Sharpsmart, Inc. [As stated in Division of Corporations listing]

**Facility Address/Location:** 10705 Rocket Blvd., Suite 111, Orlando, in Orange County, FL

**Brief Description of Facility/Site:**

Daniels Sharpsmart, Inc. is a hazardous waste transporter and 10-day transfer facility and a regulated medical waste transporter.

**Violation(s) Summary:**

A routine compliance inspection was conducted at Daniels Sharpsmart, Inc. on June 30, 2022. During the inspection the following violations were identified:

- **62-730.170(2)(a), F.A.C.** – The facility failed to maintain liability insurance for EPA identification number ILR000169029.
- **62-730.170(2)(f), F.A.C.** – The facility failed to register EPA identification number ILR000169029 using Form 62-730.900(1)(b) in the state of Florida to transport hazardous waste.

**Violation(s) Classification:**

- **62-730.170(2)(a), F.A.C.** – Minor Non-Compliance.
- **62-730.170(2)(f), F.A.C.** – Minor Non-Compliance.

All determinations were made using the Hazardous Waste Penalty Spreadsheet dated August 27, 2020.

**Proposed Enforcement & Penalty Calculation In lieu of Compliance Assistance:**

The District has calculated a civil penalty and Department costs for this case in accordance with the attached penalty calculation work sheet.

The District proposes to resolve the case by issuance of a Short Form Consent Order to assess a penalty.

PENALTY COMPUTATION WORKSHEET  
SUBJECT TO FINAL APPROVAL

Violator's Name: Daniels Sharpsmart Inc

Address: 10705 Rocket Blvd., Suite 111, Orlando, Florida 32824

Name of Department Staff Responsible for the Penalty Computations:  
Michael Eckoff

Date: 8/25/2022

PART I - PENALTY DETERMINATIONS

Violation Type and description	RCRA Guideline	ELRA Schedule	ENVIRONMENTAL Harm	Extent of Dev.	Matrix Amount	Adjustments
1 62-730.170(2)(a), F.A.C. - Liability insurance	126		Moderate	Moderate	\$11,330-\$7,090	\$0.00
2 62-730.170(2)(f), F.A.C. - Register EPA ID number	167		Minor	Minor	\$710-\$150	\$0.00
3						\$0.00
4						\$0.00
5						\$0.00
6						\$0.00
7						\$0.00
8					\$0	\$0.00
Subtotals:					\$0	\$0.00

**Total Penalties for all violations:**

Department Costs:



Nathan Hess, Assistant District Director

12/2/2022

Date

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Michael Halpin  
Assistant Deputy Secretary, Regulatory

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Date

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Peer Reviewed by Division: Yes ( ) No ( )

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PART II - MULTI-DAY PENALTIES AND ADJUSTMENTS

Adjustments

Good faith prior to discovery: \_\_\_\_\_

Justification: \_\_\_\_\_

Good faith after discovery: \_\_\_\_\_

Justification: \_\_\_\_\_

History of non-compliance: \_\_\_\_\_

Justification: \_\_\_\_\_

Economic benefit of non-compliance: \_\_\_\_\_ Refer to descriptions and calculations below.

Justification: \_\_\_\_\_ Refer to descriptions and calculations below.

Ability to pay: \_\_\_\_\_

Justification: \_\_\_\_\_

Total Adjustments:

**ECONOMIC BENEFIT CALCULATIONS**

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

AC = Avoided Costs – expenditures that will never be incurred for violator's noncompliance.

DC = Delayed Costs – expenditures deferred by violator's failure to comply.

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

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

**Avoided Costs (AC) and/or Delayed Costs (DC) for each Violation:**

Add description including assumptions used for cost calculations. All potential violations: ECONOMIC BENEFIT

Economic Benefit was not included as it was considered de minimis.

**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 PART

ADJUSTMENT

Dollar Amount

Relative merits of the case:

\_\_\_\_\_

Resource Considerations:

\_\_\_\_\_

Other Justification:

\_\_\_\_\_

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\_\_\_\_\_

Date

\_\_\_\_\_

, District Director













(Hazardous Waste & Universal Waste Cases)

**EXTENT OF DEVIATION FROM REQUIREMENT**

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

	<b>MAJOR</b>	<b>MODERATE</b>	<b>MINOR</b>
<b>MAJOR</b>	\$37,500 to \$28,330 <b>(\$32,915)</b>	\$28,330 to \$21,250 <b>(\$24,790)</b>	\$21,250 to \$15,580 <b>(\$18,415)</b>
<b>MODERATE</b>	\$15,580 to \$11,330 <b>(\$13,455)</b>	\$11,330 to \$7,090 <b>(\$9,210)</b>	\$7,090 to \$4,250 <b>(\$5,670)</b>
<b>MINOR</b>	\$4,250 to \$2,130 <b>(\$3,190)</b>	\$2,130 to \$710 <b>(\$1,420)</b>	\$710 to \$150 <b>(\$430)</b>

(Used Oil Cases)

**EXTENT OF DEVIATION FROM REQUIREMENT**

P  
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N  
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L  
  
F  
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R  
  
H  
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R  
M

	<b>MAJOR</b>	<b>MODERATE</b>	<b>MINOR</b>
<b>MAJOR</b>	\$10,000 to \$8,000 <b>(\$9,000)</b>	\$7,999 to \$6,000 <b>(\$7,000)</b>	\$5,999 to \$4,600 <b>(\$5,300)</b>
<b>MODERATE</b>	\$4,599 to \$3,200 <b>(\$3,900)</b>	\$3,199 to \$2,000 <b>(\$2,600)</b>	\$1,999 to \$1,200 <b>(\$1,600)</b>
<b>MINOR</b>	\$1,199 to \$500 <b>(\$850)</b>	\$500	\$500

Guidelines for Characterizing HW, Used Oil, Universal Waste and Dry Cleaner Violations

[https://fldeploc.dep.state.fl.us/appdata/rcra\\_epa/Guidance/Draft\\_HW\\_Crosswalk\\_8\\_15\\_2019.xlsx](https://fldeploc.dep.state.fl.us/appdata/rcra_epa/Guidance/Draft_HW_Crosswalk_8_15_2019.xlsx)

Enforcement Manual

<https://floridadep.gov/ogc/ogc/content/enforcement-manual>

Deviation Choices

**Minor**

**Moderate**

**Major**

**Threat**

0

1

2

3

4