

Eckoff, Michael

From: Eckoff, Michael
Sent: Wednesday, January 18, 2023 11:31 AM
To: Kyle Little
Cc: Useche, Viviana
Subject: RE: FLD984171850 – Daniels Sharpsmart Inc – Proposed Short Form Consent Order OGC File No 22-2999
Attachments: Daniels Sharpsmart Inc_FLD984171850_penalty calculation_220825.xlsx

Good morning Kyle,

As promised, attached is a copy of the approved penalty calculations.

Thank you,
Michael

From: Kyle Little <KLittle@danielshealth.com>
Sent: Tuesday, January 10, 2023 11:58 AM
To: Eckoff, Michael <Michael.Eckoff@FloridaDEP.gov>
Cc: Useche, Viviana <Viviana.Useche@FloridaDEP.gov>
Subject: RE: FLD984171850 – Daniels Sharpsmart Inc – Proposed Short Form Consent Order OGC File No 22-2999

EXTERNAL MESSAGE

This email originated outside of DEP. Please use caution when opening attachments, clicking links, or responding to this email.

Hello Michael,

Wednesday, 1/18/23 at 11:00 AM (EST) works fine for me. Please let me know if you would like me to send you an invite.

Best regards,

Kyle Little
Director of Regulatory Compliance
Daniels Health | North America

A. 111 W Jackson Blvd, Suite 1900, Chicago IL 60604
M. 312 – 285 – 9087
F. 312 – 873 – 4031
E. klittle@danielshealth.com
W. www.danielshealth.com

From: Eckoff, Michael <Michael.Eckoff@FloridaDEP.gov>
Sent: Tuesday, January 10, 2023 8:47 AM
To: Kyle Little <KLittle@danielshealth.com>
Cc: Useche, Viviana <Viviana.Useche@FloridaDEP.gov>
Subject: RE: FLD984171850 – Daniels Sharpsmart Inc – Proposed Short Form Consent Order OGC File No 22-2999

Good morning Mr. Little,

Thank you for the update.

We have the following dates/times available for a call:

Tuesday, 1/17: 9:00 AM or 10:00 AM

Wednesday, 1/18: 11:00 AM

Thursday, 1/19: 10:00 AM

Please let me know if any of these will work.

Thank you,
Michael

From: Kyle Little <KLittle@danielshealth.com>

Sent: Friday, January 6, 2023 6:07 PM

To: Eckoff, Michael <Michael.Eckoff@FloridaDEP.gov>

Cc: Useche, Viviana <Viviana.Useche@FloridaDEP.gov>

Subject: RE: FLD984171850 – Daniels SharpSmart Inc – Proposed Short Form Consent Order OGC File No 22-2999

EXTERNAL MESSAGE

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Mr. Eckoff,

Dean has been out of office / out of the country the last several weeks. As such, we will need additional time to review the proposed short form consent order that includes a monetary fine, which is very surprising to me.

May we please schedule a call for the week of the 16th to discuss this further as I have several questions regarding the document.

Thank you

Best regards,

Kyle Little

Director of Regulatory Compliance

Daniels Health | North America

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F. 312 – 873 – 4031

E. klittle@danielshealth.com

W. www.danielshealth.com

From: Eckoff, Michael <Michael.Eckoff@FloridaDEP.gov>
Sent: Thursday, January 5, 2023 7:08 AM
To: Dean McPhee <dmcphee@danielshealth.com>
Cc: Useche, Viviana <Viviana.Useche@FloridaDEP.gov>; Kyle Little <KLittle@danielshealth.com>
Subject: RE: FLD984171850 – Daniels SharpSmart Inc – Proposed Short Form Consent Order OGC File No 22-2999

Good morning Mr. McPhee,

Hope you are having a wonderful Christmas season and a Happy New Year!

Reaching out to check the status of the signed consent order. It was due back to the department by December 20, 2022.

Thank you,
Michael

From: Hawley, Caitlin <Caitlin.Hawley@FloridaDEP.gov> **On Behalf Of** DEP_CD
Sent: Tuesday, December 6, 2022 9:19 AM
To: dmcphee@danielshealth.com
Cc: Ammon, Pamela <Pamela.Ammon@FloridaDEP.gov>; Hess, Nathan <Nathan.Hess@FloridaDEP.gov>; Eckoff, Michael <Michael.Eckoff@FloridaDEP.gov>
Subject: FLD984171850 – Daniels SharpSmart Inc – Proposed Short Form Consent Order OGC File No 22-2999

Greetings,

The Department of Environmental Protection is using electronic correspondence rather than paper mail to deliver documents faster while reducing costs and waste. Please click on the link below to access the above referenced document in OCULUS, the Department of Environmental Protection's electronic document management system.

[https://depdms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&\[guid=2.486584.1\]&\[profile=Enforcement_Legal\]](https://depdms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&[guid=2.486584.1]&[profile=Enforcement_Legal])

To access the documents in OCULUS:

1. Click on the link to open OCULUS at the Login screen.
2. Click on PUBLIC OCULUS login to view the search results screen.
3. Click the arrow button next to *view* in the Operations drop-down menu to open and view the document in its native format. Most OCULUS documents are in .pdf format. Acrobat Reader is required to read the document. The free reader can be downloaded from <http://www.adobe.com/products/reader.html>.

If you are interested in reviewing documents from the Department's Information Portal, you can access the portal at <http://prodenv.dep.state.fl.us/DepNexus/public/searchPortal>.

Thank you for your attention to this matter.

Sincerely,

Florida Department of Environmental Protection
Central District Office

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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

Michael Halpin
Assistant Deputy Secretary, Regulatory

Date

Peer Reviewed by Division: Yes () No ()

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:

Date

, District Director

Total
\$7,090.00
\$150.00
\$0.00
<u>\$7,240</u>
\$500



Amount

\$0

\$0

\$0

\$0

\$0.00

\$ -

\$ -

Harm and Potential for Harm Ranking System

FACILITY NAME: _____						Date: _____	
EPA ID No.: _____						Case #: _____	
Violation	Description	Nature of Waste	Amount of Waste	Discharge	People	Threat	Total Points
1		4	2	0	2	0	8
4		4	1	0	2	0	7
5		4	5	6	2	0	17
6		4	8	0	2	0	14
		2	1	0	1	0	4
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

(Hazardous Waste & Universal Waste Cases)

EXTENT OF DEVIATION FROM REQUIREMENT

P
O
T
E
N
T
I
A
L

F
O
R

H
A
R
M

	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)

(Used Oil Cases)

EXTENT OF DEVIATION FROM REQUIREMENT

P
O
T
E
N
T
I
A
L

F
O
R

H
A
R
M

	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

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

Enforcement Manual

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

Deviation Choices

Minor

Moderate

Major

Threat

0

1

2

3

4