

Matrix Penalty Calculation Worksheet

FLD981928484	Liquid Environmental Solutions of Florida, LLC	Liquid Environmental Solutions of Florida, LLC	DEP DIRECTIVE 923
Facility ID	Respondent(s)	Site Name	403.121, F.S.(ELRA)
			Enforcement Manual
Duval	1640 Talleyrand Ave., Jacksonville, Florida 32206-5485		Peer Review SOP
County	Address		Please see ELRA Table worksheets for program specific guidelines.
5/20/2024	Bonnie Bradshaw		
Date	Penalty Calculation Prepared By		

Part I - Penalty Schedule Determinations

Division	Program	Violation Description	RCRA Guideline	Potential for Harm	Extent of Deviation	Matrix Penalty Range	Matrix Penalty Midpoint	Matrix Penalty	# of Violations	Multi-Day Penalty		Total
										Amount	# Days	
Waste	HW	1. 40 CFR 262.11: Waste determinations not conducted and documented on two wastestreams. **Because both wastestreams were determined to be non-hazardous subsequent to the inspection, no penalty was assessed for this violation.	HW279	Moderate	Moderate	\$7,090 to \$11,330	\$9,210	\$0				\$0
Waste	Universal Waste	2. 40 CFR 273.13(d)(1): There were two boxes containing 19 universal waste lamps that were not accumulated in closed containers.	Combined with #3									
Waste	Universal Waste	3. 40 CFR 273.14(e): There were two boxes containing 19 universal waste lamps that were not properly labeled.	UW38	Minor	Moderate	\$710 to \$2,130	\$1,420	\$1,420				\$1,420
Waste	Universal Waste	4. 40 CFR 273.15(c): The facility was unable to demonstrate how long two boxes containing 19 universal waste lamps had been accumulating.	UW42	Minor	Moderate	\$710 to \$2,130	\$1,420	\$1,420				\$1,420
Waste	Used Oil	5. 40 CFR 279.44(a), 62-710.510(1)(g), F.A.C.: The facility did not document the halogen screening prior to transport for four loads of used oil transported on June 14, 2023, May 3, 2023, April 26, 2023 and January 25, 2023.	UO159 and 162	Minor	Major	\$2,000 to \$2,999	\$2,500	\$2,500				\$2,500
Waste	Used Oil	6. 40 CFR 279.52(a)(5): The facility did not provide adequate aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment.	UO121	Minor	Minor	1000	\$1,000	\$1,000				\$1,000
Waste	Used Oil	7. 40 CFR 279.54(g): One solid waste roll-off dumpster was leaking liquid with a sheen.	UO142	Minor	Minor	1000	\$1,000	\$1,000				\$1,000
Waste	HW	8. 403.727(1)(c), Florida Statute: SPCC Weekly Inspections were not conducted during the month of June 2023 and STI SP001 Monthly Inspections were not conducted during May and June of 2023.	HW143	Minor	Minor	\$150 to \$710	\$430	\$430				\$430
Waste	Used Oil	9. 62-710.401(6), F.A.C.: One 55-gallon drum of used oil was not closed or otherwise protected from the weather.	UO144	Minor	Major	\$2,000 to \$2,999	\$2,500	\$2,500				\$2,500
Waste	Used Oil	10. 62-710.850(5)(a), F.A.C.: There was one 55-gallon drum of used oil filters that was open and filled with water.	Combined with #9									
									Part I - Penalty Subtotal			\$10,270

Click the "Add Violation Row" button to add rows ---->

Add Violation Row

Department Costs and Expenses	Dollar Amount
Minimum enforcement case range: \$100 to \$500	\$750
Average enforcement case range: \$500 to \$1000	
Complex enforcement case range: \$1000 to \$5000	

Part I With Dept. Costs and Expenses Subtotal	\$11,020
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Part II - Adjustments

Economic Benefit (EB) Calculations

$$EB = AC(1-T) + DC(I) + DirC$$

AC = Avoided Costs - expenditures nullified by violator's failure to comply (operating and maintenance costs)

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

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

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

DirC = Direct Costs - Special category Avoided costs. E.g. Monitoring, Permit Fees, or WW treatment costs

Violation	Description	AC	T	DC	I	DirC	Count	EB
	<p>The facility did not conduct and document HW determinations on two wastestreams:</p> <p>Item 1: Cost estimate for TCLP volatile 2,4-dinitrotoluene retain sample analysis = \$242 + \$150 sampling fee = \$392. DC = \$392(0.04) = \$15.68</p> <p>Item 2: Cost estimate for TCLP volatile 2,4-dinitrotoluene retain sample analysis = \$242 + \$150 sampling fee = \$392. DC = \$392(0.04) = \$15.68</p> <p>\$15.68 + \$15.68= \$31.36</p>							
1			21%	\$784	4%			\$31.36
8	<p>The facility did not conduct six required inspections:</p> <p>Cost for senior staff to conduct the inspections at a labor rate of \$40 per hour = 6(40)(1-.21)= \$189.60</p>	\$240	21%		4%			\$189.60
Click the "Add EB Calc Row" button to add rows -->		Add EB Calc Row			Total Economic Benefit			\$220.96

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Add EB Calc Row

Type		Adjustment Description and Justification		Dollar Amount
Economic Benefit (see calculations above)		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.		
Good faith/lack of good faith prior to discovery				
Good faith/lack of good faith after discovery				
History of non-compliance				
Ability to pay				
Other unique factors				
			Part II Subtotal	\$0
<input type="checkbox"/>	Cap Penalties at \$50,000			
<input type="checkbox"/>	Environmental School \$750 Reduction	Penalty With Part II Adjustments	\$10,270	

Part III - Other Adjustments Made After Meeting With the Responsible Party *(only complete this part if adjustments are made to the initial (peer approved) penalty assessment)*

Type	Adjustment Description and Justification	Dollar Amount
Relative Merits of the Case		
Resource Considerations		
Other Justification		
Part III Subtotal		\$0

Additional Notes/Justification

Penalty is greater than \$75,000 and Secretary approval is required.	<input type="checkbox"/>
Penalty is greater than \$25,000 and Deputy Secretary approval is required.	<input type="checkbox"/>
Penalty is \$25,000 or less with an economic benefit adjustment for which Deputy Secretary approval is required.	<input type="checkbox"/>

Total Penalty After Part III Adjustments	
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Penalty Calculation Worksheet Signatures



Assistant Director of District Management

6/4/2024

Date



Director of District Management / Division Director

June 12, 2024

Date

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Peer Reviewed by Division

Date

Deputy Secretary (if required by guidelines)

Date

Office of General Counsel

Date