

Matrix Penalty Calculation Worksheet

FLR000119784	Cliff Berry, Inc.	Cliff Berry, Inc. - Jacksonville	<a href="#">DEP DIRECTIVE 923</a>
Facility ID	Respondent(s)	Site Name	<a href="#">403.121, F.S.(ELRA)</a>
			<a href="#">Enforcement Manual</a>
Duval	1518 Talleyrand Avenue, Jacksonville, Florida 32206-5436		<a href="#">Peer Review SOP</a>
County	Address		Please see ELRA Table worksheets for program specific guidelines.
11/28/2023	Emma Sacchitello		
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: The facility did not conduct a complete hazardous waste determination on two wastestreams. <b>**Because both wastestreams were analyzed after the inspection and determined to be non-hazardous, no penalty was assessed for this violation.</b>	HW279	Moderate	Minor	\$4,250 to \$7,090	\$5,670	**\$0				\$0
Waste	Used Oil	2. 62-710.510(1)(g), FAC: The facility failed to document halogen screening for each shipment of used oil transported. There were nine instances in 2023 where the halogen screening was not documented.	UO162	Minor	Major	\$2000 to \$2,999	\$2,500	\$2,500				\$2,500
Waste	HW	3. 62-730.170(2), FAC: One truck used for transporting hazardous waste did not have the current hazardous waste transporter registration.	N/A - No applicable guideline	Minor	Minor	\$150 to \$710	\$430	\$430				\$430
Click the "Add Violation Row" button to add rows ---> <div>Add Violation Row</div>									Part I - Penalty Subtotal		\$2,930	

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	\$3,680
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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
1	The facility did not conduct and document HW determinations on two wastestreams: Cost estimate for ignitability, TCLP metals, and TCLP volatiles analysis = \$50 + \$140 + \$242 + \$150 sampling fee = \$582(2) = 1,164 = DC = \$1,164(0.04) = \$46.56			\$1,164	4%			\$46.56
Click the "Add EB Calc Row" button to add rows --->								
Add EB Calc Row								
Total Economic Benefit								\$46.56

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	\$2,930
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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	\$3,680

Penalty Calculation Worksheet Signatures



Assistant Director of District Management

1/16/2024

Date



Director of District Management / Division Director

January 17, 2024

Date

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Not Required

Peer Reviewed by Division

11/28/2023

Date

Deputy Secretary (if required by guidelines)

Date

Office of General Counsel

Date