

PENALTY COMPUTATION WORKSHEET

Respondent: Angelo's Aggregate Materials, LTD

Facility: Enterprise Class III Landfill

Name of Department Staff Responsible for Penalty Computations: Alexis Black, Melissa Madden, Steve Tafuni,

Kelley Boatwright

Permit No.: 177982-028-SO/T3

Date of Initial Computation: 4/2/2020

Revision Dates: 4/30/2020, 5/15/2020, 5/18/2020, 05/21/20, 06/10/20, 7/9/2020

PART I - Penalty Determinations

	Violation Type	ELRA Citation	ELRA Schedule	Potential for Harm	Extent of Deviation	Matrix Penalty	Adjustments	Total	
1	Overfilling of Cells 1-7 and 15 with solid waste (vertical expansion)	Failure to operate a facility in accordance with the permit or rule that actually or is reasonably expected to result in pollution in a manner that represents a significant threat to human health or the environment (Chapter 62-701.500(2), 62-701.500(2)(f), and 62-701.500(7)(c), F.A.C., Question Numbers 2.11 and 2.13)	403.121(3)(e), F.S.	Matrix	Moderate	Moderate	3,199	\$15,995 (10-months at \$1,599.50 each)	19,194
2	Slopes not 3:1, over filled, benches, etc	Failure to operate a facility in accordance with the permit or rule that actually or is reasonably expected to result in pollution in a manner that represents a significant threat to human health or the environment (Rule 62-701.500(2), 62-701.500(2)(f), and 62-701.500(7)(c), F.A.C., Question Numbers 2.11 and 2.16)	403.121(3)(e), F.S.	Matrix	Moderate	Moderate	3,199	\$3,199 (2-months at \$1,599.50 each)	6,398

3	Erosion impacting intermediate cover on Cells 3-5 and Groundwater monitoring wells missing locks or unlocked (2x)	Failure to comply with any other Departmental regulatory statute or rule requirement	403.121(5), F.S.	Matrix	Minor	Moderate	500	\$250.00 (1 - month at \$250.00)	750
4	Waste Tire Processing Facility not operated in conformance with site plan (2x)	Failure to operate in accordance with the rule or permit that actually or is reasonably is expected to result in pollution in a manner that represents a significant threat to human health or the environment (Rule 62-701.300(1)(a), 62-711.540(3)(b), and 62-711.540(3)(c), F.A.C., Question Number 9.1.1).	403.121(3), F.S.	Matrix	Moderate	Moderate	3,199	\$1,599.50 (1-month at \$1,599.50)	4,799
		Subtotal		\$0					31,141
Penalty Summary									
Department Costs and Expenses:									\$1,000
Penalty with Costs:									\$32,141

Mary E. Yeorgan, P.G.
Director
Southwest District

Date

Michael Halpin
Assistant Deputy Secretary
Regulatory Programs

Date

1. Under 403.121(3)(e), F.S. of the Environmental Litigation and Reform Act, the administrative penalty for unauthorized disposal of solid waste if waste is Class III or Class I is \$3,000.
2. Under 403.121(3)(e), F.S. of the Environmental Litigation and Reform Act, the administrative penalty for unauthorized disposal of solid waste if waste is Class III or Class I is \$3,000.
3. Under 403.121(5), F.S. of the Environmental Litigation and Reform Act, the administrative penalty for failure to comply with any other departmental regulatory statute or rule requirement is \$500.
4. Under 403.121(3), F.S. of the Environmental Litigation and Reform Act, the administrative penalty for unauthorized disposal of solid waste if waste is Class III or Class I is \$3,000.

Part II - Multiday Penalties and Adjustments

ADJUSTMENTS	DOLLAR AMOUNT	JUSTIFICATION
Bad faith after discovery		
History of non-compliance		
	Matrix Penalty x 10	(1) First Identified in March 12, 2019, Locklear provided response that they would stop on April 17, 2019, continued until December 23, 2019, restarted in March 2020, therefore multiplier of 9 months (to-date) for non-compliance. Based on lack of airspace, facility resumed operating in these areas in March 2020 acknowledging continued non-compliance.

Other Unique Factors (Multi-Day)	Matrix Penalty x 2	(2) First identified during March 12, 2019. Construction Permit authorized slopes to be restored by March 21, 2020 as corrective action. The corrective action was not completed by due date. They submitted necessary information for permit mod to be issued in May 2020, therefore we are assessing multi-month penalty for April and May 2020.
	Matrix Penalty x 1	3) First identified during February 9, 2018 inspection, cited again during October 31, 2019 inspection, therefore multiplier of 1 occurrence of non-compliance.
	Matrix Penalty x 1	(4) First identified during March 12, 2019 inspection, cited again during October 31, 2019 inspection, therefore multiplier of 1 occurrence of non-compliance.
Economic benefit of non-compliance		
Ability to pay		
Total Adjustments		

Departmental Costs & Expenses

The following guidelines were followed in estimating the costs to be recovered in settling this enforcement action.

Level of Enforcement Case:

- Minimal Enforcement Case: \$100-\$500.00
- Average Enforcement Case: \$ 500.00-\$1,000.00
- Complex Enforcement Case: \$ 1,000.00-\$5,000.00

This case has been classified as a Average Enforcement Case, for an Enforcement Cost of \$1,000.00.