

Thursby, Kim

From: Bill Parkes [bparkes@cliffberryinc.com]
Sent: Wednesday, April 25, 2007 2:16 PM
To: Epost HWRS
Subject: RE: Cliff Berry, Inc. - Jacksonville;FLR 000 119 748;Permit Application to construct and operate a Used Oil Facility

Tim -

I received the attached document.

Thanks,

William E. Parkes, Jr.
Manager Regulatory Affairs and Capital Projects
Cliff Berry, Inc. (CBI)

-----Original Message-----

From: Epost HWRS [mailto:EpostHWRS@dep.state.fl.us]
Sent: Wednesday, April 25, 2007 1:02 PM
To: bparkes@cliffberryinc.com
Cc: Patel, Ashwin; Clarke, Raoul; Wick, Fred; Bahr, Tim; Prusty, Rabin; Kothur, Bheem
Subject: Cliff Berry, Inc. - Jacksonville;FLR 000 119 748;Permit Application to construct and operate a Used Oil Facility

In an effort to provide a more efficient service, the Florida Department of Environmental Protection's Hazardous Waste Regulation Section is forwarding the attached document to you by electronic correspondence "e-correspondence" in lieu of a hard copy through the normal postal service.

We ask that you verify receipt of this document by sending a "reply" message to epost_hwrs@dep.state.fl.us. If your email address has changed or you anticipate that it will change in the future, please advise accordingly in your reply. You may also update this information by contacting Kim Thursby at (850) 245-8792.

The attached document is in "pdf" format and will require Adobe Reader 6 or higher to open properly. You may download a free copy of this software at www.adobe.com/products/acrobat/readstep2.html.

Please note that our documents are sent virus free. However, if you use Norton Anti-virus software, a warning may appear when attempting to open the document. Please disregard this warning.

Your cooperation in helping us affect this process by replying as requested is greatly appreciated. If you should have any questions about the attached document(s), please direct your questions to the contact person listed in the correspondence.

Tim Bahr
Environmental Administrator
Hazardous Waste Regulation
Department of Environmental Protection
E-Mail Address: epost_hwrs@dep.state.fl.us



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

April 25, 2007

SENT VIA EMAIL

bparkes@cliffberryinc.com

Mr. William E. Parkes, Jr.
Cliff Berry, Incorporated
Post Office Box 13079
Port Everglades Station
Fort Lauderdale, Florida 33316

RE: Cliff Berry, Inc. – Jacksonville Facility
EPA I.D. No. FLR 000 119 748
Permit Application to construct and operate a Used Oil Facility

Dear Mr. Parkes:

The Florida Department of Environmental Protection (Department) has received your permit application dated February 12, 2007 to construct and operate a Used Oil Facility.

The review of the permit application indicates that it is incomplete. Please provide the information requested in the enclosed summary. In preparing your response, the Department recommends that you identify each comment followed by your response and also provide your revised pages of the application. The revised pages are to be include the new revision date.

Further action on processing your application is temporarily held in abeyance pending receipt of your complete response. Please submit three copies of your written response within 30 days of receipt of this notice. If you cannot submit this information within 30 days, you must formally request an extension and provide a schedule, with dates, indicating when this information will be submitted.

Mr. William E. Parkes, Jr.
April 25, 2007
Page Two

Should you like to arrange a meeting or if you have any questions, please contact Rabin Prusty at (850) 245-8780, e-mail: rabin.prusty@dep.state.fl.us.

Sincerely,



Bheem Kothur, P.E. III
Hazardous Waste Regulation

BK/rp

Enclosure

cc: Ashwin Patel, DEP/Jacksonville, ashwin.patel@dep.state.fl.us
Raoul Clarke, DEP/Tallahassee, raoul.clarke@dep.state.fl.us
Fred Wick, DEP/Tallahassee, fred.wick@dep.state.fl.us

ATTACHMENT
April 24, 2007
Cliff Berry, Inc. – Jacksonville Facility
EPA I.D. No. FLR 000 119 748
Notice of Deficiency

1. **Attachment 2, Page 2:** (a). Land Owner Certification form shows Cliff Berry Inc. (CBI) as land owner not C-2 Holdings Inc as stated earlier in the Lease Agreement page, please correct. Also clarify that Cliff Berry II is the owner of C-2 Holdings Inc.

(b). **Page 15:** The application form is missing the Facility ID Number. CBI has already been issued EPA ID # FLR 000 119 784 for this site.

2. **Attachment 3 :** (a). Submittal is incomplete (see Item 8. on page 11 of application) and needs detailed description of tanks and equipment including specifications, inspection and monitoring schedules, corrective action procedure plan, and certification by an Engineer registered in the state of Florida.

(b). CBI should submit for review “As-Built” Certification and receive DEP approval prior to operation of the newly constructed units. Submittal should include calculations for secondary containment area and information on surface coating material. The containment area should be coated with a chemically compatible material that prevents possible leaching of spill contaminates.

(c). Provide details and indicate on drawing where and how contaminated soils will be stored on the site.

(d). Indicate on drawing the location of any ground water wells on site and provide data from previous sampling events.

(e). Identify tank numbers on the drawing and provide a 8 1/2” x 11” drawing showing Tank Area, Tank numbers and Tank capacity.

3. **Attachment 4:** Sampling plan must include a tracking plan and also include a sampling plan for sludges.

Please provide a copy of the form used by the driver and also a copy of the form that will be used on-site to record used oil analytical/ testing data.

4. **Attachment 5 (Part 3M):** Cliff Berry states it is a hazardous waste transfer facility at 1518 Talleyrand Avenue. Cliff Berry has notified the DEP as a hazardous waste transfer facility at this location pursuant to Section 62-730.171 (3) FAC. However, Cliff Berry must submit a written closure plan for a hazardous waste transfer facility that satisfies the requirements of the closure performance, notification, and decontamination standards of 40 CFR 265.111, 265.112, 265.114 and 265.115. The facility must also comply with 40 CFR 265 Subpart B, Subpart C, Subpart D, and subpart I with the exception of 40 CFR 265.13.

5. **Attachment 6:** A Financial Assurance for Closure Cost estimates needs to be included in the application for hazardous waste transfer facility.
 - (a). CBI 's Closure Cost estimate and Financial Assurance should include:
 - Disposal cost (transportation + treatment) estimate should be for the total capacity of the plant; 83,000 gallons.
 - Waste Characterization analytical cost for each of the 3 tanks.
 - Analytical cost for rinse water confirmation from each of 3 tanks.
 - Disposal cost should assume some tank sludge removal cost and should consider some percentage of the sludge as non-pumpable and thus require additional labor and equipment cost for removing.

 - (b). CBI states it will be receiving contaminated soil from retail gasoline stations and storing the soil onsite. If the soil is not part of a UST removal subject to corrective action regulations under 40 CFR Part 280, it would not meet the criteria for the exclusion from hazardous waste regulations found in 40 CFR 261.4 (b)(10). If the soil does not meet the exclusion, it would be hazardous waste if it failed TCLP analysis. CBI also implies it may receive sludge from the cleanout of USTs that are currently in service at retail gasoline stations. The sludge removed from USTs that contained gasoline would be, at a minimum, a characteristic hazardous waste.

 - (c). Closure cost estimate should include the disposal of hazardous waste soil and sludge.

 - (d). CBI states that it will receive oily wastewater from retail gasoline stations. Wastewater removed from secondary containment that surrounds gasoline tanks would meet the definition of Petroleum Contact Water (PCW) and may be a characteristic hazardous waste unless sent for product recovery.

6. **Attachment 7:** Has CBI notified JEA and applied for an IW pretreatment permit.
 - (a). Describe in detail your business plan, types of waste streams and what type of businesses you plan to collect waste from. Also describe any on-site treatment

you may perform to the used oil, used oil filters, or wastewater you receive. Provided details of how and where your facility will dispose/market the waste materials it receives.

(b). Who will make the Hazardous waste determination of contaminated soils received and stored on-site.

7. **Attachment 8:** Will the facility be a “Marketer” of used oil, if so they need to register as one? And also register as a used oil and filter transfer facility. Please see Application for Registration, Used Oil and Oil Filter Handlers, Form 62-710.901(1).