

Thursby, Kim

From: Epost HWRS
Sent: Tuesday, June 19, 2007 9:52 AM
To: bparkes@cliffberryinc.com
Cc: karen.kanter@dep.state.fl.us; banton@ci.dania-beach.fl.us; ddupuy@broward.org; heath_rauschenberger@fws.gov; maryann.poole@myfwc.com; Raoul.Clarke@dep.state.fl.us; Wick, Fred; Bahr, Tim; Prusty, Rabin; Kothur, Bheem
Subject: Cliff Berry, Incorporated, Dania Beach;FLR 000 083 071;192423-HO-003
Attachments: 6-19-07 CBI Renewal Permit.pdf

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

June 19, 2007

SENT VIA EMAIL

bparkes@cliffberryinc.com

Mr. William E. Parkes, Jr.
Regulatory Affairs Manager
Cliff Berry, Incorporated
P.O. Box 13079
Port Everglades Station
Fort Lauderdale, Florida 33316

SUBJECT: Cliff Berry, Incorporated, Dania Beach
Facility Permit Renewal
EPA I.D. Number: FLR 000 083 071
Permit Number: 192423-HO-003
Broward County

Dear Mr. Parkes:

Enclosed you will find a Department Permit Renewal (Intent to Issue), along with the draft Permit Renewal and language for the required Public Notice of Agency Action. Please ensure publication within the time allotted.

As applicant, you are a person whose substantial interests will be determined by the permit, and rights explained in the Intent to Issue apply to you. You have a period of 14 days from the date you received this Intent to Issue in which to exercise your rights.

Proof of publication must be provided to the Department within seven (7) days of publication of the notice.

Please contact Rabin Prusty at (850) 245-8780 or e-mail at rabin.prusty@dep.state.fl.us.

Sincerely,

Tim J. Bahr, Administrator
Hazardous Waste Regulation

TJB/rp
Enclosure

Mr. William E. Parkes, Jr.

June 19, 2007

Page Two

cc: Karen Kantor, DEP/West Palm Beach, karen.kanter@dep.state.fl.us
Mayor, City of Dania Beach, banton@ci.dania-beach.fl.us
Chair, Broward County Board of Commissioners, ddupuy@broward.org
Heath Rauschenberger, U. S. Fish and Wildlife Services, heath_rauschenberger@fws.gov
Mary Ann Poole, Florida Fish and Wildlife Conservation Commission,
maryann.poole@myfwc.com
Raoul Clarke, DEP/Tallahassee, raoul.clarke@dep.state.fl.us
Fred Wick, DEP/Tallahassee, fred.wick@dep.state.fl.us

FACT SHEET

June 18, 2007

Cliff Berry, Inc.

Dania Beach, Florida

EPA I.D. No: FLR 000 083 071

Permit No: 192423-HO-003

Used Oil Processing Facility Permit Renewal

1. This is a renewal to the facility's existing permit to operate a Used Oil Processing Facility consisting of a tank storage area.
2. The tank storage area consists of 8 (eight) above ground storage tanks with a storage capacity of approximately 766,000 gallons which includes 154,500 gallons of used oil and the remaining is Diesel Fuel.
3. The facility is in compliance with financial assurance requirements.
4. There are no issues with the facility.

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In the Matter of an
Application for a Permit Modification by:

*Cliff Berry, Incorporated.
P.O. Box 13079
Port Everglades
Fort Lauderdale, Florida 33316*

*DEP File No. 192423-HO-003
EPA I. D. FLR 000 083 071
Broward County*

INTENT TO ISSUE

The Florida Department of Environmental Protection ("the Department") gives notice of its intent to issue a permit renewal (copy enclosed) for the proposed project as detailed in the application specified above, for the reasons stated below.

On February 22, 2007, Cliff Berry Incorporated submitted an application to the Department for a permit renewal (192423-HO-003) to operate an used oil and processing facility located at 3400 S.E. 9th Avenue, Dania Beach, Florida. The Department has permitting jurisdiction under Section 403.704(16) and 403.769, Florida Statutes (F.S.) and Chapters 62-4, 62-701 and 62-710, Florida Administrative Code (F.A.C.) . The project is not exempt from permitting procedures. The Department has determined that an operating permit is required for the proposed work. The Department intends to issue the permit with the conditions included in the enclosed draft permit renewal.

Pursuant to Section 403.815, F.S., you (the applicant) are required to publish at your own expense the enclosed Newspaper Notice. The notice shall be published one time only within fourteen (14) days of receipt in the legal ad section of a daily, major newspaper of general circulation in the area affected. For the purpose of this notice, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. Where there is more than one daily newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permit modification. If you are uncertain that a newspaper meets these requirements, please contact the Office of General Counsel of the Department at (850) 245-2242. The applicant shall provide proof of publication to the Department of Environmental Protection at 2600 Blair Stone Road, Mail Station #4560, Tallahassee, Florida 32399-2400; Attention: Administrator, Hazardous Waste Regulation Section, within seven (7) days of publication. Failure to publish

the notice and provide proof of publication within the allotted time may result in the denial of the permit modification.

The Department will issue the permit renewal with the attached conditions unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000.

Petitions by the permit applicant or any of the parties listed below must be filed within fourteen (14) days of receipt of this Intent. Petitions filed by other persons must be filed within fourteen (14) days of publication of the public notice or within fourteen (14) days of their receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within fourteen (14) days of receipt of such notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (d) A statement of all material facts disputed by petitioner, or a statement that there are no disputed facts;
- (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available in this proceeding.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Charles F. Goddard, Chief
Bureau of Solid & Hazardous Waste
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

cc: Karen Kantor, DEP/West Palm Beach
Mayor, City of Dania Beach
Chair, Broward County Board of Commissioners
Heath Rauschenberger, U. S. Fish and Wildlife Services
Mary Ann Poole, Florida Fish and Wildlife Conservation Commission
Raoul Clarke, DEP/Tallahassee
Fred Wick, DEP/Tallahassee

Newspaper Notice:

**STATE OF FLORIDA
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
PUBLIC NOTICE OF PROPOSED AGENCY ACTION
NOTICE OF INTENT TO ISSUE**

THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION GIVES NOTICE OF ITS INTENT TO ISSUE A PERMIT RENEWAL TO CLIFF BERRY INCORPORATED TO OPERATE A USED OIL PROCESSING FACILITY AT 3400 S.E. 9TH AVENUE, DANIA BEACH, FLORIDA 33316, HAVING ASSIGNED FACILITY I.D. NUMBER FLR 000 083 071.

The draft permit renewal, prepared in accordance with the provisions of Chapters 62-4, 62-701, 62-710 and 62-730, Florida Administrative Code (F.A.C.), contains the conditions for permit number 192423-HO-003. The permit renewal is intended to be issued to allow Cliff Berry, Incorporated to operate a Used Oil Processing Facility at the Cliff Berry, Incorporated site in Dania Beach, Florida.

Copies of the application and the draft permit renewal are available for public inspection during normal business hours 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at Florida Department of Environmental Protection, West Palm Beach District Office, 400 North Congress Ave, Suite 200, West Palm Beach, Florida 33401, (561) 681-6600 and at 2600 Blair Stone Road, Mail Station #4560, Tallahassee, Florida 32399-2400; Attention: Administrator, Hazardous Waste Regulation Section, (850) 245-8780.

A person whose substantial interests are affected by the above proposed agency action may petition for an administrative determination (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the permit applicant and any of the parties listed below must be filed within fourteen (14) days of receipt of this Intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen (14) days of publication of this notice of intent or receipt of the written notice, whichever occurs first. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within this time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed; and
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of all material facts disputed by petitioner, or a statement that there are no disputed facts; (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available in this proceeding.



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

PERMITTEE:

Cliff Berry, Incorporated
P.O. Box 13079
Port Everglades Station
Fort Lauderdale, Florida 33316

Attn.: Mr. William E. Parkes
Regulatory Affairs Manager

I.D. Number: FLR 000 083 071

Permit/Cert Number: 192423-HO-003

Date of Issue: Draft

Expiration Date: April 22, 2012

County: Broward

Lat/Long: 26° 05' 00" N/80° 07' 57.6" W

Project: Used Oil Processing Facility

This permit renewal is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code (F.A.C.) Rule(s) 62-4, 62-701, 62-710, 62-730, and 40 Code of Federal Regulations (CFR) Part 279. The above named Permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

TO OPERATE: A Used Oil Processing Facility hereafter referred to as the "Facility". The tank storage area has been modified by removing three (3) tanks and adding one (1) tank. The Used Oil Processing Facility is located in Broward County at 3400 S.E. 9th Avenue, Dania Beach, Florida 33316. A diagram of the site layout is included as Attachment A.

The facility is authorized to process used oil, oily wastewater, and used oil filters under this permit.

The facility consists of 2 (two) 24,500 gallon tanks, 3 (three) 30,000 gallon tanks, 1 (one) 15,500 gallon tank with used oil, 1 (one) 593,570 gallon tank and 1 (one) 17,700 gallon tank with Diesel Fuel. All tanks are located within the secondary containment unit as shown on drawing Sheet 1, Permit Application dated February 22, 2007. The area of the tank farm is 13,640 square feet.

The Facility is located on an approximately 8.1197-acre parcel of land leased from the Cliff Berry Family Limited Partnership (Landlord). The Permittee will process and market used oil in accordance with the permit application.

The following documents were used in preparation of this permit:

1. Used Oil Processing Facility Permit Application dated October 29, 2001.
2. Additional information dated January 30, 2002 and March 4, 2002.
3. Permit Modifications application dated May 8, 2006.
4. Permit Renewal application dated February 22, 2007.

Cliff Berry, Incorporated
Port Everglades Station
Fort Lauderdale, Florida 33316

I.D. Number: FLR 000 083 071
Permit/Cert Number: 192423-HO-003
Expiration Date: April 22, 2012

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PART I – GENERAL AND STANDARD CONDITIONS:

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the permittee and enforceable pursuant to the authority of Sections 403.141, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is hereby placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in Subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit does not constitute a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, plant or aquatic life or property and penalties therefore caused by the construction or operation of this permitted source, nor does it allow the Permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The Permittee shall properly operate and maintain the facility and systems of processing and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The Permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purpose of:
 - (a). Having access to and copying any records that must be kept under the conditions of the permit;
 - (b). Inspecting the facility, equipment, practices, or operations regulated or required under this permit; and
 - (c). Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the Permittee does not comply with, or will be unable to comply with, any condition or limitation specified in this permit, the permittee shall immediately notify and provide the Department with the following information:

- (a). A description of and cause of non-compliance; and
- (b). The period of non-compliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

The Permittee shall be responsible for any and all damages that may result and may be subject to enforcement action by the Department for penalties or revocation of this permit.

9. In accepting this permit, the Permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, which are submitted to the Department, may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is proscribed by Sections 403.73 and 403.111, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
10. The Permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
11. This permit is transferable only upon Department approval in accordance with Florida Administrative Code Rules 62-4.120 and 62-710.800, F.A.C., as applicable. The Permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department.
12. This permit is required to be kept at the work site of the permitted activity during the entire period of construction, operation, or closure.
13. This permit also constitutes:
- (a). Determination of Best Available Control Technology (BACT);
 - (b). Determination of Prevention of Significant Deterioration (PSD);
 - (c). Certification of Compliance with State Water Quality Standards (Section 401, PL 92-500); and
 - (d). Compliance with New Source Performance Standards.
14. The permittee shall comply with the following monitoring and record keeping requirements:
- (a). Upon request, the Permittee shall furnish all records and plans required under Department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the Department, during the course of any unresolved enforcement action;
 - (b). The Permittee shall retain at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records), copies of

all reports required by this permit, and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report or application unless otherwise specified by Department rule; and

- (c). Records of monitoring information shall include:
- (1). The date, exact place, and time of sampling or measurements;
 - (2). The person responsible for performing the sampling or measurements;
 - (3). The date(s) analyses were performed;
 - (4). The person responsible for performing the analyses;
 - (5). The analytical techniques or methods used; and
 - (6). The results of such analyses.
15. When requested by the Department, the Permittee shall, within a reasonable period of time furnish any information required by law that is needed to determine compliance with the permit. If the Permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be submitted or corrected promptly.
16. Submittals in response to these conditions shall be submitted as follows:
- (a). One (1) hard copy and one (1) electronic copy shall be submitted to:
- Environmental Administrator
Hazardous Waste Regulation Section
Bureau of Solid and Hazardous Waste
Florida Department of Environmental Protection
2600 Blair Stone Road, MS 4560
Tallahassee, Florida 32399-2400
- (b). One (1) hard copy and one (1) electronic copy shall be submitted to:
- Hazardous Waste Program Administrator
Florida Department of Environmental Protection
Southeast District Office
Hazardous Waste Section
400 North Congress Avenue
West Palm Beach, Florida 33401
- (c). The Permittee shall submit one (1) copy of the renewal permit and/or modifications cover letter and appropriate fee to:
- Florida Department of Environmental Protection
Post Office Box 3070
Tallahassee, Florida 32315-3070
- The Permittee shall submit the other copies of the renewal to the addresses in the Specific Condition 1 of this Part.

(d). Financial Assurance Mechanism:

The Permittee shall maintain, in good standing, the financial mechanisms established to demonstrate proof of financial assurance. Support documentation and required adjustments shall be submitted within the time frames specified in Rule 62-701.630, F.A.C. as adopted by reference in Rule 62-710.800(6), F.A.C. All submittals in response to this specific condition shall be sent to:

Florida Department of Environmental Protection
Financial Coordinator – Solid Waste Section
Bob Martinez Center
2600 Blair Stone Road, MS 4565
Tallahassee, Florida 32399-2400

(e). Annual Closing Cost Estimate Adjustment:

The Permittee shall annually adjust the closing cost estimate for inflation using Form 62-710.901(7). Adjustments shall be made in accordance with Rule 62-710.800(6), F.A.C. An owner or operator shall submit the adjusted cost estimate between January 1 and March 1. All submittals in response to this specific condition shall be sent to the address on the cost estimate form.

17. The Permittee shall annually register their used oil handling activities with the Department on DEP Form 62-710.900(1) in accordance with Rule 62-710.500, F.A.C.
18. The Permittee shall display the validated registration form and identification number in a prominent place at the facility location [Rule 62-710.500(4), F.A.C].
19. The Permittee shall submit an annual report covering used oil processing facility activities conducted during the previous calendar year to the Department on DEP Form 62-701.900(3) by March 1 of each year in accordance with Rule 62-710.520(1), F.A.C. The report shall summarize the records kept pursuant to Rule 62-710.510, F.A.C.
20. Before transferring ownership or operation of this facility during its operating life, the Permittee must notify the new owner or operator in writing of the requirements of 40 CFR Part 279 and Rule 62-710, F.A.C. The Permittee shall also submit an application for transfer of the permit on DEP Form 62-1.201(1) accompanied with an appropriate application fee.
21. Before closing or making any substantial modification to the facility, the Permittee shall submit to the Department the Used Oil Processing Facility Permit Modification Request, pursuant to Rules 62-4.080 and 62-710.800(6), F.A.C. The engineering aspects of the request must be certified by a Professional Engineer registered in the State of Florida.
22. The Department may modify, revoke, reissue, or terminate for cause, this permit in accordance with the provisions of Rule 62-710.800, F.A.C. The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition. The Permittee may submit any subsequent revisions to the Department for approval. These revisions shall meet the requirements of FAC, Rules 62-4.050 and 62-710.800(6), and must be accompanied with an appropriate application fee.

23. Prior to sixty (60) days before the expiration of this permit, the Permittee shall submit a complete application for renewal of the permit on DEP form 62-710.901 and in a manner prescribed by the Department, unless the facility is to be closed prior to the expiration date of this permit per the requirements of Rule 62-710.800(1), F.A.C.
24. The Permittee shall maintain and operate the facility to minimize the possibility of fire, explosion, or any unplanned sudden or non-sudden release of used oil, sludges, residues or constituents to air, soil, or surface water which could threaten human health or the environment, in accordance with 40 CFR 279.52 and Rule 62-710.800(1), F.A.C.
25. The Permittee shall not accept or store any hazardous wastes in the permitted tanks without receiving written approval from the Department.
26. The Permittee is allowed to store used oil only in the aboveground tanks or in containers within the secondary containment, as shown in Attachment A of the permit. The permitted units are Tanks 1, 2, 3, 4, 5 and 6. Diesel Fuel tanks 10 and 11 are not permitted under this permit.
27. The Permittee shall not exceed the maximum storage capacities of the permitted tanks as specified in Section 1 of the permit application and in Attachment B of the permit.
28. To prevent overflow, the Permittee shall notify the Department when the volume of the used oil stored in any of the tanks exceeds ninety-five (95) percent of the maximum storage capacity of the tank as specified in Section 1 of the permit application and Attachment B of the permit.
29. Category B Storage Tanks (tanks installed after March 12, 1991, and before July 13, 1998) shall comply with the performance standards of FAC, Rule 62-762.511. Repairs to aboveground storage and process tanks shall meet the criteria of FAC, Rule 62-762.701, F.A.C. [Rule 62-710.800(3), F.A.C.].
30. The inspection records and release detection monitoring required in Rule 62-762.601, F.A.C. for aboveground process and storage tanks and integral piping shall be maintained in the Permittee's operating record [Rule 62-710.800(5), F.A.C.].
31. The Permittee shall prevent the release of used oil, oily waste or oily wastewater to the environment. The secondary containment system shall be maintained in accordance with the Unit Management Plan (Attachment 7 of the permit application) and shall comply with the requirements of 40 CFR 279.54, including the requirements set forth below:
 - (a). All new components shall have secondary containment as required by parts (b) and (c) of this condition prior to being put into service;
 - (b). Pursuant to 40 CFR 279.54, the secondary containment system shall be:
 - (1). Designed, installed and operated to prevent any migration of wastes or accumulated liquid to the soil, groundwater or surface waters;
 - (2). Capable of detecting and collecting releases and run-on until the collected material is removed;

- (3). Constructed of or lined with materials compatible with the waste to be stored and have sufficient structural strength to sustain the stresses induced by a failure of the primary containment system as well as other stresses which may be induced by the environment;
 - (4). Placed on a foundation or base capable of providing support to the secondary containment system;
 - (5). Provided with a leak detection system designed and operated to detect failure of either the primary or secondary containment structures or the presence of any release within 24 hours;
 - (6). Sloped or otherwise designed and operated to drain or remove liquids resulting from leaks, spills, or precipitation; and
 - (7). Designed and operated, to contain 110% of the capacity of the largest tank within its boundary.
- (c). Ancillary equipment shall be provided with secondary containment.
- 32. Prior to beginning operation, the Permittee shall inspect the secondary containment system floor and perimeter walls for any cracks or gaps. If any cracks or gaps are found, the Permittee shall repair the cracks and gaps prior to beginning operation of the used oil processing facility [40 CFR 279.54(d)(2) and 40 CFR 279.54(e)(2)].
 - 33. The Permittee shall label or mark all containers and aboveground tanks, used for storage or processing of used oil, with the words "Used Oil" [40 CFR 279.54(f)].
 - 34. The Permittee shall store used oil, used oil residues or used oil filters only in those containers or tanks which are made of or lined with materials that will not react with and are otherwise compatible with the waste to be stored.
 - 35. If a container or tank holding used oil, used oil residues or used oil filters is not in good condition (e.g., rusting, bulging) or begins to leak, the permittee shall transfer the waste to another container or tank which is in good condition [40 CFR 279.22].
 - 36. As part of the general operating requirements, the permittee shall:
 - (a). Not place used oil, other wastes or treatment reagents in a tank system if the possibility exists that this may cause the tank system to fail;
 - (b). Use appropriate controls and practices to prevent spills and overflows;
 - (c). Follow the operating procedures described in Attachment 7 of the permit application; and
 - (d). Comply with the requirements of 40 CFR 279.54(g) if a leak or spill occurs.
 - 37. The Permittee shall inspect the tank system in accordance with Attachment 5 of the permit application. These requirements include:

- (a). Developing and following a schedule and procedure for inspecting overfilling controls;
 - (b). Inspecting at least once each operating day the aboveground portions of the tank system, and the construction materials and area immediately surrounding the tank storage area. However, the permittee shall document the daily inspections at least once a week; and
 - (c). The results of the inspections in (a) and (b) of this condition shall be maintained in the operating record of the facility.
38. Spilled or leaked waste and accumulated precipitation must be removed from the secondary containment areas within 24 hours of detection and managed in accordance with Attachment 5 of the permit application.
39. Pursuant to the requirements of 40 CFR 279.52(a), concerning preparedness and prevention, the permittee shall:
- (a). Maintain a copy of the preparedness and prevention plan, Attachment 5 of the permit application, at the facility;
 - (b). Equip the facility with the required emergency equipment described in Attachment 5 through 7 of the permit application [40 CFR 279.52(a)(2)];
 - (c). Test and maintain the required emergency equipment in accordance with the requirements of 40 CFR 279.52(a)(3);
 - (d). Provide all facility personnel involved in used oil processing operations with immediate access to an internal alarm or emergency communication device, as described in Attachment 5 of the permit application [40 CFR 279.52(a)(4)]; and
 - (e). Make arrangements with the local authorities as described in Attachment 5 of the permit application [40 CFR 279.52(a)(6)].
40. Pursuant to the requirements of 40 CFR 279.52(b), concerning the contingency plan, the permittee shall:
- (a). Immediately carry out the provisions of the contingency plan, Attachment 5 of the permit application, and follow the emergency procedures described by 40 CFR 279.52(b)(6), whenever there is a fire, explosion, or release of used oil, oily waste or oily wastewater that threatens or could threaten human health or the environment. The permittee shall give proper notification to the Department if an emergency situation arises and within fifteen (15) days must submit to the Department a written report which includes all information required in 40 CFR 279.52(b)(6)(ix);
 - (b). Maintain a copy of the contingency plan at the facility and submit copies to all local police departments, fire departments, hospitals, and State and local emergency response teams pursuant to the requirements of 40 CFR 279.52(b)(3);
 - (c). Amend the plan and submit the amended plan for Department approval within seven days of meeting any criteria listed in 40 CFR 279.52(b)(4). Any other changes to the plan must

be submitted to the Department within seven days of the change in the plan. All amended plans must be distributed to the appropriate agencies;

- (d). Comply with the requirements of 40 CFR 279.52(b)(5), concerning the emergency coordinator; and
 - (e). Notify the Department of Environmental Protection's 24-hour emergency telephone number [(800) 320-0519] in the case of emergency. During normal business hours, the Department's West Palm Beach District office may be contacted at (561) 681-6600.
41. The Permittee shall maintain reports of all releases that are greater than one (1) gallon, as part of its on-site operating records. The reports shall include amount and time of release and a schedule that details the corrective action taken. The permittee shall submit a written report to the Department within fourteen (14) days for all the releases that are greater than fifty (50) gallons. The permittee shall inform the Department immediately if a release requires the permittee to take any of the tanks out of service.
42. The Permittee shall inspect the facility operating, emergency and safety equipment in accordance with the schedules approved in Attachment 7 (Unit Management Plan) of the permit application. The permittee shall remedy any deterioration or malfunction discovered by an inspection, in accordance with 40 CFR 279.52. Changes, additions, or deletions to the schedule must be approved in writing by the Department. The schedules must be maintained as part of the operating record of the facility [40 CFR 279.54].

PART II – USED OIL PROCESSING CONDITIONS:

1. Pursuant to 40 CFR 279.56 (Tracking) and Rule 62-710.510(1), F.A.C., the Permittee must comply with the following tracking requirements: Cliff Berry, Incorporated shall maintain records on DEP Form 62-701.900 (13) or on substantially equivalent forms which contain at least the same information as the Department form.
- (a) Acceptance: Used oil processors/re-refiners must keep a record of each used oil shipment accepted for processing/re-refining. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:
 - 1. The name, address and EPA identification number (if applicable) of the transporter who delivered the used oil to the processor/re-refiner, oil-burner or disposal facility;
 - 2. The name, address and EPA identification number (if applicable) of the generator or processor/re-refinery from whom the used oil was received for processing/re-refining;
 - 3. The quantities of each type of used oil accepted and date of acceptance.
 - 4. Waste stream approval number and the off load tank number.
 - (b) Delivery: Used oil processor/re-refiners must keep a record of each shipment of used oil that is shipped to a used oil burner, processor/re-refiner, or disposal facility. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:

1. The name, address and EPA identification number (if applicable) of the transporter delivering the used oil to the receiving facility;
 2. The name, address and EPA identification number (if applicable) of the oil-burner, processor/re-refinery or disposal facility receiving the shipment;
 3. The quantities of used oil shipped and date of shipment.
 4. The laboratory analytical number.
- (c) Record retention: The records described in paragraph (a) and (b) of this section must be maintained for at least three years. The records shall be kept at the permitted facility and shall be available for inspection by the Department during normal business hours.
2. Pursuant to 40 CFR 279.57, the Permittee must keep a written operating record at the Facility and maintained until closure of the Facility, which includes the following information:
 - (a) Records and results of used oil analyses performed as described in the analysis plan required under 40 CFR 279.55.
 - (b) Summary reports and details of all incidents that require implementation of the contingency plan as specified in 40 CFR 279.52(b).
 3. The Permittee shall maintain as part of the operating record of the Facility the inspection records and release detection monitoring records required in Rule 62-761.710, F.A.C., for aboveground storage tanks, integral piping, and process tanks.
 4. The Permittee shall maintain and operate the facility to minimize the possibility of fire, explosion, or any unplanned sudden or non-sudden release of used oil, sludges, residues or constituents to air, soil, or surface water which could threaten human health or the environment, in accordance with 40 CFR 279.52(1).
 5. Pursuant to Rule 62-710.800(3), F.A.C., aboveground storage and process tanks having a capacity greater than 550 gallons, and all integral piping shall comply with the performance standards for new tanks of Rule 62-761.500, F.A.C., for existing shop fabricated/field erected tanks of Rule 62-761.510, F.A.C. Repairs to aboveground storage and process tanks shall meet the criteria of Rule 62-761.700, F.A.C.
 6. The Permittee shall prevent the release of used oil, oily waste or oily wastewater to the environment. The secondary containment system shall be maintained in accordance with the permit application and shall comply with the requirements of 40 CFR 279.54, including the requirements set forth below:
 - (a) All new components shall have secondary containment as required by parts (b) and (c) of this condition prior to being put into service.
 - (b) The secondary containment system shall meet the requirements of 40 CFR 279.54 and shall be:

1. Designed, installed and operated to prevent any migration of wastes or accumulated liquid to the soil, groundwater or surface waters.
2. Capable of detecting and collecting releases and run-on until the collected material is removed.
3. Constructed of or lined with materials compatible with the waste to be stored and have sufficient strength to sustain the stresses induced by a failure of the primary containment system as well as other stresses that may be induced by the environment.
4. Placed on a foundation or base capable of providing support to the secondary containment system.
5. Provided with leak detection system designed and operated to detect failure of either the primary or secondary containment structures or the presence of any release within 24 hours.
6. Sloped or otherwise designed and operated to drain or remove liquids resulting from leaks, spills, or precipitation.
7. Designed and operated, to contain 110% of the capacity of the largest tank within its boundary.

(c) Ancillary equipment shall be provided with secondary containment.

PART III – CLOSURE CONDITIONS:

1. The Closure Plan:
 - (a) The Permittee shall maintain an adequate written closure plan and it must demonstrate how the Facility will be closed in order to meet the following requirements that:
 1. There will be no need for further facility maintenance;
 2. Used oil will not contaminate soil, surface water or groundwater;
 3. All tanks, piping, secondary containment & ancillary equipment will be emptied, cleaned and decontaminated, and all materials removed and managed; and
 4. Aboveground storage tanks and process tanks and all integral piping will be closed pursuant to Rule 62-761.800, F.A.C.
 5. In addition, pursuant to closure requirements of 40 CFR 279.54(h), Permittees who store or process used oil in above ground tanks must comply with the following requirements:
 - i. At closure of a tank system, the Permittee must remove or decontaminate used oil residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as

hazardous waste, unless the materials are not hazardous waste as defined in 40 CFR 261 or determined, pursuant to 40 CFR 262.11.

- ii. If the Permittee demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in 40 CFR 279.54(h), then the Permittee must close the tank system and perform post closure care in accordance with the closure and post closure care requirements that apply to hazardous waste landfills as defined in 40 CFR 265.310.
 - (b) The closure plan, as described in Attachment F, "Closure Plan" of the application, shall be updated whenever significant operational changes occur or design changes are made.
 - (c) The closure plan shall be maintained with records required under Rule 62-710.510, F.A.C.
 - (d) The Permittee shall submit an updated and detailed closure plan to the Department at least 60 days prior to the scheduled date of closing the facility.
 - (e) Within 30 days after closing the facility, the Permittee shall submit a certification of closure completion to the Department that demonstrates that the facility was closed in substantial compliance with the detailed closure plan.
2. Containers: Pursuant to closure requirements of 40 CFR 279.54(h), Permittees who store used oil in containers must comply with the following requirements:
- (a) At closure, containers holding used oils or residues of used oil must be removed from the site;
 - (b) The Permittee must remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures or equipment contaminated with used oil, and manage them as hazardous waste unless the materials are not hazardous waste as defined in 40 CFR 261 or determined, pursuant to 40 CFR 261.11.

Issued _____

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Charles F. Goddard, Chief
Bureau of Solid and Hazardous Waste

Cliff Berry, Incorporated
Port Everglades Station
Fort Lauderdale, Florida 33316

I.D. Number: FLR 000 083 071
Permit/Cert Number: 192423-HO-003
Expiration Date: April 22, 2012

FILING AND ACKNOWLEDGMENT

Filed on this date, pursuant to Section 120.52, Florida Statutes, with the designated Clerk, receipt of which is acknowledged.

DEPUTY CLERK

DATE

This is to certify that this Notice of Permit was mailed before the close of business on

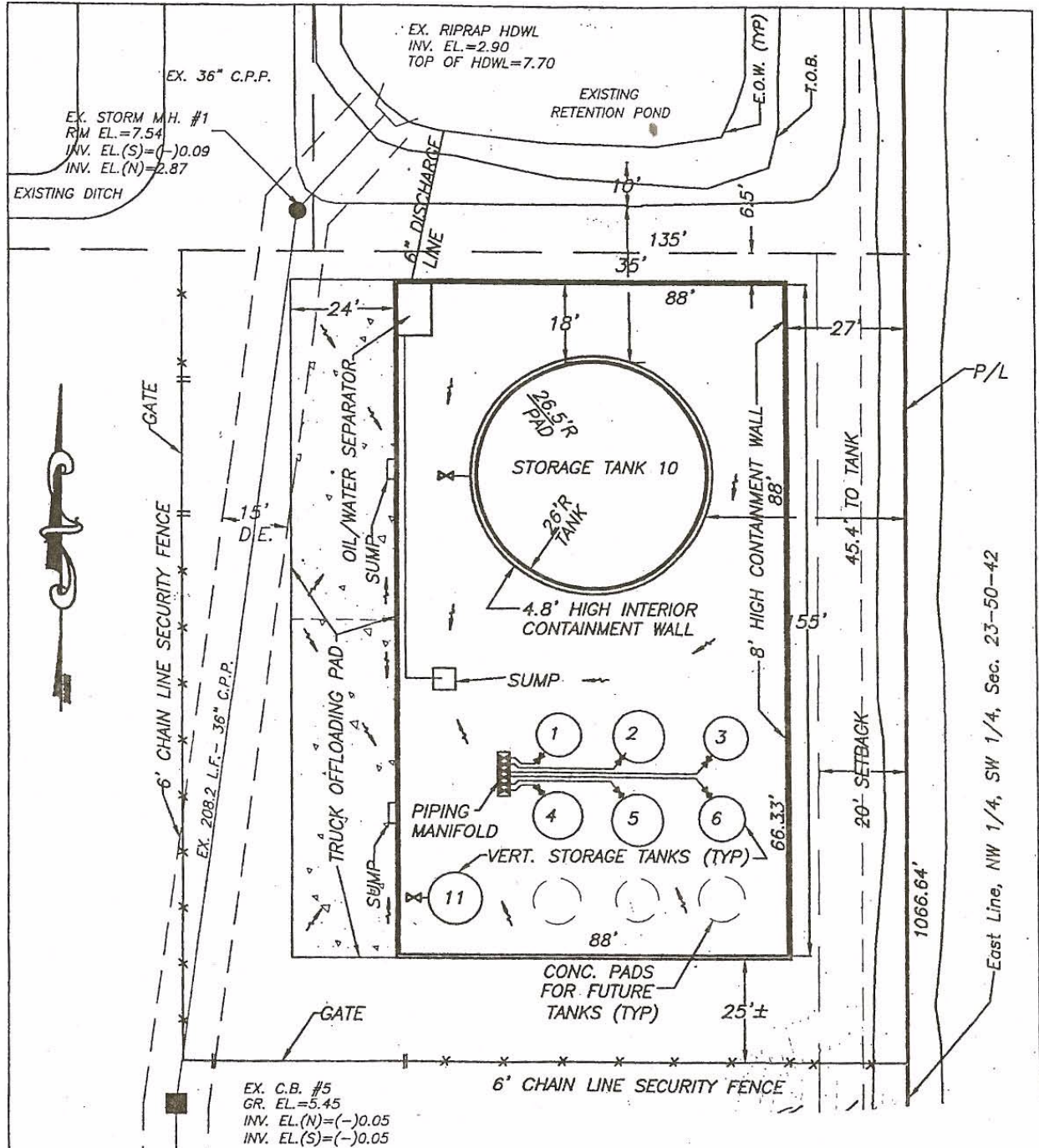
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ATTACHMENT A – SITE LAYOUT

I.D. Number: FLR 000 083 071
Permit/Cert Number: 192423-HO-003
Expiration Date: April 22, 2012



TANK LAYOUT



ATTACHMENT C

Cliff Berry, Incorporated
Port Everglades Station
Fort Lauderdale, Florida 33316

I.D. Number: FLR 000 083 071
Permit/Cert Number: 192423-HO-003
Expiration Date: April 22, 2012

TANK TABLE

Tank #	Date Installed	Size (Gallons)	Material of Construction	Products
1	12/05	24,500	Steel	Used Oil/Water
2	12/05	24,500	Steel	Used Oil/Water
3	12/05	30,000	Steel	Used Oil/Water
4	12/05	15,500	Steel	Used Oil/Water
5	12/05	30,000	Steel	Used Oil/Water
6	12/05	30,000	Steel	Used Oil/Water
10	12/05	593,570	Steel	Diesel Fuel
11	12/05	17,700	Steel	Diesel Fuel