



Florida Department of Environmental Protection

Southeast District Office
400 North Congress Avenue, Suite 200
West Palm Beach, Florida 33401-2913

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

Mr. William E. Parkes
Cliff Berry, Inc.
P.O. Box 13079
Port Everglades Station
Ft. Lauderdale, FL 33316

Miami-Dade County
HW – Cliff Berry, Inc. – Miami

RE: Hazardous Waste Compliance Evaluation Inspection of Cliff Berry, Inc. – Miami,
3033 NW North River Drive, Miami, Florida 33142, EPA ID# FLD058560699

Dear Mr. Parkes:

On January 29, 2008, the Department conducted a hazardous waste and used oil compliance evaluation inspection at your facility. The facility is a permitted Used Oil Processor, Used Oil Transporter, Hazardous Waste Transporter/Transfer Facility, and appears to be a Conditionally Exempt Small Quantity Generator (CESQG) of hazardous waste. Enclosed, please find the checklists used to determine compliance at your facility. The inspection also found possible violations of Chapter 403, Florida Statutes (F.S.), Chapter 62-730 and Chapter 62-710, Florida Administrative Code (F.A.C.) regarding management of hazardous waste and used oil. Florida Statutes provide that facilities must comply with Title 40 Code of Federal Regulations (CFR) Parts 260 to 268 and Part 279, as adopted in Chapters 62-730 and 62-710, F.A.C.

Documents requested at the exit interview were provided to the Department within a reasonable time span. It appears that your facility has returned to compliance.

This will conclude the Department's investigation into this matter, however, please be advised that the State will continue to conduct random and unannounced compliance evaluation inspections in the future. If you have any questions about the inspection or any other compliance related issues, please contact Ms. Kathy Winston at 561/681-6756. Thank you for your cooperation.

Sincerely,

Karen Kantor
Environmental Manager
Hazardous Waste Compliance/Enforcement Section

Attachments: Hazardous Waste Inspection Report Cover Sheet
Used Oil Processor, Used Oil Transporter, Hazardous Waste Transporter, and CESQG Checklists

cc: West Palm Beach DEP Files/Archboard
Alan Annicella, EPA Region IV
Mr. Phillip Pierre-Louis, CBI Miami Facility Manager
Roberto Abrahante, Miami-Dade County DERM (AbrahR@miamidade.gov)



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JUN 18 2008

HAZARDOUS WASTE INSPECTION REPORT

1. **INSPECTION TYPE:** ☒ Routine ☐ Complaint ☐ Follow-Up ☐ Permitting ☐ Pre-Arranged

Facility Name Cliff Berry, Inc. - Miami EPA ID # FLD058560699
Street Address 3033 NW North River Drive, Miami, Florida 33142
Mailing Address Same as above
County Miami-Dade Phone (305)638-2030 Date 1/29/08 Time 09:30 am

CURRENT STATUS

HW Facility Status

- ☐ Non-Notifier
☐ Non Handler
☒ Conditionally Exempt Small Quantity Generator (CESQG)
☐ Small Quantity Generator (SQG)
☐ Large Quantity Generator (LQG)
☒ HW Transporter ☐ HW Transfer Facility
☐ TSD Facility ☐ HSWA/ CA

Universal Waste Facility Status

- ☒ Batteries
☒ Mercury Lamps/Devices
☐ Pharmaceuticals
☐ Transporter
☐ Hg Processor

Used Oil Facility Status

- ☐ Generator
☒ Transporter
☒ Transfer Facility
☒ Marketer
☒ Processor
☐ On-spec Burner
☐ Off-spec Burner
☐ Filter Generator
☒ Filter Transporter
☒ Filter Transfer Facility
☐ Filter Processor

2. **APPLICABLE REGULATIONS:**

- | | | | |
|--|---|---|---|
| <input checked="" type="checkbox"/> 40 CFR 261.5 | <input type="checkbox"/> 40 CFR 262 | <input checked="" type="checkbox"/> 40 CFR 263 | <input type="checkbox"/> 40 CFR 264 |
| <input type="checkbox"/> 40 CFR 265 | <input type="checkbox"/> 40 CFR 266 | <input type="checkbox"/> 40 CFR 268 | <input checked="" type="checkbox"/> 40 CFR 273 |
| <input checked="" type="checkbox"/> 40 CFR 279 | <input checked="" type="checkbox"/> 62-710, FAC | <input checked="" type="checkbox"/> 62-737, FAC | <input checked="" type="checkbox"/> 62-730, FAC |

3. **RESPONSIBLE OFFICIAL(s):**

Cliff Berry, Inc. - Miami William E. Parkes, Regulatory Affairs Manager

4. **INSPECTION PARTICIPANTS:**

Cliff Berry, Inc. - Miami: Phillip Pierre-Louis, Miami Facility Manager
DEP: Kathy Winston, Jowana Knight, Bheem Kothur

5. **SIC Code:** 5983

6. **TYPE OF OWNERSHIP:** ☒ Private ☐ Federal ☐ State ☐ County ☐ Municipal

7. **LATITUDE/LONGITUDE:** 25° 47' 47.6926" 80° 14' 38.8063"

8. **REGISTRATION #** 77628-HO-003

USED OIL PROCESSOR CHECKLIST

Facility Name: Cliff Berry, Inc. - Miami Date: 1/29/08
Facility Representative: Philip Pierre-Louis Facility ID : FLD058560699
Inspector: Kathy Winston, Jowana Knight, Bheem Kothur Registration # 77628-HO-003

40 CFR 279 Subpart F -- Processor Standards

1. Is the facility exempt under any of the following? (279.50(a)) Y N X
Transporter or burner processing incidental to normal course of operations? Y N X
Processors who also generate, transport, market, dispose or burn used oil must comply with the applicable Subparts of Part 279.
2. Does the processor have an EPA ID Number? (279.51(a)) Y X N
3. Is the processor Registered? (62-710.500(1)(b)) Y X N
4. Does the processor have a general permit? 62-710.800(1)) Y X N
5. For new facilities, was the notification of intent to use the general permit submitted 30 days prior to beginning operation? For existing facilities, was the notification for renewal submitted 30 days prior to expiration of the general permit?(62-710.800(2)) N/A
Y N

Oil Filter Processing Standards-- 62-710.850 F.A.C.

1. Does the facility process used oil filters by removing oil, draining, crushing or element separation? Describe in narrative. Generators who process their own filters are not regulated provided the filters are not disposed of in a landfill but are managed by a registered processor. Y X N
Is the facility a registered used oil filter processor? (62-710.850) Y X N
2. Are the filters stored in above ground containers which are: (62-710.850(6))
In good condition? Y X N
Closed or otherwise protected from weather? Y X N
Labeled "Used Oil Filters"? Y X N
Stored on an oil impervious surface? Y X N
3. Are records maintained on DEP Form 62-710.900(2) or equivalent that include: (62-710.850(5)(a))
Destination or end use of the processed filters? Y X N
Name and street address of each destination or end user? Y X N
Are copies kept at the facility's street address for 3 years? (62-710.850(5)(b)) Y X N
4. Is an Annual Report submitted by March 1 for the previous calendar year summarizing the above records? (62-710.850(5)(c)) Y X N

Oil Management Standards - 279.54

1. Is used oil stored only in tanks or containers? (Circle applicable units) Y X N _____
2. If the facility has tanks, do they comply with 62-761 and 62.762 F. A. C. rules?
(Applicable to USTs over 100 g and ASTs over 550 gallons. Describe in narrative, including number and size of tanks, noting registration numbers if applicable, and compliance status.) Y X N _____

Is secondary containment consisting of a floor and dike which are impervious to oil provided for ASTs? Applies to all ASTs regardless of size per 279.54(d & e) Y X N _____
3. Are containers and tanks in good condition and not leaking? (279.54(b)) Y X N _____
4. Are containers provided with secondary containment consisting of walls and floor at a minimum? (279.54(c)) Y X N _____

Is the containment system impervious to oil so as to prevent migration? Y X N _____
5. Are ASTs, UST tank fill lines and containers labeled "used oil"? (279.54(f)) Y X N _____
6. Does the facility stop operations and clean up releases of used oil, repairing or replacing any leaking units as applicable? (279.54(g)) Y X N _____

General Facility Standards - 279.52

1. Is the facility maintained and operated to prevent a fire, explosion or planned or unplanned release of used oil to the air, soil, or water which could threaten human health or the environment? (279.52(a)(1)) Y X N _____
2. Does the facility have an internal communication or alarm system capable of giving immediate emergency instruction to facility personnel?(279.52(a)) Y X N _____
3. Is there a telephone, alarm, 2-way radio or other device at the scene of operations immediately available and capable of summoning assistance from local fire departments? (279.52(a)(2)(ii)) Y X N _____

Is there immediate access to this equipment by all personnel who are engaged in pouring, mixing, spreading or otherwise handled, either directly or by voice or visual contact with another employee? (279.52(a)(4)) Y X N _____
4. Describe fire control equipment. Is it adequate? (279.52(a)(2)(iii)) Y X N _____
Fire extinguishers, sprinklers
5. Is spill control and decontamination equipment present? (279.52(a)(2)(iii)) Y X N _____
6. If sprinklers, water hoses or foam producing equipment is part of the facility fire control equipment, is water available at adequate volume and pressure? (279.52(a)(2)(iii)) Y X N _____
7. Is the emergency equipment inspected and tested periodically?
Frequency? Annually, 5/07 Y X N _____

8. Is there adequate aisle space to allow unobstructed movement of facility personnel and emergency equipment to any area of the facility where needed? (279.52(a)(5i))

Y N X

Not enough aisle space between transfer facility drums for inspection, photographic evidence of correction provide 3/4/08

9. Has the facility made emergency response arrangements with the following: (279.52(a)(6))

Fire Department: Metro-Dade Fire Rescue Y X N Police: Metro-Dade Police Y X N Hospital: UM Jackson Memorial Y X N Emergency Response Contractor: Cliff Berry Inc. Y X N

10. If not, has the facility attempted to do so and is the refusal documented? Y N

Contingency Plans and Emergency Response -- 279.52(b)

1. Does the facility have a contingency plan? Y X N

2. Is it at the facility and easily available? Y X N

3. Does the plan include:

Fire Response Procedure: (compare to 279.52(b)(6)) N/A Y X N Spill Response Procedures: " N/A Y X N Explosion Response Procedures: " N/A Y X N Instructions for handling contaminated materials & residues Y X N A description of arrangements with local authorities: N/A Y X N Emergency Coordinators: (Name) Zack Davis Y X N Addresses and telephone numbers of Emergency Coordinators: Y X N Emergency equipment list: Y X N Specifications and capabilities of emergency equipment: Y X N Locations of emergency equipment: Y X N An evacuation plan and routes: Y X N Evacuation/alarm signals: Y X N External reporting procedures: Y X N Internal recordkeeping requirements: Y X N

4. Is the plan up to date, with no changes to the list of emergency equipment, list of emergency coordinators, applicable regulations or contingency plan failures since the last revision? (279.52(b)(4)) Y X N

5. Has the plan been distributed to the local police, fire department, ERT and hospital? Circle omitted authorities. (279.52(b)(3)) Y X N

6. Is the emergency coordinator authorized to commit funds for incident response? Y X N

7. Has the processor noted in the operating record any incidents requiring implementation of the contingency plan? (279.52(b)(6)(ix)) Y N X

9. Were written reports made within 15 days to the DEP? (279.52(b)(6)(ix)) N/A Y N

Rebuttable Presumption and Analysis Plan -- 279.53, 279.55

1. Does the processor have a written analysis plan to determine whether used oil stored at the facility has a total halogen content above or below 1,000 ppm and whether the facility's used oil fuel meets the used oil specification? (279.55)(a)) Y X N
2. Is the 1,000 ppm halogen determination made by testing? Y X N
If so, does the analysis plan cover: (279.55(a)(2))
Sampling methods? Y X N
Frequency of sampling? Y X N
Analytical Methods? Y X N
Is the 1,000 ppm halogen determination made by process knowledge? Y N X
If so, is the type of information that will be used to determine the halogen content stated in the analysis plan? (279.55(a)(3)) Y N
3. Have any analyses showed exceedances of the 1,000 ppm level? Y N X
If so, was the oil managed as hazardous waste? Y N
If not, was the oil exempt? Describe basis for presumption rebuttal in narrative. (ex. analysis, refrigerant oil, etc.) N/A Y N
4. Is the used oil fuel specification determination made by testing?
If so, does the analysis plan cover: (279.55(b)(2))
Sampling methods? Y X N
Whether the oil will be tested before or after processing? Y X N
Frequency of sampling? Y X N
Analytical Methods? Y X N
Is the used oil fuel specification determination made by process knowledge? Y N X
If so, is the type of information that will be used to determine the halogen content stated in the analysis plan? (279.55(b)(3)) Y N
5. Are all oil processing residues managed as used oil, reclaimed, or used as asphalt manufacture feedstock? (279.59) N/A Y X N
If not, has the processor conducted a hazardous waste determination? (279.10(e)) N/A Y N
6. Are test records or copies of records providing basis for determinations kept for 3 years? Y X N

Recordkeeping and Reporting -- 279.57, 62-710.510-520 F.A.C.

1. Do used oil acceptance records include: (279.56(a))

Name & address of the generator or off site source of the used oil?	Y	X	N	_____
EPA ID # of oil provider (if applicable)?	Y	X	N	_____
Name & Address of the transporter delivering the oil to the facility?	Y	X	N	_____
EPA ID # of the transporter delivering the oil	Y	X	N	_____
Quantity of oil shipped?	Y	X	N	_____
Type of oil received (62-710.510(1)(c))	Y	X	N	_____
Date of shipment?	Y	X	N	_____

2. Do used oil delivery records include: (279.56(b), also check marketer requirements)

Name & Address of receiving facility? (burner, processor or disposal site)	Y	X	N	_____
EPA ID # of receiving facility?	Y	X	N	_____
Name & Address of transporter delivering the oil?	Y	X	N	_____
EPA ID # of transporter?	Y	X	N	_____
Quantity of oil delivered?	Y	X	N	_____
End Use of the oil? (62-710.510(1)(e))	Y	X	N	_____
Date of delivery?	Y	X	N	_____

3. Does the facility keep records on DEP Form 62-710.900(2) or equivalent? (62-710.501(1))

Y X N

4. Does the facility submit an annual report by March 1 summarizing the on site records for the previous calendar year? (62-710.520)

Y X N

If not, is the facility an electric utility processing only self generated used oil for recycling, which is exempt from state registration and reporting requirements? (62-710.530)?

Y N

5. Does the transporter keep copies of the record and reports for three years at the street address of the facility? (62-710.510(2))

Y X N

Closure -- 62-710.800(3) F.A.C. and 279.54(h)

1. Has the facility submitted a written closure plan? (62-710.800(3)(a))

Y X N

2. Does the plan include procedures for removing containers of oil and residues?

Y X N

Cleaning and decontaminating tanks and ancillary equipment?

Y X N

Removing contaminated soils?

Y X N

Eliminating the need for further maintenance?

Y X N

If the facility operated tank systems, and not all contaminated soils can be practicably removed, the owner or operator must close the facility as a hazardous waste landfill.

USED OIL TRANSPORTER CHECKLIST

Facility Name: Cliff Berry, Inc. - Miami Date: 1/29/08

Facility Representative: Philip Pierre-Louis Facility ID : FLD058560699

Inspector: Kathy Winston, Jowana Knight, Bheem Kothur Registration # 77628-HO-003

40 CFR 279 Subpart E -- Transporter Standards

1. Is the facility exempt under any of the following? (279.40(a)) Y _____ N X _____
On site transport?
Generator transporting < 55 g /time to a collection center?
Transporter of < 55 g /time from generator to aggregation point owned by same generator?
2. If the transporter also transports hazardous waste in the same trucks as are used to transport used oil, are the vehicles emptied per 261.7 after HW shipments? (If not, the used oil must be managed as hazardous) N/A
Y _____ N _____
3. Does the transporter process used oil incidental to transport? (279.41) Y _____ N X _____

Are any residues managed as used oil, reclaimed, or used as asphalt manufacture feedstock? N/A _____ Y _____ N _____

If not, has the transporter conducted a hazardous waste determination? (279.10(e)) N/A _____ Y _____ N _____
4. Has the facility notified of used oil activities? Check EPA form 8700-12 Y _____ X _____ N _____
5. Does the transporter only deliver used oil to other transporters, oil processors, off specification used oil burners with EPA ID Numbers, or to on-specification oil burners? (279.43(a)) Y _____ X _____ N _____
6. Does the transporter comply with DOT requirements? (279.43(b)) Y _____ X _____ N _____
7. If any oil is discharged during transport, does the transporter: (279.43(c))
Notify National Response Center and State Warning Point and Coast Guard per 33 CFR 153.203, as applicable? Y _____ X _____ N _____
Report to DOT in writing per 49 CFR 171.16? Y _____ X _____ N _____
Clean up any discharges until the discharge poses no threat? Y _____ X _____ N _____
8. Does the facility also transport used oil filters? Y _____ X _____ N _____

If so, are the filters stored in above ground containers which are: (62-710.850(6))
In good condition? Y _____ X _____ N _____
Closed or otherwise protected from weather? Y _____ X _____ N _____
Labeled "Used Oil Filters"? Y _____ X _____ N _____
Stored on an oil impervious surface? Y _____ X _____ N _____

Transporter Recordkeeping - 279.46

1. Do used oil acceptance records include: (279.46(a))
- | | | | | |
|---|---|----------|---|-------|
| Name & Address of facility providing the oil for transport? | Y | <u>X</u> | N | _____ |
| EPA ID # of oil provider (if applicable)? (<i>CESQGs or recorded in customer records</i>) | Y | <u>X</u> | N | _____ |
| Quantity of oil shipped? | Y | <u>X</u> | N | _____ |
| Date of shipment? | Y | <u>X</u> | N | _____ |
| Signature of oil provider, dated upon receipt? | Y | <u>X</u> | N | _____ |
2. Do used oil delivery records include: (279.46(b))
- | | | | | |
|--|---|----------|---|-------|
| Name & Address of receiving facility or transporter? | Y | <u>X</u> | N | _____ |
| EPA ID # of receiving facility or transporter? | Y | <u>X</u> | N | _____ |
| Quantity of oil delivered? | Y | <u>X</u> | N | _____ |
| Date of delivery? | Y | <u>X</u> | N | _____ |
| Signature of oil receiver, dated upon receipt? | Y | <u>X</u> | N | _____ |
3. Do the above records also include state required information on the type of oil and destination or end use? (62-710.510(1)(c & e))
- Y X N _____
4. Does the facility keep records on DEP Form 62-710.900(2) or equivalent? (62-710.501(1))
- Y X N _____
5. Does the facility submit an annual report by March 1 summarizing the on site records for the previous calendar year? (62-710.520)
- Y X N _____
- If not, is the facility an electric utility transporting only self generated used oil for recycling, which is exempt from state registration and reporting requirements? (62-710.530)?
- Y _____ N _____
7. Does the transporter keep copies of the record and reports for three years at the street address of the facility? (62-710.510(2))
- Y X N _____

Transporter Certification (62-710 F.A.C.)

1. Is the transporter certified? (local governments, and < 55g/time transporters are exempt) (62-710.600)
- Y X N _____
2. Does the facility maintain training records? (62-710.600(2)(c))
- Y _____ N X _____

Documentation of training showed some employees due for refresher, documentation of updated training provided 4/11/08

3. Does the facility maintain insurance or financial assurance of \$100,000 combined single limit? (62-710.600(2)(d))
- ~~\$100,000~~ \$1,000,000
- Y X N _____
4. Is the facility registration form and ID number displayed? (62-710.500)
- Y X N _____

Transfer Facility Standards - 279.45

- 1 Does the transporter store used oil at any transportation related facility (including parking lots) for more than 24 hours and not longer than 35 days during the normal course of transport? Transfer facilities storing used oil more than 35 days must comply with 279 Subpart F N/A Y X N
- Is the transfer facility registered per 62-710.500(1)(a) F. A. C.? Y X N
2. Does the transporter determine whether used oil stored at a transfer facility has a total halogen content above or below 1,000 ppm? Y X N
- Is this done by testing? Y X N
- Is this done by process knowledge? Describe basis in narrative. Y N
- Are test records or copies of records providing basis for determination kept for 3 years? Y X N
3. Have any analyses showed exceedances of the 1,000 ppm level? Y N X
- If so, was the oil managed as hazardous waste? Y N X
- If not, was the oil exempt? Describe in narrative. N/A X Y N
4. Is used oil stored only in tanks or containers? (Circle applicable units) Y X N
5. If the facility has tanks, do they comply with 62-761 and 62.762 F. A. C rules? (Describe in narrative, including number and size of tanks, noting registration numbers if applicable, and compliance status.) Y X N
- Is secondary containment provided and adequate? Y X N
6. Are containers, and tank trailers in good condition and not leaking? Y X N
7. Are containers provided with secondary containment consisting of walls and floor at a minimum? Y X N
- Is the containment system impervious to oil so as to prevent migration? Y X N
8. Are ASTs, UST tank fill lines and containers labeled "used oil"? Y X N
9. Are used oil filters stored more than 10 days?
- If so, is the facility a registered used oil filter transfer facility? (62-710.850) N/A Y X N
10. Does the facility stop operations and clean up releases of used oil, repairing or replacing any leaking units as applicable? Y X N

TRANSPORTERS CHECKLIST**Transporter Requirements (40 CFR 263)**

1. Do vehicles transporting hazardous waste have the appropriate placards? (263.10)(49 CFR 172.500) Y X N
2. Does transporter have an EPA identification number? (263.11(a)) Y X N
3. Does the transporter mix/consolidate hazardous wastes of different DOT shipping descriptions 263.10(c)(2)? Y N X
If Yes, Complete Generator Checklist
4. Does the transporter use manifest system as required by 263.20? Y X N
Do the manifests contain at least:
 - a) Name, address, and EPA ID of transporter? Y X N
 - b) Name, address, and EPA ID code of generator? Y X N
 - c) Name, address, identification code of designated permitted facility? Y X N
 - d) Corresponding manifest document number? Y X N
 - e) Description and quantity of each hazardous waste? Y X N
 - f) Signature of subsequent transporters? Y X N
 - g) Signatures signifying proper delivery or reasons why delivery could not be certified? Y X N
 - h) EPA waste codes? Y X N
5. International shipments: (263.20(g)) N/A
 - a) Record of date waste left U.S.? Y N
 - b) Presence of one signed copy in records? Y N
 - c) Signed copy of manifest returned to the generator? Y N
 - d) Copy of the manifest given to a U.S. Customs official at the point of departure from the United States? Y N
6. For SQG waste transported according to reclamation agreement: N/A, Manifested
 - a) Is the following information recorded on a shipping paper:
Name, address, and EPA ID of waste generator Y N
Quantity of waste accepted Y N
DOT - required shipping info Y N
Date waste is accepted Y N
 - b) Does transporter carry this shipping paper during transport? Y N
 - c) Are records maintained for three years after termination or expiration of reclamation agreement? Y N
 - d) Are vehicles owned and operated by the waste reclaimer? Y N
7. Are copies of the manifests retained for 3 years? (263.22) Y X N
8. Is there evidence of discharge of hazardous waste? (263.30) Y N X

9. Has transporter demonstrated the financial responsibility required under 62.730.170(2) F. A. C.? Y X N
10. Does the transporter verify financial responsibility with the Department annually (62-730.170(3) F. A. C.)? Y X N
11. Does the transporter manage Conditionally exempt or Household wastes? Y X N Manifested
- a) Does the transporter have documentation that this waste was generated by an unregulated source? Y X N
- b) If no, is the transporter assuming responsibility as the generator of this waste? Y N X
- If yes, complete the applicable Generator or Small Quantity Generator checklist.

Transfer Facility Requirements (62-730.171)1. 10 Day Limit (263.12)

Does transporter comply with 10 day storage limit for transfer facilities? Y X N

a) Is the hazardous waste packaged according to 262.30? (263.12) Y X N

b) Can the facility document that the material is held only as part of the normal course of transportation? Y X N

If not, the storage may not be exempt.

2. Closure (62-730.171(2)(b) F. A. C.)

Does facility have a written closure plan satisfying requirements of closure performance, notification, and decontamination standards of 40 CFR 265.111, 265.112(c), 265.114, 265.115? Y X N

Has the facility supplied DEP with a copy of the plan? Y X N

3. Storage Areas (62-730.171(2)(d) F. A. C.)

Is hazardous waste that is stored in containers or vehicles stored on a man made surface which is capable of preventing spills or releases to the ground? Y X N

4. Operating Record (62-730.171(2)(e) F. A. C.)

a) Is a written log maintained for all waste entering or leaving the transfer facility? Y X N

b) Does the log contain:
Generators' names? Y X N

Manifest numbers? Y X N

Dates when waste enters and leaves facility? Y X N

5. Notification (62-730.171(3) F. A. C.)

Has the facility notified the department on Form 17-730.900(6) (Transfer facility notification form)? Y X N

Does the transfer facility have an EPA/DER ID number? Y X N

6. General Facility Standards (265 Subpart B)

a) Security (265.14)

- (1) Is the facility security system adequate to minimize unauthorized entry? Y X N _____
(2) Are signs posted and legible for 25 feet? Y X N _____

b) Inspection Requirement (265.15)

- (1) Does the facility have a copy of the Inspection Plan? Y X N _____
(2) Does the facility have completed inspection logs? Y X N _____
(3) Were the deficiencies corrected in a timely manner? Y X N _____
(4) Are the inspection logs maintained at the facility for 3 years? Y X N _____

c) Personnel Training (265.16)

- (1) Do facility personnel complete hazardous waste training? Y _____ N X _____

Documentation of training showed some employees due for refresher, documentation of updated training provided 4/11/08

- (2) Does the facility combine DOT Hazmat training with hazardous waste training? Y X N _____
(3) Is the trainer adequately trained in hazardous waste management procedures? Y X N _____
(4) Does the training cover safety? Y X N _____
(5) Does the training cover emergency response procedures, including equipment handling and inspection? Y X N _____
(6) Does the training cover hazardous waste identification and handling procedures? Y X N _____
(7) Does the facility maintain personnel training records? Y X N _____
(8) Does the facility maintain job titles and position descriptions for employees managing hazardous waste? Y X N _____
(9) Do the job descriptions include the requisite skills, education and experience? Y X N _____
(10) Do the job descriptions include a list of the positions' duties? Y X N _____
(11) Are people trained within 6 months of hiring? Y X N _____
(12) Do they work unsupervised prior to training? Y X N _____
(13) Is training reviewed annually? Date of last training Y X N _____

CBI provided in 07, but some employees had not had refreshers since 6/06 making them at least 1 month overdue

- (14) Are records maintained for three years? Y X N _____

d) Ignitable, Reactive, or Incompatible Waste (265.17)

(1) Is the waste separated and confined from sources of ignition or reaction, sparks, spontaneous ignition, and radiant heat? Y X N

(2) Are "No Smoking" signs posted in the area? Y X N

7. Preparedness and Prevention (40 CFR 265 Subpart C)

a) Is there evidence of a fire, explosion or release of hazardous waste or hazardous waste constituents to the environment? (265.31) Y N X

If Yes, has the facility reported in writing to DOT as required by 49 CFR 171.16? Y N

b) Does the facility have an internal communication or alarm system? (265.32(a)) Y X N

c) Is there a telephone, alarm, 2-way radio or other device at the scene of operations immediately available and capable of summoning assistance? (265.32(b)) Y X N

d) Describe fire control equipment. Is it adequate? (265.32(c)) Y X N

Fire extinguishers, fire sprinklers.
e) Is spill control and decontamination equipment present? (265.32(c)) Y X N

f) If sprinklers, water hoses or foam producing equipment is part of the facility fire control equipment, is water available at adequate volume and pressure? (265.32(d)) Y X N

g) Is the emergency equipment inspected and tested periodically? Y X N

h) Frequency? Annually, 5/07

i) Is there adequate aisle space to allow unobstructed movement of facility personnel and emergency equipment to any area of the facility where needed? (265.35) Y N X

Not enough aisle space between transfer facility drums for inspection, photographic evidence of correction provide 3/4/08

j) Has the facility made emergency response arrangements with the following: (265.37)

Fire Department: Metro-Dade Fire Rescue Y X N

Police: Metro-Dade Police Y X N

Hospital: UM Jackson Memorial Y X N

Emergency Response Contractor: Cliff Berry Inc. Y X N

k). If not, has the facility attempted to do so and is the refusal documented? Y N

4. Contingency Plans and Emergency Response (265 Subpart C)

- a) Does the facility have a contingency plan? 265.51) Y X N _____
- b) Is it at the facility and easily available? (265.53) Y X N _____
- c) Does the plan include:
- | | | |
|--|-----------|--------------------|
| Fire Response Procedure: | N/A _____ | Y <u>X</u> N _____ |
| Spill Response Procedures: | N/A _____ | Y <u>X</u> N _____ |
| Explosion Response Procedures: | N/A _____ | Y <u>X</u> N _____ |
| A description of arrangements with local authorities: | N/A _____ | Y <u>X</u> N _____ |
| Emergency Coordinators: (Name) <u>Zack Davis</u> | | Y <u>X</u> N _____ |
| Addresses and telephone numbers of Emergency Coordinators: | | Y <u>X</u> N _____ |
| Emergency equipment list: | | Y <u>X</u> N _____ |
| Specifications and capabilities of emergency equipment: | | Y <u>X</u> N _____ |
| Locations of emergency equipment: | | Y <u>X</u> N _____ |
| An evacuation plan and routes: | | Y <u>X</u> N _____ |
| Evacuation/alarm signals: | | Y <u>X</u> N _____ |
- d) Is the plan up to date, with no changes to the list of emergency equipment, list of emergency coordinators, applicable regulations or contingency plan failures since the last revision? Y X N _____
- e) Has the plan been distributed to the local police, fire department, ERT and hospital? Circle omitted authorities. (265.53) Y X N _____
- f) Is the emergency coordinator authorized to commit funds for incident response? Y X N _____

5. Off Vehicle Container Storage Areas (Subpart I - Use and Management of Containers 265.170)

- a) Are the containers in good condition (265.171)?
(check for leaks, corrosion, bulges, etc.) Y X N _____
- b) If a container is found to be leaking, does the operator transfer the hazardous waste from the leaking container? Y X N _____
- c) Is the waste compatible with the containers and/or its liner? (265.172) Y X N _____
- d) Are containers holding hazardous waste opened, handled or stored in such a manner as to cause the container to rupture or leak? (265.173) Y _____ N X _____
If yes, explain using narrative.
- e) Are each of the containers inspected at least weekly (265.174)? Y X N _____
If no, explain using narrative concerning the frequency of inspection.
- f) Are containers holding ignitable or reactive wastes located at least 15 meters (50 feet) from the facility property line? (265.176) Y X N _____
- g) Are incompatible wastes stored in the same containers? Y _____ N X _____
- h) Are containers holding incompatible wastes kept apart by physical barrier or sufficient distance? Y X N _____

CESQG CHECKLIST

Facility Name: Cliff Berry, Inc. -Miami Date: 1/29/08
 Facility Representative: Philip Pierre-Louis Facility ID : FLD058560699
 SIC Codes: 5983 Inspector: Kathy Winston, Jowana Knight, Bheem Kothur

40 CFR 261.5

1. Describe the facility's hazardous and potentially hazardous waste streams 40 CFR 262.11:

WASTE DESCRIPTION	EPA Waste Codes	Generation Rate	Disposal Facility and EPA ID	Proper Waste ID?
Waste Xylene	D001, F003	Varies	EQ of Florida, Inc. FLD981932494	yes

(describe discrepancies in waste identification in narrative)

Standards for Conditionally Exempt Small Quantity Generators - 40 CFR 261.5

1. Does the facility generate less than 100 kg/mo (220 lb/mo) of all hazardous wastes? Y X N
2. And less than 1kg/mo of acutely toxic (P-listed, 40 CFR 262.33) hazardous wastes? Y X N
3. Has the facility obtained an EPA ID #? (not required for CESQGs) Y X N
4. Is the facility disposing of all its hazardous wastes to facilities permitted to accept the waste? (40 CFR 261.5) Describe discrepancies in narrative. Y X N
5. Is the facility disposing of hazardous waste by mixing with used oil? Y N N
6. Can the facility document proper disposal of all hazardous wastes? Y Y N
7. Are any hazardous wastes treated or disposed of on site? Describe in narrative: Y N X
8. Are there any unpermitted discharges of other wastes to the environment? Y N X