Florida Department of

Environmental Protection

Hazardous Waste Inspection Report

Draft

FACILITY INFORMATION:

Facility Name: Cliff Berry Inc - Miami Terminal

On-Site Inspection Start Date: 12/10/2009 **On-Site Inspection End Date:** 12/10/2009

ME ID#: 51668 **EPA ID#:** FLD058560699

Facility Street Address: 3033 NW North River Dr, Miami, Florida 33142-6304

Contact Mailing Address: PO Box 13079, Fort Lauderdale, Florida 33316-0100

County Name: Miami-Dade **Contact Phone:** (954) 763-3390

NOTIFIED AS:

CESQG (<100 kg/month)
Transporter
Used Oil

INSPECTION TYPE:

Routine Inspection for Used Oil Processor facility

Routine Inspection for Hazardous Waste Transporter facility

Routine Inspection for Transfer Facility

Routine Inspection for Used Oil Transfer Facility

Routine Inspection for Universal Waste Transporter facility

INSPECTION PARTICIPANTS:

Principal Inspector:	Karen E Kantor, Inspector
Other Participants:	Kathy Winston, Environmental Consultant; Leroy Arce, Facility Manager; Zack Davis, Project Manager

LATITUDE / LONGITUDE: Lat 25° 47' 47.6926" / Long 80° 14' 38.8063"

SIC CODE: 4953 - Trans. & utilities - refuse systems

TYPE OF OWNERSHIP: Private

Introduction:

Cliff Berry Inc. - Miami Terminal (CBI Miami) is located in an industrial area near the Miami River in Miami, Florida. CBI Miami is located on an approximately 3.39-acre parcel of land owned by Cliff Berry, Inc., and is served by City of Miami water and sewer. The facility is authorized to process used oil, oily wastewater, petroleum contact water, oily solid waste, and used oil filters under their active permits #77628-HO-004 and #77628-SO-005. The facility is also registered as a Hazardous Waste Transporter and Transfer Facility (less than 10-day storage), and a Small Quantity Handler of Universal Waste batteries, mercury lamps and devices, and pharmaceutical waste. In addition, CBI Miami is a Conditionally Exempt Small Quantity Generator (CESQG) of hazardous waste . The facility employs 20 people, and operates Monday through Friday from 6am to 9pm.

The facility was previously inspected by the Department on January 29, 2008.

Process Description:

The two main streams managed at the facility are used oil and oily wastewater. The oily wastewater treated at the facility consists of bilge water from cruise ships, and wastewaters and petroleum contaminated water from facilities such as car wash and fuel distribution centers.

During the inspection, the Department was escorted by facility personnel through the bulk

offloading/pit area; the tank farm and used oil processing area; the wastewater pre-treatment plant; the container offloading and hazardous waste 10-day storage areas; the used oil filter processing building; and the solid waste roll-off storage area. At the time of the inspection, all storage tanks were reportedly in use, and inspectors observed all tanks were properly labeled.

During the inspection of the bulk offloading/pit area, inspectors observed one unlabeled 55-gallon drum of unknown contents.

During the inspection of the used oil processing area, inspectors observed a mobile Gencor boiler. Mr. Arce reported that the facility's boiler had been out of service for one week--approximately two weeks prior--for major repairs, and the mobile boiler was brought on site to continue operations during the downtime. The facility's boiler was in working order and operating at the time of the inspection.

During the inspection of the solid waste roll-off storage area, inspectors observed four frac tanks stored in the area. Inspectors observed evidence of a leak in one of the frac tanks in the form of puddled used oil within the secondary containment berm. Pursuant to the facility's operating permit, this area is not authorized for the storage of used oil containers.

Following the facility walk-through, Department inspectors reviewed the facility's available used oil- and hazardous waste-related documentation. During the records review, the facility's employee training records, documentation of the facility's Contingency Plan, and the facility's Closure Plan were not available for inspector review.

Potential violations and areas of concern noted during the inspection are indicated below.

New Potential Violations and Areas of Concern:

CESQG Checklist - 40 CFR 261.5

Type:	Violation
Rule:	262.11
Question Number:	7.1
Question:	Did the facility conduct a waste determination on all wastes generated?
Explanation:	One unlabeled 55-gallon drum of unknown contents was observed in the unloading pit area. A partial identifier indicating "Pep Boys" was noted.
Corrective Action:	Perform a waste determination of the contents of the drum, and properly label and store the container for disposal.

Attachments:

Unlabeled Drum



Draft

Transporters Checklist

Type:	Violation
Rule:	62-730.171(2)(a)
Question Number:	1.390
Question:	Does the facility have personnel training records including job title, description of position, and description of employee's training?
Explanation:	Employee training records were not available for review during the inspection.
Corrective Action:	Provide legible documentation of compliance with training requirements

---

Used Oil Processor

Type:	Area Of Concern
Rule:	62-710.850(5)(a)
Question Number:	28.90
Question:	Are the filters stored in above ground containers which are (All of the following checkboxes must be checked for this question to be marked Ok, otherwise this question must be marked as Not Ok.):
Explanation:	Release of used oil was observed beneath the inoperable filter crusher.
Corrective Action:	Stop the leak from the machine, and document the response to the release.

Attachments:

Leak Under Filter Crusher



Type:	Violation
Rule:	279.54(b)
Question Number:	28.170
Question:	Are containers and tanks in good condition and not leaking?
Explanation:	One frac tank stored within the solid waste roll-off storage area is leaking used oil into secondary containment. This is also a violation of General Permit Condition paragraph 32.
Corrective Action:	Immediately stop leak and respond to spill. Provide documentation of response to the Department.

Attachments:

Leaking Frac Tank



Leaking Frac Tank



Type:	Violation
Rule:	279.54(c)
Question Number:	28.180
Question:	Are containers provided with secondary containment consisting of walls and floor at a minimum?
Explanation:	The secondary containment of the solid waste roll-off storage area is not adequate to hold the leaking frac tank. In addition, the area is not intended to hold used oil containers. This is also a violation of General Permit Condition paragraph 27.
Corrective Action:	The frac tanks observed on site need to be stored within adequate secondary containment, or emptied of their contents, if any. The solid waste storage area is not designated for the storage of used oil containers.

Type:	Violation
Rule:	279.52(b)(2)
Question Number:	28.340
Question:	Does the plan include the following?
Explanation:	Inspectors noted the Contingency Plan lacked the locations of emergency equipment within the facility.
Corrective Action:	Update Contingency Plan and provide documentation to the Department.

Type:	Violation
Rule:	279.52(b)(3)
Question Number:	28.360
Question:	Has the plan been distributed to the:
Explanation:	Documentation of the distribution of the facility's current Contingency Plan was not available during the inspection.
Corrective Action:	Distribute updated version of Contingency Plan and provide documentation to the Department (certified mail receipts).

Draft

Type:	Area Of Concern
Rule:	62-710.800(3)(a)
Question Number:	28.730
Question:	Has the facility submitted a written closure plan?
Explanation:	Facility did not have a copy of the approved Closure Plan for the facility.
Corrective Action:	Maintain a copy of the facility's Closure Plan.

Summary of Potential Violations and Areas of Concern:

Potential Violations

Rule Number	Area	Date Cited	Explanation
CESQG Checklist - 40 CFR 261.5			
262.11		12/10/2009	One unlabeled 55-gallon drum of unknown contents was observed in the unloading pit area. A partial identifier indicating "Pep Boys" was noted.
Transporters Checklist			
62-730.171(2)(a)		12/10/2009	Employee training records were not available for review during the inspection.
Used Oil Processor			
279.54(b)		12/10/2009	One frac tank stored within the solid waste roll-off storage area is leaking used oil into secondary containment. This is also a violation of General Permit Condition paragraph 32.
279.54(c)		12/10/2009	The secondary containment of the solid waste roll-off storage area is not adequate to hold the leaking frac tank. In addition, the area is not intended to hold used oil containers. This is also a violation of General Permit Condition paragraph 27.
279.52(b)(2)		12/10/2009	Inspectors noted the Contingency Plan lacked the locations of emergency equipment within the facility.
279.52(b)(3)		12/10/2009	Documentation of the distribution of the facility's current Contingency Plan was not available during the inspection.

Areas of Concern

Rule Number	Area	Date Cited	Explanation
Used Oil Processor			
62-710.850(5)(a)		12/10/2009	Release of used oil was observed beneath the inoperable filter crusher.
62-710.800(3)(a)		12/10/2009	Facility did not have a copy of the approved Closure Plan for the facility.

Draft

Conclusion:

The facility was not in compliance at the time of the inspection. Please provide the requested documentation of corrective actions within thirty (30) days.

Draft

Signed:

A hazardous waste compliance inspection was conducted on this date, to determine your facility's compliance with applicable portions of Chapters 403 & 376, F.S., and Chapters 62-710, 62-730, 62-737, & 62 -740 Florida Administrative Code (F.A.C.). Portions of the United States Environmental Protection Agency's Title 40 Code of Federal Regulations (C.F.R.) 260 - 279 have been adopted by reference in the state rules under Chapters 62-730 and 62-710, F.A.C. The above noted potential items of non-compliance were identified by the inspector(s).

This is not a formal enforcement action and may not be a complete listing of all items of non-compliance discovered during the inspection.

Karen E Kantor
PRINCIPAL INSPECTOR NAME

Inspector
PRINCIPAL INSPECTOR TITLE



PRINCIPAL INSPECTOR SIGNATURE

12/10/2009
DATE

Kathy Winston
INSPECTOR NAME

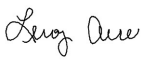
Environmental Consultant
INSPECTOR TITLE

NO SIGNATURE
INSPECTOR SIGNATURE

FDEP
ORGANIZATION

Leroy Arce
REPRESENTATIVE NAME

Facility Manager
REPRESENTATIVE TITLE



REPRESENTATIVE SIGNATURE

Cliff Berry
ORGANIZATION

12/10/2009
DATE

Zack Davis
REPRESENTATIVE NAME

Project Manager
REPRESENTATIVE TITLE

NO SIGNATURE
REPRESENTATIVE SIGNATURE

Cliff Berry
ORGANIZATION

NOTE: By signing this document, the Site Representative only acknowledges receipt of this Inspection Report and is not admitting to the accuracy of any of the items identified by the Department as "Potential Violations" or areas of concern.