

# Department of Environmental Protection

Lawton Chiles  
Governor

Southeast District  
P.O. Box 15425  
West Palm Beach, Florida 33416

Virginia B. Wetherell  
Secretary

FEB 12 1998

## NOTICE OF PERMIT

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Cliff Berry, Inc.  
P.O. Box 13079  
Ft. Lauderdale, FL 33316  
Attn: Mr. Cliff Berry II  
President

DEP File No. HO06-308164  
Broward County

Dear Mr. Berry:

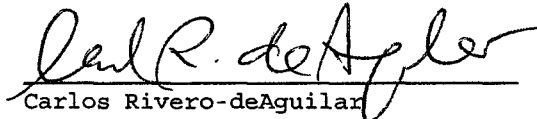
Enclosed is Permit Number HO06-308164 to **Operate** a used oil processing facility previously operated under State Permit Number SO06-276095.

Any party to this Order (permit) has the right to seek judicial review of the permit pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this Notice is filed with the Clerk of the Department.

If you have any questions, please contact John Jones of this office, telephone number (561) 681-6674.

Executed in West Palm Beach, Florida on this 10 day of FEBRUARY, 1998.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION




Carlos Rivero-deAguilar  
Director of District Management  
Southeast District

VK  
CRA/VK/JJ/vp

## CERTIFICATE OF SERVICE

This is to certify that this **NOTICE OF PERMIT** and all copies were mailed before the close of business on FEB 12 1998 to the listed persons.

**FILING AND ACKNOWLEDGMENT:** FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

  
Clerk

FEB 12 1998  
Date

### Copies furnished to:

File, West Palm Beach  
Dade County, ERM  
Rick Neves, FDEP-Tallahassee

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Printed on recycled paper.



# Department of Environmental Protection

Lawton Chiles  
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Southeast District  
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FEB 12 1998

**PERMITTEE:**

Cliff Berry, Inc.  
2601 SE 14th Avenue  
Ft. Lauderdale, FL 33316

Attn.: Mr. Cliff Berry II  
President

I.D. Number: FLD 000 831 156  
Permit/Cert Number: H006-308164  
Date of Issue: FEB 12 1998  
Expiration Date: FEB 12 2003  
County: Broward  
Lat/Long: 26°05'24" N/80°07'43" W  
Section/Township/Range: 23/50S/42E  
Project: Used Oil Processing  
Facility

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rule(s) 62-4 and 62-710. 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, consisting of a container storage area, an aboveground tank storage area, an oil/water separator and a load/unload area. (Hereinafter referred to as "Facility")

The Facility has in service 12 above-ground storage tanks, 10 of which may be used to store or process used oil and oily wastewater as described in Table #1 of the SPCC plan of the permit application.

All process tanks are inside secondary containment. The Facility also maintains a non-hazardous drum storage area and oil/water separation system. The Facility is surrounded by a fence and a gate for controlled access.

The Facility handles used oil, oily wastewater, oil filters, and petroleum contact water. Operation of the Facility will be in accordance with the permit application.

This permit replaces Permit No. SO06-276095.

IN ACCORDANCE WITH: Used Oil Processing Facility Permit Application and Instructions Final Draft (9/30/96) received June 23, 1997.

LOCATED AT: Cliff Berry, Inc., 2601 SE 14th Avenue, Ft. Lauderdale, Broward County, Florida, 33316 (Referred to as "Facility")

SUBJECT TO: General Conditions (1-15) and Specific Conditions (1-19).

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2601 SE 14th Avenue  
Ft. Lauderdale, FL 33316  
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**GENERAL 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, F.S. The Permittee is hereby placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of the "Permit Conditions" by the Permittee, its agents, employees, servants or representatives.
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. Nor 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 the 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 therefor 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 at all times properly operate and maintain the Facility and systems of treatment 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.
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.

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**GENERAL CONDITIONS (Continued):**

8. If, for any reason, the Permittee does not comply with or will be unable to comply with any condition or limitation specified in the 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 which 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 arising under the Florida Statutes or Department rules, except where such use is proscribed by Sections 403.73 and 403.111, F.S.
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 Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The Permittee shall be liable for any non-compliance 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 or operation.
13. This permit also constitutes:
  - ( ) Determination of Best Available Control Technology (BACT)
  - ( ) Determination of Prevention of Significant Deterioration (PSD)
  - ( ) Certification of Compliance with State Water Quality Standards (Section 401, PL 92-500)
  - ( ) Compliance with New Source Performance Standards

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Facility

**GENERAL CONDITIONS (Continued):**

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 and all original strip chart recordings for continuous monitoring instrumentation), 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.
- (c) Records of monitoring information shall include:
  - the date, exact place, and time of sampling or measurements;
  - the person responsible for performing the sampling or measurements
  - the date(s) analyses were performed;
  - the person responsible for performing the analyses;
  - analytical techniques or methods used; and
  - results of such analyses.

15. When requested by the Department, the Permittee shall within a reasonable time furnish any information required by law which 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.

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**SPECIFIC CONDITIONS:**

**PART I - STANDARD REQUIREMENTS:**

1. Submittals in response to these conditions shall be submitted as follows:

(a) Two (2) copies shall be submitted to:

Hazardous Waste Program Manager  
Department of Environmental Protection  
Southeast District  
400 North Congress Avenue  
P.O. Box 15425  
West Palm Beach, Florida 33416-5425

(b) One (1) copy shall be submitted to:

Environmental Administrator  
Hazardous Waste Management Section  
Bureau of Solid and Hazardous Waste  
Department of Environmental Protection  
2600 Blair Stone Road, MS 4555  
Tallahassee, Florida 32399-2400

2. The Permittee shall annually register its used oil handling activities with the Department on DEP Form 62-701.900(13) by March 1 of each year.

3. The Permittee shall display the validated registration form and identification number in a prominent place at each facility location. [Rule 62-710.500(4), F.A.C.]

4. Pursuant to 40 CFR 279.56 and Rule 62-710.510(1) the Permittee must comply with the following tracking requirements: (The Permittee 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. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents which include all of the following information.)

(a) Acceptance. The Permittee must keep a record of each used oil shipment accepted for processing. Records for each shipment must include the following information:

- (1) The name and address of the transporter who delivered the used oil to the Permittee;
- (2) The source of the used oil, including the name and street address of each source, the EPA identification number of the source, if applicable;
- (3) The EPA identification number of the transporter who delivered the used oil to the Permittee;
- (4) The EPA identification number (if applicable) of the generator or processor from whom the used oil was sent;
- (5) The total number of gallons of used oil received from each source, including any oily wastes which may be an integral part of the used oil shipment. This includes the type of used oil received, using the type code designation found in the form instructions; and
- (6) The date of receipt/acceptance.

**SPECIFIC CONDITIONS: (Continued)**

- (b) Delivery. The Permittee must keep a record of each shipment of used oil that is shipped to a used oil burner, processor/re-refiner, or disposal facility. Records for each shipment must include the following information:
    - (1) The name and address of the transporter who delivers the used oil to the burner, processor/re-refiner or disposal facility;
    - (2) The name and address of the burner, processor/re-refiner or disposal facility who will receive the used oil along with the end use code designation found in the form instructions;
    - (3) The EPA identification number of the transporter who delivers the used oil to the burner, processor/re-refiner or disposal facility;
    - (4) The EPA identification number of the burner, processor/re-refiner, or disposal facility who will receive the used oil;
    - (5) The quantity of used oil shipped; and
    - (6) The date of shipment.
  - (c) Record retention. All records required by this permit, including the records described in paragraphs (a) and (b) of this section, must be maintained for at least three years. The records shall be kept at the street address of the Permittee and shall be available for inspection by the Department during normal business hours.
- 5. The Permittee shall maintain documentation of any shipment of used oil which is refused due to suspected mixing with hazardous waste. The Permittee shall notify the Department's Southeast District Office, Hazardous Waste Section Supervisor, at (561)681-6600.
  - 6. Pursuant to 40 CFR 279.57 the Permittee must keep a written operating record at the Facility. This includes the following information, which must be recorded as it becomes available and maintained in the operating record until closure of the Facility:
    - (a) Records and results of used oil analyses performed as described in the analysis plan required under 40 CFR 279.55; and
    - (b) Summary reports and details of all incidents that require implementation of the contingency plan as specified in 40 CFR 279.52(b).
  - 7. No later than March 1 of each year, the Permittee shall submit an annual report for the preceding calendar year to the Department on DEP Form 62-701.900(14). The report shall summarize the records kept pursuant to 40 CFR 279.57(b) and Rule 62-710, F.A.C. and shall also include:
    - (a) The EPA identification number, name, and address of the Permittee;
    - (b) The calendar year covered by the report; and
    - (c) The quantities of used oil accepted for processing and the manner in which the used oil is processed, including the specific processes employed.
  - 8. The Permittee shall operate, modify, or close the Facility only pursuant to this permit issued by the Department in accordance with Rule 62-710, F.A.C.

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**SPECIFIC CONDITIONS: (Continued)**

9. Aboveground storage and process tanks, having a capacity greater than 550 gallons, and all integral piping shall comply with the performance standards of Rule 62-762.500, F.A.C., for new tanks, Rule 62-762.510, F.A.C., for existing shop-fabricated tanks, or Rule 62-762.520, F.A.C., for existing field erected tanks. The required assessment for structural integrity and tightness for process and storage tank integral piping shall be completed by December 31, 1997. Repairs to aboveground storage and process tanks shall meet the criteria of Rule 62-762.700, F.A.C.
10. The inspection records and release detection monitoring required in Rule 62-762.600, F.A.C., for aboveground storage and process tanks and integral piping shall be maintained in the Permittee's operating record.
11. 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.
  - (a) Pursuant to Rules 62-4.050(6,7) and 62-710.800(6)(a), F.A.C., a substantial modification means a modification which is reasonably expected to lead to substantially different environmental impacts which require a detailed review. For purposes of this subsection, an increase in storage capacity of the Facility by 25% or 25,000 gallons, whichever is less, is considered a substantial modification.
  - (b) Pursuant to Rules 62-4.050(4)(r) and 62-710.800(6)(b), F.A.C., a minor modification means a modification that does not require substantial technical evaluation by the Department, does not require a new site inspection by the Department, and will not lead to substantially different environmental impacts or will lessen the impacts of the original permit. For purposes of this subsection, replacement of existing tanks with new tanks is considered a minor modification.
  - (c) Pursuant to Rule 62-710.800(6)(c), F.A.C., changes at the Facility which involve routine maintenance, such as repair of equipment, replacement of equipment with similar equipment, aesthetic changes, or minor operational changes are not considered modifications, do not have to be reported to the Department, and require no permit fee. The Permittee should contact the Department if there are questions as to whether a change would be considered routine maintenance.
12. Notwithstanding the provisions of Rule 62-4.050, F.A.C., the fee for a used oil processor permit application is \$2,000. The fee for a substantial modification to the permit or permit renewal application is \$500. No permit fee is required for minor modifications. Applications for renewal of permits shall be submitted to the Department at least 60 days prior to the expiration date of the existing permit in accordance with Rule 62-4.090, F.A.C.



**SPECIFIC CONDITIONS: (Continued)**

**13. The closure plan:**

- (a) The Permittee shall maintain an adequate written closure plan and it must demonstrate how the Facility will be closed to meet the following requirements:
  - (1) There will be no need for further facility maintenance;
  - (2) Used oil will not contaminate surface or ground water;
  - (3) All tanks, piping, secondary containment and ancillary equipment will be emptied, cleaned and decontaminated, and all materials removed and managed; and
  - (4) Aboveground tanks. Aboveground storage and process tanks and all integral piping will be closed pursuant to Rule 62-762, F.A.C. and 40 CFR 279.54(h). Permittees who store or process used oil in aboveground 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, 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.
  - (5) Containers. Pursuant to closure requirements of 40 CFR 279.54(h), Permittees who store used oil in containers must comply with the following requirements:
    - (i) At closure, containers holding used oils or residues of used oil must be removed from the site;
    - (ii) The Permittee must remove or decontaminate used oil residues, 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.
- (b) The closure plan 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 which demonstrates that the Facility was closed in substantial compliance with the detailed closure plan.

**SPECIFIC CONDITIONS: (Continued)**

14. The Permittee must comply with General Facility Standards pursuant to 40 CFR 279.52 and Rule 62-710.800(1) as follows:

(a) Preparedness and prevention. The Permittee must comply with the following requirements:

- (1) Maintenance and operation of Facility. The Facility must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water which could threaten human health or the environment.
- (2) Required equipment. The Facility must be equipped with the following:
  - (i) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to Facility personnel;
  - (ii) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;
  - (iii) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment and decontamination equipment; and
  - (iv) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.
- (3) Testing and maintenance of equipment. All Facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.
- (4) Access to communications or alarm system.
  - (i) Whenever used oil is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee.
  - (ii) If there is ever just one employee on the premises while the Facility is operating, the employee must have immediate access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance.
- (5) Required aisle space. The Permittee must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of Facility operation in an emergency.
- (6) Arrangements with local authorities.
  - (i) The Permittee must maintain the following arrangements:
    - (A) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the Facility, properties of used oil handled at the Facility and associated hazards, places where Facility personnel would normally be working, entrances to roads inside the Facility, and possible evacuation routes;

**SPECIFIC CONDITIONS: (Continued)**

- (B) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;
  - (C) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and
  - (D) Arrangements to familiarize local hospitals with the properties of used oil handled at the Facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the Facility.
- (ii) Where State or local authorities decline to enter into such arrangements, the Permittee must document the refusal in the operating record.
- (b) Contingency plan and emergency procedures. The Permittee must comply with the following requirements:
- (1) Purpose and implementation of contingency plan.
    - (i) The Permittee must have a contingency plan for the Facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water.
    - (ii) The provisions of the plan must be carried out immediately whenever there is a fire, explosion, or release of used oil which could threaten human health or the environment.
  - (2) Content of contingency plan.
    - (i) The contingency plan must describe the actions Facility personnel must take to comply with paragraphs (b) (1) and (6) of this section in response to fires, explosions, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water at the Facility.
    - (ii) The Permittee may amend a Spill Prevention, Control, and Countermeasures (SPCC) Plan to comply with the requirements of this part.
    - (iii) The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to paragraph (a) (6) of this section.
    - (iv) The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see paragraph (b) (5) of this section), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.
    - (v) The plan must include a list of all emergency equipment at the Facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

**SPECIFIC CONDITIONS: (Continued)**

- (vi) The plan must include an evacuation plan for Facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of used oil or fires).
- (3) Copies of contingency plan. A copy of the contingency plan and all revisions to the plan must be:
  - (i) Maintained at the Facility; and
  - (ii) Submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.
- (4) Amendment of contingency plan. The contingency plan must be reviewed, and immediately amended, if necessary, whenever:
  - (i) Applicable regulations are revised;
  - (ii) The plan fails in an emergency;
  - (iii) The Facility changes in its design, construction, operation, maintenance, or other circumstances in a way that materially increases the potential for fires, explosions, or releases of used oil, or changes the response necessary in an emergency;
  - (iv) The list of emergency coordinators changes; or
  - (v) The list of emergency equipment changes.
- (5) Emergency coordinator. At all times, there must be at least one employee either on the Facility premises or on call (i.e., available to respond to an emergency by reaching the Facility within a short period of time) with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the Facility's contingency plan, all operations and activities at the Facility, the location and characteristic of used oil handled, the location of all records within the Facility, and Facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.
- (6) Emergency procedures.
  - (i) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or the designee when the emergency coordinator is on call) must immediately:
    - (A) Activate internal Facility alarms or communication systems, where applicable, to notify all Facility personnel; and
    - (B) Notify appropriate State or local agencies with designated response roles if their help is needed.
  - (ii) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and a real extent of any released materials. He may do this by observation or review of Facility records of manifests and, if necessary, by chemical analyses.
  - (iii) Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water of chemical agents used to control fire and heat-induced explosions).

**SPECIFIC CONDITIONS: (Continued)**

- (iv) If the emergency coordinator determines that the Facility has had a release, fire, or explosion which could threaten human health, or the environment, outside the Facility, he must report his findings as follows:
  - (A) If his assessment indicated that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated; and
  - (B) He must immediately notify the Department's State Warning Point at 850/413-9911 and the National Response Center (using their 24-hour toll free number 800/424-8802). The report must include:
    - (1) Name and telephone number of reporter;
    - (2) Name and address of Facility;
    - (3) Time and type of incident (e.g., release, fire);
    - (4) Name and quantity of material(s) involved, to the extent known;
    - (5) The extent of injuries, if any; and
    - (6) The possible hazards to human health, or the environment, outside the Facility.
- (v) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other used oil or hazardous waste at the Facility. These measures must include, where applicable, stopping processes and operation, collecting and containing released used oil, and removing or isolating containers.
- (vi) If the Facility stops operation in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.
- (vii) Immediately after an emergency, the emergency coordinator must provide for recycling, storing, or disposing of recovered used oil, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the Facility.
- (viii) The emergency coordinator must ensure that, in the affected area(s) of the Facility:
  - (A) No waste or used oil that may be incompatible with the released material is recycled, treated, stored, or disposed of until cleanup procedures are completed; and
  - (B) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.
  - (C) The Permittee must notify the Department that the Facility is in compliance with paragraphs (b) (6) (viii) (A) and (B) of this section before operations are resumed in the affected area(s) of the Facility.

**SPECIFIC CONDITIONS: (Continued)**

- (ix) The Permittee must note in the operating record the time, date and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, he must submit a written report on the incident to the Department. The report must include:
  - (A) Name, address, and telephone number of the Permittee;
  - (B) Name, address, and telephone number of the Facility;
  - (C) Date, time, and type of incident (e.g., fire, explosion);
  - (D) Name and quantity of material(s) involved;
  - (E) The extent of injuries, if any;
  - (F) An assessment of actual or potential hazards to human health or the environment, where this is applicable;
  - (G) Estimated quantity and disposition of recovered material that resulted from the incident.
- 15. The Permittee must comply with the following requirements, pursuant to 40 CFR 279.53, regarding the rebuttable presumption for used oil.
  - (a) To ensure that used oil managed by the Permittee is not hazardous waste under the rebuttable presumption of 40 CFR 279.10(b)(1)(ii), the Permittee must determine whether the total halogen content of used oil managed at the Facility is above or below 1,000 ppm.
  - (b) The Permittee must make this determination by:
    - (1) Testing the used oil; or
    - (2) Applying knowledge of the halogen content of the used oil in light of the materials or processes used.
  - (c) If the used oil contains greater than or equal to 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 40 CFR 261, Subpart D. The Permittee may rebut the presumption by demonstrating that the used oil does not contain hazardous waste or show it to be exempt as allowed in 40 CFR 279.53(c)(1,2).
- 16. The Permittee must comply with the used oil management standards, pursuant to 40 CFR 279.54, and all applicable Spill Prevention, Control and Countermeasures, pursuant to 40 CFR 112, in addition to the following.
  - (a) Management units. The Permittee may not store used oil in units other than tanks, containers, or units subject to regulation under 40 CFR 264 or 265.
  - (b) Condition of units. Containers and aboveground tanks used to store or process used oil at the Facility must be:
    - (1) In good condition (no severe rusting, apparent structural defects or deterioration); and
    - (2) Not leaking (no visible leaks).
  - (c) Secondary containment for containers and aboveground tanks. Containers and aboveground tanks used to store or process used oil at the Facility must be equipped with a secondary containment system.
    - (1) The secondary containment system must consist of, at a minimum:
      - (i) Dikes, berms or retaining walls; and
      - (ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or
      - (iii) An equivalent secondary containment system.

**SPECIFIC CONDITIONS: (Continued)**

- (2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
  - (d) Labels. Containers and aboveground tanks used to store or process used oil at the Facility must be labeled or marked clearly with the words ``Used Oil.''
  - (e) Response to releases. Upon detection of a release of used oil to the environment the Facility must perform the following cleanup steps:
    - (1) Stop the release;
    - (2) Contain the released used oil;
    - (3) Clean up and manage properly the released used oil and other materials; and
    - (4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.
17. Pursuant to 40 CFR 279.55, the Permittee must maintain a written analysis plan and follow the procedures it contains to comply with the analysis requirements of 40 CFR 279.53 and, if applicable, 40 CFR 279.72. The Permittee must keep the plan at the Facility.
- (a) Rebuttable presumption for used oil in 40 CFR 279.53. At a minimum, the plan must specify the following:
    - (1) Whether sample analyses or knowledge of the halogen content of the used oil will be used to make this determination.
    - (2) If sample analyses are used to make this determination:
      - (i) The sampling method used to obtain representative samples to be analyzed.
      - (ii) The frequency of sampling to be performed, and whether the analysis will be performed on-site or off-site; and
      - (iii) The methods used to analyze used oil for the parameters specified in 40 CFR 279.53; and
    - (3) The type of information that will be used to determine the halogen content of the used oil.
  - (b) On-specification used oil fuel in 40 CFR 279.72. At a minimum, the plan must specify the following if 40 CFR 279.72 is applicable:
    - (1) Whether sample analyses or other information will be used to make this determination;
    - (2) If sample analyses are used to make this determination:
      - (i) The sampling method used to obtain representative samples to be analyzed. A representative sample may be obtained using either:
        - (A) One of the sampling methods in 40 CFR 261, Appendix I; or
        - (B) A method shown to be equivalent under 40 CFR 260.20 and 260.21;
      - (ii) Whether used oil will be sampled and analyzed prior to or after any processing;
      - (iii) The frequency of sampling to be performed, and whether the analysis will be performed on-site or off-site; and
      - (iv) The methods used to analyze used oil for the parameters specified in 40 CFR 279.72 and 40 CFR 279.11; and
    - (3) The type of information that will be used to make the on-specification used oil fuel determination.
18. Pursuant to 40 CFR 279.58, the Permittee may only initiate shipments of used oil off-site using a used oil transporter who has obtained an EPA identification number.

Cliff Berry, Inc.  
2601 SE 14th Avenue  
Ft. Lauderdale, FL 33316  
Page 15 of 15

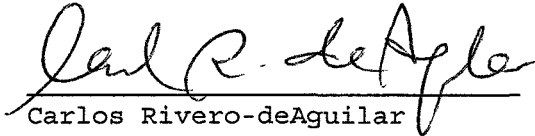
Permit/Cert Number: H006-308164  
Project: Used Oil Processing  
Facility

**SPECIFIC CONDITIONS: (Continued)**

19. Pursuant to 40 CFR 279.59, the Permittee must manage the residues generated from the storage and processing of used oil as specified in 40 CFR 279.10(e).

Issued this 10 day of Feb., 1998

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

A handwritten signature in black ink, appearing to read "Carlos Rivero-deAguilar", is written over a horizontal line.

Carlos Rivero-deAguilar  
Director of District Management  
Southeast District

RCRA/VK/JJ/vp





## Florida Department of Environmental Protection

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

DEP Form # 62-761.900(3)

Form Title Certification of Financial Responsibility

Effective Date July 13, 1998

DEP Application#: \_\_\_\_\_

### Certification of Financial Responsibility

Owners or operators of underground and aboveground storage tank systems regulated by Section 376.301, Florida Statutes shall use this form to demonstrate financial responsibility as required by Rule 62-761.400, F.A.C. Owners or operators shall keep this form at the facility where the storage tank system(s) is located or at their place of business. Records kept off-site shall be made available upon five working days notice.

#### Certification

CLIFF BERRY, INC. (CBI)

Name of owner or operator

certifies that this facility is in compliance with the requirements of the federal financial responsibility rules as referenced in Rule 62-761.400, F.A.C. Compliance includes taking corrective action and compensating third parties for bodily injury and property damage caused by a discharge from the storage tank system(s) at this location.

#### Financial Mechanism

The financial assurance mechanism(s) used to demonstrate financial responsibility specified in the Federal Register are as follows:

Name of Issuer	Amount of Coverage	Period of Coverage
<u>CITICORP AMERICAN INSURANCE</u>	<u>\$1,000,000 EXCH LIMIT</u>	<u>EXP. 12/31/02</u>
<u>COMPANY</u>	<u>\$2,000,000 AGGREGATE</u>	

#### General Certification Information

<u>[Signature]</u>	<u>PRESIDENT</u>	<u>8/28/02</u>
Signature of owner or operator	Title	Date
<u>[Signature]</u>	<u>WILLIAM E. PARKS, JR.</u>	<u>8/28/02</u>
Signature of witness or notary	Name of witness or notary	Date

Facility Identification No.: 9100645 / FL0000831156

Facility Name: CLIFF BERRY, INC. - FT. LAUDERDALE FACILITY

Facility Address: 2601 S. E. 14TH AVE FT. LAUDERDALE, FLORIDA  
33316

This certification must be updated whenever the financial insurance mechanism(s) used to demonstrate financial responsibility change(s). Please attach documentation to demonstrate the mechanism used to provide financial responsibility in accordance with federal rules 40 CFR Part 280 Subpart H.



STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
STORAGE TANK REGULATION PROGRAM

2002-2003

FACILITY ID: 9100645  
CLIFF BERRY INC  
2601 SE 14TH AVE BLDG 65  
FORT LAUDERDALE FL 33315 BROWARD COUNTY

**\*\*2002-2003 Storage Tank Registration Placard Enclosed \*\***

CLIFF BERRY INC  
ATTN: BILL PARKES  
PO BOX 13079  
FORT LAUDERDALE FL 33316- 0100

PLACARD NO: 171818  
PLACARD ISSUED: 07/01/2002  
REGISTRATION PAID: \$ 175

STCM ACCOUNT: 4244

TANK SYSTEMS REGISTERED: 7

STORAGE TANK FACILITY ACCOUNT OWNER: PLEASE RETAIN THE TOP STUB FOR YOUR RECORDS

SECONDARY CONTAINMENT INSTALLATION DEADLINES FOR STORAGE TANKS

- December 31, 2004: USTs with small diameter piping over surface water must have secondary containment.
- January 1, 2005: Dike-field areas of large ASTs must meet new standards.
- December 31, 2009: Single-wall USTs and small diameter piping must have secondary containment.
- January 1, 2010: Single-wall field-erected ASTs must have secondary containment beneath the tank, and single-wall bulk product piping in contact with the soil must have secondary containment unless deferred by an API 570 Integrity Assessment.

PLEASE NOTE: The Department has never issued an extension to an upgrade deadline since the storage tank rules were adopted in 1984. If you have questions about these or other deadlines -- or need general technical assistance -- please consult Rule 62-761, Florida Administrative Code; or contact a storage tank inspector from either the DEP district office or the local storage tank program office for your county.

STORAGE TANK PROGRAM INTERNET INFORMATION

Storage Tank Program information can be found on the internet at: <http://www.dep.state.fl.us/waste/categories/tanks>

You will find links to state statutes and rules, rule forms and reference standards, district and county program contact lists, system equipment approvals, financial responsibility information, compliance inspection checklists & training documents, and storage tank & petroleum contamination database reports.

Click on "Contact Us" to ask a specific question or to notify us when you can't find the information you need. Your question/comments will be routed to the appropriate program staff and a response will be sent to your e-mail address.

**The Storage Tank Registration placard below must be posted at the facility.  
It must be placed out of the weather and in plain view of inspectors entering the facility.**



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
STORAGE TANK REGISTRATION PLACARD

2002-2003

FACILITY ID: 9100645

PLACARD NO: 171818

PLACARD ISSUED: 07/01/2002  
PLACARD EXPIRES: 06/30/2003

FACILITY: CLIFF BERRY INC  
2601 SE 14TH AVE BLDG 65  
FORT LAUDERDALE FL 33315 - 2318  
BROWARD COUNTY

TANK SYSTEMS REGISTERED: 7

FACILITY TYPE: Fuel user/Non-retail

STCM ACCOUNT: 4244  
ACCOUNT OWNER: CLIFF BERRY INC

  
David B. Struhs, Secretary  
Department of Environmental Protection



**Florida Department of Environmental Protection**  
Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400  
**Division of Waste Management**  
**Bureau of Petroleum Storage Systems**

**Storage Tank Facility Compliance Inspection Report**

Facility ID 9100645 County 06 Broward Inspection Date 5/14/02

Facility Name Cliff Berry Inc. Facility Type C

Latitude 26° 08' 25" Longitude 80° 07' 44" L/L Method AGPS

Check box to identify type of inspection performed. Update latitude/longitude as necessary.  
Provide Lat/Long Determination Method. ("Map", "AGPS" (Magellan), "GGPS" (Trimble)).  
Provide the count of USTs and/or ASTs reviewed during this inspection

# USTs Inspected 0 # ASTs Inspected 11

Compliance Inspection (Annual)	TCI	Installation Inspection	TIN
Compliance Inspection (DRF received)	TCDI	Closure Inspection	TXI
Compliance Inspection (Complaint received)	TCPI	Compliance Re-Inspection	TCR
Discharge Evaluation ("short form")	TDI	** Record the results of the TDI in a Discharge Project	

- "Code" in block below corresponds to the Rule Cite; represents a Data Entry Code for ease of electronic data recording of inspection results.

Rule Cite Description / Inspector's Comments Code

	Closure and removal of 4 ASTs for used oil. The tanks were 8, 9, A-09, A10 and measured 16,000, 18,000, 18,000 and 30,000 respectively.	
	The tanks were removed by a certified contractor.	
	The tanks will be used at a later time on the new property down the street.	

Financial Responsibility - Verify owner's coverage. Select *Insurance* or *Other*, and provide *Mechanism*, if appropriate.

☒ Insurance Carrier: Seitlin Effective Date: 12/31/01 Expiration Date: 12/31/02  
☐ Other Coverage meeting federal financial responsibility requirements. Mechanism: \_\_\_\_\_  
☐ None

Based upon the inspection results and information provided by the owner/operator, this facility appears to meet the requirements of Florida Administrative Code 62-761. ☒ Yes ☐ No ☐ CWOE - Compliance without Enforcement  
A re-inspection will be scheduled on or after NA days to verify correction of the non-compliance items noted.

<u>Broward DEEP</u>	<u>(951) 576-1160</u>
Storage Tank Program Office	Storage Tank Program Office Phone Number
<u>James Dorchin</u>	<u>William E. Dorchin, Jr.</u>
Inspector Name - Please Print	Facility Representative Name - Please Print
<u>[Signature]</u> <u>5/14/02</u>	<u>[Signature]</u> <u>5/14/02</u>
Inspector Signature & Date	Facility Representative Signature & Date



STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
STORAGE TANK REGULATION PROGRAM

2001-2002

STCM ACCOUNT: 4244

FACILITY ID: 9100645

CLIFF BERRY INC  
2601 SE 14TH AVE BLDG 65  
FORT LAUDERDALE, FL 33315

BROWARD COUNTY

**\*\* 2001-2002 Storage Tank Registration Placard enclosed \*\***

CLIFF BERRY INC  
ATTN: BILL PARKES  
PO BOX 13079  
FORT LAUDERDALE, FL 33316-0100

PLACARD NO: 157697  
PLACARD ISSUED: JUNE 27, 2001  
REGISTRATION PAID: \$275  
TANK SYSTEMS REGISTERED: 11

STCM ACCOUNT: 4244

STORAGE TANK FACILITY ACCOUNT OWNER: PLEASE RETAIN THE TOP STUB FOR YOUR RECORDS

This is to certify that the facility named herein has one or more regulated storage tanks and/or compression vessels registered with the Florida Department of Environmental Protection.

Tanks required to register with the Department include those that contain vehicular fuel for land, sea, or air use; other petroleum or petroleum-based products; pollutants such as pesticides, ammonia, or chlorine; a hazardous substance such as listed on the federal CERCLA list; or mineral acids such as hydrobromic acid, hydrochloric acid, hydrofluoric acid, phosphoric acid, or sulfuric acid.

\*\*\*\*\*  
Visit the DEP Storage Tank Regulation Section Internet site: <http://www.dep.state.fl.us/dwm/programs/tanks/>

Find the *NewsLeaks* newsletter, storage tank rules, addresses and telephone numbers for DEP District offices, and links to related sites. Click on *Registration* - you can generate the same facility report used by storage tank inspectors to obtain up-to-date registration information: Select *Facility Inspection "Cover Page."* If you desire to search for a specific facility - and you know all or part of the facility address, but do not know the facility ID - select *Storage Tank Inventory Search*.

By January 1, 2000, some AST systems were required to upgrade or permanently close in accordance with Rule 62-761.800(3), F.A.C. These requirements included cathodic protection of tanks and piping; secondary containment for bulk product piping, cut and cover or concrete tanks, and for dike field areas (with shop-fabricated tanks) that do not meet secondary containment requirements; internal & external inspections and tests; and internal tank lining. Please call the local storage tank program office for specific details that might relate to your facility. You'll find the Contact List for Compliance Contracted Local County Governments on our Web page.

General registration & compliance related questions: call the Storage Tank Regulation Section at (850) 488-3935.

The Storage Tank Registration placard below must be posted at the facility.  
It must be placed out of the weather and in plain view of inspectors entering the facility.



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
STORAGE TANK REGISTRATION PLACARD

2001-2002

FACILITY ID: 9100645

PLACARD NO: 157697

FACILITY: CLIFF BERRY INC  
2601 SE 14TH AVE BLDG 65  
FORT LAUDERDALE, FL 33315-2318  
BROWARD COUNTY

PLACARD ISSUED: JUNE 27, 2001  
PLACARD EXPIRES: JUNE 30, 2002

TANK SYSTEMS REGISTERED: 11

FACILITY TYPE: Fuel user/Non-retail

STCM ACCOUNT: 4244  
ACCOUNT OWNER: CLIFF BERRY INC

David B. Struhs, Secretary  
Department of Environmental Protection