



Florida Department of
Environmental Protection
Hazardous Waste Inspection Report

FACILITY INFORMATION:

Facility Name: Cliff Berry Inc - Port Everglades Facility
On-Site Inspection Start Date: 02/22/2011 **On-Site Inspection End Date:** 02/22/2011
ME ID#: 57109 **EPA ID#:** FLR000083071
Facility Street Address: 3400 SE 9th Ave, Fort Lauderdale, Florida 33316
Contact Mailing Address: PO Box 13079, Fort Lauderdale, Florida 33316-0100
County Name: Broward **Contact Phone:** (954) 763-3390

NOTIFIED AS:

CESQG (<100 kg/month)
Transporter
Used Oil

INSPECTION TYPE:

Routine Inspection for Transporter facility
Routine Inspection for CESQG (<100 kg/month) facility
Routine Inspection for Used Oil Transporter facility
Routine Inspection for Used Oil Transfer Facility
Routine Inspection for Used Oil Processor facility
Routine Inspection for Used Oil Marketer facility

INSPECTION PARTICIPANTS:

Principal Inspector: Kathy R. Winston, Inspector
Other Participants: Larry Doyle, VP; Greg Whitaker, Environmental Specialist; Steve Collins, Manager Health & Safety

LATITUDE / LONGITUDE: Lat 26° 5' 0.9698" / Long 80° 7' 57.7718"

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

TYPE OF OWNERSHIP: Private

Introduction:

A routine hazardous waste and used oil compliance inspection was conducted at Cliff Berry Inc. (CBI) on February 22, 2011. The facility is a permitted used oil processing facility, and is located on an approximately 8.11 acre parcel of land leased from Cliff Berry Family Limited Partnership (landlord). The facility is serviced by city water and septic tank, and employs approximately 60 people.

Process Description:

The facility is authorized to process used oil, oily wastewater, and used oil filters under permit number 192423 -HO-004, modified on May 6, 2008 and expires April 22, 2012.

The area of the tank farm is 13,640 square feet and consists of two (2) 24,500 gallon tanks, three (3) 30,000 gallon tanks, one (1) 15,500 gallon tank, one (1) 593,570 gallon tank, and one (1) 17,700 gallon tank. All tanks are located within a secondary containment unit. The permit modification issued on May 6, 2008 was for the addition of three (3) 30,000 gallon tanks to the tank farm.

The inspector found no issues at the physical plant.

Inspection Date: 02/22/2011

Record Review

Due to the absence of certain employees on the day of the inspection, CBI was unable to produce the acceptance and delivery records for the facility. General facility inspection logs were also unavailable for review. The Contingency Plan lack the numbers for the local police and fire stations, as well as, the number for the Stat Warning Point. CBI could not document distribution of the most recently updated Contingency Plan and was asked to perform the requested updates and distribute the plan to the appropriate local authorities. It appeared from the facility's training records that one of their drivers "Louis" was overdue for his every three year DOT refresher.

Recordkeeping:

Recordkeeping

New Potential Violations and Areas of Concern:**Used Oil Processor**

Type: Area Of Concern

Rule: 279.52(a)(1)

Question Number: 28.210

Question: 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?

Explanation: Facility could not produce General Facility Inspections log that met the requirements of 279.52(a)(3).

Corrective Action: Please provide the Department with copies of the General Facility Inspection logs for the past month.

Type: Violation

Rule: 279.52(b)(4)

Question Number: 28.350

Question: 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?

Explanation: The Contingency Plan lack the phone numbers of the local police and fire station, as well as, the State Warning Point number.

Corrective Action: Please updated the facility's Contingency Plan to include the requested information

Type: Area Of Concern

Rule: 279.52(b)(3)

Question Number: 28.360

Question: Has the plan been distributed to the:

Explanation: The facility had no documentation to show that the Contingency Plan had been distributed to local authorities.

Inspection Date: 02/22/2011

Corrective Action: Please provide documentation that the Contingency Plan was distributed to local authorities. Once the Plan is updated redistribute and provide documentation that this has been performed.

Type: Violation

Rule: 279.56(a)

Question Number: 28.530

Question: Do used oil acceptance records include:

Explanation: The facility's used oil acceptance logs were not available for review.

Corrective Action: Please send the Department copies of the acceptance log for the last year and include five random manifest that can be track from entry into until exit from the facility.

Type: Violation

Rule: 279.56(b)

Question Number: 28.610

Question: Do used oil delivery records include (also check marketer requirements):

Explanation: The facility's delivery logs were not available for review.

Corrective Action: Please provide the Department the delivery logs for used oil for the last year.

Used Oil Transporter

Type: Violation

Rule: 279.43(b)

Question Number: 29.70

Question: Does the transporter comply with DOT requirements?

Explanation: One of the drivers, "Louis", was not up-to-date on his DOT training.

Corrective Action: Please provide the appropriate training and send Department certificate of completion.

Tank farm containment:

Tank farm containment

Summary of Potential Violations and Areas of Concern:

Potential Violations

Rule Number	Area	Date Cited	Explanation
Used Oil Processor 279.52(b)(4)	Recordkeeping	02/22/2011	The Contingency Plan lack the phone numbers of the local police and fire station, as well as, the State Warning Point number.

Inspection Date: 02/22/2011

Rule Number	Area	Date Cited	Explanation
279.56(a)	Recordkeeping	02/22/2011	The facility's used oil acceptance logs were not available for review.
279.56(b)	Recordkeeping	02/22/2011	The facility's delivery logs were not available for review.
Used Oil Transporter 279.43(b)	Recordkeeping	02/22/2011	One of the drivers, "Louis", was not up-to-date on his DOT training.

Areas of Concern

Rule Number	Area	Date Cited	Explanation
Used Oil Processor 279.52(a)(1)	Recordkeeping	02/22/2011	Facility could not produce General Facility Inspections log that met the requirements of 279.52(a)(3).
279.52(b)(3)	Recordkeeping	02/22/2011	The facility had no documentation to show that the Contingency Plan had been distributed to local authorities.

Conclusion:

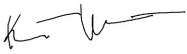
The facility was not in compliance at the time of the inspection and was given 30 days to return to compliance.

Inspection Date: 02/22/2011

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.

Kathy R. Winston _____ PRINCIPAL INSPECTOR NAME	Inspector _____ PRINCIPAL INSPECTOR TITLE
 _____ PRINCIPAL INSPECTOR SIGNATURE	FDEP _____ ORGANIZATION
	2/23/2011 _____ DATE

Greg Whitaker _____ INSPECTOR NAME	Environmental Specialist _____ INSPECTOR TITLE
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NO SIGNATURE _____ INSPECTOR SIGNATURE	FDEP _____ ORGANIZATION
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Larry Doyle _____ REPRESENTATIVE NAME	VP _____ REPRESENTATIVE TITLE
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NO SIGNATURE _____ REPRESENTATIVE SIGNATURE	CBI _____ ORGANIZATION
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Steve Collins _____ REPRESENTATIVE NAME	Manager Health & Safety _____ REPRESENTATIVE TITLE
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NO SIGNATURE _____ REPRESENTATIVE SIGNATURE	CBI _____ ORGANIZATION
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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.

Inspection Date: 02/22/2011

Used Oil Transporter

40 CFR279 Subpart E --Transporter Standards		Potential Violation or AOC cited			
29.10	Is the facility exempt under any of the following? <table border="1" style="width: 100%;"> <tr> <td>On site transport?</td> </tr> <tr> <td>Generator transporting < 55 g /time to a collection center?</td> </tr> <tr> <td>Transporter of < 55 g /time from generator to aggregation point owned by same generator?</td> </tr> </table>	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?	
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?					
29.20	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).				
29.30	Does the transporter process used oil beyond what would be considered incidental to transport?				
29.40	If 'yes' are they in compliance with 279 Subpart F?				
29.50	Has the facility notified of used oil activities? Check EPA form 8700-12.				
29.60	Does the transporter only deliver used oil to other transporters, oil processors, off specification used oil burners with EPA ID numbers?				
29.70	Does the transporter comply with DOT requirements?	✓			
29.80	If any oil is discharged during transport, does the transporter:				
29.90	Notify National Response Center and State Warning Point and Coast Guard per 33 CFR 153.203, as applicable?				
29.100	Report to DOT in writing per 49 CFR 171.16?				
29.110	Clean up any discharges until the discharge poses no threat?				
29.120	Does the facility also transport used oil filters?				
29.130	If so, are the filters stored in above ground containers which are:				
29.140	In good condition?				
29.150	Closed or otherwise protected from weather?				
29.160	Labeled "Used Oil Filters"?				
29.170	Stored on an oil impervious surface?				

Transporter Recordkeeping -279.46		Potential Violation or AOC cited
29.180	Do used oil acceptance records include:	
29.190	Name & Address of facility providing the oil for transport?	
29.200	EPA ID # of oil provider?	
29.210	Quantity of oil shipped?	
29.220	Date of acceptance?	
29.230	Signature of oil provider, dated upon receipt?	
29.240	Do used oil delivery records include:	
29.250	Name & Address of receiving facility or transporter?	✓
29.260	EPA ID # of receiving facility or transporter?	

Inspection Date: 02/22/2011

Transporter Recordkeeping -279.46		Potential Violation or AOC cited
29.260		
29.270	Quantity of oil delivered?	
29.280	Date of delivery?	
29.290	Signature of oil receiver, dated upon receipt?	
29.300	Do the above records also include:	
29.310	State required information on the type of oil?	
29.320	Destination or end use?	
29.330	Does the facility keep records on DEP Form 62-710.901(2) or equivalent?	
29.340	Does the facility submit an annual report by March 1 summarizing the on site records for the previous calendar year?	
29.350	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?	
29.360	Does the transporter keep copies of the record and reports for three years at the street address of the facility?	

Transporter Certification (62-710 F.A.C.)		Potential Violation or AOC cited
29.370	Is the transporter certified? (local governments, and < 55g/time transporters are exempt)	
29.380	Does the facility maintain training records?	
29.390	Does the facility maintain insurance or financial assurance of \$1,000,000 combined single limit?	
29.400	Is the facility registration form and ID number displayed?	✓

Transfer Facility Standards -279.45		Potential Violation or AOC cited
29.410	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.	
29.420	Is the transfer facility registered per 62-710.500(1)(a) F.A.C?	
29.430	Does the transporter determine whether used oil stored at a transfer facility has total halogen content above or below 1,000 ppm?	
29.440	Is this done by testing?	
29.450	Is this done by process knowledge? Describe basis	
29.460	Are test records or copies of records providing basis for determination kept for 3 years?	
29.470	Have any analyses showed Exceedence of the 1,000 ppm level?	
29.480	If so, was the oil managed as hazardous waste?	
29.490	If not, was the oil exempt? Describe	
29.500	Is used oil stored only in tanks or containers, or units subject to 264 and 265?	

Inspection Date: 02/22/2011

Transfer Facility Standards -279.45		Potential Violation or AOC cited
29.500		
29.510	If the facility has tanks, do they comply with 62-761 and 62.762 rules?	
29.520	Describe, including number and size of tanks, noting registration numbers if applicable, and compliance status.	
29.530	Is secondary containment provided and adequate?	
29.540	Are containers and tank trailers in good condition and not leaking?	
29.550	Are containers provided with secondary containment with minimum requirements?	
29.560	Is the containment system impervious to oil so as to prevent migration?	
29.570	Are ASTs, UST tank fill lines and containers labeled "used oil"?	
29.580	Are used oil filters generated off-site stored more than 10 days?	
29.590	If so, is the facility a registered used oil filter transfer facility?	
29.600	Does the facility stop operations and clean up releases of used oil, repairing or replacing any leaking units as applicable?	