



**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

NORTHEAST DISTRICT  
7777 BAYMEADOWS WAY WEST, SUITE 100  
JACKSONVILLE, FLORIDA 32256

RICK SCOTT  
GOVERNOR

JENNIFER CARROLL  
LT. GOVERNOR

HERSCHEL T. VINYARD JR.  
SECRETARY

February 18, 2013

**SENT VIA EMAIL**

[ileana@cliffberryinc.com](mailto:ileana@cliffberryinc.com)

Ms. Ilena Smothers, Facility Manager  
Cliff Berry, Inc  
1518 Talleyrand Avenue  
Jacksonville, Florida 32206

**Re: Cliff Berry, Inc  
EPA/DEP ID: FLR 000 119 784  
Duval County – Hazardous Waste**

Dear Ms. Smothers:

Thank you for your assistance during the hazardous waste compliance inspection conducted by the Florida Department of Environmental Protection at your facility on September 20, 2012. Enclosed is the report that documents this inspection.

Based on this inspection, your facility was found to be in violation of Florida Statutes and Rules concerning used oil management. Subsequent to the inspection, your facility submitted information stating that the violations have been corrected. Since your facility has returned to compliance, no enforcement action will be taken.

Your continued cooperation is appreciated. If you have any questions regarding this report or hazardous waste regulation in general, please contact me at 904.256.1671.

Sincerely,

Jabe Breland III  
Environmental Specialist III  
Hazardous Waste Section

VGV

Enclosure(s)



Florida Department of  
Environmental Protection  
Hazardous Waste Inspection Report

**FACILITY INFORMATION:**

**Facility Name:** Cliff Berry Inc - Jacksonville Facility  
**On-Site Inspection Start Date:** 09/20/2012      **On-Site Inspection End Date:** 09/20/2012  
**ME ID#:** 42441      **EPA ID#:** FLR000119784  
**Facility Street Address:** 1518 Talleyrand Ave, Jacksonville, Florida 32206-5436  
**Contact Mailing Address:** PO Box 13079, Fort Lauderdale, Florida 33316-0100  
**County Name:** Duval      **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 Used Oil Generator facility  
Routine Inspection for Hazardous Waste Transporter facility  
Routine Inspection for Used Oil Transfer Facility  
Routine Inspection for Used Oil Transporter facility  
Routine Inspection for Used Oil Marketer facility

**INSPECTION PARTICIPANTS:**

Principal Inspector: Jabe Breland III, Inspector  
Other Participants: Jay Smothers, ; Ileana Smothers, Facility Manager

**LATITUDE / LONGITUDE:** Lat 30° 20' 30.0" / Long 81° 37' 49.0"

**SIC CODE:** 4213 - Trans. & utilities - trucking, except local

**TYPE OF OWNERSHIP:** Private

**Introduction:**

Cliff Berry, Inc. (CBI) was inspected on September 20, 2012, as unannounced hazardous waste compliance inspection. Mr. Jay Smothers was present for the September 20, 2012, inspection. A follow up inspection was conducted on October 2, 2012, to review records. Ms. Ileana Smothers was present for the follow up inspection.

CBI provides emergency response cleanup for transportation accidents and the clean up and removal of hazardous and non-hazardous waste from industrial spills. CBI has been assigned the EPA identification number: FLR 000 119 784. Please use this number on all hazardous waste manifests and on all correspondence with the DEP.

On May 11, 2005, CBI, Jacksonville Branch, notified the Department that it was a hazardous waste and used oil transporter, a used oil transfer facility, a used oil processor, and a used oil marketer. A subsequent notification on June 17, 2008, showed the facility to be a hazardous waste and used oil transporter, used oil processor, and used oil filter transporter. On February 12, 2007, CBI applied for a permit to become a used oil processor. The Department issued a permit to CBI on April 14, 2008. However, CBI has not been processing used oil at the facility.

At the time of the inspection, CBI was in the process of renewing its used oil processing permit with

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DEP. The new permit application includes an expansion of the current used oil storage area to include the installation of ten additional tanks (Photo 1). Nine would be for oily wastewater, and one would be for petroleum contact water (PCW). The facility intends to bring oily wastewater back to its facility for processing instead of taking it to a third party for processing.

The facility is currently operating as a registered used oil transporter and transfer facility. The facility is also a hazardous waste transporter and used oil filter transporter and transfer facility.

#### **Process Description:**

CBI's current operation consists of an office building, a large storage warehouse, and a used oil storage area. The office building and the storage warehouse do not generate any waste. These two areas are used to store boats, pumps, hoses, boom, and other spill cleanup inventory.

#### **Used Oil Storage:**

The facility has three double-walled tanks including one 15,000-gallon tank with two compartments of 10,000 and 5,000-gallon capacities, one 2,000-gallon tank, and one 4,000-gallon tank. The tanks were properly labeled and appeared to be in good condition. Next to the tanks is an area for storing used oil generated from the loading and off-loading of used oil into the tanks (Photo 2). The facility places buckets underneath the hose fittings during off-loading, and any used oil that drips into these buckets is captured and added to the used oil drum. This drum was properly labeled and in secondary containment. There was also one drum of oily rags from the off-loading operations and one drum of petroleum contact water (PCW) from a customer. These drums were properly labeled.

The facility ships used oil to its Miami facility to be processed and sold as a fuel. According to facility records, the last shipment of used oil from this location to Miami was on March 8, 2012.

#### **Non Hazardous Waste and Used Oil Filter Storage:**

The facility has a semi trailer on-site to store non-hazardous waste, universal waste, and used oil filters it receives from its customers. The facility keeps a log of what drums are in the trailer and when they were delivered. At the time of the inspection, there were 12 drums in the trailer. These drums were properly labeled, closed, and in good condition.

#### **Records:**

According to the hazardous waste manifests supplied by the facility, CBI is accepting and transporting Small Quantity Generator (SQG) and Large Quantity Generator (LQG) amounts of hazardous waste. A hazardous waste manifest is required to accompany shipments of SQG and LQG hazardous waste. A review of the facility's hazardous waste manifests found them to be in order. At the time of the inspection, the facility did not have any hazardous waste on-site. According to Mr. Smothers, shipments of hazardous waste are taken directly to the permitted TSD or Cliff Berry's 10-day transfer facility located in Miami.

A review of the facility's used oil acceptance records during the inspection showed that the facility picked up used oil a total of four times in July and August 2012. The facility was performing halogen screening as required by Section 62-710.510(1)(g), FAC. The facility mainly picks up oily wastewater from its customers and takes it directly to Liquid Environmental Solutions (LES) or Water Recovery Inc (WRI) for processing.

According to Ms. Smothers, CBI routinely performs training for its used oil transportation activities and provided documentation of this employee training. The facility's contingency plan was reviewed and was in order.

The facility displayed its used oil transportation registration at the facility, but it was from the previous year and had expired [Section 62-710.500(4), FAC]. This was corrected during the follow up visit. The facility has submitted its certificate of liability insurance for its used oil and hazardous waste transportation activities. It has also completed its annual reporting for its used oil activities.

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**New Potential Violations and Areas of Concern:**

**Violations**

Type: Violation

Rule: 62-710.500(4)

Explanation: The facility did not have its current registration on display. The one that was displayed was expired.

Corrective Action: The facility corrected this during the follow up visit on 10.3.12.

**PHOTO ATTACHMENTS:**

Photo 1 - area for tank expansion



Photo 2



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**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.

Jabe Breland III  
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**PRINCIPAL INSPECTOR NAME**

Inspector  
 \_\_\_\_\_  
**PRINCIPAL INSPECTOR TITLE**

  
 \_\_\_\_\_  
**PRINCIPAL INSPECTOR SIGNATURE**

DEP  
 \_\_\_\_\_  
**ORGANIZATION**

2/18/2013  
 \_\_\_\_\_  
**DATE**

**Supervisor:** Jabe Breland III

**Inspection Approval Date:** 02/18/2013

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.