



**Florida Department of
Environmental Protection
Hazardous Waste Inspection Report**

FACILITY INFORMATION:

Facility Name: Cliff Berry Inc - Miami Terminal

On-Site Inspection Start Date: 12/06/2012

On-Site Inspection End Date: 12/06/2012

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

Transfer Facility

Used Oil

INSPECTION TYPE:

Routine Inspection for CESQG (<100 kg/month) facility

Routine Inspection for Hazardous Waste Transfer Facility

Routine Inspection for Hazardous Waste Transporter facility

Routine Inspection for Used Oil Processor facility

Routine Inspection for Used Oil Marketer facility

Routine Inspection for Used Oil Transfer Facility

Routine Inspection for Universal Waste Transporter facility

Routine Inspection for Used Oil Transporter facility

INSPECTION PARTICIPANTS:

Principal Inspector: Kathy R. Winston, Inspector

Other Participants: Roger Carman, Environmental Specialist; Leroy Arce, Facility Manager; Zach Davis, HW Manager

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

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

TYPE OF OWNERSHIP: Private, Private

Introduction:

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 Large Quantity Handler of Universal Waste batteries, mercury lamps and devices, and a Small Quantity Handler of pharmaceutical waste. The Used Oil Processing permit was set to expire on February 12, 2013; however, a permit renewal has been received and a Request for Additional Information was sent to the facility on January 15, 2013. In addition, CBI Miami is a Conditionally Exempt Small Quantity Generator (CESQG) of hazardous waste. The facility employs 14 people, and operates Monday through Friday from 6am to 9pm.

Compliance History

Inspection Date: 12/06/2012

The two most recent inspections conducted by the Department were on October 27, 2011 and December 10, 2009. There was also a follow-up inspection on November 7, 2011 that was associated with the October 27, 2011 inspection. Both of these original inspections resulted in enforcement and Consent Orders were executed for the two inspections on February 5, 2013 and June 9, 2010, respectively.

During the inspection, the inspector 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 facility laboratory; the container offloading and solid waste bulking area (covered dock); the nonhazardous waste and hazardous waste 10-day storage areas; the used oil filter processing building; and the oily waste roll-off storage area. The inspector also observed the loading station where processed used oil is loaded into trucks.

Process Description:

The two main waste 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 facilities and fuel distribution centers.

Used Oil Processing Area

No issues were noted in this area.

Oily Waste Roll-off Storage Area

No issues were noted in this area.

East Warehouse Area

The biofuel manufacturing operation that had been going on in this building during the last inspection has ceased. At this time, the building is being used for storage and the facility is slowly dismantling the machinery to sell whatever is salvageable. No issues were noted in this area.

Solid Waste Bulking Area

On the end of the dock, near the in use solids rolloff, were two open 55-gallon blue poly drums that appeared to have a small amount of whitish, yellow slurry remaining in the bottom of each drum. One of these two drums had a "Hazardous Waste" label on it. Also located in the same area was a red five-gallon bucket which was approximately one quarter full of a yellowish liquid. Facility representatives were unsure of the contents of these containers.

Hazardous Waste Transfer Area

During the inspection of the hazardous waste transfer area (HWTa), the inspector noted that there were incompatible wastes stored next to each other with no observable means of segregation. In particular, there was a drum whose label indicated it was from Classic Brass, which held D002, D010 wastes and this was next to a drum that was indicated to be from 950 Building LLC, whose contents was indicated to be F002 wastes. Also, the drum from 950 Building LLC, had a small hole near the top which had apparently been leaking. This made the incompatibility issue even more relevant. Despite the fact that there was sufficient aisle space to be able to inspect the drums in the HWTa; none of the labels on the drums were facing towards the aisle making it impossible to observe them without impediment. Another issue associated with the HWTa was that the eyewash directly outside the fence surrounding the HWTa was blocked by several overpack drums.

After observing the HWTa, the facility representatives escorted the inspectors to an area they called an "overflow area." There didn't appear to be any hazardous waste stored here but the inspectors

Inspection Date: 12/06/2012

did note a drum that was labeled as "apple juice"; however, it had white crystals around the top of the drum and it had apparently spilled over onto the floor. The inspectors inquired as to what it was and there was some speculation but no conclusion; therefore, the inspector asked that they address the spill immediately and determine what it was and dispose of it accordingly.

Record Review

The facility was not maintaining a general facility inspection log that met the requirements of 40 CFR 279.52. Nor was the facility performing weekly container inspection logs of the containers stored in the hazardous waste transfer facility area. While reviewing the facility's permit to see if their waste analysis plan was adequate; the inspector noted that the permit limits the facility to only handling non-hazardous solids (oily waste) that are CERCLA generated wastes. The inspector reminded the facility to address this error during the permit renewal process going on simultaneously with this inspection. All other records appeared to be in order; i.e., Contingency Plan, Closure Plan, acceptance and delivery logs for both used oil and hazardous waste, training records, and manifests.

New Potential Violations and Areas of Concern:

Violations

Type:	Violation
Rule:	262.11
Question Number:	7.1
Question:	Did the facility conduct a waste determination on all wastes generated?
Explanation:	On the end of the dock, near the solids rolloff, were two open 55-gallon blue poly drums that appeared to have some sort of whitish,yellowish slurry at the bottom, One of these two drums had a hazardous waste label on it. Also, in this same area, was a red 5-gallon bucket about one quarter full with a yellowish liquid. Also, in what is designated as the overflow area, was a green 55-gallon drum whose label indicated it was apple juice concentrate. However, it appeared that a white crystal-like material had formed at the top, around the ring, and on the floor around this container.
Corrective Action:	Please identify what was in these containers and inform the Department of their ultimate deposition.

Type:	Violation
Rule:	265.177(c)
Question Number:	1.790
Question:	Are containers holding incompatible wastes kept apart by physical barrier or sufficient distance?
Explanation:	In the hazardous waste transfer facility area were two drums stored next to each other which were not compatible. The information on the drums indicated the generators were Classic Brass (D002 & D010) and 950 Building LLC (F002). Also, the drum from 950 Building LLC appeared to have small hole that was leaking located near the top of the drum; making the issue of incompatibility even more relevant.
Corrective Action:	Please send pictures showing the leak in the drum from 950 Building LLC has been addressed and that some sort of system for separation of incompatibles has been established in this area.

Inspection Date: 12/06/2012

Type: Violation
Rule: 265.33
Question Number: 1.660
Question: Is the emergency equipment properly inspected and maintained?
Explanation: The eye wash that was directly outside the caged hazardous waste transfer facility area was blocked by several overpack drums.
Corrective Action: Please send picture showing access to eye wash area has been addressed.

Type: Violation
Rule: 62-730.171(2)(a)
Question Number: 1.270
Question: Does the facility have completed inspection logs?
Explanation: The facility has a general facility inspection log; however, it doesn't include all items that are required to be addressed in the inspection plan, i.e. security, emergency response equipment, & decontamination equipment.
Corrective Action: Please see 40 CFR Part 279.52 to see what elements of the general facility inspection log are not addressed in your current inspections. Also, check your permit to see how often these items should be inspected. Fill out a complete log for a month and send a copy to the Department.

Areas of Concern

Type: Area Of Concern
Rule: 265.174
Question Number: 1.760
Question: Are each of the containers inspected at least weekly?
Explanation: The facility was not maintaining weekly container inspection logs for the containers in the hazardous waste transfer facility area.
Corrective Action: Please provide the Department with two weeks worth of completed weekly container inspection logs for the containers in the hazardous waste transfer facility area.

Type: Area Of Concern
Rule: 265.35
Question Number: 1.520
Question: Is there sufficient aisle space to allow unobstructed movement of personnel and equipment? (e.g., adequate aisle space in between barrels to check for leakage, corrosion and proper labeling, etc.)
Explanation: In the hazardous waste transfer facility area, there were several containers, where; despite adequate aisle space, the labels were not turned in such a way as to make them readable.

Inspection Date: 12/06/2012

Corrective Action: The Department requests that the facility send a picture showing all the drums in the hazardous waste transfer facility area facing outward and readable from the required aisle space.

Type: Area Of Concern

Rule: 279.55(b)

Question Number: 28.400

Question: Does the processor have a written analysis plan to describing 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?

Explanation: In the facility's permit, as part of its' waste analysis plan, it refers to how they handle their non-hazardous solids and it indicates that the facility can only handle CERLA generated waste.

Corrective Action: This is just a Department reminder to make sure this language gets changed in the facility's upcoming permit renewal.

Conclusion:

CBI Miami appeared to be out of compliance with hazardous waste and used oil rules and regulations. The facility was given 35 days to return to compliance.

Inspection Date: 12/06/2012

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**

12/10/2012

DATE**Supervisor:** Karen Kantor

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.