

NOTICE OF POTENTIAL HAZARDOUS WASTE NON-COMPLIANCE – Page 1 of 2

FACILITY NAME CLIFF BERRY INC - PORT EVERGLADES		TYPE OF INSPECTION: CAV: <input type="checkbox"/> CEI: <input checked="" type="checkbox"/> CI: <input type="checkbox"/> OTHER: <input type="checkbox"/>	
ADDRESS 3400 SE 9th AVE	CITY DANIA BEACH	STATE FL	ZIP CODE 33316
EPA ID NUMBER FLR000083071	DATE OF INSPECTION 6/26/07	PAGE 1	OF 2
FOLLOW UP CAV INSPECTION WITHIN 120 DAYS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			

A hazardous waste/used oil compliance inspection was made this date, under the authority of Section 403.091, Florida Statutes (F.S.), to determine your facility's compliance with Chapter 403, F.S. and Chapters 62-730 and 62-710, Florida Administrative Code (F.A.C.). Provisions of Title 40 Code of Federal Regulations (C.F.R.) Parts 260 through 268 and 279, which are cited on this form, have been adopted by reference as the state hazardous waste and used oil rules in Chapter 62-730 and 62-710, F.A.C. The following 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 which exist at the time of this inspection.**

GENERAL REQUIREMENTS:

- ☐ Failure to ensure delivery of HW to proper HW facility § 261.5
- ☐ Failure to provide hazardous waste determination § 262.11
- ☐ Failure to notify as generator § 262.12
- ☐ Failure to use a manifest or reclamation agreement § 262.20
- ☐ Failure to provide personnel training § 265.16, 262.34
- ☐ Evidence of release(s) of waste § 265.31
- ☐ Facility exceeds 90/180 day time limit § 262.34

CONTAINER MANAGEMENT:

- ☐ Unlabeled containers § 262.34
- ☐ Undated containers § 262.34
- ☐ Leaking or bulging containers § 262.34
- ☐ Open containers § 265.173
- ☐ Inadequate aisle space § 62-730.160

USED OIL VIOLATIONS:

- ☐ Failure to label containers § 279.22
- ☐ Failure to respond to releases § 279.22
- ☐ Failure to document used oil disposal § 279.10

RECORDKEEPING REQUIREMENTS:

- ☐ Manifests § 262.40, § 262.44
- ☐ Training records § 262.34
- ☐ Contingency Plan § 262.34
- ☐ Weekly Inspection records § 62-730.160
- ☐ Information not posted by phone § 262.34
- ☐ Authorities not notified § 262.37

MATERIALS PROVIDED to assist in accomplishing corrective actions

- | | | |
|---|---|---|
| <input type="checkbox"/> DEP Small Quantity Generator Handbook | <input type="checkbox"/> EPA Managing Used Oil | <input type="checkbox"/> Mercury Lamp Recyclers |
| <input type="checkbox"/> EPA Understanding the Hazardous Waste Rules | <input type="checkbox"/> Environmental Yellow Pages | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> EPA Notification of Regulated Waste Activity | <input type="checkbox"/> List of HW/Used Oil Transporters | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Florida Automotive Recyclers Handbook | <input type="checkbox"/> Antifreeze Recycling Vendors | <input type="checkbox"/> Other _____ |

Florida Fact Sheets

- | | |
|--|---------------------------------------|
| <input type="checkbox"/> Antifreeze for Recycling / Waste Antifreeze | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Summary of Hazardous Waste Regulations | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Summary of Used Oil/Used Oil Filter Regulations | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Other: _____ |

HAZARDOUS WASTE INSPECTION EXIT INTERVIEW SUMMARY, NOTICE OF POTENTIAL VIOLATIONS
Page 2 of 2

ITEMS REQUESTED OR RECOMMENDATIONS BY THE "INSPECTOR":

① ^(TALLAHASSEE) PROVIDE DOCUMENTATION OF FINANCIAL ASSURANCE IN ACCORDANCE WITH
APPROVED CLOSURE COST ESTIMATE FOR 2007.

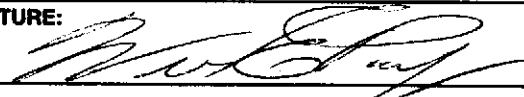
OWNER/OPERATOR COMMENTS:

The owner/operator is hereby requested to submit in writing, within days of this inspection, 1) a description of all corrective actions taken, 2) a schedule for completion of corrective actions to be taken and 3) a description of efforts to prevent recurrence of the above items to the person signing as **"INSPECTOR"**, Florida Department of Environmental Protection, 400 North Congress Avenue, Suite 200, West Palm Beach, FL 33401. The actions taken within days of this notice will be considered in determining whether enforcement, including the assessment of penalties, should be initiated.

IF YOU HAVE QUESTIONS, contact: KAREN KANTOR at (561) 681-⁶⁷²⁰~~6000~~.

"INSPECTOR" (signature): Karen Kantor Date: 6/26/07

The undersigned person hereby acknowledges that he/she received a copy of this notice and has read and understands the same.

SIGNATURE: 	PRINTED NAME: <u>William E. Parkes, Jr.</u>
TITLE: <u>MANAGER REGULATORY AFFAIRS</u>	DATE: <u>6/26/07</u>

USED OIL PROCESSOR CHECKLIST

Facility Name: CBI - Port Everglades Date: 6/26/07
Facility Representative: _____ Facility ID : _____
Inspector: Karen Kantor Registration # _____

40 CFR 279 Subpart F -- Processor Standards

1. Is the facility exempt under any of the following? (279.50(a)) Y _____ N ✓
Transporter or burner processing incidental to normal course of operations? Y _____ N _____
Processors who also generate, transport, market, dispose or burn used oil must comply with the applicable Subparts of Part 279.
2. Does the processor have an EPA ID Number? (279.51(a)) Y ✓ N _____
3. Is the processor Registered? (62-710.500(1)(b)) Y ✓ N _____
4. Does the processor have a general permit? 62-710.800(1)) Y ✓ N _____ *renewed*
5. For new facilities, was the notification of intent to use the general permit submitted 30 days prior to beginning operation? For existing facilities, was the notification for renewal submitted 30 days prior to expiration of the general permit?(62-710.800(2)) Y ✓ N _____

Oil Filter Processing Standards-- 62-710.850 F.A.C.

1. Does the facility process used oil filters by removing oil, draining, crushing or element separation? Describe in narrative. Generators who process their own filters are not regulated provided the filters are not disposed of in a landfill but are managed by a registered processor. *NA*
Y _____ N _____
Is the facility a registered used oil filter processor? (62-710.850) Y _____ N _____
2. Are the filters stored in above ground containers which are: (62-710.850(6))
In good condition? Y _____ N _____
Closed or otherwise protected from weather? Y _____ N _____
Labeled "Used Oil Filters"? Y _____ N _____
Stored on an oil impervious surface? Y _____ N _____
3. Are records maintained on DEP Form 62-710.900(2) or equivalent that include: (62-710.850(5)(a))
Destination or end use of the processed filters? Y _____ N _____
Name and street address of each destination or end user? Y _____ N _____
Are copies kept at the facility's street address for 3 years? (62-710.850(5)(b)) Y _____ N _____
4. Is an Annual Report submitted by March 1 for the previous calendar year summarizing the above records? (62-710.850(5)(c)) Y _____ N _____

Facility Name: _____

Date: _____

Oil Management Standards - 279.54

1. Is used oil stored only in tanks or containers? (Circle applicable units) Y ✓ N _____
2. If the facility has tanks, do they comply with 62-761 and 62.762 F. A. C. rules?
(Applicable to USTs over 100 g and ASTs over 550 gallons. Describe in narrative, including number and size of tanks, noting registration numbers if applicable, and compliance status.)

Is secondary containment consisting of a floor and dike which are impervious to oil provided for ASTs? Applies to all ASTs regardless of size per 279.54(d & e) Y ✓ N _____
3. Are containers and tanks in good condition and not leaking? (279.54(b)) Y ✓ N _____
4. Are containers provided with secondary containment consisting of walls and floor at a minimum? (279.54(c)) Y ✓ N _____

Is the containment system impervious to oil so as to prevent migration? Y ✓ N _____
5. Are ASTs, UST tank fill lines and containers labeled "used oil"? (279.54(f)) Y ✓ N _____
6. Does the facility stop operations and clean up releases of used oil, repairing or replacing any leaking units as applicable? (279.54(g)) Y ✓ N _____

General Facility Standards - 279.52

1. 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? (279.52(a)(1)) Y ✓ N _____
2. Does the facility have an internal communication or alarm system capable of giving immediate emergency instruction to facility personnel? (279.52(a)) Y ✓ N _____ *Noted*
3. Is there a telephone, alarm, 2-way radio or other device at the scene of operations immediately available and capable of summoning assistance from local fire departments? (279.52(a)(2)(ii)) Y ✓ N _____

Is there immediate access to this equipment by all personnel who are engaged in pouring, mixing, spreading or otherwise handled, either directly or by voice or visual contact with another employee? (279.52(a)(4)) Y ✓ N _____
4. Describe fire control equipment. Is it adequate? (279.52(a)(2)(iii)) *plc* Y ✓ N _____
5. Is spill control and decontamination equipment present? (279.52(a)(2)(iii)) Y ✓ N _____
6. If sprinklers, water hoses or foam producing equipment is part of the facility fire control equipment, is water available at adequate volume and pressure? (279.52(a)(2)(iii)) *plc* Y ✓ N _____
7. Is the emergency equipment inspected and tested periodically? Frequency? *4/2007* Y ✓ N _____

Facility Name: _____
Date: _____

8. Is there adequate aisle space to allow unobstructed movement of facility personnel and emergency equipment to any area of the facility where needed? (279.52(a)(5i)) Y ☒ N N/A
9. Has the facility made emergency response arrangements with the following: (279.52(a)(6))
- Fire Department: BC F Reserve Y ☒ N _____
- Police: BSD Y ☒ N _____
- Hospital: CROWNED GENERAL Y ☒ N _____
- Emergency Response Contractor: CBI Y ☒ N _____
10. If not, has the facility attempted to do so and is the refusal documented? Y _____ N _____

Contingency Plans and Emergency Response -- 279.52(b)

1. Does the facility have a contingency plan? SPCC Y ☒ N _____
2. Is it at the facility and easily available? Y ☒ N _____
3. Does the plan include:
- Fire Response Procedure: (compare to 279.52(b)(6)) N/A _____ Y ☒ N _____
- Spill Response Procedures: " N/A _____ Y ☒ N _____
- Explosion Response Procedures: " N/A _____ Y ☒ N _____
- Instructions for handling contaminated materials & residues Y ☒ N _____
- A description of arrangements with local authorities: N/A _____ Y ☒ N _____
- Emergency Coordinators: (Name) CB II, DONALD OTHURCH Y ☒ N _____
- Addresses and telephone numbers of Emergency Coordinators: Y ☒ N _____
- Emergency equipment list: Y ☒ N _____
- Specifications and capabilities of emergency equipment: Y ☒ N _____
- Locations of emergency equipment: Y ☒ N _____
- An evacuation plan and routes: Y ☒ N _____
- Evacuation/alarm signals: Y ☒ N _____
- External reporting procedures: Y ☒ N _____
- Internal recordkeeping requirements: Y ☒ N _____
4. 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? (279.52(b)(4)) Y ☒ N _____
5. Has the plan been distributed to the local police, fire department, ERT and hospital? Circle omitted authorities. (279.52(b)(3)) Y ☒ N _____
6. Is the emergency coordinator authorized to commit funds for incident response? Y ☒ N _____
7. Has the processor noted in the operating record any incidents requiring implementation of the contingency plan? (279.52(b)(6)(ix)) Y _____ N ☒
9. Were written reports made within 15 days to the DEP? (279.52(b)(6)(ix)) Y _____ N 5/06

Facility Name: _____

Date: _____

Rebuttable Presumption and Analysis Plan -- 279.53, 279.55

1. Does the processor have a written analysis plan to determine 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? (279.55)(a)) Y _____ N _____

2. Is the 1,000 ppm halogen determination made by testing? Y ☒ N _____

If so, does the analysis plan cover: (279.55(a)(2))

Sampling methods? Y ☒ N _____

Frequency of sampling? Y ☒ N _____

Analytical Methods? Y ☒ N _____

Is the 1,000 ppm halogen determination made by process knowledge? Y _____ N ☒

If so, is the type of information that will be used to determine the halogen content stated in the analysis plan? (279.55(a)(3)) Y _____ N _____

3. Have any analyses showed exceedances of the 1,000 ppm level? Y _____ N ☒

If so, was the oil managed as hazardous waste? Y _____ N _____

If not, was the oil exempt? Describe basis for presumption rebuttal in narrative. (ex. analysis, refrigerant oil, etc.) N/A _____ Y _____ N _____

4. Is the used oil fuel specification determination made by testing? Y _____ N _____

If so, does the analysis plan cover: (279.55(b)(2))

Sampling methods? Y ☒ N _____

Whether the oil will be tested before or after processing? Y ☒ N _____

Frequency of sampling? Y ☒ N _____

Analytical Methods? Y ☒ N _____

Is the used oil fuel specification determination made by process knowledge? Y _____ N ☒

If so, is the type of information that will be used to determine the halogen content stated in the analysis plan? (279.55(b)(3)) Y _____ N _____

5. Are all oil processing residues managed as used oil, reclaimed, or used as asphalt manufacture feedstock? (279.59) N/A _____ Y ☒ N _____

If not, has the processor conducted a hazardous waste determination? (279.10(e)) N/A _____ Y _____ N _____

6. Are test records or copies of records providing basis for determinations kept for 3 years? Y ☒ N _____

None, because done at Miami

Facility Name: _____
Date: _____

Recordkeeping and Reporting -- 279.57, 62-710.510-520 F.A.C.

1. Do used oil acceptance records include: (279.56(a))

5-07/6-07

Name & address of the generator or off site source of the used oil?	Y	<input checked="" type="checkbox"/>	N	_____
EPA ID # of oil provider (if applicable)?	Y	<input checked="" type="checkbox"/>	N	_____
Name & Address of the transporter delivering the oil to the facility?	Y	<input checked="" type="checkbox"/>	N	_____
EPA ID # of the transporter delivering the oil	Y	<input checked="" type="checkbox"/>	N	_____
Quantity of oil shipped?	Y	<input checked="" type="checkbox"/>	N	_____
Type of oil received (62-710.510(1)(c))	Y	<input checked="" type="checkbox"/>	N	_____
Date of shipment?	Y	<input checked="" type="checkbox"/>	N	_____

2. Do used oil delivery records include: (279.56(b), also check marketer requirements)

Name & Address of receiving facility? (burner, processor or disposal site)	Y	<input checked="" type="checkbox"/>	N	_____
EPA ID # of receiving facility?	Y	<input checked="" type="checkbox"/>	N	_____
Name & Address of transporter delivering the oil?	Y	<input checked="" type="checkbox"/>	N	_____
EPA ID # of transporter?	Y	<input checked="" type="checkbox"/>	N	_____
Quantity of oil delivered?	Y	<input checked="" type="checkbox"/>	N	_____
End Use of the oil? (62-710.510(1)(e))	Y	<input checked="" type="checkbox"/>	N	_____
Date of delivery?	Y	<input checked="" type="checkbox"/>	N	_____

3. Does the facility keep records on DEP Form 62-710.900(2) or equivalent? (62-710.501(1))

Y ☒ N _____

4. Does the facility submit an annual report by March 1 summarizing the on site records for the previous calendar year? (62-710.520)

Y ☒ N _____

If not, is the facility an electric utility processing only self generated used oil for recycling, which is exempt from state registration and reporting requirements? (62-710.530)?

Y _____ N _____

5. Does the transporter keep copies of the record and reports for three years at the street address of the facility? (62-710.510(2))

Y ☒ N _____

Closure -- 62-710.800(3) F.A.C. and 279.54(h)

1. Has the facility submitted a written closure plan? (62-710.800(3)(a))

Y _____ N _____

2. Does the plan include procedures for removing containers of oil and residues?

Y _____ N _____

Cleaning and decontaminating tanks and ancillary equipment?

Y _____ N _____

Removing contaminated soils?

Y _____ N _____

Eliminating the need for further maintenance?

Y _____ N _____

If the facility operated tank systems, and not all contaminated soils can be practicably removed, the owner or operator must close the facility as a hazardous waste landfill.

USED OIL TRANSPORTER CHECKLIST

Facility Name: CBT - Port Everglades Date: 6/26/07
Facility Representative: _____ Facility ID #: _____
Inspector: _____ Registration #: _____

40 CFR 279 Subpart E -- Transporter Standards

1. Is the facility exempt under any of the following? (279.40(a)) Y____N ☒
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 ?
2. 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) Y____N ☒
3. Does the transporter process used oil incidental to transport? (279.41) Y____N ☒
Are any residues managed as used oil, reclaimed, or used as asphalt manufacture feedstock? N/A____ Y____N____
If not, has the transporter conducted a hazardous waste determination? (279.10(e)) N/A____ Y____N____
4. Has the facility notified of used oil activities? Check EPA form 8700-12 Y ☒ N____
5. Does the transporter only deliver used oil to other transporters, oil processors, off specification used oil burners with EPA ID Numbers, or to on-specification oil burners? (279.43(a)) Y ☒ N____
6. Does the transporter comply with DOT requirements? (279.43(b)) Y ☒ N____
7. If any oil is discharged during transport, does the transporter: (279.43(c))
Notify National Response Center and State Warning Point and Coast Guard per 33 CFR 153.203, as applicable? Y ☒ N____
Report to DOT in writing per 49 CFR 171.16? Y ☒ N____
Clean up any discharges until the discharge poses no threat? Y ☒ N____
8. Does the facility also transport used oil filters? Y____N ☒
If so, are the filters stored in above ground containers which are: (62-710.850(6))
In good condition? Y____N ☒
Closed or otherwise protected from weather? Y____N____
Labeled "Used Oil Filters"? Y____N____
Stored on an oil impervious surface? Y____N____

Facility Name: _____
Date: _____

Transporter Recordkeeping - 279.46

1. Do used oil acceptance records include: (279.46(a))

Name & Address of facility providing the oil for transport?

Y N

EPA ID # of oil provider (if applicable)?

Y N

Quantity of oil shipped?

Y N

Date of shipment?

Y N

Signature of oil provider, dated upon receipt?

Y N

2. Do used oil delivery records include: (279.46(b))

Name & Address of receiving facility or transporter?

Y N

EPA ID # of receiving facility or transporter?

Y N

Quantity of oil delivered?

Y N

Date of delivery?

Y N

Signature of oil receiver, dated upon receipt?

Y N

3. Do the above records also include state required information on the type of oil and destination or end use? (62-710.510(1)(c & e))

Y ✓ N

4. Does the facility keep records on DEP Form 62-710.900(2) or equivalent? (62-710.501(1))

Y ✓ N

5. Does the facility submit an annual report by March 1 summarizing the on site records for the previous calendar year? (62-710.520)

Y ✓ N

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? (62-710.530)?

Y N

7. Does the transporter keep copies of the record and reports for three years at the street address of the facility? (62-710.510(2))

Y ✓ N

Transporter Certification (62-710 F.A.C.)

1. Is the transporter certified? (local governments, and < 55g/time transporters are exempt) (62-710.600)

Y ✓ N

2. Does the facility maintain training records? (62-710.600(2)(c))

Y ✓ N

3. Does the facility maintain insurance or financial assurance of ~~\$100,000~~ combined single limit? (62-710.600(2)(d))

Y ✓ N

4. Is the facility registration form and ID number displayed? (62-710.500)

Y ✓ N

6/30/07

Facility Name: _____
Date: _____

Transfer Facility Standards - 279.45

1. 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 N/A _____ Y ☒ N _____
- Is the transfer facility registered per 62-710.500(1)(a) F. A. C.? Y ☒ N _____
2. Does the transporter determine whether used oil stored at a transfer facility has a total halogen content above or below 1,000 ppm? Y ☒ N _____
- Is this done by testing? Y ☒ N _____
- Is this done by process knowledge? Describe basis in narrative. Y _____ N ☒
- Are test records or copies of records providing basis for determination kept for 3 years? Y ☒ N _____
3. Have any analyses showed exceedances of the 1,000 ppm level? Y _____ N ☒
- If so, was the oil managed as hazardous waste? Y _____ N _____
- If not, was the oil exempt? Describe in narrative. N/A _____ Y _____ N _____
4. Is used oil stored only in tanks or containers? (Circle applicable units) Y ☒ N _____
5. If the facility has tanks, do they comply with 62-761 and 62.762 F. A. C rules? (Describe in narrative, including number and size of tanks, noting registration numbers if applicable, and compliance status.) Y ☒ N _____
- Is secondary containment provided and adequate? Y ☒ N _____
6. Are containers, and tank trailers in good condition and not leaking? Y ☒ N _____
7. Are containers provided with secondary containment consisting of walls and floor at a minimum? Y ☒ N _____
- Is the containment system impervious to oil so as to prevent migration? Y ☒ N _____
8. Are ASTs, UST tank fill lines and containers labeled "used oil"? Y ☒ N _____
9. Are used oil filters stored more than 10 days? Y ☒ N ☒
- If so, is the facility a registered used oil filter transfer facility? (62-710.850) N/A _____ Y _____ N _____
10. Does the facility stop operations and clean up releases of used oil, repairing or replacing any leaking units as applicable? Y ☒ N _____

TRANSPORTERS CHECKLIST

Transporter Requirements (40 CFR 263)

1. Do vehicles transporting hazardous waste have the appropriate placards? (263.10)(49 CFR 172.500) Y ☒ N ☐
2. Does transporter have an EPA identification number? (263.11(a)) Y ☒ N ☐
3. Does the transporter mix/consolidate hazardous wastes of different DOT shipping descriptions 263.10(c)(2)? Y ☐ N ☒
If Yes, Complete Generator Checklist
4. Does the transporter use manifest system as required by 263.20? Y ☒ N ☐
Do the manifests contain at least:
 - a) Name, address, and EPA ID of transporter? Y ☒ N ☐
 - b) Name, address, and EPA ID code of generator? Y ☒ N ☐
 - c) Name, address, identification code of designated permitted facility? Y ☒ N ☐
 - d) Corresponding manifest document number? Y ☒ N ☐
 - e) Description and quantity of each hazardous waste? Y ☐ N ☐
 - f) Signature of subsequent transporters? Y ☒ N ☐
 - g) Signatures signifying proper delivery or reasons why delivery could not be certified? Y ☒ N ☐
 - h) EPA waste codes? Y ☒ N ☐
5. International shipments: (263.20(g)) NA ☒
 - a) Record of date waste left U.S.? Y ☐ N ☐
 - b) Presence of one signed copy in records? Y ☐ N ☐
 - c) Signed copy of manifest returned to the generator? Y ☐ N ☐
 - d) Copy of the manifest given to a U.S. Customs official at the point of departure from the United States? Y ☐ N ☐
6. For SQG waste transported according to reclamation agreement:
N/A
 - a) Is the following information recorded on a shipping paper:
Name, address, and EPA ID of waste generator Y ☐ N ☐
Quantity of waste accepted Y ☐ N ☐
DOT - required shipping info Y ☐ N ☐
Date waste is accepted Y ☐ N ☐
b) Does transporter carry this shipping paper during transport? Y ☐ N ☐
c) Are records maintained for three years after termination or expiration of reclamation agreement? Y ☐ N ☐
d) Are vehicles owned and operated by the waste reclaimer? Y ☐ N ☐
7. Are copies of the manifests retained for 3 years? (263.22) Y ☒ N ☐
8. Is there evidence of discharge of hazardous waste? (263.30) Y ☐ N ☒

Facility: _____
Date: _____

9. Has transporter demonstrated the financial responsibility required under 62.730.170(2) F. A. C.? Y ☒ N _____
10. Does the transporter verify financial responsibility with the Department annually (62-730.170(3) F. A. C.)? Y ☒ N _____
11. Does the transporter manage Conditionally exempt or Household wastes? Y ☒ N _____
- a) Does the transporter have documentation that this waste was generated by an unregulated source? Y ☒ N _____
- b) If no, is the transporter assuming responsibility as the generator of this waste? Y _____ N ☒

If yes, complete the applicable Generator or Small Quantity Generator checklist.

X N/A Transfer Facility Requirements (17-730.171)

1. 10 Day Limit (263.12)

- Does transporter comply with 10 day storage limit for transfer facilities? Y _____ N _____
- a) Is the hazardous waste packaged according to 262.30? (263.12) Y _____ N _____
- b) Can the facility document that the material is held only as part of the normal course of transportation? Y _____ N _____

If not, the storage may not be exempt.

2. Closure (62-730.171(2)(b) F. A. C.)

- Does facility have a written closure plan satisfying requirements of closure performance, notification, and decontamination standards of 40 CFR 265.111, 265.112(c), 265.114, 265.115? Y _____ N _____
- Has the facility supplied DEP with a copy of the plan? Y _____ N _____

3. Storage Areas (62-730.171(2)(d) F. A. C.)

Is hazardous waste that is stored in containers or vehicles stored on a man made surface which is capable of preventing spills or releases to the ground? Y _____ N _____

4. Operating Record (62-730.171(2)(e) F. A. C.)

- a) Is a written log maintained for all waste entering or leaving the transfer facility? Y _____ N _____
- b) Does the log contain:
- Generators' names? Y _____ N _____
- Manifest numbers? Y _____ N _____
- Dates when waste enters and leaves facility? Y _____ N _____

5. Notification (62-730.171(3) F. A. C.)

- Has the facility notified the department on Form 17-730.900(6) (Transfer facility notification form)? Y ☒ N _____
- Does the transfer facility have an EPA/DER ID number? Y _____ N _____

6. General Facility Standards (265 Subpart B)

a) Security (265.14)

- (1) Is the facility security system adequate to minimize unauthorized entry? Y____N____
- (2) Are signs posted and legible for 25 feet? Y____N____

b) Inspection Requirement (265.15)

- (1) Does the facility have a copy of the Inspection Plan? Y____N____
- (2) Does the facility have completed inspection logs? Y____N____
- (3) Were the deficiencies corrected in a timely manner? Y____N____
- (4) Are the inspection logs maintained at the facility for 3 years? Y____N____

c) Personnel Training (265.16)

- (1) Do facility personnel complete hazardous waste training? Y____N____

Comments:

- (2) Does the facility combine DOT Hazmat training with hazardous waste training? Y____N____
- (3) Is the trainer adequately trained in hazardous waste management procedures? Y____N____
- (4) Does the training cover safety? Y____N____
- (5) Does the training cover emergency response procedures, including equipment handling and inspection? Y____N____
- (6) Does the training cover hazardous waste identification and handling procedures? Y____N____
- (7) Does the facility maintain personnel training records? Y____N____
- (8) Does the facility maintain job titles and position descriptions for employees managing hazardous waste? Y____N____
- (9) Do the job descriptions include the requisite skills, education and experience? Y____N____
- (10) Do the job descriptions include a list of the positions' duties? Y____N____
- (11) Are people trained within 6 months of hiring? Y____N____
- (12) Do they work unsupervised prior to training? Y____N____
- (13) Is training reviewed annually? Date of last training _____ Y____N____
- (14) Are records maintained for three years? Y____N____

d) Ignitable, Reactive, or Incompatible Waste (265.17)

(1) Is the waste separated and confined from sources of ignition or reaction, sparks, spontaneous ignition, and radiant heat? Y____N____

(2) Are "No Smoking" signs posted in the area? Y____N____

7. Preparedness and Prevention (40 CFR 265 Subpart C)

a) Is there evidence of a fire, explosion or release of hazardous waste or hazardous waste constituents to the environment? (265.31) Y____N____

If Yes, has the facility reported in writing to DOT as required by 49 CFR 171.16? Y____N____

b) Does the facility have an internal communication or alarm system? (265.32(a)) Y____N____

c) Is there a telephone, alarm, 2-way radio or other device at the scene of operations immediately available and capable of summoning assistance? (265.32(b)) Y____N____

d) Describe fire control equipment. Is it adequate? (265.32(c)) Y____N____

e) Is spill control and decontamination equipment present? (265.32(c)) Y____N____

f) If sprinklers, water hoses or foam producing equipment is part of the facility fire control equipment, is water available at adequate volume and pressure? (265.32(d)) Y____N____

g) Is the emergency equipment inspected and tested periodically? Y____N____

h) Frequency? _____

i) Is there adequate aisle space to allow unobstructed movement of facility personnel and emergency equipment to any area of the facility where needed? (265.35) Y____N____

j) Has the facility made emergency response arrangements with the following: (265.37)

Fire Department: _____ Y____N____

Police: _____ Y____N____

Hospital: _____ Y____N____

Emergency Response Contractor: _____ Y____N____

k). If not, has the facility attempted to do so and is the refusal documented? Y____N____

4. Contingency Plans and Emergency Response (265 Subpart C)

- a) Does the facility have a contingency plan? 265.51) Y____N____
- b) Is it at the facility and easily available? (265.53) Y____N____
- c) Does the plan include:
- | | | |
|--|---------|------------|
| Fire Response Procedure: | N/A____ | Y____N____ |
| Spill Response Procedures: | N/A____ | Y____N____ |
| Explosion Response Procedures: | N/A____ | Y____N____ |
| A description of arrangements with local authorities: | N/A____ | Y____N____ |
| Emergency Coordinators: (Name)_____ | | Y____N____ |
| Addresses and telephone numbers of Emergency Coordinators: | | Y____N____ |
| Emergency equipment list: | | Y____N____ |
| Specifications and capabilities of emergency equipment: | | Y____N____ |
| Locations of emergency equipment: | | Y____N____ |
| An evacuation plan and routes: | | Y____N____ |
| Evacuation/alarm signals: | | Y____N____ |
- d) 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? Y____N____
- e) Has the plan been distributed to the local police, fire department, ERT and hospital? Circle omitted authorities. (265.53) Y____N____
- f) Is the emergency coordinator authorized to commit funds for incident response? Y____N____

5. Off Vehicle Container Storage Areas (Subpart I - Use and Management of Containers 265.170)

- a) Are the containers in good condition (265.171)?
(check for leaks, corrosion, bulges, etc.) Y____N____
- b) If a container is found to be leaking, does the operator transfer the hazardous waste from the leaking container? Y____N____
- c) Is the waste compatible with the containers and/or its liner? (265.172) Y____N____
- d) Are containers holding hazardous waste opened, handled or stored in such a manner as to cause the container to rupture or leak? (265.173) Y____N____
If yes, explain using narrative.
- e) Are each of the containers inspected at least weekly (265.174)? Y____N____
If no, explain using narrative concerning the frequency of inspection.
- f) Are containers holding ignitable or reactive wastes located at least 15 meters (50 feet) from the facility property line? (265.176) Y____N____
- g) Are incompatible wastes stored in the same containers? Y____N____
- h) Are containers holding incompatible wastes kept apart by physical barrier or sufficient distance? Y____N____



Cliff Berry, Incorporated
Environmental Services

RECEIVED

FEB 22 2007

DEPT of ENV PROTECTION
WEST PALM BEACH

February 22, 2007

Mr. Bheem Kothur, P.E. III
Hazardous Waste Regulation
Florida Department of Environmental Protection (FDEP)
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

RE: Letter of Transmittal for Used Oil Processing Facility Permit Renewal for the CBI - Port Everglades
Facility EPA ID Number: FLR 000 083 071
Used Oil Processing Permit Number: 192423-HO-002

Dear Mr. Kothur:

Cliff Berry, Inc. (CBI) hereby submits the following documentation to the Florida Department of Environmental Protection (FDEP) in Tallahassee, for a Used Oil Processing Facility Permit Renewal for our Used Oil / Oily Wastewater Transfer Station Facility located at 3400 S.E. 9th Ave, Dania Beach, Florida 33316.

Please find the following attached as part of our application for renewal package:

- Attachment No. 1 - Check for two thousand (\$ 2,000) dollars permit renewal fee
- Attachment No. 2 - Application for renewal of a Used Oil Processing Facility Permit
- Attachment No. 3 - Various existing Registrations, Permits and Licenses

There have been no changes in the CBI - Port Everglades Facility since the final permit was issued on August 16, 2006.

If you have any questions or need any additional information please contact me at (954) 763 - 3390 or e-mail me at bparkes@cliffberryinc.com.

Sincerely,

William E. Parkes, Jr.
Manager Regulatory Affairs and Capital Projects

ATTACHMENTS

RECEIVED

FEB 22 2007

DEPT of ENV PROTECTION
WEST PALM BEACH

ATTACHMENT NO. 1

VENDOR NO: FLODEP

NAME: FL DEPT ENVIRONMENTAL PROTECT

CHECK DATE: 1/31/2007 042270

REFERENCE NUMBER	INVOICE DATE	GROSS AMOUNT	DISCOUNT TAKEN	NET AMOUNT PAID
PERMIT RENEWAL-2007	1/26/2007	2,000.00	0.00	2,000.00
TOTAL		2,000.00	0.00	2,000.00



Cliff Berry, Incorporated
Environmental Services
P.O. Box 13879
Fort Lauderdale, Florida 33316
(954) 763 3390 fax (954) 763 8375

WACHOVIA
FORT LAUDERDALE, FL 33316

63-643670

042270

PAY Two Thousand and 00/100 *****

TO THE
ORDER
OF
FL DEPT ENVIRONMENTAL PROTECT
2600 BLAIR STONE ROAD
TALLAHASSEE, FL 32399-2400

DATE	1/31/2007
AMOUNT	***2,000.00

Cliff Berry
AUTHORIZED SIGNATURE

Security features. Details on back.

042270

RECEIVED

FEB 22 2007

DEPT of ENV PROTECTION
WEST PALM BEACH

ATTACHMENT NO. 2

APPLICATION FORM FOR A USED OIL PROCESSING FACILITY PERMIT

Part I

TO BE COMPLETED BY ALL APPLICANTS (Please type or print)

A. General Information

1. New ☐ Renewal ☒ Modification ☐ Date old permit expires 4/22/07

2. Revision number 1

3. NOTE: Processors must also meet all applicable subparts, (describe compliance in process description for applicable standards) if they are:

- ☐ generators (Subpart C)
☒ transporters (Subpart E)
☐ burners of off-spec used oil (Subpart G)
☒ marketers (Subpart H)
or
☐ are disposing of used oil (Subpart I)

4. Date current operation began: AUGUST 16, 2006

5. Facility name: CLIFF BERRY, INC. - PORT EVERGLADES FACILITY

6. EPA identification number: FLR-000 083 071

7. Facility location or street address: 3400 S.E. 9th AVE DANIA BEACH, FL

8. Facility mailing address: 33316
P.O. Box 13079 Fort Lauderdale, Florida 33316
Street or P.O. Box City State Zip Code

9. Contact person: WILLIAM E. PARKES, JR. Telephone: (954) 763-3390
Title: MANAGER REGULATORY AFFAIRS

Mailing Address: 33316
P.O. Box 13079 Fort Lauderdale, Florida 33316
Street or P.O. Box City State Zip Code

10. Operator's name: CLIFF BERRY, II Telephone: (954) 763-3390

Mailing Address: 33316
P.O. Box 13079 Fort Lauderdale, Florida 33316
Street or P.O. Box City State Zip Code

11. Facility owner's name: CLIFF BERRY, II Telephone: (954) 763-3390

Mailing Address: 33316
P.O. Box 13079 Fort Lauderdale, Florida 33316
Street or P.O. Box City State Zip Code

12. Legal structure:

- ☒ corporation (indicate state of incorporation) FLORIDA
☐ individual (list name and address of each owner in spaces provided below)
☐ partnership (list name and address of each owner in spaces provided below)
☐ other, e.g. government (please specify) _____

If an individual, partnership, or business is operating under an assumed name, enter the county and state where the name is registered: County _____ State _____

Name: _____
Mailing Address: _____

Street or P.O. Box _____ City _____ State _____ Zip Code _____

Name: _____
Mailing Address: _____

Street or P.O. Box _____ City _____ State _____ Zip Code _____

Name: _____
Mailing Address: _____

Street or P.O. Box _____ City _____ State _____ Zip Code _____

Name: _____
Mailing Address: _____

Street or P.O. Box _____ City _____ State _____ Zip Code _____

- 13 Site ownership status: ☐ owned ☐ to be purchased ☐ to be leased _____ years
☒ presently leased; the expiration date of the lease is: 12/31/09

If leased, indicate:

Land owner's name: CLIFF BERRY FAMILY LIMITED PARTNERSHIP

Mailing Address: P.O. Box 13079 Fort Lauderdale, Florida 33316

Street or P.O. Box _____ City _____ State _____ Zip Code _____

- 14 Name of professional engineer NEAL D. JANDOV, Registration No. 21998
Mailing Address: 2295 N.W. Corporate Blvd #125, Executive Court 1 Boca Raton, FL 33431
Street or P.O. Box _____ City _____ State _____ Zip Code _____
Associated with: DIVERSIFIED CONSTRUCTION AND ENGINEERING SERVICES (DOES)

B. SITE INFORMATION

1. Facility location:

County: BROWARD
Nearest community: DANIA BEACH
Latitude: 26°05'00" Longitude: 80°07'57.6"
Section: 23 Township: 50 Range: 42
UTM # 1758 | 6742 | 8850 | 78

2. Facility size (area in acres): APPROX 4 ACRES

3. Attach a topographic map of the facility area and a scale drawing and photographs of the facility showing the location of all past, present and future material and waste receiving, storage and processing areas, including size and location of tanks, containers, pipelines and equipment. Also show incoming and outgoing material and waste traffic pattern including estimated volume and controls.

C. OPERATING INFORMATION

1. Hazardous waste generator status (SQG, LQG) N/A

2. List applicable EPA hazardous waste codes:

NONE

3. Attach a brief description of the facility operation, nature of the business, and activities that it intends to conduct, and the anticipated number of employees. No proprietary information need be included in this narrative.

A brief description of the facility operation is labeled as Attachment _____

4. Attach a detailed description of the process flow should be included. This description should discuss the overall scope of the operation including analysis, treatment, storage and other processing, beginning with the arrival of an incoming shipment to the departure of an outgoing shipment. Include items such as size and location of tanks, containers, etc. A detailed site map, drawn to scale, should be attached to this description. (See item 4, page 4).

The facility's detailed process description is labeled as Attachment _____

5. The following parts of the facility's operating plan should be included as attachments to the permit application. (See item 5 on pages 4 and 5):

a. An analysis plan which must include:

- (i) a sampling plan, including methods and frequency of sampling and analyses;
- (ii) a description of the fingerprint analysis on incoming shipments, as appropriate; and
- (iii) an analysis plan for each outgoing shipment (one batch/lot can equal a shipment, provided the lots are discreet units) to include: metals and halogen content.

The analysis plan is labeled as Attachment _____

b. A description of the management of sludges, residues and byproducts. This must include the characterization analysis as well as the frequency of sludge removal.

Sludge, residue and byproduct management description is labeled as Attachment _____

c. A tracking plan which must include the name, address and EPA identification number of the transporter, origin, destination, quantities and dates of all incoming and outgoing shipments of used oil.

The tracking plan is included as Attachment _____

6. Attach a copy of the facility's preparedness and prevention plan. This requirement may be satisfied by modifying or expounding upon an existing SPCC plan. Describe how the facility is maintained and operated to minimize the possibility of a fire, explosion or any unplanned releases of used oil to air, soil, surface water or groundwater which could threaten human health or the environment. (See item 6, page 5).

The preparedness and prevention plan is labeled as Attachment _____

7. Attach a copy of the facility's Contingency Plan. This requirement should describe emergency management personnel and procedures and may be met using a modifying or expounding on an existing SPCC plan or should contain the items listed in the Specific Instructions. (see item 7 on pages 5 and 6).

The contingency plan is labeled as Attachment _____

8. Attach a description of the facility's unit management for tanks and containers holding used oil. This attachment must describe secondary containment specifications, inspection and monitoring schedules and corrective actions. This attachment must also provide evidence that all used oil process and storage tanks meet the requirements described in item 8b on page 6 of the specific instructions, and should be certified by a professional engineer, as applicable.

The unit management description is labeled as Attachment _____

9. Attach a copy of the facility's Closure plan and schedule. This plan may be generic in nature and will be modified to address site specific closure standards at the time of closure. (See item 9, pages 6 and 7).

The closure plan is labeled as Attachment _____

10. Attach a copy of facility's employee training for used oil management. This attachment should describe the methods or materials, frequency, and documentation of the training of employees in familiarity with state and federal rules and regulations as well as personal safety and emergency response equipment and procedures. (See item 10, page 7).

A description of employee training is labeled as Attachment _____

APPLICATION FORM FOR A USED OIL PROCESSING PERMIT

PART II - CERTIFICATION

TO BE COMPLETED BY ALL APPLICANTS

Form 62-710.901(a). Operator Certification

CLIFF BERRY, INC. -

Facility Name: PORT EVERGLADES FACILITY EPA ID# FLR 000 083 071

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment or knowing violations. Further, I agree to comply with the provisions of Chapter 403, Florida Statutes, Chapters 62-701 and 62-710, F.A.C., and all rules and regulations of the Department of Environmental Protection

Signature of the Operator or Authorized Representative*

X *CLIFF BERRY, II*

CLIFF BERRY, II, PRESIDENT
Name and Title (Please type or print)

Date: 2/7/07 Telephone: (954) 763-3390

* If authorized representative, attach letter of authorization.

DEP Form#	62-710.901(6)(b)
Form Title	Used Oil Processing Facility Permit Application
Effective Date	June 9, 2005

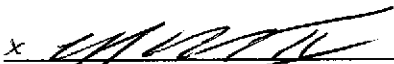
APPLICATION FROM FOR A USED OIL PROCESSING PERMIT

PART II - CERTIFICATION

Form 62-710.901(b). Facility Owner Certification

CLIFF BERRY, INC -
Facility Name: PORT EVERGLADES FACILITY EPA ID# FLR-000 083071

This is to certify that I understand this application is submitted for the purpose of obtaining a permit to construct, or operate a used oil processing facility. As the facility owner, I understand fully that the facility operator and I are jointly responsible for compliance with the provisions of Chapter 403, Florida Statutes, Chapters 62-701 and 62-710, F.A.C. and all rules and regulations of the Department of Environmental Protection.

X 
Signature of the Facility Owner or Authorized Representative*

CLIFF BERRY, INC, PRESIDENT
Name and Title (Please type or print)

Date: 2/7/07 Telephone: (954) 763-3390

* If authorized representative, attach letter of authorization.

APPLICATION FROM FOR A USED OIL PROCESSING PERMIT

PART II - CERTIFICATION

Form 62-710.901(c) Land Owner Certification

Facility Name: CLIFF BERRY INC -
PORT EVERGLADES FACILITY EPA ID# FLR 000 083 071

This is to certify that I, as land owner, understand that this application is submitted for the purpose of obtaining a permit to construct, or operate a used oil processing facility on the property as described.

[Signature]
Signature of the Land Owner or Authorized Representative*

CLIFF BERRY, JR., PRESIDENT
Name and Title (Please type or print)

Date: 2/7/07 Telephone: (954) 763-3390

* If authorized representative, attach letter of authorization.

DEP Form#	62-710.901(6)(d)
Form Title	Used Oil Processing Facility Permit Application
Effective Date	June 9, 2005

APPLICATION FORM FOR A USED OIL PROCESSING PERMIT

PART II - CERTIFICATION

Form 62-710.901(d) P. E. Certification [Complete when required by Chapter 471, F.S. and Rules 62 -4.050, 62-761, 62-762, 62-701 and 62-710, F.A.C.]

Use this form to certify to the Department of Environmental Protection for:

1. Certification of secondary containment adequacy (capacity), structural integrity (structural strength), and underground process piping for storage tanks, process tanks, and container storage.
2. Certification of leak detection.
3. Substantial construction modifications.
4. Those elements of a closure plan requiring the expertise of an engineer.
5. Tank design for new or additional tanks.
6. Recertification of above items.

Please Print or Type

_____ Initial Certification X _____ Recertification

1. DEP Facility ID Number: 9808092
2. Tank Numbers: (SEE TABLE No. 1 IN SPCC PLAN)
3. Facility Name: CLIFF BERRY, INC. - ART EVERGLADES FACILITY
4. Facility Address: 3400 S.E. 9TH AVE DANIA BEACH, FLORIDA 33316

This is to certify that the engineering features of this used oil processing facility have been designed/examined by me and found to conform to engineering principles applicable to such facilities. In my professional judgment, this facility, when properly constructed, maintained and operated, or closed, will comply with all applicable statutes of the State of Florida and rules of the Department of Environmental Protection.

X NEEL B. JANSV 2/20/07
Signature
NEEL B. JANSV, P.E., DCES
Name (please type)

Florida Registration Number: 21998

Mailing Address: 2295 N.W. CORPORATE BLVD #125, EXECUTIVE COURT 1
Street or P. O. Box
BOCA RATON, FLORIDA 33431

Date: 2/17/07 City State Zip Zip
Telephone (561) 564-9774
(561) 750-3717

[PLEASE AFFIX SEAL]

Amended Lease Agreement

On this 13th day of November 2003, the following Lease Agreement is hereby amended to extend the term by three years to now terminate on December 31, 2009 and increase the rental payments annually by the Consumer Price Index beginning January 1, 2007 (amendments are indicated in bold face type below).

The Cliff Berry Family Limited Partnership, a Florida corporation, hereinafter referred to as "Landlord" and Cliff Berry, Inc., a Florida corporation, hereinafter referred to as "Tenant" hereby enter into this real property lease agreement as follows:

1. Landlord is the owner of commercial property located at 3400 S.W. 9th Avenue, Fort Lauderdale, Florida 33316, and hereby agrees to lease said property including all improvements thereon to Tenant to enable Tenant to perform its business as an environmental services company.
2. The term of this lease shall be five (5) years (amended to eight (8) years) commencing on January 1, 2002 and terminating at midnight December 31, 2006 (amended to December 31, 2009). Upon termination of the initial five-year lease term, this lease shall automatically renew for consecutive one-year periods unless either party provides written notice to the other of intent not to renew ninety (90) days prior to the end of any lease period. Irrespective of the foregoing, at any time during the initial lease period, including any renewal periods, either party shall have the right to terminate this lease by giving the other party ninety (90) days prior written notice of termination.
3. Tenant agrees to pay Landlord monthly rent in the sum of Eight Thousand Dollars (\$8,000.00), plus any and all sales taxes, on the first day of each month during the term of this lease commencing on January 1, 2002 to the address indicated below. **Beginning January 1, 2007 and on each anniversary thereafter, the monthly rent payment shall increase by the same percentage as the increase in the Consumer Price Index for the immediate preceding year.** A \$40.00 late fee shall be added to any payment that is not received by Landlord within ten (10) days of its due date plus interest on past due amounts calculated at eighteen percent (18%) per annum from the first day of any month that is unpaid.
4. Tenant agrees to pay all utilities including electricity, water, garbage and sewer and all property taxes.
5. Tenant shall provide its own property and casualty insurance. Tenant shall also provide general liability insurance in the amount of one million dollars (\$1,000,000.00) naming Landlord as a co-insured party.
6. Tenant shall be responsible for any and all pollution claims due to Tenants use of the property and improvements.

7. Notices to the Landlord and monthly rent payments shall be sent to:

The Cliff Berry Family Limited Partnership
C/O CB Six, Inc. - General Partner
851 Eller Drive
Fort Lauderdale, FL 33316
Attention: Clifford L. Berry, President

Notices to the Tenant shall be sent to:

Cliff Berry, Inc.
851 Eller Drive
Fort Lauderdale, FL 33316
Attention: Larry Doyle, Executive Vice President

8. Upon termination, Tenant shall return the property and improvements to Landlord in the same or comparable condition as at the inception of this Lease Agreement, ordinary wear and tear expected.

On Behalf of the Landlord:

**CB Six, Inc. as General Partner for
The Cliff Berry Family Limited Partnership**

By: _____

Clifford L. Berry

On Behalf of the Tenant:

Cliff Berry, Inc.

By: _____

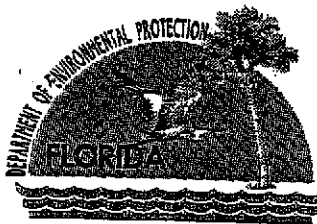
Larry Doyle, Executive Vice President

RECEIVED

FEB 22 2007

DEPT of ENV PROTECTION
WEST PALM BEACH

ATTACHMENT NO. 3



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

July 31, 2006

Cliff Berry, II
Cliff Berry, Inc.
Post Office Box 13079
Ft. Lauderdale, FL 33316

BE IT KNOWN THAT

Cliff Berry, Inc.
3400 SE 9th Ave
Dania Beach, FL 33316

IS HEREBY REGISTERED AS A USED OIL

Transporter, Filter Transporter

Pursuant to Chapter 62-710, Florida Administrative Code (F.A.C.)
The Department of Environmental Protection hereby issues
Registration Number **FLR000083071** on July 31, 2006

This registration will expire on 06/30/2007

This certificate documents receipt of your annual registration and annual report. It shall be displayed in a prominent place at your facility. This certificate and your cancelled check are your receipts.

Richard C. Neves
Environmental Specialist
Hazardous Waste Management

"More Protection, Less Process"

Printed on recycled paper.



Department of Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

04/12/2006

William Parkes, Manager Reg Affairs
Cliff Berry Inc - Port Everglades Facility
PO Box 13079
Fort Lauderdale, FL 33316-0100

DEP/EPA ID: **FLR000083071**
LOCATION: **3400 Se 9th Ave , Dania Beach.**

Based on information supplied by you, we have processed and accepted your request for the facility identified with the above DEP/EPA identification number. The status of your facility remains:

HW Transporter Non-handler Used Oil Handler

Please notify us in writing if there is any change in your operations which would affect your status. For further assistance, please call the Hazardous Waste Notification Coordinator at (850)245-8707.

Sincerely,

Michael X. Redig
Environmental Manager
Hazardous Waste Regulation Section

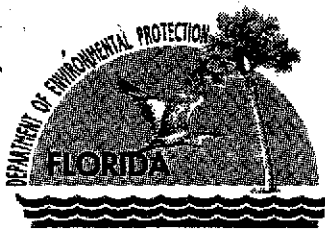
ME ID: 57109

0000000000

RECEIVED: 04/12/2006 10:00 AM. FAX: 904-245-8707. DEPT. OF ENVIRONMENTAL PROTECTION, 2600 BLAIR STONE RD., TALLAHASSEE, FL 32399-2400. WWW.FLORIDADEP.COM

"More Protection, Less Process"

Printed on recycled paper.



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

PERMITTEE:

Cliff Berry, Incorporated
P.O. Box 13079
Port Everglades Station
Fort Lauderdale, Florida 33316

Attention:
Mr. William E. Parkes
Regulatory Affairs Manager

I.D. Number: FLR 000 083 071
Permit Number: 192423-HO-002
Date of Issue: *August 16, 2006*
Expiration Date: April 22, 2007
County: Broward County
Lat/Long: 26° 05' 00" N/80° 07' 57.6" W

Project: Used Oil Processing Facility

This permit is issued under the provisions of Section 403.769 of Florida Statutes (F.S.), Chapters 62-4, 62-701, 62-710 and 62-730 of Florida Administrative Code (F.A.C.), and 40 Code of Federal Regulations (CFR) Part 279. 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 hereto and specifically described as follows:

TO OPERATE: A Used Oil Processing Facility hereafter referred to as the "Facility". The Used Oil Processing Facility is located in Broward County at 3400 S.E. 9th Avenue, Dania Beach, Florida 33316. A diagram of the site layout is included as Attachment A.

The facility is authorized to process used oil, oily wastewater, petroleum contact water, and used oil filters under this permit.

The facility consists of 2 (two) 24,500 gallon tanks, 3 (three) 30,000 gallon tanks, 1 (one) 15,500 gallon tank, 1 (one) 593,570 gallon tank and 1 (one) 17,700 gallon tank. All tanks are located within the secondary containment unit as shown on drawing Sheet 1, Permit Application dated May 8, 2006. The area of the tank farm is 13,640 square feet.

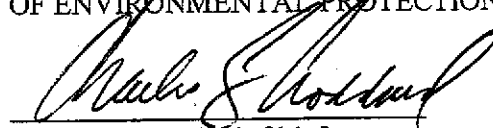
The Facility is located on an approximately 8.1197-acre parcel of land leased from the Cliff Berry Family Limited Partnership (Landlord). The Permittee will process and market used oil in accordance with the permit application.

The following documents were used in preparation of this permit:

1. Used Oil Processing Facility Permit Application dated October 29, 2001.
2. Additional information dated January 30, 2002 and March 4, 2002.
3. Permit Modifications application dated May 8, 2006.

Note: There are no other changes to the text of the permit.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Charles F. Goddard, Chief
Bureau of Solid and Hazardous Waste

FILING AND ACKNOWLEDGMENT

Filed on this date, pursuant to Section 120.52, Florida Statutes, with the designated Clerk, receipt of which is acknowledged.

Kim Shurby
CLERK

8-16-06
DATE

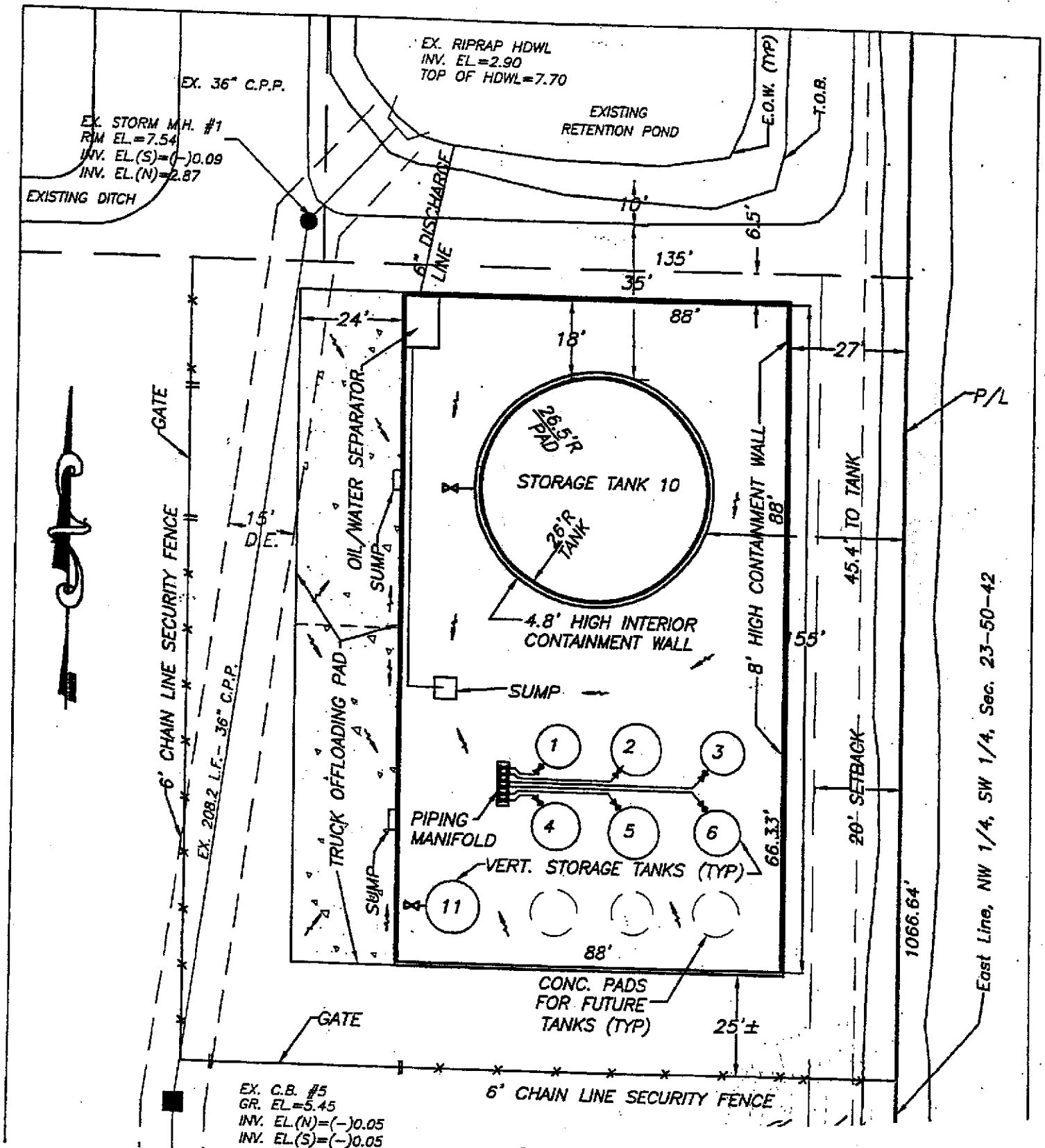
This is to certify that this Notice of Permit was mailed before the close of business on

August 16, 2006

Cliff Berry, Incorporated
P.O. Box 13079
Port Everglades Station
Fort Lauderdale, Florida 33316

I.D. Number: FLR 000 083 071
Permit Number: 192423-HO-002
Date of Expiration: April 22, 2007

Attachment B - Tank Layout



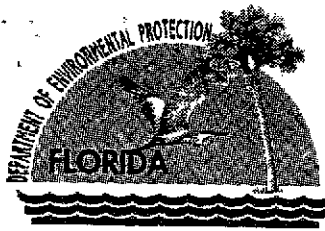
Cliff Berry, Incorporated
P.O. Box 13079
Port Everglades Station
Fort Lauderdale, Florida 33316

L.D. Number: FLR 000 083 071
Permit Number: 192423-HO-002
Date of Expiration: April 22, 2007

Attachment C - Tank Table

Vertical Tanks

Tank #	Date Installed	Size (Gallons)	Material of Construction	Products
1	12/05	24,500	Steel	Used Oil/Water
2	12/05	24,500	Steel	Used Oil/Water
3	12/05	30,000	Steel	Used Oil/Water
4	12/05	15,500	Steel	Used Oil/Water
5	12/05	30,000	Steel	Used Oil/Water
6	12/05	30,000	Steel	Used Oil/Water
10	12/05	593,570	Steel	Diesel Fuel
11	12/05	17,700	Steel	Diesel Fuel



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

August 11, 2006

CERTIFIED - RETURN RECEIPT
7000 0600 0026 4130 8791

Mr. William E. Parkes, Jr.
Regulatory Affairs Manager
Cliff Berry, Incorporated
P.O. Box 13079
Port Everglades Station
Fort Lauderdale, Florida 33316

SUBJECT: Cliff Berry, Incorporated
Facility Permit Modification
EPA I.D. Number: FLR 000 083 071
Permit Number: 192423-HO-002
Broward County

Dear Mr. Parkes:

Enclosed is Permit Modification Number 192423-HO-002 issued to Cliff Berry, Inc. pursuant to Section 403.815, Florida Statutes (F.S.), and Chapter 62-4, and Chapter 62-710, Florida Administrative Code (F.A.C.).

This permit is final and effective on the date filed with the Clerk of the Department. When the permit is final, any party to the permit has the right to seek judicial review of the permit pursuant to Section 120.68, F.S., by the filing of a Notice to Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS #35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by applicable filing fees with the appropriate District Court of Appeal.

"More Protection, Less Process"

Printed on recycled paper.

Mr. William E. Parkes, Jr.
August 11, 2006
Page Two

The notice of Appeal must be filed within thirty (30) days from the date the final permit is issued. If you have any questions, please contact Rabin Prusty at (850) 245-8780.

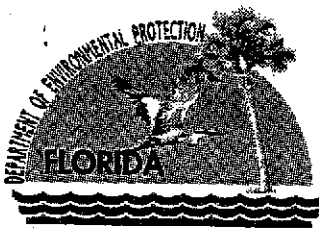
Sincerely,



Tim J. Bahr, Administrator
Hazardous Waste Regulation

TJB/rp
Enclosure

cc: Karen Kantor, DEP/West Palm Beach
Mayor, City of Port Everglades
Chair, Broward County Board of Commissioners
Don Palmer, U. S. Fish and Wildlife Services
Mary Ann Poole, Florida Fish and Wildlife Conservation Commission
Raoul Clarke, DEP/Tallahassee
Fred Wick, DEP/Tallahassee



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

PERMITTEE:

Cliff Berry, Incorporated
P.O. Box 13079
Port Everglades Station
Fort Lauderdale, Florida 33316

I.D. Number: FLR 000 083 071
Permit Number: 192423-HO-06-001
Date of Issue: April 22, 2002
Date of Expiration: April 22, 2007
County: Broward County
Lat./Long: 26°05'00"N / 80°07'57.6"W
Sect/Town/Range: 23 / 50S / 42E
Project: Used Oil Processing Facility

Attention: Mr. William E. Parkes, Regulatory Affairs Manager

This permit is issued under the provisions of Section 403.769, Florida Statutes (F.S.), and Florida Administrative Code Chapters (F.A.C.) 62-4, 62-701, 62-710, and 40 CFR Part 279. 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 hereinafter referred to as the "Facility". The Used Oil Processing Facility is located in Broward County at 3400 S.E. 9th Avenue, Dania Beach, Florida 33316. A diagram of the site layout is included as **Attachment A**.

The facility is authorized to process used oil, oily wastewater, petroleum contact water, and used oil filters under this permit.

The Facility consists of nine (9) tanks ranging from 10,000 gallons to 18,600 gallons and one (1) 630,000 gallon tank. All tanks are located within the secondary containment unit as shown on the drawing labeled "Containment Area Details". The area of the tank farm is 13,640 square feet.

The Facility is located on an approximately 8.1197-acre parcel of land owned by Cliff Berry, Incorporated. This is a new facility. The Permittee will process and market used oil in accordance with the permit application.

PERMIT HISTORY:

1. Used Oil Processing Facility Permit Application dated October 29, 2001.
2. Additional information dated January 30, 2002 in response to first Notice of Deficiency dated January 3, 2002.
3. Additional information dated March 4, 2002.

"More Protection, Less Process"

Printed on recycled paper.

Cliff Berry, Incorporated
P.O. Box 13079
Port Everglades Station
Fort Lauderdale, Florida 33316

I.D. Number: FLR 000 083 071
Permit Number: 192423-HO-06-001
Date of Issue: April 22, 2002
Date of Expiration: April 22, 2007

GENERAL CONDITIONS (PURSUANT TO CHAPTER 62-4, F.A.C.):

1. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The Permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
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. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor infringement of federal, state or local laws or regulations. This permit is not 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 interest has 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 life or property caused by the construction or operation of this permitted source, or from penalties therefore; 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 properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the Permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when 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 and at reasonable times, access to the premises where the permitted activity is located or conducted to:
 - (a) Have access to and copy any records that must be kept under conditions of the permit;
 - (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and

Cliff Berry, Incorporated
P.O. Box 13079
Port Everglades Station
Fort Lauderdale, Florida 33316

I.D. Number: FLR 000 083 071
Permit Number: 192423-HO-06-001
Date of Issue: April 22, 2002
Date of Expiration: April 22, 2007

- (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or with Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the Permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the Permittee shall immediately provide the Department with the following information:
 - (a) A description of and cause of non-compliance; and
 - (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. 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 involving the permitted source arising under the Florida Statutes or Department rules, except where such use is proscribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
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. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-303.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.
11. This permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-710.800, F.A.C., as applicable. The Permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department.
12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. This permit also constitutes:
 - (a.) Determination of Best Available Control Technology (BACT);
 - (b.) Determination of Prevention of Significant Deterioration (PSD);
 - (c.) Certification of compliance with state Water Quality Standards (Section 401, PL 92-500); and

Cliff Berry, Incorporated
P.O. Box 13079
Port Everglades Station
Fort Lauderdale, Florida 33316

I.D. Number: FLR 000 083 071
Permit Number: 192423-HO-06-001
Date of Issue: April 22, 2002
Date of Expiration: April 22, 2007

(d.) Compliance with New Source Performance Standards.

14. The Permittee shall comply with the following:

- (a) Upon request, the Permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
- (b) The Permittee shall hold 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) required by this permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained 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:
 - 1. The date, exact places, and time of sampling or measurements;
 - 2. The person responsible for performing the sampling or measurements;
 - 3. The date(s) analyses were performed;
 - 4. The person responsible for performing the analyses;
 - 5. The analytical techniques or methods used;
 - 6. The results of such analyses.

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

16. In the case of an underground injection control permit, the following permit conditions also shall apply:

- (a.) All reports or information required by the Department shall be certified as being true, accurate and complete.
- (b.) Reports of compliance or noncompliance with, or any progress reports on, requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

Cliff Berry, Incorporated
P.O. Box 13079
Port Everglades Station
Fort Lauderdale, Florida 33316

I.D. Number: FLR 000 083 071
Permit Number: 192423-HO-06-001
Date of Issue: April 22, 2002
Date of Expiration: April 22, 2007

- (c.) Notification of any noncompliance which may endanger health or the environment shall be reported verbally to the Department within 24 hours and again within 72 hours, and a final written report provided within two weeks.
 - 1 The verbal reports shall contain any monitoring or other information which indicate that any contaminant may endanger an underground source of drinking water and any noncompliance with a permit condition or malfunction of the injection system which may cause fluid migration into or between underground sources of drinking water.
 - 2 The written submission shall contain a description of and a discussion of the cause of the noncompliance and, if it has not been corrected, the anticipated time the noncompliance is expected to continue, the steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance and all information required by Rule 62-528.230(4)(b), F.A.C.
 - (d.) The Department shall be notified at least 180 days before conversion or abandonment of an injection well, unless abandonment within a lesser period of time is necessary to protect waters of the state.
17. The following conditions also shall apply to a hazardous waste facility permit.
- (a.) The following reports shall be submitted to the Department:
 - 1 Manifest discrepancy report. If a significant discrepancy in a manifest is discovered, the Permittee shall attempt to rectify the discrepancy. If not resolved within 15 days after the waste is received, the Permittee shall immediately submit a letter report, including a copy of the manifest, to the Department.
 - 2 Unmanifested waste report. The Permittee shall submit an unmanifested waste report to the Department within 15 days of receipt of unmanifested waste.
 - 3 Biennial report. A biennial report covering facility activities during the previous calendar year shall be submitted by March 1 of each even numbered year pursuant to Chapter 62-730, F.A.C.
 - (b.) Notification of any noncompliance which may endanger health or the environment, including the release of any hazardous waste that may endanger public drinking water supplies or the occurrence of a fire or explosion from the facility which could threaten the environment or human health outside the facility, shall be reported verbally to the Department within 24 hours, and a written report shall be provided within 5 days. The verbal report shall include the name, address, I.D. number, and telephone number of the facility, its owner or operator, the name and quantity of materials involved, the extent of any injuries, an assessment of actual or potential hazards, and the estimated quantity and disposition of recovered material. The written submission shall contain:

Cliff Berry, Incorporated
P.O. Box 13079
Port Everglades Station
Fort Lauderdale, Florida 33316

I.D. Number: FLR 000 083 071
Permit Number: 192423-HO-06-001
Date of Issue: April 22, 2002
Date of Expiration: April 22, 2007

- 1 A description and cause of the noncompliance.
 - 2 If not corrected, the expected time of correction, and the steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.
- (c.) Reports of compliance or noncompliance with, or any progress reports on, requirements in any compliance schedule shall be submitted no later than 14 days after each schedule date.
- (d.) All reports or information required by the Department by a hazardous waste Permittee shall be signed by a person authorized to sign a permit application.
- (e.) Unless expressly provided otherwise, references in this permit to specific Chapters or Rules of the Florida Administrative Code (F.A.C.) and specific parts or sections of 40 Code of Federal Regulations (CFR) shall be construed to include the caveat, "as the Chapter, Rule, part or section may be amended or renumbered from time to time."

SPECIFIC CONDITIONS:

PART I – STANDARD REQUIREMENTS:

1. Rules
 - (a) The facility shall comply with all applicable portions of 40 CFR Part 279 and Chapter 62-710, Florida Administrative Code, (F.A.C.).
 - (b) This facility shall be constructed and operated in accordance with all applicable requirements of Chapters 62-4, 62-330, 62-520, 62-522, 62-550, 62-701, 62-710, 62-713 and 62-770, F.A.C., and all other applicable requirements of Department Rules.
 - (c) By acceptance of this Permit, the Permittee certifies that he has read and understands the obligations imposed by the Specific and General Conditions contained herein, including the date of permit expiration and renewal deadlines. It is a violation of this permit to fail to comply with all conditions and deadlines.
 - (d) Nothing contained in General Condition 10 shall be deemed to waive any right Permittee has under Florida Statutes or Department rules to oppose application of any such changes to the facility if Permittee is otherwise legally entitled to do so.
2. Submittals in response to any conditions in this permit shall be submitted as follows:
 - (a) Two (2) copies shall be submitted to:

Department of Environmental Protection
Bureau of Solid and Hazardous Waste

Cliff Berry, Incorporated
P.O. Box 13079
Port Everglades Station
Fort Lauderdale, Florida 33316

I.D. Number: FLR 000 083 071
Permit Number: 192423-HO-06-001
Date of Issue: April 22, 2002
Date of Expiration: April 22, 2007

Hazardous Waste Regulation Section
Attn: Environmental Administrator – MS 4560
2600 Blair Stone Road
Tallahassee, Florida 32399 - 2400

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

Department of Environmental Protection
Southeast District Office
Hazardous Waste Section
Attn: Hazardous Waste Program Administrator
400 North Congress Avenue
West Palm Beach, Florida 33401

3. The Permittee shall display the validated registration form and identification number in a prominent place at the facility in accordance with Rule 62-710.500(4), F.A.C.
4. 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 62-710.510, F.A.C., Record Keeping: The records described in this paragraph shall include:
 - (a) The EPA identification number, name, and address of the processor/ re-refiner;
 - (b) The calendar year covered by the report; and
 - (c) The quantities of used oil accepted for processing/re-refining and the manner in which the used oil is processed/re-refined, including the specific processes employed.
5. The Permittee shall operate, modify, or close the facility only pursuant to a permit issued by the Department in accordance with Chapter 62-710 F.A.C.
6. Before closing or making any substantial modifications to the Facility, the Permittee shall submit to the Department the Used Oil Processing Facility Permit Modification Request, pursuant to Rules 62-710.800(6) and 62-4.050(6) and (7), F.A.C.
 - (a) Pursuant to Rules 62-710.800(6) and 62-4.050(6) and (7), F.A.C., a substantial modification means a modification that is reasonably expected to lead to substantially different environmental impacts that requires 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) 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

Cliff Berry, Incorporated
P.O. Box 13079
Port Everglades Station
Fort Lauderdale, Florida 33316

I.D. Number: FLR 000 083 071
Permit Number: 192423-HO-06-001
Date of Issue: April 22, 2002
Date of Expiration: April 22, 2007

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.
7. 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.
8. All documents submitted pursuant to the conditions of this permit shall be accompanied by a cover letter stating: the name and date of the document submitted; the EPA I.D. number of the facility; the number(s) of the Specific Condition(s) affected; the permit number and project name of the permit involved.
9. All request for permit modifications shall be certified by the owner and operator and signed, sealed, and certified by a Professional Engineer registered in the State of Florida, in accordance with 471, F.S. All submittals incorporating interpretation of geological data shall be signed and sealed by a Professional Geologist registered in the State of Florida in accordance with 492, F.S.
10. The Department may revoke this permit in accordance with 403.087(7), F.S., or may modify this permit in accordance with Rule 62-4.080, F.A.C. The filing of a request for a permit modification or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.
11. The Permittee shall submit any substantial revisions in the permitted operation or design of this facility to the Department for approval prior to implementation. A copy of the cover letter accompanying the substantial revision and the fee shall be sent to:
- Florida Department of Environmental Protection
Post Office Box 3070
Tallahassee, Florida 32315 -3070
12. The Permittee shall apply for permit renewal at least 60 days before the expiration date of this permit, in accordance with the requirements of Rule 62-4.090, FAC. A copy of the cover letter accompanying the renewal and the fee shall be sent to:

Cliff Berry, Incorporated
P.O. Box 13079
Port Everglades Station
Fort Lauderdale, Florida 33316

I.D. Number: FLR 000 083 071
Permit Number: 192423-HO-06-001
Date of Issue: April 22, 2002
Date of Expiration: April 22, 2007

Florida Department of Environmental Protection
Post Office Box 3070
Tallahassee, Florida 32315 -3070

13. The Permittee shall submit a revised "Part I" of the Application Form for a Used Oil Processing Facility Permit to the Department within 30 days of any changes in the information stated in Part I.
14. The Department may modify the conditions of this permit in accordance with Rule 62-4.080, F.A.C.
15. This permit is transferable only upon Department approval in accordance with Rule 62-4.120, F.A.C. The Permittee shall be liable for any noncompliance with the permitted activity until the transfer is approved by the Department.
16. 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.
17. The Permittee shall maintain documentation of any shipment of used oil that is refused due to failure to meet pre-screening requirements set forth in Attachment D, Attachment 4 of the permit application.
18. The Permittee may claim confidential any information required to be submitted by this permit in accordance with Section 403.111 and 403.73, F.S.
19. The conditions in this permit shall take precedence over the permit application documents where there are differences between these documents and the permit conditions.

PART II – USED OIL PROCESSING REQUIREMENTS:

1. Pursuant to 40 CFR 279.56 (Tracking) and Rule 62-710.510(1), F.A.C., the Permittee must comply with the following tracking requirements: Cliff Berry, Incorporated 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.
 - (a) Acceptance: Used oil processors/re-refiners must keep a record of each used oil shipment accepted for processing/re-refining. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:
 1. The name, address and EPA identification number (if applicable) of the transporter who delivered the used oil to the processor/re-refiner, oil-burner or disposal facility;

Cliff Berry, Incorporated
P.O. Box 13079
Port Everglades Station
Fort Lauderdale, Florida 33316

I.D. Number: FLR 000 083 071
Permit Number: 192423-HO-06-001
Date of Issue: April 22, 2002
Date of Expiration: April 22, 2007

2. The name, address and EPA identification number (if applicable) of the generator or processor/re-refinery from whom the used oil was received for processing/re-refining;
 3. The quantities of each type of used oil accepted and date of acceptance.
 4. Waste stream approval number and the off load tank number.
- (b) Delivery: Used oil processor/re-refiners must keep a record of each shipment of used oil that is shipped to a used oil burner, processor/re-refiner, or disposal facility. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:
1. The name, address and EPA identification number (if applicable) of the transporter delivering the used oil to the receiving facility;
 2. The name, address and EPA identification number (if applicable) of the oil-burner, processor/re-refinery or disposal facility receiving the shipment;
 3. The quantities of used oil shipped and date of shipment.
 4. The laboratory analytical number.
- (c) Record retention: The records described in paragraph (a) and (b) of this section must be maintained for at least three years. The records shall be kept at the permitted facility and shall be available for inspection by the Department during normal business hours.
2. Pursuant to 40 CFR 279.57, the Permittee must keep a written operating record at the Facility and maintained until closure of the Facility, which includes the following information:
 - (a) Records and results of used oil analyses performed as described in the analysis plan required under 40 CFR 279.55.
 - (b) Summary reports and details of all incidents that require implementation of the contingency plan as specified in 40 CFR 279.52(b).
 3. The Permittee shall maintain as part of the operating record of the Facility the inspection records and release detection monitoring records required in Rule 62-761.710, F.A.C., for aboveground storage tanks, integral piping, and process tanks.
 4. The Permittee shall maintain and operate the facility to minimize the possibility of fire, explosion, or any unplanned sudden or non-sudden release of used oil, sludges, residues or constituents to air, soil, or surface water which could threaten human health or the environment, in accordance with 40 CFR 279.52(1).

Cliff Berry, Incorporated
P.O. Box 13079
Port Everglades Station
Fort Lauderdale, Florida 33316

I.D. Number: FLR 000 083 071
Permit Number: 192423-HO-06-001
Date of Issue: April 22, 2002
Date of Expiration: April 22, 2007

5. Pursuant to Rule 62-710.800(3), F.A.C., aboveground storage and process tanks having a capacity greater than 550 gallons, and all integral piping shall comply with the performance standards for new tanks of Rule 62-761.500, F.A.C., for existing shop fabricated/field erected tanks of Rule 62-761.510, F.A.C. Repairs to aboveground storage and process tanks shall meet the criteria of Rule 62-761.700, F.A.C.
6. The Permittee shall prevent the release of used oil, oily waste or oily wastewater to the environment. The secondary containment system shall be maintained in accordance with the permit application and shall comply with the requirements of 40 CFR 279.54, including the requirements set forth below:
 - (a) All new components shall have secondary containment as required by parts (b) and (c) of this condition prior to being put into service.
 - (b) The secondary containment system shall meet the requirements of 40 CFR 279.54 and shall be:
 1. Designed, installed and operated to prevent any migration of wastes or accumulated liquid to the soil, groundwater or surface waters.
 2. Capable of detecting and collecting releases and run-on until the collected material is removed.
 3. Constructed of or lined with materials compatible with the waste to be stored and have sufficient strength to sustain the stresses induced by a failure of the primary containment system as well as other stresses that may be induced by the environment.
 4. Placed on a foundation or base capable of providing support to the secondary containment system.
 5. Provided with leak detection system designed and operated to detect failure of either the primary or secondary containment structures or the presence of any release within 24 hours.
 6. Sloped or otherwise designed and operated to drain or remove liquids resulting from leaks, spills, or precipitation.
 7. Designed and operated, to contain 110% of the capacity of the largest tank within its boundary.
 - (c) Ancillary equipment shall be provided with secondary containment.

Cliff Berry, Incorporated
P.O. Box 13079
Port Everglades Station
Fort Lauderdale, Florida 33316

I.D. Number: FLR 000 083 071
Permit Number: 192423-HO-06-001
Date of Issue: April 22, 2002
Date of Expiration: April 22, 2007

PART III -- TANKS:

"Tank system", for the purpose of Part III of this permit, is defined as the storage tank(s), appurtenant equipment and secondary containment structures comprising the Permittee's used oil processing facility.

1. The Permittee shall label or mark all above ground tanks and containers used to store or process used oil, with the words "Used Oil". [40 CFR 279.54(f)]
2. The Permittee shall inspect all regulated tank systems in accordance with procedures presented in the permit application.
3. The inspection records and release detection monitoring required in Rule 62-761.600, F.A.C., for above ground process and storage tanks shall be maintained in the Permittee's operating record.
4. Above ground storage and process tanks having a capacity greater than 550 gallons shall comply with the performance standards of Rules 62-761.500 and 62-761.510, F.A.C.
5. The Permittee shall prevent the release of used oil or other pollutants to the environment. The secondary containment shall be sealed, free of cracks and maintained in accordance with Rule 62-761.500(1)(e), F.A.C.
6. The Permittee shall provide and maintain adequate secondary containment that shall be impervious to the types of pollutant stored in the tanks and contain at least 110 percent of the volume of the largest tank in accordance with Rule 62-761.500, F.A.C.
7. Spilled or leaked waste must be removed from the secondary containment areas within three (3) days of the incident [Rule 62-761.820(1)(d), F.A.C.]. Accumulated precipitation must be removed from the secondary containment areas within one week after a rainfall event [Rule 62-761.700(3)(a), F.A.C.]. The above materials shall be managed in accordance with Attachment E Item 3G of the permit application.
8. The Permittee shall submit the proposed or constructed new tanks as built drawings within 30 days of completion of construction. Each drawing shall be certified by a Professional Engineer registered in Florida.

PART IV -- PREPAREDNESS & PREVENTION / CONTINGENCY PLAN REQUIREMENTS:

1. The Permittee must comply with General Facility Standards pursuant to 40 CFR 279.52 and Rule 62-710.800(1), F.A.C., as follows:
 - (a) Maintenance and operation of the facility: The facility must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or

Cliff Berry, Incorporated
P.O. Box 13079
Port Everglades Station
Fort Lauderdale, Florida 33316

I.D. Number: FLR 000 083 071
Permit Number: 192423-HO-06-001
Date of Issue: April 22, 2002
Date of Expiration: April 22, 2007

non-sudden release of used oil to air, soil, or surface water which could threaten human health or the environment.

(b) Required equipment: The facility must be equipped with the following:

1. An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;
2. 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;
3. 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, as depicted in "Spill Prevention Control and Countermeasure Plan", Attachment E, and;
4. Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.

(c) 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.

(d) Access to communications or alarm systems: 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. If there is ever just one employee on the premises while the facility is operating, the employee must have immediate access to a device capable of summoning external emergency assistance.

(e) 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 operational area of the facility in an emergency.

(f) Arrangements with local authorities: Arrangements are required to familiarize police, fire departments, local hospitals, 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.

2. The Permittee shall comply with the following conditions concerning the Spill Prevention Control and Countermeasure Plan:

Cliff Berry, Incorporated
P.O. Box 13079
Port Everglades Station
Fort Lauderdale, Florida 33316

I.D. Number: FLR 000 083 071
Permit Number: 192423-HO-06-001
Date of Issue: April 22, 2002
Date of Expiration: April 22, 2007

- (a) The Permittee shall immediately carry out the provisions of the "Contingency Plan", Attachment E, of the permit application, and follow the emergency procedures described by 40 CFR 279.52 (b) (6), whenever there is a fire, explosion, or release of used oil, oily waste or oily wastewater which threatens or could threaten human health or the environment. The Permittee shall give proper notification if an emergency situation arises, and within 15 days must submit to the Department a written report which includes all the information required in 40 CFR 279.52 (b) (6).
 - (b) Within seven days of meeting any criteria listed in 40 CFR 279.52 (b) (4), the Permittee shall amend the plan and submit the amended plan for Department approval. Any other changes to the plan must be submitted to the Department within seven days of the change in the plan. All amended plans must be distributed to the appropriate agencies.
 - (c) When the contingency plan is implemented, the Permittee shall call the Department of Environmental Protection's 24-hour emergency telephone number which is (850) 413-9911 or (800)320-0519 or, during normal business hours, the DEP Southeast District Office may be contacted at (561)681-6600.
3. The Permittee shall maintain reports of all releases that are reportable quantities as required by 40 CFR 302, as part of the facility's on-site operating. The reports shall include amount and time of release, details of corrective actions taken, and the time of the corrective actions.

PART V – TRAINING:

1. Facility personnel must successfully complete the approved training program identified in the Training Plan (Attachment G) of the permit application. Personnel shall not work unsupervised until training has been completed.
2. The training plan must be reviewed by facility personnel at least annually. Verification of this training must be kept with the personnel training records and maintained on-site.
3. The Permittee shall maintain an updated list of personnel handling used oil and their respective job titles at the site.

PART VI – CLOSURE REQUIREMENTS:

1. The Closure Plan:
 - (a) The Permittee shall maintain an adequate written closure plan and it must demonstrate how the Facility will be closed in order to meet the following requirements that:
 1. There will be no need for further facility maintenance;

Cliff Berry, Incorporated
P.O. Box 13079
Port Everglades Station
Fort Lauderdale, Florida 33316

I.D. Number: FLR 000 083 071
Permit Number: 192423-HO-06-001
Date of Issue: April 22, 2002
Date of Expiration: April 22, 2007

2. Used oil will not contaminate soil, surface water or groundwater;
3. All tanks, piping, secondary containment & ancillary equipment will be emptied, cleaned and decontaminated, and all materials removed and managed; and
4. Aboveground storage tanks and process tanks and all integral piping will be closed pursuant to Rule 62-761.800, F.A.C.
5. In addition, pursuant to closure requirements of 40 CFR 279.54(h), Permittees who store or process used oil in above ground 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 in 40 CFR 279.54(h), 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.
- (b) The closure plan, as described in Attachment F, "Closure Plan" of the application, 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 that demonstrates that the facility was closed in substantial compliance with the detailed closure plan.
2. Containers: Pursuant to closure requirements of 40 CFR 279.54(h), Permittees who store used oil in containers must comply with the following requirements:
 - (a) At closure, containers holding used oils or residues of used oil must be removed from the site;
 - (b) The Permittee must remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures or equipment

Cliff Berry, Incorporated
P.O. Box 13079
Port Everglades Station
Fort Lauderdale, Florida 33316

I.D. Number: FLR 000 083 071
Permit Number: 192423-HO-06-001
Date of Issue: April 22, 2002
Date of Expiration: April 22, 2007

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 261.11.

Issued April 22, 2002

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Betty Wietz / for
JOHN M. RUDDELL, DIRECTOR
DIVISION OF WASTE MANAGEMENT

Filing and Acknowledgment
Filed on this date, pursuant to
Section 120.52, Florida Statutes,
with the designated Clerk, receipt
of which is acknowledged.

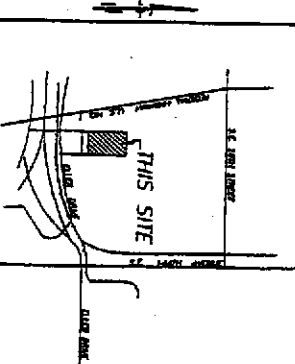
Kim Shurby
CLERK

4-23-02
DATE

This is to certify that this Notice of Permit was mailed before
close of business on April 23, 2002

I.D. Number: FLR 000 083 071
Permit Number: 192423-HO-06-001
Date of Issue: April 22, 2002
Date of Expiration: April 22, 2007

Cliff Berry, Incorporated
P.O. Box 13079
Port Everglades Station
Fort Lauderdale, Florida 33316



LUCALIN SKETCH
M.I.5.

DIVERSIFIED CONSTRUCTION
DCES
ENGINEERING SERVICES
7 R. ANDREWS AVENUE FORT LAUDERDALE, FL 33311
4 364-9774 886439 FAX 354 364-9758

PARCEL "A", C.B.I. PLAT NO.2
SITE PLAN (OVERALL)

[illegible][illegible][illegible][illegible]

SCALE	1" = 40'
DATE	10-18-78
OWN	B.Y.M.C.
CHIEF	DR. H.B.D.
P.B.	PG.



Department of Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

April 22, 2002

CERTIFIED - RETURN RECEIPT
7000 0600 0026 4130 7039

Mr. William E. Parkes, Jr.
Regulatory Affairs Manager
Cliff Berry, Incorporated
Post Office Box 13079
Port Everglades Station
Fort Lauderdale, Florida 33316

SUBJECT: Cliff Berry, Incorporated
Port Everglades Facility
EPA I. D. Number FLR 000 083 071
Used Oil Processing Facility
Permit Number 192423-HO-06-001
Broward County

Dear Mr. Parkes:

Enclosed is Permit Number 192423-HO-06-001 issued to Cliff Berry, Inc. pursuant to Section 403.815, Florida Statutes (F.S.), and Chapters 62-4 and 62-710, Florida Administrative Code (F.A.C.).

This permit is final and effective on the date filed with the Clerk of the Department. When the permit is final, any party to the permit has the right to seek judicial review of the permit pursuant to Section 120.68, F.S., by the filing of a Notice to Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS #35, 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.

"More Protection, Less Process"

Printed on recycled paper.

The Notice of Appeal must be filed within thirty (30) days from the date the final permit is issued.

Sincerely,

A handwritten signature in cursive script, appearing to read "John M. Ruddell", followed by a forward slash and the word "for".

John M. Ruddell, Director
Division of Waste Management

JMR/wpp

Enclosures

cc w/enc.:

Jeff Smith, DEP/West Palm Beach
Raoul Clarke, DEP/Tallahassee
Neal Janov, PE, Diversified Construction and Engineering
Services
Mayor, City of Dania Beach
Chair, Broward County Board of County Commissioners
Jeffrey Halsey, Broward County Department of Planning and
Environmental Protection
Don Palmer, U.S. Fish & Wildlife Service
Lt. Brad Hartman, Florida Fish and Wildlife Conservation
Commission



STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STORAGE TANK REGULATION PROGRAM

2006-2007

FACILITY ID: 9808092

CLIFF BERRY INC-PORT EVERGLADES FAC
3400 SE 9TH AVE
DANIA BEACH FL 33316 BROWARD COUNTY

****2006-2007 Storage Tank Registration Placard Enclosed ****

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

PLACARD NO: 252799
PLACARD ISSUED: 05/31/2006
REGISTRATION PAID: \$ 600

STCM ACCOUNT: 4244

TANK SYSTEMS REGISTERED: 8

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

This placard certifies that the owner & facility named has complied with the registration requirements for petroleum &/or hazardous substance storage tanks regulated by the FL Department of Environmental Protection. The placard must be placed out of the weather and in plain view of storage tank compliance inspectors entering the facility.

SECONDARY CONTAINMENT INSTALLATION DEADLINES

12-31-2009: Single-wall USTs & UST small diameter piping in contact with the soil must have secondary containment.

01-01-2010: Single-wall field erected ASTs & AST single-wall bulk product piping in contact with the soil must have secondary containment unless deferred by an API 570 Integrity Assessment.

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 - consult Rule 62-761, F.A.C., or contact a storage tank inspector from the DEP district office, or from the local storage tank program office for your county.

DEPARTMENT OF ENVIRONMENTAL PROTECTION IS ON THE INTERNET

The Web address for DEP is <http://www.dep.state.fl.us>.

You can access the site for Storage Tank Regulation directly by using: <http://www.dep.state.fl.us/waste/categories/tanks>.
Look under the HIGHLIGHTS section to find links to storage tank rules, forms, database reports and other program information.

EMAIL registration-related questions and comments to: TankRegistration@dep.state.fl.us - or telephone (850) 245-8839.
Registration staff members will assist you with your questions and will respond to you by phone or reply to your email 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

2006-2007

FACILITY ID: 9808092

PLACARD NO: 252799


PLACARD ISSUED: 05/31/2006
PLACARD EXPIRES: 06/30/2007

FACILITY: CLIFF BERRY INC-PORT EVERGLADES FAC
3400 SE 9TH AVE
DANIA BEACH FL 33316 -
BROWARD COUNTY

TANK SYSTEMS REGISTERED: 8

FACILITY TYPE: Bulk Storage Facility

STCM ACCOUNT: 4244
ACCOUNT OWNER: CLIFF BERRY INC


Mary Jean Yon, Director
Division of Waste Management
Department of Environmental Protection



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>Indian Harbor Insurance Co.</u>	<u>\$1,000,000 Limit Each Loss</u>	<u>Expires 12/31/07</u>
_____	<u>\$1,000,000 Limit Aggregate</u>	_____

General Certification Information

<u>[Signature]</u>	<u>President</u>	<u>1/8/07</u>
<i>Signature of owner or operator</i>	<i>Title</i>	<i>Date</i>
<u>[Signature]</u>	<u>William E. Parkes, Jr.</u>	<u>1/8/07</u>
<i>Signature of witness or notary</i>	<i>Name of witness or notary</i>	<i>Date</i>

Facility Identification No.: 9808092

Facility Name: Cliff Berry, Inc. - Port Everglades Facility FLR 000 083 071

Facility Address: 3400 S.E. 9th Avenue Dania Beach, 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.

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

1/11/2007

PRODUCER

Seitlin

700 N. Andrews Avenue, Ste 300

Fort Lauderdale FL 33309

(954) 938-8788

(954) 938-8566

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

NAIC #

INSURER A: Greenwich Insurance Company

22322

INSURER B: Indian Harbor Ins. Company

36940

INSURER C: XL Specialty Ins. Co.

37885

INSURER D:

INSURER E:

INSURED

Cliff Berry, Inc.

P.O. Box 13079

Ft. Lauderdale FL 33316

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A		GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> per proj per loc GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	GEC000638807	12/31/2006	12/31/2007	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A		AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS <input checked="" type="checkbox"/> MCS-90 <input checked="" type="checkbox"/> BROD POLL	ABC000638907	12/31/2006	12/31/2007	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC AUTO ONLY: AGG \$
A		EXCESS/UMBRELLA LIABILITY <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input checked="" type="checkbox"/> RETENTION \$ 10,000	UEC000639307	12/31/2006	12/31/2007	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000
C		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below OTHER	WEC0001272806 INCLUDES USL&H	12/31/2006	12/31/2007	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
B		Professional & Poll Liab (CEL)	PEC000639007	12/31/2006	12/31/2007	\$2000000 Each Loss \$2000000 Aggregate \$50000 Retention

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

RE: PORT EVERGLADES #FLR000083071 PROOF OF INSURANCE ONLY

CERTIFICATE HOLDER

FL DEPT. OF ENVIRONMENTAL PROTECTION/TWIN TOWERS OFFICE
2600 BLAIR STONE ROAD

TALLAHASSEE FL 32399-2400

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

NOTICE OF POTENTIAL HAZARDOUS WASTE NON-COMPLIANCE – Page 1 of 2

FACILITY NAME CLIFF BERRY INC - PORT EVERGLADES		TYPE OF INSPECTION: CAV: <input type="checkbox"/> CEI: <input checked="" type="checkbox"/> CI: <input type="checkbox"/> OTHER: <input type="checkbox"/>	
ADDRESS 3400 SE 9th AVENUE	CITY DANIA	STATE FL	ZIP CODE 33316
EPA ID NUMBER FLR000083071	DATE OF INSPECTION 8/16/06	PAGE 1	OF 2
FOLLOW UP CAV INSPECTION WITHIN 120 DAYS: <input type="checkbox"/> YES <input type="checkbox"/> NO			

A hazardous waste/used oil compliance inspection was made this date, under the authority of Section 403.091, Florida Statutes (F.S.), to determine your facility's compliance with Chapter 403, F.S. and Chapters 62-730 and 62-710, Florida Administrative Code (F.A.C.). Provisions of Title 40 Code of Federal Regulations (C.F.R.) Parts 260 through 268 and 279, which are cited on this form, have been adopted by reference as the state hazardous waste and used oil rules in Chapter 62-730 and 62-710, F.A.C. The following 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 which exist at the time of this inspection.**

GENERAL REQUIREMENTS:

- ☐ Failure to ensure delivery of HW to proper HW facility § 261.5
- ☐ Failure to provide hazardous waste determination § 262.11
- ☐ Failure to notify as generator § 262.12
- ☐ Failure to use a manifest or reclamation agreement § 262.20
- ☐ Failure to provide personnel training § 265.16, 262.34
- ☐ Evidence of release(s) of waste § 265.31
- ☐ Facility exceeds 90/180 day time limit § 262.34

CONTAINER MANAGEMENT:

- ☐ Unlabeled containers § 262.34
- ☐ Undated containers § 262.34
- ☐ Leaking or bulging containers § 262.34
- ☐ Open containers § 265.173
- ☐ Inadequate aisle space § 62-730.160

RECORDKEEPING REQUIREMENTS:

- ☐ Manifests § 262.40, § 262.44
- ☐ Training records § 262.34
- ☐ Contingency Plan § 262.34
- ☐ Weekly Inspection records § 62-730.160
- ☐ Information not posted by phone § 262.34
- ☐ Authorities not notified § 262.37

USED OIL VIOLATIONS:

- ☐ Failure to label containers § 279.22
- ☐ Failure to respond to releases § 279.22
- ☐ Failure to document used oil disposal § 279.10

MATERIALS PROVIDED to assist in accomplishing corrective actions

- | | | |
|---|---|---|
| <input type="checkbox"/> DEP Small Quantity Generator Handbook | <input type="checkbox"/> EPA Managing Used Oil | <input type="checkbox"/> Mercury Lamp Recyclers |
| <input type="checkbox"/> EPA Understanding the Hazardous Waste Rules | <input type="checkbox"/> Environmental Yellow Pages | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> EPA Notification of Regulated Waste Activity | <input type="checkbox"/> List of HW/Used Oil Transporters | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Florida Automotive Recyclers Handbook | <input type="checkbox"/> Antifreeze Recycling Vendors | <input type="checkbox"/> Other _____ |

Florida Fact Sheets

- | | |
|--|---------------------------------------|
| <input type="checkbox"/> Antifreeze for Recycling / Waste Antifreeze | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Summary of Hazardous Waste Regulations | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Summary of Used Oil/Used Oil Filter Regulations | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Other: _____ |

HAZARDOUS WASTE INSPECTION EXIT INTERVIEW SUMMARY, NOTICE OF POTENTIAL VIOLATIONS
Page 2 of 2

ITEMS REQUESTED OR RECOMMENDATIONS BY THE "INSPECTOR":

NO ITEMS REQUESTED

OWNER/OPERATOR COMMENTS:

The owner/operator is hereby requested to submit in writing, within ___ days of this inspection, 1) a description of all corrective actions taken, 2) a schedule for completion of corrective actions to be taken and 3) a description of efforts to prevent recurrence of the above items to the person signing as "INSPECTOR", Florida Department of Environmental Protection, 400 North Congress Avenue, Suite 200, West Palm Beach, FL 33401. The actions taken within ___ days of this notice will be considered in determining whether enforcement, including the assessment of penalties, should be initiated.

IF YOU HAVE QUESTIONS, contact: KAREN KANTOR at (561) 681-⁶⁷²⁰6600.

"INSPECTOR" (signature): Karen Kantor Date: 8/17/06

The undersigned person hereby acknowledges that he/she received a copy of this notice and has read and understands the same.

SIGNATURE:	PRINTED NAME:
TITLE:	DATE:

MAILED TO FACILITY

K Kantor
8/17/06

Cliff Berry, Inc.
Port Everglades Facility Closure Plan
Revised: September, 2005

Introduction:

Cliff Berry, Inc. (CBI) operates a used oil transfer station which receives used oil, oily water and contaminated soil which are generated by retail gasoline stations, oil companies, automobile dealerships, airports and marine interests. All product is delivered to the CBI plant by over the road transport vehicles. The facility has a capacity of storing approximately 770,569 gallons of used oil and oily waste water.

The facility operates under licenses issued by the Broward County Department of Planning and Environmental Protection (DPEP), and the State of Florida Department of Environmental Protection (FDEP). Company owned transport vehicles are licensed by Broward County Department of Planning and Environmental Protection (DPEP) and Miami Dade County Department of Environmental Resources Management (DERM). All oily liquids and contaminated soils are transferred and stored within containment areas which have been designed to meet rules and regulations current at the time of installation. All oily liquids and contaminated soils delivered to the facility are handled under manifests issued by the generators.

General Provisions:

As required by the Florida Administrative Code (FAC) Rule 63-710.800 (9), CBI has adopted this document to be used as required, during the closure of the facility.

At closure, CBI will institute the following steps:

1. Remove all standing liquids, waste and waste residues from the facility. All stored liquids will be tested, if POTW standards are met, discharge will be made to the sewer system. All liquids which do not meet POTW standards will be transferred to a suitable transfer station.
2. Current plans require that the closure event will result in the complete cessation of all operations at the CBI Transfer Station. Management does not contemplate partial operation of the facility. There will be no need for further facility maintenance.
3. All on site monitoring wells will be sampled in accordance with an approved Quality Assurance Plan and analyzed for US EPA approved mixed product analytical group parameters - Volatile Halocarbons (601), volatile aromatics in water (602), Total Volatile Aromatics (VOA), Poly-nuclear Aromatic Hydrocarbons (610, 1,2 dibromomethane (EDB), Methyl tert-butyl ether (MTBE) and lead.

4. A split spoon coring device will be used for the extraction of composite soil samples (taken from the surface to groundwater). Soil samples will be taken from areas immediately adjacent to where trucks are stored. Visual inspection of soils adjacent to the containment area will determine the location of soil sampling. An OVA/FID instrument will be used for the detection of organic contamination at levels greater than 50 parts per million. The samples identified as being most contaminated will be submitted to an approved laboratory for analysis and identification of individual constituents. Should contamination be found, CBI will submit a Contamination Assessment Plan (CAP). After the approval and implementation of the CAP a Contamination Assessment Report (CAR) and Remedial Action Plan (RAP) will be developed.
5. All tanks, piping, secondary containment and ancillary equipment will be emptied, cleaned and decontaminated as necessary. Filter sand, sludge and treatment process residues will be tested for hazardous characteristics; disposal of these items will be consistent with the results of the analysis. Contaminated surfaces will be high pressure washed with appropriate detergents. The effectiveness of all decontamination steps will be assessed by using swab samples of the formerly contaminated surfaces. Decontamination will be confirmed through the analysis of final rinsate liquids.

All assessment and remedial work will be done in accordance with the Florida Administrative Code (F.A.C.) Rules 62-762 and 62-710.510.

Should material or containerized soils be encountered during the closure, steps will be taken to control mitigation of hazardous waste and hazardous waste constituents from the affected area into ground or surface water. Used oil will not contaminate ground or surface water.

These steps will include:

1. Contaminated material will be containerized and sealed prior to their proper disposal to prevent runoff due to rainfall.
2. Isolation of contaminated areas and materials from contact with personnel. Closed, covered containers will be utilized for soils.
3. Separation of decontaminated material from non-contaminated materials.
4. Containment of all wash water and decontamination materials. Such will be handled as appropriate, either as a hazardous waste through a manifest or will be discharged to POTW. Approval from the POTW will be obtained prior to release.

During the execution of the above steps, the following factors will provide the basis of action:

1. Should disposal of closure generated materials require land treatment, the type and

amount of hazardous waste and hazardous waste constituents along with the mobility and expected rate of migration of the material will be evaluated prior to implementing a remedial plan.

2. Factors such as location, topography surrounding land use, climate (frequency) and PH of precipitation and biological characteristics of potential disposal sites will be performed.
3. Site specific studies involving unsaturated zone monitoring, type, concentration and depth of migration of hazardous waste constituents in the soil as compared to their background concentrations will be performed.

Prior to initiating site closure, the following will be done:

- i. Contaminated soil and liquids will be manifested off site to a permitted TSD facility.
- ii. Tanks, piping and machinery will be either removed and/or decontaminated.
- iii. Placement of final cover considering:
 - a. Functions of the cover.
 - b. Characteristics of the cover including material, final surface contours, thickness, porosity/permeability, slope, length of run of slope and type of area vegetation.
 - c. Monitoring of groundwater.

Final Closure:

Sixty (60) days prior to the scheduled date of closing of the Facility, CBI will submit an updated and detailed closure plan to the FDEP.

In the event hazardous wastes are temporarily stored, a revised final plan will be submitted. This plan will be issued during a closure event and will identify the steps necessary to perform partial and/or final closure of the facility. The amended closure plan will include:

1. A description of how each hazardous waste management unit at the facility will be closed.
2. A description of how final closure of the facility will be conducted. The description will identify the maximum extent of operation which will be unclosed during the active life of the facility,.
3. A projection of the maximum inventory of hazardous waste stored on site over the active life of the facility; and a detailed description of the methods to be used during partial and

final closure including but not limited to procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of contamination necessary to satisfy the closure performing standards.

4. A detailed description of the steps necessary to remove or decontaminate all hazardous waste residues and contaminated material systems components, equipment, structures, and soil during partial and final closure including but not limited to procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of contamination necessary to satisfy the closure performing standards.
5. A detailed description of other activities necessary during the partial or final closure period to insure that all closure activities satisfy the closure performance standards including but not limited to groundwater monitoring, leachate collection, and run-on and run-off control.
6. A schedule for closure of each hazardous waste management unit and for final closure of the facility. The schedule will include the total time required to close each hazardous waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure.

Within thirty (30) days of final closure of the Facility, CBI will submit a certification of closure completion to the FDEP demonstrating that the Facility was closed in substantial compliance with the detailed Closure Plan.

CBI

Facilities

- **Miami**
- **Port Everglades**
- **Fort Lauderdale**
- **Fort Pierce**
- **Canaveral**
- **Jacksonville**
- **Tampa**
- **Virginia**

Aerial Photo's

USED OIL PROCESSOR CHECKLIST

Facility Name: CBI - PORT EVERGLADES Date: _____
Facility Representative: _____ Facility ID : _____
Inspector: Karen Kantor Registration # _____

40 CFR 279 Subpart F -- Processor Standards

1. Is the facility exempt under any of the following? (279.50(a)) Y _____ N ✓
Transporter or burner processing incidental to normal course of operations? Y _____ N _____
Processors who also generate, transport, market, dispose or burn used oil must comply with the applicable Subparts of Part 279.
2. Does the processor have an EPA ID Number? (279.51(a)) Y ✓ N _____
3. Is the processor Registered? (62-710.500(1)(b)) Y ✓ N _____
4. Does the processor have a general permit? 62-710.800(1)) Y ✓ N _____
5. For new facilities, was the notification of intent to use the general permit submitted 30 days prior to beginning operation? For existing facilities, was the notification for renewal submitted 30 days prior to expiration of the general permit?(62-710.800(2)) Y _____ N _____

Oil Filter Processing Standards-- 62-710.850 F.A.C.

1. Does the facility process used oil filters by removing oil, draining, crushing or element separation? Describe in narrative. Generators who process their own filters are not regulated provided the filters are not disposed of in a landfill but are managed by a registered processor. Y _____ N _____
Is the facility a registered used oil filter processor? (62-710.850) Y _____ N _____
2. Are the filters stored in above ground containers which are: (62-710.850(6))
In good condition? Y _____ N _____
Closed or otherwise protected from weather? Y _____ N _____
Labeled "Used Oil Filters"? Y _____ N _____
Stored on an oil impervious surface? Y _____ N _____
3. Are records maintained on DEP Form 62-710.900(2) or equivalent that include: (62-710.850(5)(a))
Destination or end use of the processed filters? Y _____ N _____
Name and street address of each destination or end user? Y _____ N _____
Are copies kept at the facility's street address for 3 years? (62-710.850(5)(b)) Y _____ N _____
4. Is an Annual Report submitted by March 1 for the previous calendar year summarizing the above records? (62-710.850(5)(c)) Y _____ N _____

Facility Name: _____
Date: _____

Oil Management Standards - 279.54

1. Is used oil stored only in tanks or containers? (Circle applicable units) Y_____N_____
2. If the facility has tanks, do they comply with 62-761 and 62.762 F. A. C. rules?
(Applicable to USTs over 100 g and ASTs over 550 gallons. Describe in narrative, including number and size of tanks, noting registration numbers if applicable, and compliance status.) Y_____N_____
- Is secondary containment consisting of a floor and dike which are impervious to oil provided for ASTs? Applies to all ASTs regardless of size per 279.54(d & e) Y_____N_____
3. Are containers and tanks in good condition and not leaking? (279.54(b)) Y_____N_____
4. Are containers provided with secondary containment consisting of walls and floor at a minimum? (279.54(c)) Y_____N_____
- Is the containment system impervious to oil so as to prevent migration? Y_____N_____
5. Are ASTs, UST tank fill lines and containers labeled "used oil"? (279.54(f)) Y_____N_____
6. Does the facility stop operations and clean up releases of used oil, repairing or replacing any leaking units as applicable? (279.54(g)) Y_____N_____

General Facility Standards - 279.52

1. 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? (279.52(a)(1)) Y_____N_____
2. Does the facility have an internal communication or alarm system capable of giving immediate emergency instruction to facility personnel? (279.52(a)) Y_____N_____
3. Is there a telephone, alarm, 2-way radio or other device at the scene of operations immediately available and capable of summoning assistance from local fire departments? (279.52(a)(2)(ii)) Y_____N_____
- Is there immediate access to this equipment by all personnel who are engaged in pouring, mixing, spreading or otherwise handled, either directly or by voice or visual contact with another employee? (279.52(a)(4)) Y_____N_____
4. Describe fire control equipment. Is it adequate? (279.52(a)(2)(iii)) Y_____N_____
5. Is spill control and decontamination equipment present? (279.52(a)(2)(iii)) Y_____N_____
6. If sprinklers, water hoses or foam producing equipment is part of the facility fire control equipment, is water available at adequate volume and pressure? (279.52(a)(2)(iii)) Y_____N_____
7. Is the emergency equipment inspected and tested periodically?
Frequency? _____ Y_____N_____

Facility Name: _____
Date: _____

8. Is there adequate aisle space to allow unobstructed movement of facility personnel and emergency equipment to any area of the facility where needed? (279.52(a)(5i)) Y _____ N _____

9. Has the facility made emergency response arrangements with the following: (279.52(a)(6))

Fire Department: DANIA BEACH / PORT EVERGLADES / BSO Y _____ N _____

Police: BSO Y _____ N _____

Hospital: BROWARD GENERAL Y _____ N _____

Emergency Response Contractor: CBI Y _____ N _____

10. If not, has the facility attempted to do so and is the refusal documented? Y _____ N _____

Contingency Plans and Emergency Response -- 279.52(b)

1. Does the facility have a contingency plan? Y ☒ N _____

2. Is it at the facility and easily available? Y ☒ N _____

3. Does the plan include:

Fire Response Procedure: (compare to 279.52(b)(6)) N/A _____ Y ☒ N _____

Spill Response Procedures: " N/A _____ Y ☒ N _____

Explosion Response Procedures: " N/A _____ Y ☒ N _____

Instructions for handling contaminated materials & residues Y ☒ N _____

A description of arrangements with local authorities: N/A _____ Y ☒ N _____

Emergency Coordinators: (Name) CB II Y ☒ N _____

Addresses and telephone numbers of Emergency Coordinators: Y ☒ N _____

Emergency equipment list: Y ☒ N _____

Specifications and capabilities of emergency equipment: Y ☒ N _____

Locations of emergency equipment: Y ☒ N _____

An evacuation plan and routes: Y ☒ N _____

Evacuation/alarm signals: Y ☒ N _____

External reporting procedures: Y ☒ N _____

Internal recordkeeping requirements: Y ☒ N _____

4. 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? (279.52(b)(4)) Y ☒ N _____ 5/06

5. Has the plan been distributed to the local police, fire department, ERT and hospital? Circle omitted authorities. (279.52(b)(3)) Y ☒ N _____

6. Is the emergency coordinator authorized to commit funds for incident response? Y ☒ N _____

7. Has the processor noted in the operating record any incidents requiring implementation of the contingency plan? (279.52(b)(6)(ix)) Y NONE N _____

9. Were written reports made within 15 days to the DEP? (279.52(b)(6)(ix)) Y N N _____

Facility Name: _____

Date: _____

Rebuttable Presumption and Analysis Plan -- 279.53, 279.55

1. Does the processor have a written analysis plan to determine 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? (279.55)(a)) Y ✓ N _____
2. Is the 1,000 ppm halogen determination made by testing? Y ✓ N _____
- If so, does the analysis plan cover: (279.55(a)(2))
- Sampling methods? Y ✓ N _____
- Frequency of sampling? Y ✓ N _____
- Analytical Methods? Y ✓ N _____
- Is the 1,000 ppm halogen determination made by process knowledge? Y _____ N ✓
- If so, is the type of information that will be used to determine the halogen content stated in the analysis plan? (279.55(a)(3)) Y N/A N _____
3. Have any analyses showed exceedances of the 1,000 ppm level? Y N/A N _____
- If so, was the oil managed as hazardous waste? Y _____ N _____
- If not, was the oil exempt? Describe basis for presumption rebuttal in narrative. (ex. analysis, refrigerant oil, etc.) N/A _____ Y _____ N _____
4. Is the used oil fuel specification determination made by testing? Y ✓ N _____
- If so, does the analysis plan cover: (279.55(b)(2))
- Sampling methods? Y ✓ N _____
- Whether the oil will be tested before or after processing? Y ✓ N _____
- Frequency of sampling? Y ✓ N _____
- Analytical Methods? Y ✓ N _____
- Is the used oil fuel specification determination made by process knowledge? Y _____ N ✓
- If so, is the type of information that will be used to determine the halogen content stated in the analysis plan? (279.55(b)(3)) Y _____ N _____
5. Are all oil processing residues managed as used oil, reclaimed, or used as asphalt manufacture feedstock? (279.59) N/A _____ Y ✓ N _____
- If not, has the processor conducted a hazardous waste determination? (279.10(e)) N/A ✓ Y _____ N _____
6. Are test records or copies of records providing basis for determinations kept for 3 years? Y N/A N _____

Facility Name: _____

Date: _____

Recordkeeping and Reporting -- 279.57, 62-710.510-520 F.A.C.

1. Do used oil acceptance records include: (279.56(a))

Name & address of the generator or off site source of the used oil?

Y N/A N _____

EPA ID # of oil provider (if applicable)?

Y N/A N _____

Name & Address of the transporter delivering the oil to the facility?

Y N/A N _____

EPA ID # of the transporter delivering the oil

Y N/A N _____

Quantity of oil shipped?

Y N/A N _____

Type of oil received (62-710.510(1)(c))

Y N/A N _____

Date of shipment?

Y N/A N _____

2. Do used oil delivery records include: (279.56(b), also check marketer requirements)

Name & Address of receiving facility? (burner, processor or disposal site)

Y N/A N _____

EPA ID # of receiving facility?

Y N/A N _____

Name & Address of transporter delivering the oil?

Y N/A N _____

EPA ID # of transporter?

Y N/A N _____

Quantity of oil delivered?

Y N/A N _____

End Use of the oil? (62-710.510(1)(e))

Y N/A N _____

Date of delivery?

Y N/A N _____

3. Does the facility keep records on DEP Form 62-710.900(2) or equivalent? (62-710.501(1))

Y _____ N _____

4. Does the facility submit an annual report by March 1 summarizing the on site records for the previous calendar year? (62-710.520)

Y N/A N _____

If not, is the facility an electric utility processing only self generated used oil for recycling, which is exempt from state registration and reporting requirements? (62-710.530)?

Y N/A N _____

5. Does the transporter keep copies of the record and reports for three years at the street address of the facility? (62-710.510(2))

Y _____ N _____

Closure -- 62-710.800(3) F.A.C. and 279.54(h)

1. Has the facility submitted a written closure plan? (62-710.800(3)(a))

Y ✓ N _____

2. Does the plan include procedures for removing containers of oil and residues?

Y ✓ N _____

Cleaning and decontaminating tanks and ancillary equipment?

Y ✓ N _____

Removing contaminated soils?

Y ✓ N _____

Eliminating the need for further maintenance?

Y ✓ N _____

If the facility operated tank systems, and not all contaminated soils can be practicably removed, the owner or operator must close the facility as a hazardous waste landfill.



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

June 9, 2006

CERTIFIED - RETURN RECEIPT
7000 0600 0026 4130 9163

RECEIVED
JUN 14 2006
DEPT OF ENV PROTECTION
WEST PALM BEACH

Mr. William E. Parkes, Jr.
Cliff Berry, Incorporated
Post Office Box 13079
Port Everglades Station
Fort Lauderdale, Florida 33316

SUBJECT: Closure Cost Estimate Approval
Cliff Berry, Inc., Miami Facility, EPA ID No. FLD 058 560 699
Cliff Berry, Inc., Port Everglades Facility, EPA ID No. FLR 000 083 071
Cliff Berry, Inc., Fort Lauderdale Facility, EPA ID No. FLD 000 831 156
Cliff Berry, Inc., Tampa Facility, EPA ID No. FLR 000 013 888

Dear Mr. Parkes:

The Florida Department of Environmental Protection (FDEP) has reviewed the Proposed Closure Cost Estimate dated December 5, 2005 and subsequent submittal dated April 10, 2006 along with supporting documentation submitted by the Cliff Berry, Incorporated, Florida. The Department has the following comments:

1. The Department hereby approves the Closure Cost Estimates for the following Cliff Berry Incorporated facilities:

Miami Facility	FLD 058 560 699	\$141,900.00
Tampa Facility	FLR 000 013 888	\$ 75,900.00
Port Everglades	FLR 000 083 071	\$ 80,300.00
Fort Lauderdale	FLD 000 831 156	\$ 60,500.00

2. The Department requests the facility to submit proof of financial assurance sufficient to cover the estimated closing cost using any of the tools allowed under 62-710.800(6), to Solid Waste Financial Coordinator within 60 days of receiving this letter.

"More Protection, Less Process"

Printed on recycled paper.

Mr. William E. Parkes, Jr
June 9, 2006
Page Two

3. Also, note that the closure cost estimate must be annually adjusted for inflation in accordance with the provisions of the Rule 62-710.800, Florida Administrative Code (F.A.C).

If you have any questions or need additional information, please contact Rabin Prusty at (850) 245-8780.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bheem Kothur", followed by a date "6/9/06" written in a similar style.

Bheem Kothur, P.E. III
Hazardous Waste Regulation

BK/tp

cc: Albert Gephart, DEP/Tampa
Karen Kantor, DEP/West Palm Beach
Rick Neves, DEP/Tallahassee
Fred Wick, DEP/Tallahassee

NOTICE OF POTENTIAL HAZARDOUS WASTE NON-COMPLIANCE – Page 1 of 2

FACILITY NAME CLIFF BERRY, INC. - PORT EVERGLADES		TYPE OF INSPECTION: CAV: <input type="checkbox"/> CEI: <input checked="" type="checkbox"/> CI: <input type="checkbox"/> OTHER: <input type="checkbox"/>	
ADDRESS 3400 SE 9TH AVENUE	CITY DANIA BEACH	STATE FL	ZIP CODE 33316
EPA ID NUMBER FLR0000 33071	DATE OF INSPECTION 11/16/05	PAGE 1	OF 2
FOLLOW UP CAV INSPECTION WITHIN 120 DAYS: <input type="checkbox"/> YES <input type="checkbox"/> NO			

A hazardous waste/used oil compliance inspection was made this date, under the authority of Section 403.091, Florida Statutes (F.S.), to determine your facility's compliance with Chapter 403, F.S. and Chapters 62-730 and 62-710, Florida Administrative Code (F.A.C.). Provisions of Title 40 Code of Federal Regulations (C.F.R.) Parts 260 through 268 and 279, which are cited on this form, have been adopted by reference as the state hazardous waste and used oil rules in Chapter 62-730 and 62-710, F.A.C. The following 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 which exist at the time of this inspection.**

GENERAL REQUIREMENTS:

- ☐ Failure to ensure delivery of HW to proper HW facility § 261.5
- ☐ Failure to provide hazardous waste determination § 262.11
- ☐ Failure to notify as generator § 262.12
- ☐ Failure to use a manifest or reclamation agreement § 262.20
- ☐ Failure to provide personnel training § 265.16, 262.34
- ☐ Evidence of release(s) of waste § 265.31
- ☐ Facility exceeds 90/180 day time limit § 262.34

CONTAINER MANAGEMENT:

- ☐ Unlabeled containers § 262.34
- ☐ Undated containers § 262.34
- ☐ Leaking or bulging containers § 262.34
- ☐ Open containers § 265.173
- ☐ Inadequate aisle space § 62-730.160

USED OIL VIOLATIONS:

- ☐ Failure to label containers § 279.22
- ☐ Failure to respond to releases § 279.22
- ☐ Failure to document used oil disposal § 279.10

RECORDKEEPING REQUIREMENTS:

- ☐ Manifests § 262.40, § 262.44
- ☐ Training records § 262.34
- ☐ Contingency Plan § 262.34
- ☐ Weekly Inspection records § 62-730.160
- ☐ Information not posted by phone § 262.34
- ☐ Authorities not notified § 262.37

MATERIALS PROVIDED to assist in accomplishing corrective actions

- | | | |
|---|---|---|
| <input type="checkbox"/> DEP Small Quantity Generator Handbook | <input type="checkbox"/> EPA Managing Used Oil | <input type="checkbox"/> Mercury Lamp Recyclers |
| <input type="checkbox"/> EPA Understanding the Hazardous Waste Rules | <input type="checkbox"/> Environmental Yellow Pages | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> EPA Notification of Regulated Waste Activity | <input type="checkbox"/> List of HW/Used Oil Transporters | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Florida Automotive Recyclers Handbook | <input type="checkbox"/> Antifreeze Recycling Vendors | <input type="checkbox"/> Other _____ |

Florida Fact Sheets

- | | |
|--|---------------------------------------|
| <input type="checkbox"/> Antifreeze for Recycling / Waste Antifreeze | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Summary of Hazardous Waste Regulations | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Summary of Used Oil/Used Oil Filter Regulations | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Other: _____ |

HAZARDOUS WASTE INSPECTION EXIT INTERVIEW SUMMARY, NOTICE OF POTENTIAL VIOLATIONS

Page 2 of 2

ITEMS REQUESTED OR RECOMMENDATIONS BY THE "INSPECTOR":

- ① NEW FACILITY, UNDER CONSTRUCTION, NOT OPERATING. USED OIL HANDLER (UOP, UOTRA) & HAZ WASTE (HWTRA/IX) REGISTRATIONS IN PLACE.
- ② EMERGENCY RESPONSE ARRANGEMENTS WITH LOCAL AUTHORITIES - NOT YET DISTRIBUTED SINCE FACILITY NOT YET OPERATING. RECOMMEND DISTRIBUTING TO LOCAL AUTHORITIES.

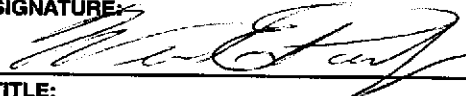
OWNER/OPERATOR COMMENTS:

The owner/operator is hereby requested to submit in writing, within ___ days of this inspection, 1) a description of all corrective actions taken, 2) a schedule for completion of corrective actions to be taken and 3) a description of efforts to prevent recurrence of the above items to the person signing as "INSPECTOR", Florida Department of Environmental Protection, 400 North Congress Avenue, Suite 200, West Palm Beach, FL 33401. The actions taken within ___ days of this notice will be considered in determining whether enforcement, including the assessment of penalties, should be initiated.

IF YOU HAVE QUESTIONS, contact: KAREN KANTOR at (561) 681-⁶⁷²⁰6600.

"INSPECTOR" (signature): Karen Kantor Date: 11/16/05

The undersigned person hereby acknowledges that he/she received a copy of this notice and has read and understands the same.

SIGNATURE: 	PRINTED NAME: WILLIAM E. PARKES, JR.
TITLE: MANAGER REGULATORY AFFAIRS	DATE: 11/16/05



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP)

HAZARDOUS WASTE INSPECTION EXIT INTERVIEW SUMMARY, NOTICE OF POTENTIAL VIOLATIONS – Page 1 of 2

FACILITY NAME <i>Cliff Berry Inc., Port Everglades</i>		TYPE OF INSPECTION: CAV: <input type="checkbox"/> CEI: <input checked="" type="checkbox"/> CI: <input type="checkbox"/> FOLLOW-UP: <input type="checkbox"/>	
ADDRESS <i>3400 SE. 9th Ave</i>	CITY <i>Dania Beach</i>	STATE <i>FL</i>	ZIP CODE <i>33316</i>
EPA ID NUMBER OF FACILITY (9 digit #)		DATE & TIME OF INSPECTION <i>6/18/03</i>	
Compliance Assistance Visit (CAV) Inspection: A Follow Up Inspection Will be conducted within 120 DAYS: <input type="checkbox"/> YES <input type="checkbox"/> NO			

A hazardous waste/used oil compliance inspection was completed on the date listed above, under the authority of Section 403.091, Florida Statutes (F.S.), to determine your facility's compliance with Chapter 403, F.S. and Chapters 62-710, 62-730, 62-737, and 62-740, Florida Administrative Code (F.A.C.). Provisions of Title 40 Code of Federal Regulations (C.F.R.) Parts 260 through 268 and 279, which are cited on this form, have been adopted by reference as the state hazardous waste and used oil rules in Chapter 62-710, 62-730, 62-737 and 62-740, F.A.C. The following potential violations were identified by the inspector(s). **This is not a formal enforcement action and may not be a complete listing of all violations which exist at the time of this inspection. You are advised to immediately begin correcting these potential violations noted below:**

GENERAL REQUIREMENTS:

- ☐ Failure to ensure delivery of HW to proper HW facility § 261.5
- ☐ Failure to provide hazardous waste determination § 262.11
- ☐ Failure to notify as generator § 262.12
- ☐ Failure to use a manifest or reclamation agreement § 262.20
- ☐ Failure to provide personnel training § 265.16, 262.34
- ☐ Evidence of release(s) of waste § 265.31
- ☐ Facility exceeds 90/180 day time limit § 262.34

USED OIL VIOLATIONS:

- ☐ Failure to label containers § 279.22
- ☐ Failure to respond to releases § 279.22
- ☐ Failure to document used oil disposal § 279.10

CONTAINER MANAGEMENT VIOLATIONS:

- ☐ Unlabeled containers § 262.34
- ☐ Undated containers § 262.34
- ☐ Leaking or bulging containers § 262.34
- ☐ Open containers § 265.173
- ☐ Inadequate aisle space § 62-730.160

RECORDKEEPING REQUIREMENTS VIOLATIONS:

- ☐ Manifests § 262.40, § 262.44
- ☐ Training records § 262.34
- ☐ Contingency Plan § 262.34
- ☐ Weekly Inspection records § 62-730.160
- ☐ Information not posted by phone § 262.34
- ☐ Authorities not notified § 262.37

MATERIALS PROVIDED BY INSPECTORS: To assist in accomplishing corrective actions:

- | | | |
|---|---|---|
| <input type="checkbox"/> FDEP Small Quantity Generator Handbook | <input type="checkbox"/> EPA Managing Used Oil | <input type="checkbox"/> Mercury Lamp Recyclers |
| <input type="checkbox"/> EPA Understanding the Hazardous Waste Rules | <input type="checkbox"/> Environmental Yellow Pages | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> EPA Notification of Regulated Waste Activity | <input type="checkbox"/> List of HW/Used Oil Transporters | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Florida Automotive Recyclers Handbook | <input type="checkbox"/> Antifreeze Recycling Vendors | <input type="checkbox"/> Other _____ |

FLORIDA FACT SHEETS:

- | | |
|--|--------------|
| <input type="checkbox"/> Antifreeze for Recycling / Waste Antifreeze | Other: _____ |
| <input type="checkbox"/> Summary of Hazardous Waste Regulations | Other: _____ |
| <input type="checkbox"/> Summary of Used Oil/Used Oil Filter Regulations | Other: _____ |

HAZARDOUS WASTE INSPECTION EXIT INTERVIEW SUMMARY, NOTICE OF POTENTIAL VIOLATIONS
Page 2 of 2

ITEMS REQUESTED OR RECOMMENDATIONS BY THE "INSPECTOR":

• Facility not yet in operation, under construction

OWNER/OPERATOR COMMENTS:

The owner/operator is hereby requested to submit in writing, within ___ days of this inspection, 1) a description of all corrective actions taken, 2) a schedule for completion of corrective actions to be taken and 3) a description of efforts to prevent recurrence of the above items to the person signing as "**INSPECTOR**", Florida Department of Environmental Protection, 400 North Congress Avenue, Suite 200, West Palm Beach, FL 33401. The actions taken within ___ days of this notice will be considered in determining whether enforcement, including the assessment of penalties, should be initiated.

IF YOU HAVE QUESTIONS, contact Stephen Brown at (561) 681-6600.

"INSPECTOR" (signature): [Signature] Date: 6/18/03

The undersigned person hereby acknowledges that he/she received a copy of this notice and has read and understands the same.

SIGNATURE: <u>[Signature]</u>	PRINTED NAME: <u>WILLIAM E. PARKS, JR.</u>
TITLE: <u>MANAGER REGULATORY AFFAIRS</u>	DATE: <u>6/18/03</u>