

## Thursby, Kim

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**From:** Kelly Brandenburg <compliance@cliffberryinc.com>  
**Sent:** Thursday, January 11, 2018 2:50 PM  
**To:** Epost HWRS  
**Subject:** RE: Cliff Berry Inc. – Canaveral; FLD 000 119 792; First Request for Additional Information (RAI)

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**From:** Thursby, Kim [mailto:Kim.Thursby@dep.state.fl.us] **On Behalf Of** Epost HWRS  
**Sent:** Thursday, January 11, 2018 2:26 PM  
**To:** Kelly Brandenburg  
**Cc:** Baker, Bryan; Walker, Kim (Waste); Cinquino, Dawn; Kothur, Bheem; McBride, Ashanti; Bejnar, Tor; White, John; Buselli, Bradley  
**Subject:** Cliff Berry Inc. – Canaveral; FLD 000 119 792; First Request for Additional Information (RAI)

**CAUTION - EXTERNAL EMAIL**

In an effort to provide a more efficient service, the Florida Department of Environmental Protection's Hazardous Waste Program and Permitting section is forwarding the attached document to you by electronic correspondence "e-correspondence" in lieu of a hard copy through the normal postal service.

We ask that you verify receipt of this document by sending a "reply" message to [epost\\_hwrs@dep.state.fl.us](mailto:epost_hwrs@dep.state.fl.us). (An automatic "reply message" is not sufficient to verify receipt). If your email address has changed or you anticipate that it will change in the future, please advise accordingly in your reply. You may also update this information by contacting Kim Thursby at (850) 245-8792.

The attached document is in "pdf" format and will require Adobe Reader 6 or higher to open properly. You may download a free copy of this software at [www.adobe.com/products/acrobat/readstep2.html](http://www.adobe.com/products/acrobat/readstep2.html).

Your cooperation in helping us affect this process by replying as requested is greatly appreciated. If you should have any questions about the attached document(s), please direct your questions to the contact person listed in the correspondence.

Bryan Baker, P.G.  
Environmental Administrator  
Hazardous Waste Program & Permitting





# Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Noah Valenstein  
Secretary

## REQUEST FOR ADDITIONAL INFORMATION

January 11, 2018

Kelly Brandenburg, Regulatory Affairs Manager  
Cliff Berry Inc. – Canaveral Facility  
P.O. Box: 13079  
Ft. Lauderdale, Florida 33316  
[KBrandenburg@cliffberryinc.com](mailto:KBrandenburg@cliffberryinc.com)

**RE: First Request for Additional Information (RAI)**  
Brevard County – Hazardous Waste  
Facility Name: Cliff Berry Inc. – Canaveral Facility  
EPA ID Number: FLD 000 119 792  
Current Permit Number: 249477-002-HO  
DEP Application Number: 249477-003-HO

Dear Ms. Brandenburg:

Thank you for your application for renewal of the Used Oil Processing Permit for the above referenced Facility. The Department has assigned DEP Application No. 249477-003-HO to the application. A Department staff review of the application and supporting documentation submitted on December 11, 2017, indicates the application is incomplete. Pursuant to the provisions of Rule 62-710.800(3) F.A.C., 62-730.220 F.A.C., and Rule 62-730.220(6), F.A.C., please provide the information in the attached document and refer to this correspondence in your response. The response to this correspondence must be signed, sealed, and dated by a registered Florida Professional Engineer.

In order for the Department to continue processing your application, please submit the requested information as soon as possible. The Department must receive a response within 30 days of the date of this letter, February 12, 2018, unless a written request for additional time to provide the requested information is submitted and approved. Pursuant to Rule 62-730.220(6), F.A.C. and Section 120.60, F.S., failure of an applicant to provide the timely requested information by the applicable deadline may result in denial of the application. You are encouraged to contact this office to discuss the items requested to assist you in developing a complete and adequate response.

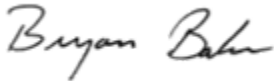
Please submit the response in electronic format to [HWPP@dep.state.fl.us](mailto:HWPP@dep.state.fl.us), with a copy to [Bradley.Buselli@floridadep.gov](mailto:Bradley.Buselli@floridadep.gov). If the file is very large, you may post it to a folder on this

Ms. Kelly Brandenburg  
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office's ftp site at: [ftp://ftp.dep.state.fl.us/pub/incoming/DWM/\[name of folder\]](ftp://ftp.dep.state.fl.us/pub/incoming/DWM/[name of folder]). After posting the document, send an e-mail to [HWPP@dep.state.fl.us](mailto:HWPP@dep.state.fl.us), with a copy to [Bradley.Buselli@floridadep.gov](mailto:Bradley.Buselli@floridadep.gov), alerting us that it has been posted.

If you have any questions, please contact Bradley Buselli by telephone at 850-245-8989 or by e-mail at [Bradley.Buselli@floridadep.gov](mailto:Bradley.Buselli@floridadep.gov).

Sincerely,



Bryan Baker, P.G., Administrator  
Hazardous Waste Program and Permitting

Attached: List of Requested Information

cc:

Dawn Cinquino, DEP Headquarters, [Dawn.Cinquino@floridadep.gov](mailto:Dawn.Cinquino@floridadep.gov)  
Bheem Kothur, DEP Headquarters, [bheem.kothur@floridadep.gov](mailto:bheem.kothur@floridadep.gov)  
Ashanti McBride, DEP OGC, [ashanti.mcbride@floridadep.gov](mailto:ashanti.mcbride@floridadep.gov)  
Tor Benjar, DEP Headquarters, [tor.benjar@floridadep.gov](mailto:tor.benjar@floridadep.gov)  
John White, DEP Central District, [john.white@floridadep.gov](mailto:john.white@floridadep.gov)

**Attachment: List of Requested Information**

Facility Name: Cliff Berry Inc. – Canaveral Facility  
EPA ID Number: FLD 000 119 792  
Current Permit Number: 249477-002-HO  
DEP Application Number: 249477-003-HO

**Review Comments:** Comments for the used oil permit renewal application are included below. Please submit any necessary revisions electronically for our record, unless a physical copy is otherwise noted or requested. Page numbers listed below reflect the pages from the PDF submission. Please note that the original PDF submission was reduced to 101 pages, as the page containing a copy of the permit application fee check was removed from the document prior to distribution in the publicly accessible database application.

**1. Application, DEP Form 62-710.901(6):**

- a. Part I, page 1 of 8, Item #A.2: The revision number should be 0, not 3 as this is the first submittal of this renewal application (e.g., it is the number of revisions, not the number of renewals). Please confirm.
- b. Part I, page 2 of 8, Item #A.14: Please provide the name of the professional engineer.
- c. Part I, page 2 of 8, Item #B.3: The given reference to the facility detailed process description and other items described by this section cannot be found. Attachments 1 & 2 appear to have this information; please revise and resubmit this page of the application.
- d. Part II, Page 7 of 8 – Land Owner Certification: According to the item under Part I, A-13 of your application, the current land owner’s name is listed as C-2 Holdings, Inc.; however, this form is not signed by the land owner. If Cliff Berry, II is an authorized representative, please attach a letter of authorization; if not, please resubmit this form with the appropriate land owner’s signature.
- e. Part II, Page 8 of 8 – Professional Engineer (P.E.) Certification: The certification form has not been signed, sealed, and dated by a registered Florida Professional Engineer. Please submit a completed certification form

**2. Attachment 1, page 10 of 101 (PDF):**

- a. Item 1: The DEP Form 8700-12FL dated January 9, 2017 for your facility states that you are registered as a Used Oil Transporter, Transfer Facility, Processor, Filter Transporter, and a Filter Transfer Facility. Please revise this paragraph to incorporate all other regulated operations as necessary.
- b. Item 2: The table on this page notes that Petroleum Contact Water (PCW) in the amount of 1000 gallons will be stored on site; however, Table #1 on page 12 of 101 (PDF) does not identify a PCW tank. Table #1 on page 54 of 101 (PDF) identifies “Vertical Tank 05” as a 5,000-gallon steel tank containing PCW, which does not match the table in this section. Further, the capacities of Tanks 1 through 3 are listed as 8,300 gallons on the first table and 10,000-gallons on the second table. Please indicate which table is the correct version, and revise affected pages of the application accordingly. Please also describe in this section the number and

capacity of the tanks located at this facility. Include a reference to the correct tank table and a figure showing the location and layout of the tanks.

- c. **Item 3:**
- (1) This section states that CBI operates five other facilities in Florida. In addition to the five noted in this section, CBI also operates a previously unregistered sixth facility in Fort Myers, Florida. Please revise this section to include the sixth facility.
  - (2) This section refers to the “Miami-Dade County Permitting, Environment, and Regulatory affairs (PERM).” The current name of this agency is the Department of Environmental Resources Management – Pollution Regulation & Enforcement Division (DERM).
3. **Attachment 2, page 14 of 101 (PDF)**: A typographical error was observed in line 4 of the second paragraph on this page; “we don not pick up materials with halogens above 1.000 parts per million (ppm)” should read “we *do not* pick up materials with halogens above *1,000* parts per million (ppm).”
4. **Attachment 3, page 16 of 101 (PDF)**: Please note that when generator knowledge is utilized to profile waste streams, the information must meet regulatory requirements and be backed by appropriate documentation. Please include more detail within your analysis plan about how generator knowledge is documented and used in making a hazardous waste determination. For more information, refer to 81 Federal Register, November 28, 2016, 85751 (<https://www.gpo.gov/fdsys/pkg/FR-2016-11-28/pdf/2016-27429.pdf>).
5. **Attachment 5, page 20 of 101 (PDF)**:
- a. Per Rule 62-710.510(1), F.A.C., the information recorded for each accepted used oil load should include the following in addition to what is listed on this page:
    - (1) The *telephone number* of the transporter,
    - (2) The *destination or end use of used oil and oily wastes, including the name and street address of each destination or end user, the EPA identification number if applicable, and the end use code designation found in the form instructions; and*
    - (3) *Documentation of halogen screening in accordance with the requirements of 40 CFR Part 279 [as adopted in subsection 62-710.210(2), F.A.C.]*.
  - b. Records shall be maintained on DEP form 62-710.901(2), or on substantially equivalent forms which contain at least the same information as the Department form.
  - c. In addition, 40 CFR 279.56 (for processors) & 40 CFR 279.46 (for transfer facilities) requires that similar records be kept of each used oil shipment accepted and delivered. Please review and revise this section appropriately.
6. **Attachment 9, page 25 of 101 (PDF)**:
- a. **Introduction:**
    - (1) The storage capacity of used oil, oily waste or PCW is stated as approximately

109,900 gallons, which is consistent with the Table #1 on page 12 of 101 (PDF); however, it is not consistent with the Table #1 on page 54 of 101 (PDF), nor your current permit. Please see comment 2b above, and ensure a number representative of your updated tank table is included within your closure plan. Please note that the permitted tank capacity of a facility is 95% of the total tank capacity in order to prevent overflow issues.

(2) This section refers to the “Miami-Dade County Department of Permitting, Environment, and Resource Management (PERM).” The current name of this agency is the Department of Environmental Resources Management – Pollution Regulation & Enforcement Division (DERM).

b. General Provisions:

(1) A citation error was observed, “Rule ~~63~~-710.800(9),” which should read as Rule ~~62~~-710.800(5), F.A.C.

(2) Upon closure, soil and groundwater sampling should be conducted in accordance with Chapter 62-780, F.A.C. Samples should be collected from land surface to 6”, 6” to 2’, and so on until the water table is reached. Please review this section, revise and provide more detail.

7. Attachment 10, page 28 of 101 (PDF): No content is provided in this attachment regarding used oil training; however, Section 8 of the SPCC Plan refers to Personnel Training. Please add a statement in this attachment that references the SPCC Plan in a similar manner as Attachments 6, 7, & 8.

8. Attachment 11 – SPCC Plan (multiple pages):

a. Section 0, page 33 of 101 (PDF): Paul Meding is listed as the Facility Manager in the SPCC plan; however, Kelly Brandenburg is listed as the Facility Contact in Part I of the application. The Department would like to clarify who is the contact for the facility as this has caused some confusion recently. During an attempt to inspect the facility on September 21, 2017, Paul Meding denied the Department inspectors access for the purpose of inspecting the facility for compliance with the permit saying he was the only facility contact. Inspectors noted they had sent an email to the individual identified as the addressee on the current permit (William Parkes, Jr.) in an attempt to complete the inspection following the hurricane without causing the facility undue stress. Please clarify who is the contact for the purpose of compliance with permit requirements.

b. Section 2, Introduction, page 43 of 101 (PDF):

(1) This section states that Natalie Hood is the Primary Emergency Contact in the area, however Mark Groothouse is listed in Section 9 of the SPCC as the Primary Emergency Contact Person and the Primary Emergency Coordinator. Please provide clarification and revise the contact information in Section 9 of the SPCC Plan as needed.

(2) Under Bulk Storage Tanks, it is mentioned that a tank integrity inspection will occur daily and be recorded. Please provide the blank checklists that will be used during these and all other inspections at the facility.

- c. Section 3, page 51 of 101 (PDF):
  - (1) On Shore Storage...: The zip-code given for the location of the facility is 32928; it is the Department's understanding that this should be 32927. Please review and revise.
  - (2) Dikes, Berms...: The text states that the concrete wall is 16 inches high; whereas, the engineering sheet included in the application states that additional blocks were added to the wall to extend the height to 32 inches high. Please revise this section as appropriate.
- d. Section 7, Materials and Equipment Listing, page 61 of 101 (PDF): In addition to the provided materials list, the SPCC Plan must include the location and a physical description of each item on the list and a brief outline of its capabilities in accordance with 40 CFR 279.52(b)(2)(v). Please revise this section to include the additional information.
- e. Section 8, Personnel Training and Drills, page 63 of 101 PDF: Please expand the facility's training materials to include used oil and hazardous waste regulations found at Chapter 62-710, F.A.C., Chapter 62-730, F.A.C., Chapter 62-762, F.A.C., 40 CFR 112, and 40 CFR 279. The employee training program should also include USDOT hazardous materials training.
- f. Section 9, Facility Emergency – Requirements for Notification, page 71 of 101 (PDF): Please include Florida's Discharge Reporting Form (DRF) and Incident Reporting Form (IRF) as attachments and reference them in this section.
- g. Section 11, Fire Response, page 75 of 101 (PDF): Please refer to comment 8d above, and ensure that fire extinguishing systems are similarly documented within the appropriate section of the SPCC Plan.