

3-20-06

Gephart, Albert

3-14-06

To: Kothur, Bheem

Subject: RE: Cliff Berry, Inc. Tampa; Permit Modification Application and As - Built Drawing Update

I have a few comments.

Part I Page 9 Item 13. states that the land is leased. However, they did not put in the expiration date of the lease

Part II Page 14 Land Owner Certification Cliff Berry II signed the Land Owner Certification. The land is leased. Therefore, unless Cliff Berry II is also President of C-2 Holdings, Inc. we need a letter of authorization for Cliff Berry II to sign for the land owner.

Are you satisfied that the original foundation drawings are valid for "as-builts" ?? If you think its OK I'll go along with that decision.

There may be some confusion in Item 5 of Cliff Berry response. The permit mod was a substantial permit mod to cover the review of the "as-builts" . It was not a minor mod just to change the number of tanks. (For clarification only - no action required)

I thought the secondary containment calculations were "sloppy" but are acceptable to me.

That is all.

AI

-----Original Message-----

From: Kothur, Bheem

Sent: Tuesday, March 14, 2006 9:46 AM

To: Gephart, Albert; Prusty, Rabin

Cc: Outlaw, Douglas; Neves, Richard

Subject: Cliff Berry, Inc. Tampa; Permit Modification Application and As - Built Drawing Update

Hello AI: We have received permit modification request along with modification fee of \$500 and District Warning Letter responses. Please review and provide your comments. Thanks.

Bheem

3/14/2006



Cliff Berry, Incorporated
Environmental Services

March 7, 2006

Ms. Deborah Getzoff
Director Southwest District
Florida Department of Environmental Protection (FDEP)
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926

RE: Cliff Berry, Inc. - Tampa Facility
EPA ID Number: FLR 000 013 888
Used Oil Processing Facility Permit Number: 76517-HO-002

Dear Ms. Getzoff:

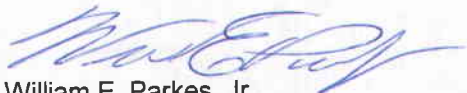
Cliff Berry, Inc. (CBI) has received your Warning Letter # 289339 dated February 13, 2006 concerning the above referenced facility. Specifically, you listed three (3) items that CBI needs to address. (See Attachment No. 1)

I reviewed your letter and personally followed up on the matter. Listed below is each item in order from your letter and our response:

- A. Item No. 1 - Halogen Screening: Upon completion of the inspection and the departure of FDEP personnel on June 29, 2005, a log sheet was instituted to record the calibrations of the TIF Instruments, Inc. Model 5050 automatic halogen leak detector. A ten (10) ounce bottle of test solution (with a known quantity of 1000 ppm halogenated solvent) is used to check the operational status of the meter. Once the operator is satisfied that the meter is in proper working condition, the date and initials of the tester are logged. The meter is checked on days when used oil is to be picked up. Usually only one truck at a time is dispatched to pick up used oil. If a second truck is dispatched to pick up used oil, then that truck operator uses a Dexil Kit to screen for halogens any used oil that is picked up.
- B. Item No. 2 - Housekeeping: All drums required to be kept outside (near receiving stations) for oily water and / or slops have been labeled with a non-hazardous green-on-white label indicating the drum's contents and the drums are kept closed. All buckets are emptied to prevent spills, as required. Used oil, oily water and oil soaked rags and pads are disposed of in labeled drums, that when full, are shipped to the CBI - Miami Facility for proper disposal. The yard is inspected daily by facility personnel to immediately address any uncovered or improperly labeled drums, buckets, etc.
- C. Item No. 3 - As-Built Drawings: This issue is addressed in CBI's response letter dated March 7, 2006 to Bheem Kothur, P.E. of FDEP in Tallahassee. Attached to the above letter is a copy of the permit modification application and \$500.00 permit modification fee. (See Attachment No. 2)

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
Cliff Berry, Inc. (CBI)

| | | |
|-----|--------------------|--|
| cc: | Steve Ray | FDEP HWR Section |
| | Jill Seale | Environmental Specialist II, FDEP Southwest District |
| | ✓ Albert Gephart | Engineering Specialist IV, FDEP Southwest District |
| | Elizabeth Knauss | Environmental Manager, FDEP Southwest District |
| | Bheem Kothur, P.E. | Hazardous Waste Regulation, FDEP Tallahassee |



ATTACHMENT NO. 1



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
Telephone: 813-632-7600

Colleen M. Castille
Secretary

February 13, 2006

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dan Stone
Cliff Berry, Inc.
5218 Saint Paul Street
Tampa, FL 33619

Re: Cliff Berry, Inc.
Hillsborough County, FLR 000 013 888
Warning Letter #289339

Dear Mr. Stone:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. The Waste Program field inspections conducted on June 29, 2005, November 29, 2005, and January 4, 2006 indicate that violations of Florida Statutes and Rules may exist at the above referenced facility. Department of Environmental Protection personnel made observations described in the attached inspection report. Section 10 of the report lists a summary of alleged violations of Department Rules.

Sections 403.161 and 403.727, Florida Statutes (F.S.) provides that it is a violation to fail to comply with rules adopted by the Department. The activities observed during the Department's field inspection and any other activities at your facility that may be contributing to violations of Florida Statutes or Department Rules should cease.

You are requested to contact Jill Seale at (813) 632-7600, extension 399, within fifteen (15) days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

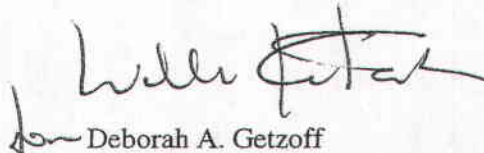
Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), F.S. A penalty will be determined in accordance with the United States Environmental Protection Agency's (EPA) RCRA Civil Penalty Policy, the penalties which would be assessed in this case are \$4,000. Costs and expenses in this case will be a minimum of \$250.

"More Protection, Less Process"

Printed on recycled paper.

If this investigation confirms that your facility is significantly out of compliance, and the case is not resolved through timely entry of a Consent Order, under the Department's agreement with the EPA, a formal referral for judicial action must be made to the Department's Office of General Counsel. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Deborah A. Getzoff", with a stylized flourish at the end.

Deborah A. Getzoff
District Director
Southwest District

DAG/jas

Enclosure

cc: Jeff Pallas, US EPA Region IV
Steve Ray, DEP HWR Section
Kelley Boatwright, Hillsborough County SQG Program
Compliance File

PENALTY COMPUTATION WORKSHEET

Violator's Name:
Facility ID Number:
ComHaz Case ID Number:
Responsible DEP Staff:
Date:

Cliff Berry Inc.
FLR 000 013 888
289339
Jill A. Seale, ES II
January 30, 2006

[illegible]



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
Telephone: 813-632-7600

Colleen M. Castille
Secretary

HAZARDOUS WASTE INSPECTION REPORT

1. **INSPECTION TYPE:** ☒ Routine ☐ Complaint ☐ Follow-Up ☐ Permitting ☐ Pre-Arranged

FACILITY NAME Cliff Berry Inc. EPA ID # FLR 000 013 888

STREET ADDRESS 5218 Saint Paul Street, Tampa, FL 33619 COUNTY Hillsborough

PHONE (813)626-6533 DATE 6/29/05, 11/29/05, 1/4/06 TIME 8:45 am

NOTIFIED AS: ☐ N/A

CURRENT STATUS:

- ☐ Non Handler
☐ CESQG (<100 kg/mo.)
☐ SQG (100-1000 kg/mo.)
☐ Generator (>1000 kg/mo.)
☒ Transporter – own waste *Dec 2000*
☐ Transfer Facility
☐ Interim Status TSD Facility
☐ TSD Facility
Unit Type(s):
☐ Exempt Treatment Facility
☒ Used Oil: Transporter/Transfer/Proc.

- ☐ Non Handler
☒ CESQG (<100 kg/mo.)
☐ SQG (100-1000 kg/mo.)
☐ Generator (>1000 kg/mo.)
☐ Transporter
☐ Transfer Facility
☐ Interim Status TSD Facility
☐ TSD Facility
Unit Type(s):
☐ Exempt Treatment Facility
☒ Used Oil: Transporter/Transfer/Processor

2. **APPLICABLE REGULATIONS:**

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> 40 CFR 261.5 | <input checked="" type="checkbox"/> 40 CFR 262 | <input type="checkbox"/> 40 CFR 263 | <input type="checkbox"/> 40 CFR 264 |
| <input type="checkbox"/> 40 CFR 265 | <input type="checkbox"/> 40 CFR 266 | <input type="checkbox"/> 40 CFR 268 | <input checked="" type="checkbox"/> 40 CFR 273 |
| <input checked="" type="checkbox"/> 40 CFR 279 | <input checked="" type="checkbox"/> 62-710, FAC | <input checked="" type="checkbox"/> 62-737, FAC | <input checked="" type="checkbox"/> 62-730, FAC |

3. **RESPONSIBLE OFFICIAL(s):**

Dan Stone, Tampa Facility Manager

4. **INSPECTION PARTICIPANTS:**

Dan Stone, Tampa Facility Manager

Jill A. Seale, Al Gephart, Jim Dregne, Rick
Neves, Danielle Nichols: FDEP

5. **LATITUDE/LONGITUDE:** 27°55'12.3" 82°23'43.3"

6. **SIC Code:** 5093, 4214

7. **PERMIT:** 0076517-HO-002

8. **TYPE OF OWNERSHIP:** Private Federal State County Municipal

"More Protection, Less Process"

Printed on recycled paper.

9. PROCESS DESCRIPTION:

Cliff Berry Inc (CBI) was inspected June 29, 2005, November 29, 2005, and January 4, 2006 to determine its compliance with State and Federal hazardous waste and used oil regulations. Dan Stone, Facility Manager, accompanied the inspectors throughout the inspections.

As of January 30, 2006, this CBI facility is registered with the Department as a used oil transporter, a used oil filter transporter, a used oil transfer facility, and a used oil processor. CBI transports hazardous waste under the CBI Miami facility's EPA ID number. According to Mr. Stone, hazardous waste is not transported to this location. CBI's used oil certification letter from the Department is posted in the lobby.

RECORDS

CBI transports used oil under the Tampa EPA ID number, FLR 000 013 888, and transfers the used oil into aboveground storage tanks at the Tampa facility. Generally, the used oil is then transported to the CBI Miami facility for processing by highway, and occasionally by rail car. No rail cars were inspected during the inspections.

During the Department's January 4, 2006 site-visit, a variety of used oil disposal receipts, documenting the used oil transported under FLR 000 013 888, were reviewed. The inspectors noted fourteen used oil disposal manifests that did not have any documentation of halogen screening, in violation of **62-710.510(1)(g) FAC**.

TABLE 1: No Documentation of Halogen Screening

| Manifest # | Truck # | Date | Waste Shipped |
|------------|---------|----------|------------------|
| 45119 | PT01 | 11/21/05 | 285 gal used oil |
| 45107 | PT01 | 11/16/05 | 160 gal used oil |
| 45103 | SV12 | 11/1/05 | 50 gal used oil |
| 37976 | SV54 | 8/10/05 | 140 gal used oil |
| 45087 | SV54 | 11/15/05 | 460 gal used oil |
| 38045 | PT01 | - | 515 gal used oil |
| 37922 | SV25 | 7/28/05 | 280 gal used oil |
| 37825 | PT01 | 6/27/05 | 615 gal used oil |
| 38010 | PT01 | 8/17/05 | 420 gal used oil |
| 39176 | VT25 | 10/4/05 | 371 gal used oil |
| 39177 | SV25 | 10/5/05 | 348 gal used oil |
| M3188 | VT25 | 9/19/05 | 302 gal used oil |
| 37844 | PT01 | 7/8/05 | 180 gal used oil |
| M4846 | VT25 | 10/5/05 | 222 gal used oil |

During the Department's June 29, 2005 inspection, it was noted that CBI was not marking the generator's EPA ID numbers on the used oil receipts as required by **62-710.510(1)(b) FAC**. During the Department's January 4, 2006 inspection, the generator's EPA ID numbers were observed on many of the disposal receipts. Mr. Stone stated that employees are now instructed to include generator EPA ID numbers if applicable.

The last annual training of employees appears to be April 17, 2005, when 13 employees attended an 8 Hour Hazardous Waste Operations and Emergency Response training class. These certificates of

completion are kept on-site and reviewed during the inspection. CBI has a "Used Oil Transportation Certification Training Manual" that outlines the used oil regulations. According to Mr. Stone, new employees are required to review this manual and sign a form acknowledging that they reviewed it. These signature pages are apparently kept at the CBI Miami office and were not reviewed during this inspection.

CBI has an "Analysis Plan" that outlines CBI's procedure for conducting halogen tests on used oil prior to transport. According to this plan, CBI drivers will use a TIF Instruments Inc. Model #5050 automatic halogen leak detector to check the halogen content of used oil before it is collected. If the TIF instrument indicates an elevated halogen level, then a Dexil kit will be used to test the load. Mr. Stone stated that the CBI Tampa facility has one halogen detector, and the truck that carries this detector was not on-site during the inspection. When asked how this instrument is calibrated, Mr. Stone stated that he was under the impression that the driver who carries the detector calibrates it every day. When asked if this calibration is documented, Mr. Stone stated that he did not think this was being documented.

Note that in the revised Used Oil Management Florida Administrative Code 62-710 (effective June 2005) all used oil transporters must submit a detailed description of the company's procedure for halogen screening in order to be a Certified Transporter per 62-710.600 FAC.

HOUSEKEEPING

During the June 29, 2005 inspection, the general housekeeping practice in the storage buildings behind the storage tanks was poor.

In the tank farm area, one unlabeled drum was missing a bung. According to Mr. Stone, this drum contained good diesel fuel. One drum was storing used oil and was not labeled. This is a violation of 62-710.401(6) FAC.

USED OIL PROCESSING ISSUES

Initially, CBI/Tampa operated as a Transfer Facility. In planning for future operations, CBI applied for a used oil processor permit in 2003 to allow them to store more than 25,000 gallons of used oil. The permit was issued in April 2004 with the stipulation that upon completion of the construction of the tank farm that CBI would provide "as-built" drawings, apply for a substantial permit modification and pay the \$500 permit modification fee upon which the Department would issue a letter of authorization to operate. Refer to Permit #0076517-HO-002, Specific Conditions, Part I – Standard Requirements, Paragraph 3.

During the June 29, 2005, inspection, Mr. Stone showed the inspectors the new tank farm and explained the intended operations. On November 29, 2005, the site was again visited by Messrs. Neves, Dregne and Gephart. Mr. Stone showed the tank farm and explained the operations. During that visit, it was observed that the tank farm was in full operation. CBI had not submitted the "as-built" drawings nor had they submitted a permit modification and the permit modification fee, all necessary to obtain the Department's approval to begin operations. This is a violation of 62-710.800(2), FAC.

10. SUMMARY OF ALLEGED VIOLATIONS:

- | | |
|----------------------|--|
| 62-710.401(6) FAC | Failure to label a drum storing used oil with the words "Used Oil." |
| 62-710.510(1)(b) FAC | Failure to note generator EPA ID number on manifests. <i>corrected</i> |
| 62-710.510(1)(g) FAC | Failure to document halogen screening on fourteen shipments of used oil. |

62-710.800(2), FAC

Failure to submit as-built drawings.

Failure to submit a permit modification application.

Failure to submit the \$500.00 permit modification fee.

11. RECOMMENDATIONS:

62-710.510(1)(g) FAC

CBI must submit documentation to the Department explaining how halogen screening is performed and documented by CBI drivers. At a minimum, this shall include the process CBI drivers are instructed to follow regarding halogen checks on used oil, how the instrument is calibrated, and how the one TIF Halogen Leak Detector unit is shared between trucks PT01, SV12, SV54 and SV25. If CBI has more than one halogen leak detector, include this description in your response. Provide this information to the Department within 30 days of receipt of this report.


62-710.401(6) FAC

Effective immediately, all containers storing used oil must be clearly marked with the words "Used Oil." Within 30 days of receipt of this report, submit documentation to the Department explaining how this requirement has been met.

62-710.800(2), FAC

The Department received as-built drawings and has reviewed them. The Department's Hazardous Waste Section has not approved the submittal. The Department will issue a letter to CBI requesting revised drawings to be submitted within 30 days of receipt of the letter along with a permit modification application and the \$500 permit modification fee. Upon complying with the Department's request, the facility will be issued a permit modification with the authorization to operate.


Report prepared by:


Jill A. Seale
Environmental Specialist II

Date

2/8/06


Reviewed by:


Albert F. Gephart
Engineering Specialist IV

Date

2/8/06

Approved by:


Elizabeth Knauss
Environmental Manager

Date

2/8/06

USED OIL TRANSPORTER CHECKLIST

Facility Name: Cliff Berry Inc. Date: 6/29/05

Facility Representative: Dan Stone Facility ID # FLR 000 013 888

Inspector: Jill Seale, Al Gephart

40 CFR 279 Subpart E -- Transporter Standards

1. Is the facility exempt under any of the following? [279.40(a)] Y N X
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 NA X
3. Does the transporter process used oil incidental to transport? [279.41] Y X N

Are any residues managed as used oil, reclaimed, or used as asphalt manufacture feedstock? N/A Y N X

If not, has the transporter conducted a hazardous waste determination? [279.10(e)] N/A X Y N
4. Has the facility notified of used oil activities? Y X 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 X 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 X N

If so, are the filters stored in above ground containers which are: [62-710.850(6)]
In good condition? Y X N
Closed or otherwise protected from weather? Y X N
Labeled "Used Oil Filters"? Y X N
Stored on an oil impervious surface? Y X N

Transporter Recordkeeping -- 279.46

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

| | | |
|---|---------------|---------------|
| Name & Address of facility providing the oil for transport? | Y <u>X</u> | N <u> </u> |
| EPA ID # of oil provider (if applicable)? | Y <u> </u> | N <u>X</u> |
| Quantity of oil shipped? | Y <u>X</u> | N <u> </u> |
| Date of shipment? | Y <u>X</u> | N <u> </u> |
| A record of the analysis or specific process knowledge used to ensure the oil is not hazardous waste? (Sniff test or Dexil results should be recorded.) | Y <u> </u> | N <u>X</u> |
| Signature of oil provider, dated upon receipt? | Y <u>X</u> | N <u> </u> |
2. Do used oil delivery records include: [279.46(b)]

| | | |
|--|---------------|---------------|
| Name & Address of receiving facility or transporter? | Y <u>X</u> | N <u> </u> |
| EPA ID # of receiving facility or transporter? | Y <u> </u> | N <u>X</u> |
| Quantity of oil delivered? | Y <u>X</u> | N <u> </u> |
| Date of delivery? | Y <u>X</u> | N <u> </u> |
| Signature of oil receiver, dated upon receipt? | Y <u>X</u> | N <u> </u> |
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 <u> </u> | N <u> </u> |
|--|---------------|---------------|
4. Does the facility keep records on DEP Form 62-701.900(13) or equivalent? [62-710.510(1)]

| | | |
|--|------------|---------------|
| | Y <u>X</u> | N <u> </u> |
|--|------------|---------------|
5. Does the facility submit an annual report on DEP Form 62-701.900(14) by March 1 summarizing the on site records for the previous calendar year? [62-710.510(5)]

| | | |
|--|------------|---------------|
| | Y <u>X</u> | N <u> </u> |
|--|------------|---------------|

If not, is the facility a generator who transport only their own used oil generated at their own non-contiguous operations to their own central collection facility for storage prior to having their used oil picked up by a certified used oil transporter? [62-710.510(3)]

| | | |
|--|---------------|-------------|
| | Y <u> </u> | NA <u>X</u> |
|--|---------------|-------------|
7. Does the transporter keep copies of the record and reports for three years at the street address of the facility? [62-710.510(4)]

| | | |
|--|------------|---------------|
| | Y <u>X</u> | N <u> </u> |
|--|------------|---------------|
8. Does the transporter sell to burners or claim that any oil meets the specification? If so, complete the USED OIL MARKETER checklist.

| | | |
|--|---------------|------------|
| | Y <u> </u> | N <u>X</u> |
|--|---------------|------------|

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

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

| | | |
|--|------------|---------------|
| | Y <u>X</u> | N <u> </u> |
|--|------------|---------------|
2. Does the facility maintain training records? [62-710.600(2)(c)]

| | | |
|--|------------|---------------|
| | Y <u>X</u> | N <u> </u> |
|--|------------|---------------|
3. Does the facility maintain insurance or financial assurance of \$100,000 combined single limit? [62-710.600(2)(d)]

| | | |
|--|------------|---------------|
| | Y <u>X</u> | N <u> </u> |
|--|------------|---------------|
4. Is the facility registration form and ID number displayed at the facility? [62-710.500(4)]

| | | |
|--|------------|---------------|
| | Y <u>X</u> | N <u> </u> |
|--|------------|---------------|

Rebuttable Presumption -- 279.44

1. Does the transporter determine whether used oil stored being transported or stored at a transfer facility has a total halogen content above or below 1,000 ppm? Y X N
- Is this done by testing? *sniffer, 14 not noted on manifest* Y X N
- Is this done by process knowledge? Describe basis in narrative. Y N X
- Are test records or copies of records providing basis for determination kept for 3 years? [279.44(d)] Y X N
2. Have any analyses showed exceedances of the 1,000 ppm level? Y N X
- If so, was the oil managed as hazardous waste? Y NA X
- If not, was the oil exempt? Describe in narrative. N/A X Y N

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 X N
- Is the transfer facility registered per 62-710.500(1)(a) F. A. C.? Y X N
2. Is used oil stored only in tanks or containers? (Circle applicable units) Y X N
3. If the facility has tanks, do they comply with 62-761 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
4. Are containers, and tank trailers in good condition and not leaking? Y X N
5. Are containers provided with secondary containment consisting of walls and floor at a minimum? Y X N
- Is the containment system impervious to oil so as to prevent migration? Y X N
6. Are ASTs, UST tank fill lines and containers labeled "used oil"? Y X N
7. Does the facility stop operations and clean up releases of used oil, repairing or replacing any leaking units as applicable? unknown
8. Are used oil filters stored more than 10 days? Y N X
- If so, is the facility a registered used oil filter transfer facility? [62-710.850] N/A Y N

ATTACHMENT NO. 2



Cliff Berry, Incorporated
Environmental Services

March 7, 2006

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: Cliff Berry, Inc. - Tampa Facility
EPA ID Number: FLR 000 013 888
Used Oil Processing Facility Permit Number: 76517-HO-002

Dear Mr. Kothur:

Cliff Berry, Inc. (CBI) has received your letter concerning the above referenced facility dated February 3, 2006. Specifically you listed five (5) items that CBI needs to address.

I reviewed your letter and personally followed up on the matter. Listed below is each item in order from your letter and our response:

- A. Item No. 1 - Storage Tanks: At the time that I was working on the Used Oil Processing Permit with FDEP's Bill Parker, (prior to his retirement), we were not sure exactly which tanks we were going to install at the facility and how many. We decided to only install 10 tanks to give us a little more operating room inside the containment area. This change is reflected on the As-Built drawings and actually gives us additional secondary containment capacity.
- B. Item No. 2 - Specific Condition I.9: This item is addressed with this submittal letter.
- C. Item No. 3 - As-Built Foundation Drawings: The original construction drawings that were signed and sealed by our Engineer on July 11, 2003 and submitted to FDEP for permitting on August 27, 2003 are valid for the As-Built drawings. There were no deviations or changes from those original Foundation Drawings.
- D. Item No. 4 - Secondary Containment: Attached to this submittal letter please find certification by our professional engineer that the secondary containment has adequate capacity, is in compliance with the Specific Condition II.5 and meets the requirements of 40 CFR 279.54.
- E. Item No. 5 - Minor Permit Modification: Since this issue (number of storage tanks in the tank farm) was discussed and talked about considerably with FDEP's Bill Parker, at the time of the issuance of our Used Oil Processing Permit, it was our understanding that once the construction of the tank farm was complete, submittal of the As-Built drawings showing the final number of storage tanks would satisfy all Used Oil Processing Permit requirements. Also attached to this submittal letter please find the minor permit modification application and \$500.00 permit fee.

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
Cliff Berry Inc. (CBI)

This submittal has been reviewed and certified by:


D.M. Ambrose, P.E. FL Reg # 12831



| | | |
|-----|--------------------|--|
| cc: | Deborah Getzoff | District Director, FDEP Southwest District |
| | Steve Ray | FDEP HWR Section |
| | Jill Seale | Environmental Specialist II, FDEP Southwest District |
| | Albert Gephart | Engineering Specialist IV, FDEP Southwest District |
| | Elizabeth Knauss | Environmental Manager, FDEP Southwest District |
| | Mike Ambrose, P.E. | Carnahan, Proctor and Cross Consulting Engineers |



Jeb Bush
Governor

Department of Environmental Protection

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

Colleen M. Castille
Secretary

February 3, 2006

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

RECEIVED FEB 10 2006

RE : Cliff Berry, Incorporated, Tampa Facility
EPA I. D. Number: FLR 000 013 888
Used Oil Processing Facility Permit Number: 76517-HO-002
As-Built Site Plan with Pumping and Loading Stations

Dear Mr. Parkes:

The Department of Environmental Protection (DEP) has reviewed the As-Built Site Plan with Pumping and Loading Stations received on June 30, 2005 by DEP Southwest District for Cliff Berry, Incorporated, Tampa, Florida. DEP review comments are attached. Within thirty (30) days of receipt of this notice, please submit revised As-Built drawings incorporating the attached comments.

Should you have any questions, please contact Rabin Prusty at 850-245-8780.

Sincerely,

Bheem Kothur, P. E. III
Hazardous Waste Regulation

BK/rp

Enclosure

Albert Gephart, DEP/Tampa
Raoul Clarke, DEP/Tallahassee

"More Protection, Less Process"

Printed on recycled paper.

Review Comments on the As-Built Site Plan with Pumping and Loading Stations
Cliff Berry, Incorporated, Tampa, Florida
EPA I. D. Number: FLR 000 013 888
Used Oil Processing Facility Permit Number: 76517-HO-002
February 3, 2006

1. The permit states there are 11 tanks in the tank farm. However, according As-Built drawings, there are 10 tanks, please clarify discrepancy.
2. According to Specific Condition I.9, all documents submitted pursuant to the conditions of the permit shall be accompanied by a cover letter stating: the name and date of the document submitted; 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. Please include these items along with the revised As-Built drawings.
3. The As-Built drawings do not include foundation drawings. Please include a certified copy of the foundation drawings in the revised As-Built drawings.
4. A professional engineer registered in the State of Florida must certify that the secondary containment has adequate capacity and the secondary containment is in compliance with the Specific Condition II.5 and meets the requirements of 40 CFR 279.54.
5. The facility must request for a minor permit modification to incorporate any changes to the existing permit including number of tanks in the tank farm.



Carnahan • Proctor • Cross

Consulting Engineers • Surveyors • Planners
Land Development Consultants

6101 West Atlantic Blvd.

Margate, FL 33063

(954) 972-3959 • FAX (954) 972-4178

Email: margate@carnahan-proctor.com

3931 RCA Blvd. Ste. 3114

Palm Beach Gardens, FL 33410

(561) 799-5515 • FAX (561) 799-5643

Email: pbj@carnahan-proctor.com

Web Page: www.carnahan-proctor.com

JOB CB1-5218 ST. PAULS ST., TAMPA

SHEET NO. 1 OF 1

CALCULATED BY DMA DATE 3-09-06

CHECKED BY _____ DATE _____

SCALE _____

TANK FARM CONTAINMENT CALCULATIONS

$$\text{TANK PAD AREA (INSIDE)} = 48.33 \times 58.33 - (267)^2 = \underline{2812 \text{ SF}}$$

EXISTING TANK AREAS FOR 6-12" ϕ & 4-10" ϕ TANK

$$6 \times 113.04 + 4 \times 78.5 = 992 \text{ SF}$$

AVAILABLE AREA FOR STORAGE = 1820 SF (DISCOUNTING
PIPING AS MINOR)

ALLOW 20 SF FOR PIPES AND PUMPS

SAY 1800 SF AVAILABLE

TANK STORAGE = 2-30,000 GALLS, 5-25,000 GALLS & 2-15,000 GALLS

$$\text{REQUIRED CONTAINMENT VOL.} = 30,000 \times 1.10 / 7.48 = 4412 \text{ C.F.}$$

$$\text{HEIGHT OF FLUID FROM A 30,000 GAL SPILL} = \frac{4412}{180} = 2.45'$$

$$= 29"$$

EXISTING CONTAINMENT WALL = 30"

CONTAINMENT AREA & VOLUME ARE SATISFACTORY

D.M. Amerese

PA. REG. NO. 12831

[Signature]

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 _____

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: NOVEMBER, 2000

5. Facility name: CLIFF BERRY, INC. - TAMPA FACILITY

6. EPA identification number: FLR 000 013 888

7. Facility location or street address: 5218 SAINT PAUL STREET TAMPA, FL 33619

8. Facility mailing address: P.O. Box 13079 FORT LAUDERDALE, FL 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: P.O. Box 13079 FORT LAUDERDALE, FL 33316
Street or P.O. Box City State Zip Code

10. Operator's name: DAN STONE Telephone: 813 626-6533

Mailing Address:

5218 SAINT PAUL STREET TAMPA, FL 33619
Street or P.O. Box City State Zip Code

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

Mailing Address:

P.O. Box 13079 FORT LAUDERDALE, FL 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: _____

If leased, indicate:

Land owner's name: C-2 HOLDINGS, INC.

Mailing Address: P.O. Box 350123 Fort Lauderdale, FL 33335

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

- 14 Name of professional engineer D. M. AMOROSE Registration No. 12831

Mailing Address: 6101 W. ATLANTIC BLVD., MARGATE, FLORIDA 33063

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

Associated with: CARRAHAN, PROCTOR, CROSS CONSULTING ENGINEERS

B. SITE INFORMATION

1. Facility location:

County: HILLSBOROUGH

Nearest community: TAMPA

Latitude: 27°55'10" Longitude: 82°23'15"

Section: 34 Township: 29 SOUTH

UTM # _____ / _____ / _____

Range: 19 EAST

2. Facility size (area in acres): APPROX 1.8 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:

| |
|-------------|
| <u>NONE</u> |
| |
| |
| |

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 _____

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

APPLICATION FORM FOR A USED OIL PROCESSING PERMIT

PART II - CERTIFICATION

TO BE COMPLETED BY ALL APPLICANTS

Form 62-710.901(a). Operator Certification

Facility Name: CLIFF BERRY, INC.
TAMPA FACILITY EPA ID# FLR 000 013 888

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 [Signature]

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

Date: 3/8/06 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

Facility Name: CLIFF BERRY, INC.
TAMPA FACILITY EPA ID# FLR 000 013 888

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]
 Signature of the Facility Owner or Authorized Representative*

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

Date: 3/8/06 Telephone: (954) 763-3390

* If authorized representative, attach letter of authorization.

| | |
|----------------|-------------------------------------|
| DEP Form# | <u>62-710.901(6)(c)</u> |
| Form Title | <u>Used Oil Processing Facility</u> |
| | <u>Permit Application</u> |
| Effective Date | <u>June 9, 2005</u> |


APPLICATION FROM FOR A USED OIL PROCESSING PERMIT

PART II - CERTIFICATION

Form 62-710.901(c) Land Owner Certification

Facility Name: CLIFF BERRY, INC.
TAMPA FACILITY EPA ID# FLR 000 013 888

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.

X 
 Signature of the Land Owner or Authorized Representative*

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

Date: 3/8/06 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: 9802425 2. Tank Numbers: (SEE AS-BUILTS)

3. Facility Name: CLIFF BERRY, INC. - TAMPA FACILITY

4. Facility Address: 5218 SAINT PAUL STREET TAMPA, FL 33619

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 
Signature

D. M. AMBROSE
Name (please type)

Florida Registration Number: 12831

Mailing Address: 6101 W. ATLANTIC BLVD.

Street or P. O. Box

MARGATE, FL 33063

City

State

Zip

Date: 3/8/06 Telephone (904) 972-3959

[PLEASE AFFIX SEAL]

VENDOR NO: FLODEP1

NAME: FLORIDA DEPARTMENT OF

CHECK DATE: 3/6/2006 036686

| REFERENCE NUMBER | INVOICE DATE | GROSS AMOUNT | DISCOUNT TAKEN | NET AMOUNT PAID |
|---------------------|--------------|--------------|----------------|-----------------|
| PERMIT MODIFICATION | 3/2/2006 | 500.00 | 0.00 | 500.00 |
| TOTAL ▶ | | 500.00 | 0.00 | 500.00 |



Cliff Berry, Incorporated
Environmental Services
P.O. Box 13079
Fort Lauderdale, Florida 33316
(954) 763 3390 fax (954) 763 8375

WACHOVIA
FORT LAUDERDALE, FL 33316

63-643/670

036686

| | |
|--------|-----------|
| DATE | 3/6/2006 |
| AMOUNT | ***500.00 |

PAY Five Hundred and 00/100*****

TO THE
ORDER
OF
FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Cliff Berry
AUTHORIZED SIGNATURE

Security features. Details on back.