



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

June 16, 2009

SENT VIA E-MAIL
bparkes@cliffberryinc.com

Mr. Williams E. Parkes, Jr.
Manager Regulatory Affairs and Capital Projects
P.O. Box 13079
Fort Lauderdale, Florida 33316

SUBJECT: Cliff Berry, Inc.
Facility Renewal Permit
EPA I.D. Number: FLR 000 013 888
Permit Number: 76517-HO-005; 76517-SO-006
Hillsborough County

Dear Mr. Parkes:

Enclosed you will find a Department Permit (Intent to Issue), along with the draft Renewal Permit and language for the required Public Notice of Agency Action. Please ensure publication within the time allotted.

As applicant, you are a person whose substantial interests will be determined by the permit, and rights explained in the Intent to Issue apply to you. You have a period of 14 days from the date you received this Intent to Issue in which to exercise your rights.

Proof of publication must be provided to the Department within seven (7) days of publication of the notice.

If you have any questions, please contact Bheem Kothur at (850) 245-8781 or via e-mail: bheem.kothur@dep.state.fl.us.

Sincerely,

Tim J. Bahr, Administrator
Hazardous Waste Regulation

TJB/bk
Enclosure

Mr. Williams E. Parkes, Jr.
June 16, 2009
Page Two

cc: James Dregne, DEP/Southwest District, james.dregne@dep.state.fl.us
Heath Rauschenberger, U. S. Fish and Wildlife Services, heath_rauschenberger@fws.gov
Mary Ann Poole, Florida Fish and Wildlife Conservation Commission,
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Lee Martin, DEP/Tallahassee, lee.martin@dep.state.fl.us
Mike Ambrose, ambrosefox@bellsouth.net
Pam Iorio, Mayor City of Tampa, pam.iorio@tampagov.net
Ken Hagan, Chairman Hillsborough county commission,
hagank@hillsboroughcounty.org

FACT SHEET
June 16, 2009
Cliff Berry, Inc
Tampa, Florida
EPA I.D. No: FLR 000 138 888
Permit No: 76517-HO-005, 76517-SO-006

Used Oil and Material Processing Facility Permit

1. This facility will be permitted to construct and operate a Used Oil and Material Processing Facility consisting of ten (10) existing and two (2) proposed new above ground storage tanks.
2. The Permittee has complied with the revised closure cost estimates for the Year 2009.
3. The facility must submit as built drawings for the constructed tanks within 30 days of completion of construction with Florida P.E. Certification on each drawing.
4. There are no issues with this permit or with the facility at this time.

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In the Matter of an
Application for a Permit Renewal by:

*Cliff Berry, Inc.
P.O. Box 13079
Fort Lauderdale, Fl 33316*

*DEP File No. 76517-HO-005
DEP File No. 76517-SO-006
EPA I. D. FLR 000 013 888
Hillsborough County*

INTENT TO ISSUE

The Florida Department of Environmental Protection ("the Department") gives notice of its intent to issue a renewal permit (copy enclosed) for the proposed project as detailed in the application specified above, for the reasons stated below.

On February 13, 2009, and February 17, 2009 and April 22, 2009 and April 23, and April 28, 2009 Cliff Berry, Inc. submitted an applications to the Department for a renewal permit (76517-HO-005, and 76517-HO-006) to the used oil and material processing facility located at 5218 St. Paul Street, Tampa, Florida 33619. The Department has permitting jurisdiction under Section 403.704(16) and 403.769, Florida Statutes (F.S.) and Chapters 62-4, 62-701, 62-710, 62-730, 62-740 and 62-762 Florida Administrative Code (F.A.C.). The project is not exempt from permitting procedures. The Department has determined that an operating permit is required for the proposed work. The Department intends to issue this renewal permit with the conditions included in the enclosed draft permit.

Pursuant to Section 403.815, F.S., you (the applicant) are required to publish at your own expense the enclosed Newspaper Notice. The notice shall be published one time only within fourteen (14) days of receipt in the legal ad section of a daily, major newspaper of general circulation in the area affected. For the purpose of this notice, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. Where there is more than one daily newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permit modification. If you are uncertain that a newspaper meets these requirements, please contact the Office of General Counsel of the Department at (850) 245-2242. The applicant shall provide proof of publication to the Department of Environmental Protection at 2600 Blair Stone Road, Mail Station #4560, Tallahassee, Florida 32399-2400; Attention: Administrator, Hazardous Waste Regulation Section, within seven (7) days of publication. Failure to publish

the notice and provide proof of publication within the allotted time may result in the denial of the permit modification.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35 Tallahassee, Florida 32399-3000.

Petitions by the permit applicant or any of the parties listed below must be filed within fourteen (14) days of receipt of this Intent. Petitions filed by other persons must be filed within fourteen (14) days of publication of the public notice or within fourteen (14) days of their receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within fourteen (14) days of receipt of such notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (d) A statement of all material facts disputed by petitioner, or a statement that there are no disputed facts;
- (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

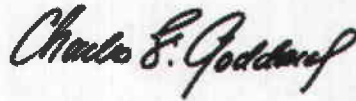
A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available in this proceeding.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Charles F. Goddard, Chief
Bureau of Solid & Hazardous Waste
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

cc: James Dregne, DEP/Tampa, james.dregne@dep.state.fl.us
Lee Martin, DEP/Tallahassee, lee.martin@dep.state.fl.us
Ken Hagan, Chairman Hillsborough County Board of Commissioners,
hagank@hillsboroughcounty.org
Mayor, City of Tampa, pam.iorio@tampagov.net
Heath Rauschenberger, U. S. Fish and Wildlife Services, heath_rauschenberger@fws.gov
Mary Ann Poole, Florida Fish and Wildlife Conservation Commission,
maryann.poole@myfwc.com
Fred Wick, DEP/Tallahassee, fred.wick@dep.state.fl.us
Tor Bejnar, DEP/Tallahassee, tor.bejnar@dep.state.fl.us
Augusta Posner, OGC/Tallahassee, augusta.posner@dep.state.fl.us
D. M. Ambrose, ambrosefox@bellsouth.net

Newspaper Notice:

**STATE OF FLORIDA
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
PUBLIC NOTICE OF PROPOSED AGENCY ACTION
NOTICE OF INTENT TO ISSUE**

THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION GIVES NOTICE OF ITS INTENT TO ISSUE A RENEWAL PERMIT TO CLIFF BERRY, INC. TO OPERATE USED OIL AND MATERIAL PROCESSING FACILITY LOCATED AT 5218 ST. PAUL STREET, TAMPA, FLORIDA 33619, HAVING ASSIGNED FACILITY I.D. NUMBER FLR 000 013 888.

The renewal draft permit prepared in accordance with the provisions of Chapters 62-4, 62-160, 62-701, 62-710, 62-730, 62-740 and 62-762, Florida Administrative Code (F.A.C.), contains the conditions for permit numbers 76517-HO-005, and 76517-SO-006. The renewal permit is intended to be issued to allow Cliff Berry, Inc. to operate a Used Oil and Material Processing Facility at the Cliff Berry, Inc. site in Tampa, Florida.

Copies of the renewal application and the renewal draft permit are available for public inspection during normal business hours 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at Florida Department of Environmental Protection, Southwest District Office, 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926, (813) 632-7600 and at 2600 Blair Stone Road, Mail Station #4560, Tallahassee, Florida 32399-2400; Attention: Administrator, Hazardous Waste Regulation Section, (850) 245-8781.

A person whose substantial interests are affected by the above proposed agency action may petition for an administrative determination (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the permit applicant and any of the parties listed below must be filed within fourteen (14) days of receipt of this Intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen (14) days of publication of this notice of intent or receipt of the written notice, whichever occurs first. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within this time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding

initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed; and
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of all material facts disputed by petitioner, or a statement that there are no disputed facts; (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available in this proceeding.

	Florida Department of Environmental Protection Bob Martinez Center 2600 Blair Stone Road Tallahassee, Florida 32399-2400	Charlie Crist Governor Jeff Kottkamp Lt. Governor Michael W. Sole Secretary
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PERMITTEE:

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

Attention:
Mr. William E. Parkes
Regulatory Affairs Manager

I.D. Number: FLR 000 013 888
Permit Number: 76517-HO-005
Permit Number: 76517-SO-006
Date of Issue: DRAFT
Expiration Date: April 12, 2014
County: Hillsborough County
Lat/Long: 27° 55' 10" N/82° 23' 45"W

Project: Used Oil and Material Processing Facility

This permit is issued under the provisions of Chapter 403 of Florida Statutes (F.S.), Chapters 62-4, 62-160, 62-701, 62-710, 62-730, 62-740 and 62-762 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: To operate a Used Oil Processing Facility hereinafter referred to as "Facility". The Used Oil Processing Facility is located on an approximately 1.8-acre parcel of land owned by C-2 Holdings, Inc. in Hillsborough County at 5218 St. Paul Street, Tampa, FL, 33619. Diagrams of the site layout and tank storage area are included as Attachments (Attachment – A and B), Tank capacity and contents are shown in the Tank Table (Attachment - C) of this permit.

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

The Facility consists of three (3) 30,000 gallon, 6 (six) 25,000 gallon, 2 (two) 15,000 gallon and 1(one) 20,000 gallon registered and regulated above ground tanks. The 20,000 gallon tank (Tank 12) and one of the 30,000 gallon tanks (Tank 11) are permitted for construction but not for use under this permit. All 12 (twelve) tanks are dedicated Used Oil/Water, out of the twelve tanks one (1) tank is dedicated as a Used Oil Heater Tank. All tanks and containers are located within the secondary containment unit as shown on drawing Attachment A of this permit. The area of the tank farm is 3,447 square feet.

The following documents were used in preparation of this permit:

1. Used Oil Processing Facility Permit Renewal Application, dated February 13 and February 17, 2009.

Cliff Berry, Incorporated.
5218 St. Paul Street
Tampa, Florida 33619

I.D. Number: FLR 000 013 888
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2. Used Oil Processing Facility Permit Renewal Application, NOD Letter dated March 19, 2009 and the Facility Responses, dated April 3, April 22, and April 23, 2009, in response to first Notice of Deficiency (NOD) letter.
3. Additional information, dated April 28, 2009, in response to the Department's first NOD, dated March 19, 2009.
4. Permit Major Modifications application, dated February 12, 2007 and received on February 22, 2007.
5. Permit Modifications application revised responses, dated June 20, 2007.
6. Permit Modifications application, dated March 7, 2006 and additional information dated March 24, 2006.
7. Additional information, dated August 27, 2003 and December 26, 2003.
8. Used Oil Processing Permit Application, dated June 12, 2003.

This permit replaces expired permit number 76517-HO-004

Cliff Berry, Incorporated.
5218 St. Paul Street
Tampa, Florida 33619

I.D. Number: FLR 000 013 888
Permit/Cert Number: 76517-HO-005, 76517-SO-006
Expiration Date: **April 12, 2014**

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Cliff Berry, Incorporated.
5218 St. Paul Street
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Expiration Date: **April 12, 2014**

Part I - GENERAL AND STANDARD CONDITIONS

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the Permittee and enforceable pursuant to the authority of Sections 403.141, 403.727, or 403.859 through 403.861, Florida Statutes. The Permittee is hereby 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 any infringement of federal, state or local laws or regulations. This permit does not constitute 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 interests have 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 or aquatic life or property and penalties therefore caused by the construction or operation of this permitted source, 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 at all times properly operate and maintain the facility and systems of processing and control (and related appurtenances) that are installed or 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, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purpose of:
 - a. Having access to and copying any records that must be kept under the conditions of the permit;
 - b. Inspecting the facility, equipment, practices, or operations regulated or required under this permit; and

Cliff Berry, Incorporated.
5218 St. Paul Street
Tampa, Florida 33619

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- c. Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or 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 notify and provide the Department with the following information:
- a. A description of and cause of non-compliance; and
 - b. The period of non-compliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

The Permittee shall be responsible for any and all damages that 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 403.73 and 403.111, 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.
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 is required to be kept at the work site of the permitted activity during the entire period of construction, operation, or closure.
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
 - d. Compliance with New Source Performance Standards.

Cliff Berry, Incorporated.
5218 St. Paul Street
Tampa, Florida 33619

I.D. Number: FLR 000 013 888
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14. The Permittee shall comply with the following monitoring and record keeping requirements:
 - a. Upon request, the Permittee shall furnish all records and plans required under Department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the Department, during the course of any unresolved enforcement action;
 - b. The Permittee shall retain at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records), copies of all reports required by this permit, and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report or application unless otherwise specified by Department rule; and
 - c. Records of monitoring information shall include:
 - (1). The date, exact place, 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; and
 - (6). The results of such analyses.
15. When requested by the Department, the Permittee shall, within a reasonable period of 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 submitted or corrected promptly.
16. The Permittee shall comply with the following requirements during the life of this permit:
 - a. The facility shall comply with all applicable portions of 40 CFR Part 279 and Chapter 62-710, F.A.C.
 - b. This facility shall be constructed, operated and maintained in accordance with all applicable requirements of Chapters 62-4, 62-701, 62-710, 62-730, 62-740, and 62-762, 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 General and Standard 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.

Cliff Berry, Incorporated.
5218 St. Paul Street
Tampa, Florida 33619

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- d. Nothing contained in General and Standard Condition 10 of this permit 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.

17. Submittals in response to these conditions shall be submitted as follows:

- a. One (1) hard copy and one (1) electronic copy shall be submitted to:

Environmental Administrator
Hazardous Waste Regulation Section
Florida Department of Environmental Protection
2600 Blair Stone Road, MS 4560
Tallahassee, Florida 32399-2400

- b. One (1) hard copy and one (1) electronic copy shall be submitted to:

Hazardous Waste Program Administrator
Department of Environmental Protection
Southwest District Office
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926

- c. The Permittee shall submit one (1) copy of the renewal permit and/or modifications cover letter and appropriate fee to:

Environmental Administrator
M.S. 4560
Hazardous Waste Regulation Section
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

The Permittee shall submit the other copies of the renewal permit and/or modifications (one hard and one electronic) to the addresses in the General and Standard Condition 17 (a) and (b) of this permit.

- d. Financial Assurance Mechanism:

The Permittee shall maintain, in good standing, the financial mechanisms established to demonstrate proof of financial assurance. Supporting documentation, for proof of financial assurance and required adjustments, shall be submitted within the time frames specified in Rule 62-701.630, F.A.C. as adopted by reference in Rule 62-710.800(6), F.A.C. All submittals in response to this specific condition shall be sent to:

Florida Department of Environmental Protection
Financial Coordinator – Solid Waste Section
2600 Blair Stone Road, MS 4565
Tallahassee, Florida 32399-2400

Cliff Berry, Incorporated.
5218 St. Paul Street
Tampa, Florida 33619

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e. Annual Closing Cost Estimate Adjustment:

The Permittee shall annually adjust the closing cost estimate for inflation using Form 62-710.901(7). Adjustments shall be made in accordance with Rule 62-710.800(6), F.A.C. An owner or operator shall submit the adjusted cost estimate between January 1 and March 1. All submittals in response to this specific condition shall be sent to the addresses on the cost estimate form.

18. The Permittee shall annually register their used oil handling activities with the Department on DEP Form 62-710.901(1) in accordance with Rule 62-710.500, F.A.C.
19. The Permittee shall display the validated registration form and identification number in a prominent place at the facility location [Rule 62-710.500(4), F.A.C].
20. The Permittee shall submit an annual report covering used oil processing facility activities conducted during the previous calendar year to the Department on DEP Form 62-701.901(3) by March 1 of each year in accordance with Rule 62-710.510(5), F.A.C. The report shall summarize the records kept pursuant to Rule 62-710.510 and 62-740.300(5), F.A.C.
21. Before transferring ownership or operation of this facility during its operating life, the Permittee must notify the new owner or operator in writing of the requirements of 40 CFR Part 279 and Rule 62-710, F.A.C. The Permittee shall also submit an application for transfer of the permit, at least thirty (30) days prior to transferring the facility, on DEP Form 62-1.201(1) accompanied with an appropriate application fee, required pursuant to Rule 62-4.050, F.A.C.
22. Before closing or making any substantial modification to the facility, the Permittee shall submit to the Department the Used Oil Processing Facility Permit Modification Request, pursuant to Rules 62-4.080 and 62-710.800(3), F.A.C. The engineering aspects of the request must be certified by a Professional Engineer registered in the State of Florida.
23. The Department may modify, revoke, reissue, or terminate for cause, this permit in accordance with the provisions of Rule 62-4.100, F.A.C. The filing of a request for a permit modification, revocation and reissuance, or termination, 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. The Permittee may submit any subsequent revisions to the Department for approval. These revisions shall meet the requirements of Rules 62-4.050 and 62-710.800(3), F.A.C. and must be accompanied with an appropriate application fee.
24. The Permittee shall submit a complete application for renewal of the permit, on DEP form 62-710.901(6) and in a manner prescribed by the Department, sixty (60) days before the expiration of this permit, unless the facility is to be closed prior to the expiration date of this permit per the requirements of Rule 62-710.800(4), F.A.C.
25. 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, sludge, residues or constituents to air, soil, or surface water which could threaten human health or the environment, in accordance with 40 CFR 279.52.

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26. The Permittee shall not accept or store any hazardous wastes in the permitted tanks or in any other area at the facility without receiving written approval from the Department.
27. The Permittee is allowed to store used oil only in the aboveground tanks within the secondary containment, and or with double walled tanks as shown in Attachment - A of the permit. The permitted units are Tanks 1 through 10. As of date of issuance of this permit, Tanks 11 and 12 are permitted for construction but not for use under this permit. Use of Tanks 11 and 12 are subject to Part II Condition 8 of this permit.
28. The Permittee shall not exceed the maximum storage capacities of the permitted tanks as specified in Section 1 of the permit application and in Attachment C of this permit.
29. To prevent overflow, the Permittee shall notify the Department when the volume of the used oil stored in any of the tanks exceeds ninety-five (95) percent of the maximum storage capacity of the tank as specified in Section 1 of the permit application and Attachment C of this permit.
30. Tanks installed on or after July 13, 1998 shall comply with the performance standards of F.A.C., Rule 62-762.501. Repairs to aboveground storage and process tanks shall meet the criteria of Rule 62-762.701, F.A.C. [Rule 62-710.300(3), F.A.C.].
31. The inspection records and release detection monitoring required in Rule 62-762.601, F.A.C. for aboveground process and storage tanks and integral piping shall be maintained in the Permittee's operating record [Rule 62-710.510, F.A.C.].
32. The Permittee shall prevent the release of used oil, oily waste or oily wastewater to the environment. The secondary containment systems shall be maintained in accordance with Attachments No. D & E of 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. Pursuant to 40 CFR 279.54, the secondary containment system 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 structural strength to sustain the stresses induced by a failure of the primary containment system as well as other stresses which may be induced by the environment;
 - (4). Placed on a foundation or base capable of providing support to the secondary containment system;

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- (5). Provided with a 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; and
 - (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.
- 33. Prior to beginning operation, the Permittee shall inspect the secondary containment system floor and perimeter walls for any cracks or gaps. If any cracks or gaps are found, the Permittee shall repair the cracks and gaps prior to beginning operation of the used oil processing facility [40 CFR 279.54(d)(2) and 40 CFR 279.54(e)(2)].
 - 34. The Permittee shall label or mark all containers and aboveground tanks, used for storage or processing of used oil, with the words "Used Oil" [40 CFR 279.54(f)].
 - 35. The Permittee shall label or mark all containers or tanks which are solely used for the storage of Petroleum Contact Water with the words "Petroleum Contact Water" or "PCW" [Rule 62-740.100, F.A.C.].
 - 36. The Permittee shall store used oil, PCW, used oil residues or used oil filters only in those containers or tanks which are made of or lined with materials that will not react with and are otherwise compatible with the waste to be stored.
 - 37. If a container or tank holding used oil, PCW, used oil residues or used oil filters is not in good condition (e.g., rusting, bulging) or begins to leak, the Permittee shall transfer the waste to another container or tank which is in good condition [40 CFR 279.22].
 - 38. As part of the general operating requirements, the Permittee shall:
 - a. Not place used oil, other wastes or treatment reagents in a tank system if the possibility exists that this may cause the tank system to fail;
 - b. Use appropriate controls and practices to prevent spills and overflows;
 - c. Follow the operating procedures described in Attachments No. D & E of the permit application; and
 - d. Comply with the requirements of 40 CFR 279.54(g) if a leak or spill occurs.
 - 39. The Permittee shall inspect the tank system in accordance with Attachment No. E of the permit application. These requirements include:
 - a. Developing and following a schedule and procedure for inspecting overfilling controls;

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- b. Inspecting at least once each operating day the aboveground portions of the tank system, and the construction materials and area immediately surrounding the tank storage area. However, the Permittee shall document the daily inspections at least once a week; and
 - c. The results of the inspections in (a) and (b) of this condition shall be maintained in the operating record of the facility.
40. The Permittee shall remove spilled or leaked waste and accumulated precipitation from the secondary containment areas within three (3) days of detection and managed in accordance with Rule 62-762.821(1)(d), F.A.C., and 62-762.701(2)(b), F.A.C.
41. Pursuant to the requirements of 40 CFR 279.52(a), concerning preparedness and prevention, the Permittee shall:
- a. Maintain a copy of the preparedness and prevention plan, Attachment F of the permit application, at the facility;
 - b. Equip the facility with the required emergency equipment described in Attachment F of the permit application [40 CFR 279.52(a)(2)];
 - c. Test and maintain the required emergency equipment in accordance with the requirements of 40 CFR 279.52(a)(3);
 - d. Provide all facility personnel involved in used oil processing operations with immediate access to an internal alarm or emergency communication device, as described in Attachment F of the permit application [40 CFR 279.52(a)(4)]; and
 - e. Make arrangements with the local authorities as described in Attachment F of the permit application [40 CFR 279.52(a)(6)].S
42. Pursuant to the requirements of 40 CFR 279.52(b), concerning the contingency plan, the Permittee shall:
- a. 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 that threatens or could threaten human health or the environment. The Permittee shall give proper notification to the Department if an emergency situation arises and within fifteen (15) days must submit to the Department a written report which includes all information required in 40 CFR 279.52(b)(6)(ix);
 - b. Maintain a copy of the contingency plan at the facility and submit copies to all local police departments, fire departments, hospitals, and State and local emergency response teams pursuant to the requirements of 40 CFR 279.52(b)(3);
 - c. Amend the plan and submit the amended plan for Department approval within seven days of meeting any criteria listed in 40 CFR 279.52(b)(4). Any other changes to the plan must be

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submitted to the Department within seven days of the change in the plan. All amended plans must be distributed to the appropriate agencies;

- d. Comply with the requirements of 40 CFR 279.52(b)(5), concerning the emergency coordinator; and
 - e. Notify the Department of Environmental Protection's 24-hour emergency telephone number [(800) 320-0519] in the case of emergency. During normal business hours, the Department's Southwest District office may be contacted at (813) 632-7600.
43. The Permittee shall maintain reports of all releases that are greater than one (1) gallon, as part of its on-site operating records. The reports shall include amount and time of release and a schedule that details the corrective action taken. The Permittee shall submit a written report to the Department within fourteen (14) days for all the releases that are greater than fifty (50) gallons. The Permittee shall inform the Department immediately if a release requires the Permittee to take any of the tanks out of service.
44. The Permittee shall inspect the facility operating, emergency and safety equipment in accordance with the schedules approved in Attachment F of the permit application. The Permittee shall remedy any deterioration or malfunction discovered by an inspection, in accordance with 40 CFR 279.52. Changes, additions, or deletions to the schedule must be approved in writing by the Department. The schedules must be maintained as part of the operating record of the facility [40 CFR 279.54].
45. Pursuant to 40 CFR 279.55, concerning the written analysis plan, 40 CFR 279.56, concerning Tracking, the Permittee shall:
- a. Sample and analyze each incoming shipment for the parameters listed in Attachment C of the permit application, prior to accepting used oil from off-site facilities. The sampling frequency shall be in accordance with Attachment C of the permit application;
 - b. Test all containers of the same waste stream for the parameters listed in Attachment C of the permit application, if any of the samples fail the analysis required by General and Standard Condition 45.(a), the Permittee may collect a representative sample from containers received from the same generator for this analysis;
 - c. Reject any incoming containers of used oil which fail the analysis required by the General and Standard Condition 45.(a). The Permittee shall maintain documentation of any shipment of used oil which is refused due to suspected mixing with hazardous waste in the facility operating record;
 - d. Analyze, prior to shipment, all outgoing shipments of used oil for the parameters listed in Attachment C of the permit application to determine whether the used oil is on-specification or off-specification. However, the testing is not required if it is sent to another Used Oil processor for further processing;
 - e. All sampling and analysis activities shall be conducted in accordance with Chapter 62-160, F.A.C.; and

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- f. The Permittee must keep the written analysis plan at the facility.

PART II – USED OIL PROCESSING CONDITIONS

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: the Permittee shall maintain records on DEP Form 62-701.900 (2) 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;
 - (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; and
 - (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; and
 - (4). The laboratory analytical results.
 - c. **RECORD RETENTION:** The records described in paragraph (a) and (b) of this section must be maintained for at least five years. The records shall be kept at the permitted facility and shall be available for inspection by the Department during normal business hours.
3. Pursuant to 40 CFR 279.57, the Permittee must keep and maintain a written operating record at the Facility until closure of the Facility, which includes the following information:

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- a. Records and results of used oil analyses performed as described in the analysis plan required under 40 CFR 279.55; and described in Attachment (C) .5a, (C).5b and (C).5c of the permit application.
 - b. Summary reports and details of all incidents that require implementation of the contingency plan as specified in 40 CFR 279.52(b).
4. The Permittee shall maintain as part of the operating record of the Facility the inspection records and release detection monitoring records required in Rule 62-762.601, F.A.C., for aboveground storage tanks, integral piping, and process tanks. Reports of releases greater than one (1) gallon shall include the amount, time of the release, time of the response and a description of the response. Reports of releases greater than fifty (50) gallons shall be submitted to the Department within fourteen (14) days. The Permittee shall inform the Department immediately if a release requires the Permittee to take any of the tanks out of service.
5. 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, sludge, 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).
6. Pursuant to Rule 62-710.300(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 either new tanks of Rule 62-762.501 , F.A.C., or for existing shop fabricated/field erected tanks Rule 62-762.511, F.A.C. Repairs to aboveground storage and process tanks shall meet the criteria of Rule 62-762.701, F.A.C.
7. 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.

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- (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.
8. Permittee shall submit as built drawings for the proposed and constructed Tanks 11 and 12 in an adjoining location within thirty (30) days of completion of construction. Each drawing shall be signed and sealed and certified by a Professional Engineer registered in the State of Florida.
 9. The Permittee shall not use, operate, or otherwise conduct any activities with the proposed new horizontal Used Oil Heating Tanks 11 and 12 until the Permittee has established Financial Assurance for the tanks in accordance with Condition Part I.17.(d) of this permit and the Department has approved installation of the tanks. Upon Department approval of the newly installed and the updated Financial Assurance mechanism, the Permittee may start using those tanks.

PART III – PETROLEUM CONTACT WATER PROCESSING CONDITIONS

1. The Permittee shall ship or accept petroleum contact water (PCW) only by using a transporter who is a registered hazardous waste transporter in compliance with Rule 62-730.170, F.A.C., or has received a DEP/EPA ID number by notifying the Department on FDEP Form 62-730.900(1)(b) of its intent to transport PCW. [62-740.200(2), F.A.C.]
2. The Permittee shall label or mark all containers or tanks which are used for the storage of petroleum contact water with the words "Petroleum Contact Water" or "PCW". [62-740.100, F.A.C.]
3. The Permittee shall store PCW only in those containers or tanks which are made of or lined with materials which will not react with and are otherwise compatible with the waste to be stored.
4. If a container holding PCW is not in good condition (e.g. rusting, bulging) or begins to leak, the Permittee shall either overpack the container or transfer the waste to another container or tank which is in good condition. [40 CFR 279.22]
5. The Permittee shall store or treat PCW in tanks registered under the specifications of Rule 62-762, F.A.C., or in containers or tanks that do not require registration but meet the requirements of 62-740.100(2), F.A.C. [62-740.300(2)(a) and (b), F.A.C.]

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6. The Permittee shall test and manage all waste residuals after the recovery of product from PCW in accordance with Chapter 62-730, F.A.C., or other applicable rules of the Department [62-740.300(6), F.A.C.].
7. The Permittee shall maintain the following records for a minimum of three years [62-740.300(2)(c), F.A.C.
 - a. For each shipment of PCW received.
 - (1). Name and address of the PCW producer.
 - (2). Name and address of the PCW transporter.
 - (3). Date of receipt of the PCW shipment.
 - (4). Volume of PCW received.
 - (5). A copy of the shipping paper used for shipment of the PCW.
 - (6). Have in file written assurances from the producers that the PCW does not contain levels of hazardous constituents above those found in the source of the PCW [62-740.300(4), F.A.C.].
 - b. Weekly PCW container or tank inspections as required in 62-740.100(2)(e), F.A.C.
 - c. Records to demonstrate that, under normal operating practices, the Facility recovers product from PCW [62-740.300(3), F.A.C.].
8. The Permittee shall submit an annual report covering petroleum contact water (PCW) activities for the previous year by March 1 of each year. The report shall include:
 - a. The total quantity of PCW received during the previous calendar year.
 - b. An estimate of the total quantity of product recovered from the PCW.

PART IV – TANK AND CONTAINER CONDITIONS

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

1. The Permittee shall prevent the release of petroleum contact water, 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:

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- 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 CFR279.54 and shall be:
 - (1). Designed, installed and operated to prevent any migration of waste 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 of sufficient strength to sustain the stresses induced by 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 a 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.
2. The Permittee shall, in the event of a release:
- a. Stop the release;
 - b. Contain the release;
 - c. Clean up and manage properly the released waste and other materials; and
 - d. If necessary, repair or replace any leaking storage containers or tanks prior to returning them to service.
3. The Permittee shall, as part of the general operating requirements:
- a. Not place petroleum contact water, used oil, other wastes or treatment reagents in a tank system if the possibility exists that this may cause the tank system to fail;
 - b. Use appropriate controls and practices to prevent spills and overflows;

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- c. Follow the Operating Procedures described in Attachments No. D & E of the permit application; and
 - d. Comply with the requirements of 40 CFR 279.54(g) if a leak or spill occurs.
4. 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)]
 5. The Permittee shall store used oil only in those containers or tanks which are made of or lined with materials which will not react with and are otherwise compatible with the waste to be stored.
 6. If a container holding used oil is not in good condition (e.g. rusting, bulging) or begins to leak. The Permittee shall either over pack the container or transfer the waste to another container or tank which is in good condition. [40 CFR 279.22]
 7. The Permittee shall inspect all regulated tank systems in accordance with procedures presented in Attachment E of the permit application.
 8. The Permittee must initiate the removal of spilled or leaked waste from the secondary containment areas within twenty-four hours of incident discovery [Rule 62-762.821(1)(d), F.A.C.]. Accumulated precipitation must be removed from the secondary containment areas within seven days after a rainfall event [Rule 62-762.701(2)(b), F.A.C.]. The above materials shall be managed in accordance with Attachment F of the permit application dated October 10, 2008 and revised January 15, 2009.
 9. The Permittee shall keep containers closed except when adding or removing waste.
 10. To prevent overflow, the Permittee shall notify the Department when the volume of used oil, oily wastewater or PCW stored in any of the permitted tanks exceeds 95% of the maximum storage capacity of the tank.

PART V – NON-HAZARDOUS, NON-USED OIL WASTE CONDITIONS

1. The facility may accept non-hazardous solid wastes that do not qualify as used oil, such as petroleum contaminated debris and soil. The waste will be bulked and/or processed for acceptance at permitted solid waste disposal or processing facilities.
 - a. All wastes received at the site for solidification will be received either by drum in the drum storage area or in bulk via vacuum truck into the existing on site mixing chamber, both of which are located in the north warehouse. The mixing chamber will be used for the blending and solidifying of the oil contaminated solid waste. Once the oil contaminated solid waste has been stabilized to meet disposal profiles, the material will be transferred to a sealed roll-off container which will be staged on the bermed concrete slab.
 - b. All waste shall be analyzed in accordance with the Analysis Plan using the appropriate analytical methods as described in the Third Edition of EPA Publication SW-846, as amended by Final Updates I, II, IIA, IIB, III, IIIA, IIIB, and IV. Oil contaminated solid waste determined

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to be non-hazardous as defined by 40 CFR Part 260-262 may be processed at the facility. Waste that is characterized as being hazardous shall be properly transported to a facility permitted to accept hazardous waste.

- c. Roll-off containers will be used to transport the processed waste to a permitted solid waste disposal facility. The amount of solid waste on the site shall not exceed forty (40) tons at any given time which includes the mixing chamber, ten (10) tons in the sealed roll-off, plus the maximum capacity of the drum storage area which is 18 ft by 47 ft. No other material (solidifying agent) will be added to the mixture.
- d. Maximum amount of oil contaminated solid waste to be brought in to the facility will be forty (40) tons per month. The oil contaminated solid waste will be brought in to the facility in the form of approximately 110 drums (approximately 500 pounds each) and some oil contaminated solids from vacuum trucks.
- e. Roll off containers will be covered at all times.

PART VI – CLOSURE CONDITIONS

- 1. The Permittee shall close the facility in compliance with 40 CFR 279.54(h), 62-710.800(5), F.A.C. and Attachment F of the renewal permit application dated February 13, 2009. The closure plan requires at a minimum the following:
 - a. Test residue in the tanks. If the residue is hazardous, follow the closure plan in Attachment F of the renewal permit application dated October 10, 2008 and revised January 15, 2009.
 - b. Remove and properly dispose any non-hazardous residue.
 - c. Triple rinse the tanks, piping and ancillary equipment.
 - d. Remove the tanks and piping to a scrap steel dealer.
 - e. Submit a closure report, within thirty (30) days after closing these tanks, that describes the closure process and includes documentation of:
 - (1). The weight of #1 heavy metal scrap sold.
 - (2). The weight of other scrap sold, by classification.
 - (3). The weight of scrap disposed and how disposed.
 - (4). An inventory of the valves and fittings that were retained for future application.
 - (5). A statement that the tanks and piping have been completely removed and that everything removed is included in the above listing.

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2. The Permittee shall maintain an approved written closure plan and it must demonstrate how the facility will be closed in accordance with Attachment F of the renewal permit application dated February 13, 2009 and subsequent revisions in order to meet the following requirements that:
 - a. There will be no need for further Facility maintenance;
 - b. Used oil will not contaminate soil, surface water or groundwater;
 - c. All tanks, piping, secondary containment & ancillary equipment will be emptied, cleaned and decontaminated, and all materials removed and managed;
 - d. Aboveground storage tanks and process tanks and all integral piping will be closed pursuant to Rule 62-762.801, F.A.C.
 - e. Permittee who store or process used oil in above ground tanks must, pursuant to closure requirements of 40 CFR 279.54(h), remove or decontaminate used oil residues in tanks, contaminated containment system components, contaminated soil, 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;
 - f. The closure plan, as described in Attachment F of the renewal permit application dated February 13, 2009 shall be updated whenever significant operational changes occur or design changes are made;
 - g. The closure plan shall be maintained with records required under Rule 62-710.510, F.A.C.
 - h. The Permittee shall submit an updated and detailed plan to the Department at least sixty (60) days prior to the schedule date of closing the Facility; and
 - i. The Permittee shall submit a certification of closure completion to the Department that demonstrates that the Facility was closed in substantial compliance with the approved closure plan, within thirty (30) days after closing the Facility.
3. Within ninety (90) days of determining that the Facility cannot be clean closed under this permit, the Permittee shall submit a permit application to close the tank system(s) and perform post-closure care in accordance with the closure and post-closure requirements of 40 CFR 264.310 that apply to hazardous waste landfills.
4. Containers: Permittee who store used oil in containers must, pursuant to closure requirements of 40 CFR 279.54(h), comply with the following requirements:
 - a. At closure, containers holding used oil or residues of used oil must be removed from the site; and
 - b. The Permittee must remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures or equipment contaminated with used

Cliff Berry, Incorporated.
5218 St. Paul Street
Tampa, Florida 33619

I.D. Number: FLR 000 013 888
Permit/Cert Number: 76517-HO-005, 76517-SO-006
Expiration Date: **April 12, 2014**

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.

Issued _____

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.

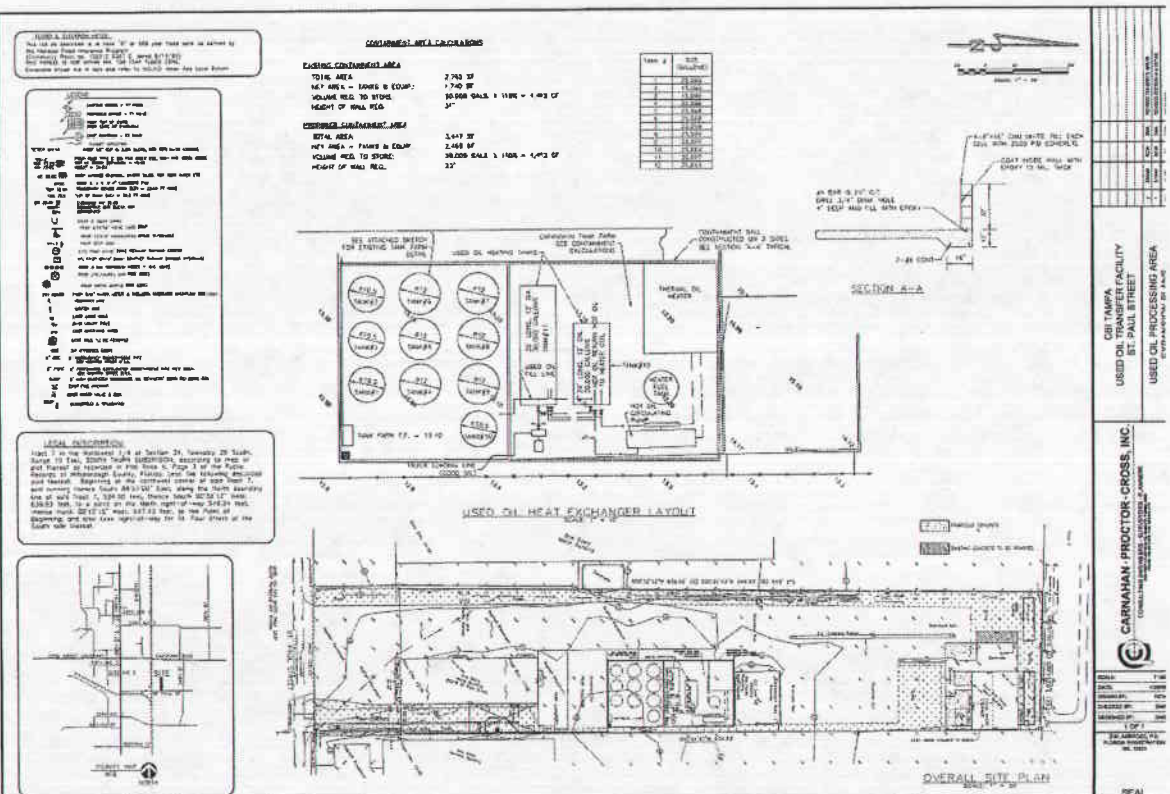
CLERK

DATE

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5218 St. Paul Street
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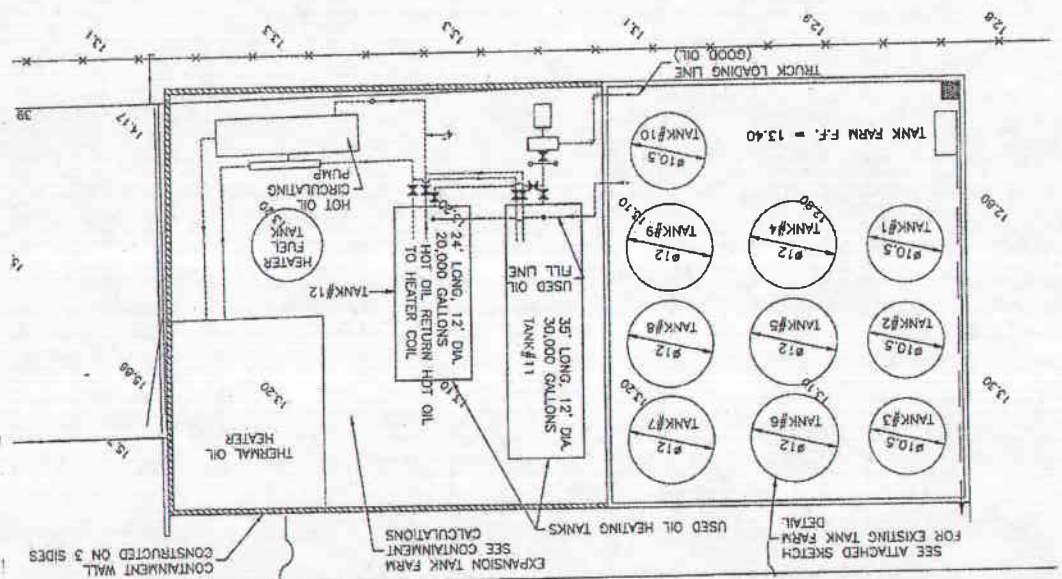
ATTACHMENT-A



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ATTACHMENT B



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ATTACHMENT C

TANK TABLE

Vertical Tanks

Tank #	Date Installed	Size (Gallons)	Material of Construction	Products
1	6-05	25,000	Steel	Used Oil / Water
2	6-05	15,000	Steel	Used Oil / Water
3	6-05	16,000	Steel	Used Oil / Water
4	6-05	30,000	Steel	Used Oil / Water
5	6-05	25,000	Steel	Used Oil / Water
6	6-05	25,000	Steel	Used Oil / Water
7	6-05	25,000	Steel	Used Oil / Water
8	6-05	25,000	Steel	Used Oil / Water
9	6-05	30,000	Steel	Used Oil / Water
10	6-05	25,000	Steel	Used Oil / Water

Horizontal Tanks

11	proposed	30,000	Steel	Used Oil / Water
12	proposed	20,000	Steel	Used Oil / Water



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

April 23, 2009

SENT VIA E-MAIL

bparkes@cliffberryinc.com

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

RE: Cliff Berry, Inc.- Tampa
EPA I.D. No. FLD 000 013 888
Permit Number: 0076517-HO-005
Used Oil Processing Facility Permit
Notice of Deficiency - 2

Dear Mr. Parkes:

The Florida Department of Environmental Protection (the Department) has received your permit renewal application NOD response dated April 3, 2009 and DEP received on April 3, 2009 to operate a Used Oil and Material Processing facility at 5218 Saint Paul Street, Tampa, Florida, 33619.

The review of the permit renewal application NOD responses indicates that it is incomplete. Please provide the information requested in the enclosed attachment. In preparing your response, the Department recommends that you identify each comment followed by your response and also provide your revised pages of the application. The revised pages are to include the new revision date.

Further action on processing your application is temporarily held in abeyance pending receipt of your complete response. Please submit three copies of your written response (two copies to the Tallahassee Solid and Hazardous Waste Regulation Section, and one to the Southwest District office). If you cannot submit all this information within 30 days, you must formally request an extension and provide a schedule, with dates, indicating when this information will be submitted.

Mr. William Parkes
April 23, 2009
Page Two

Should you like to arrange a meeting or if you have any questions, please contact Bheem Kothur at 850-245-8781, or e-mail: Bheem.kothur@dep.state.fl.us

Sincerely,


Bheem Kothur, P.E. III
Hazardous Waste Regulation

BK/

Enclosure: Attachment

cc: James Dregne, DEP/South West District, james.dregne@dep.state.fl.us
Fred Wick, DEP/Tallahassee, fred.wick@dep.state.fl.us
Augusta Posner, OGC/Tallahassee, augusta.posner@dep.state.fl.us
Lee Martin, DEP/Tallahassee, lee.martin@dep.state.fl.us
Tor Bejnar, DEP/Tallahassee, tor.bejnar@dep.state.fl.us
Mike Ambrose, ambrose.fox@bellsouth.net

ATTACHMENT
April 23, 2009
Cliff Berry Incorporated
Tampa, Florida
EPA I.D. Number: FLR 000 013 888
Notice of Deficiency -2

GENERAL COMMENTS

2. The purpose of combining Solid Waste (SW) permit with Used Oil (UO) permit is that the company would be bringing in SW that would be associated with Oily waste such as petroleum contaminated waste and absorbents to a limited capacity. This does not appear to be the case with the CBI, Inc. Tampa, UO processing facility. Please clarify and address the following point which you mentioned in your April 3, 2009 response submittal as part of the solid waste proposed permitting activities:

d. Specify the solidifying agent and be specific.

"The facility indicated that the solid waste will be blended and then mixed to produce a solid waste appropriate for land filling". This is not acceptable. The facility must specify what material you will be using to mix with the solid waste, for example: wood chips, saw dust, or mulch. The Facility cannot be using fly ash or another solid waste.

Please review, revise and resubmit the paragraph.

Additional Comment:

Also, the Department would like to inspect the "pit"(chamber), after it has been cleaned out, but before the epoxy is put down. Please let us know the schedule of planned activities at least seven (7) days before the event, so that the department can plan to visit the facility.