



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

FACILITY INFORMATION:

Facility Name: Cliff Berry Inc - Port Everglades Facility
On-Site Inspection Start Date: 03/28/2018 **On-Site Inspection End Date:** 03/28/2018
ME ID#: 57109 **EPA ID#:** FLR000083071
Facility Street Address: 3400 SE 9th Ave, Fort Lauderdale, FL 33316
Contact Mailing Address: PO Box 13079, Fort Lauderdale, FL 33316-0100
County Name: Broward **Contact Phone:** (954) 763-3390

NOTIFIED AS:

CESQG (<100 kg/month)

Transporter

Used Oil

INSPECTION TYPE:

Routine Inspection for Universal Waste Transporter facility
Routine Inspection for Used Oil Processor facility
Routine Inspection for Used Oil Transporter facility
Routine Inspection for Hazardous Waste Transporter facility
Routine Inspection for Used Oil Transfer Facility facility
Routine Inspection for CESQG (<100 kg/month) facility

INSPECTION PARTICIPANTS:

Principal Inspector: Norva Blandin, Inspector
Other Participants: Jon Hines, Facility Manager

LATITUDE / LONGITUDE: Lat 26° 5' .9698" / Long 80° 7' 57.7718"

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

TYPE OF OWNERSHIP: Private

Introduction:

On March 28, 2018, a representative of the Florida Department of Environmental Protection (FDEP) conducted an used oil and hazardous waste compliance inspection at Cliff Berry Inc. (CBI)- Port Everglades Terminal. CBI currently operates as a permitted facility (Permit #192423-HO-007; 192423-SO-008) for the operation of a hazardous waste transporter and transfer facility as well for used oil activities. These permits were recently renewed and expire on April 22, 2022. The facility is a permitted used oil processing facility and is located on an approximately 8.11-acre parcel of land leased from Cliff Berry Family Limited Partnership (landlord.) The facility is serviced by city water and septic tank and employs approximately 60 to 65 people. The operations facility is located at 3400 SE 9th Ave. Dania Beach, FL.

Notification History:

Last notification 2/21/18

Inspection History:

The last inspection was conducted on 6/9/16 - the facility was in compliance. No further actions were required by FDEP.

PPE was required to enter the facility. Safety boots, hard hat, and a safety vest were used during the inspection.

Inspection Date: 03/28/2018

Process Description:

Since the last inspection conducted on 6/9/15, mostly all operations remained the same. The inspectors had a brief meeting with Mr. Jon Hines to discuss if since 2016 the facility had not to change any processes or any structure in the building. No changes were noted. The inspectors also went thru the permit conditions and verified if the facility is complying with the permit requirements for a transfer facility for used oil and hazardous waste among other requirements. The facility is authorized to process used oil, used oil filters, and accepts non-hazardous, non-biological industrial wastewater, primarily from the following: petroleum contact water(PCW) consisting almost entirely of gasoline/diesel/water mixtures from petroleum storage facilities; industrial process wastewater; landfill leachate; wastewater from tank cleaning, transportation and environmental remediation sources.

The inspector toured the facility and the facility did not make any changes in the last two (2) years. Our findings are described below:

For used oil activities:

The area of the tank farm is 13,640 square feet and consists of two (2) 24,500-gallon tanks, six (6) 30,000gallon tanks, one (1) 15,500 gallons tank, one (1) 499,044-gallons tank, and one (1) 17,700 gallons tank. The five new tanks that were in in the process of being permitted and registered during the last inspection are now in place; each of these holds 12,000 gallons. All tanks are located within a secondary containment unit. Based on the permit, this facility held in their property a total of sixteen (16) above storage tanks. All secondary containment and unloading/loading areas were in perfect condition, clean and accessible to inspect. Also, the inspector noted fire extinguishers near to this area and spill kits.

The maintenance/truck washing building has eight bays. Three are set up for minor servicing of the facility's vehicles; most of the major repair work is handled by Kenworth. There is an aqueous parts washer in this area, as well as, a used oil tank. The inspector checked all aerosols used in the shop and didn't find any that contained chlorinated solvents. The rags used in the shop are purchased from an outside vendor, dried in a flammable can and then sent to the landfill. As soon as the solid waste consolidation begins, these rags will be placed in the roll-off along with the solids from the truck wash and oily solid wastes that CBI will be taking from its' customers.

The operations taking place in the other five bays of the maintenance/truck wash building are as follows. Three of the bays are only being used for storage of supplies and equipment. The final two bays are where the truck wash is located and where the solid waste consolidation will be taking place. There is also an oily water collection tank in this area, which is receiving any liquids from the sloped containment area for the truck wash. Once this tank is full, the oily water is pumped into a tanker and send to Miami for treatment. The solids that accumulate in the truck wash area will be placed in the solid waste consolidation roll off and taken to a landfill when the roll-off is full.

The inspector observed the following containers on site:

- 2- 55 gallon drums of non-hazardous waste (liquid)
- 3- 55 gallon drums of non-hazardous waste (solid)
- 1- 500 gallon tank of used oil labeled and closed.
- 1-55 gallon drum of oily water properly labeled.

All used oil containers were in secondary containment. At this location, CBI did not crush any used oil filters and send off to U.S Foundry for recycling.

For Hazardous waste activities:

This location is not permitted to be an HW transfer facility. Any hazardous waste transportation conducted by CBI goes directly to the Cliff Berry Miami Terminal during the course of transportation (within 24 hrs or less).

Record Review:

All permits and documentation required by the inspectors were available for review on site. The inspectors reviewed the following:

> Acceptance and delivery records for used oil activities - Based on our file review, the inspector noted that three (3) manifests for used oil and hazardous waste, did not include the EPA ID numbers of the generators.

Inspection Date: 03/28/2018

- > Hazardous waste manifests - for hazardous waste transportation - excluding UPW (CBI did not transport any universal pharmaceutical wastes)
- > Daily inspection logs for tanks and secondary containment
- > CBI facility operation logs (for used oil <35 days)
- > Full Contingency Plan/SPCC Plan (last revision 1/17) including their proof of notification to the local authorities.
- > Employee Training Plan (last training was conducted 1/1/18)
- > Permits and registrations on site and displayed
- > Waste Analysis Plan
- > Closure Plan and Cost closure estimates (last submitted on 1/1/18)
- > Liability insurance policies (expired on 12/31/18 Policy # GPL0274654-00 \$2M)
- > Annual Report for Used Oil and Used Oil filters (last submitted on March 2018)

All documentation required by the inspectors appeared in order and in compliance with the RCRA regulations except for the missing EPA ID numbers for generators (3 - manifests or invoices).

New Potential Violations and Areas of Concern:

Violations

Type: Violation

Rule: 62-710.510(1)(b)

Explanation: The facility was using an equivalent acceptance and delivery record form [62-710.901(2)]. Acceptance and delivery records provided by the facility to the inspector for review did not include the EPA ID number of the used oil generator whose used oil the facility was transporting.

Corrective Action: Please provide copies of at least 2-3 weeks of corrected acceptance and delivery records (i.e acceptance and delivery records that include the EPA ID numbers of the used oil generators whose used oil the facility is transporting) to the Department.

The violation was corrected via submittal of documentation to the Department on 5/14/18*

PHOTO ATTACHMENTS:

wash area - bays



Tanks Farm Area



Inspection Date: 03/28/2018

Tanks Farm area- secondary containment



Non hazardous waste and used oil containers



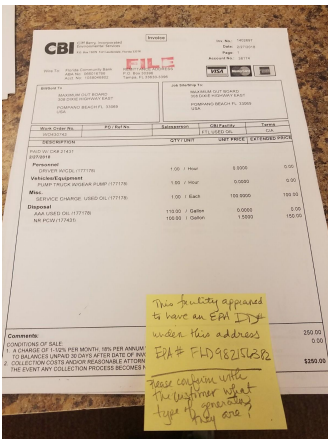
CBI tank truck



CBI tank truck- lateral view



Used oil acceptance records missing EPA ID numbers



Conclusion:

According to the observations of the inspector, CBI transports, transfers/stores, and markets used oil and used oil filters as transport hazardous wastes. All records required of Used Oil Processors/Transporters/Marketers/Transfer Facilities and Used Oil Filter Transporters/Transfer Facilities were reviewed by the inspector, and one (1) non-compliance issue was observed.

On May 14, 2018, CBI provided the required documentation to return to compliance.

Inspection Date: 03/28/2018

1.0 - Pre-Inspection Checklist

Requirements:

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

Note: Checklist items with shaded boxes are for informational purposes only.

Item No.	Pre-Inspection Review	Yes	No	N/A
1.1	Has the facility notified with correct status? 262.12	✓		
1.2	Has the facility notified of change of status? 62-730.150(2)(b)	✓		
1.3	Did the facility conduct a waste determination on all wastes generated? 262.11	✓		

Inspection Date: 03/28/2018

6.0 - Transporters Checklist**Requirements:**

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

Note: Checklist items with shaded boxes are for informational purposes only.

Item No.	Transporter Requirements (62-730.170 & 40 CFR 263)	Yes	No	N/A
6.1	Has the transporter notified the Department as a transporter and received an EPA identification number? 62-730.150(2)(a), 263.11(a)	✓		
6.2	Does the transporter repackage wastes with different USDOT shipping descriptions?			
6.3	If YES, does the transporter comply with 40 CFR 262 Generator Standards? 263.10(c)	✓		
6.4	Does the transporter transport waste into the US from abroad?			
6.5	If YES, does the transporter comply with 40 CFR 262 Generator Standards? 263.10(c)	✓		
6.6	Does the transporter obtain a signed and dated manifest prior to accepting a hazardous waste for transport?			
6.7	If NO, is the waste exempt from the manifest requirement? 263.20(a)(1) <input type="checkbox"/> Exemption Type - Tolling Agreement <input type="checkbox"/> Exemption Type - CESQG Bill-of-Lading	✓		
6.8	Does the transporter sign and date the manifest upon acceptance? 263.20(b)	✓		
6.9	Does the transporter leave a signed copy of the manifest acknowledging acceptance of the waste? 263.20(b)	✓		
6.10	Does the transporter ensure the manifest and, in the case of exports the Acknowledgment of Consent, accompany the waste during transport? 263.20(c)	✓		
6.11	Does the transporter obtain the signature and date of delivery of the receiving (designated) facility or other transporter upon transferring custody of the waste? 263.20(d)(1)	✓		
6.12	Does the transporter retain one copy of the manifest signed and dated by the designated facility or other transporter? 263.20(d)(2)	✓		
6.13	Does the transporter give the remaining copies of the manifest to the designated facility or accepting transporter? 263.20(d)(3)	✓		
6.14	If the entire quantity of hazardous waste cannot be delivered, does the transporter contact the generator for further direction and revise the manifest in accordance with the generator's instructions? 263.21(b)(1)	✓		
6.15	For a partial load rejection, while the transporter is on the facility's premises, does the transporter obtain a new manifest for the rejected material, accompanied by a copy of the original manifest that includes the manifest tracking number of the new manifest? 263.21(b)(2)	✓		
6.16	Does the transporter retain a copy of the manifest signed by the generator, himself, and the next designated transporter or designated facility for a period of three years from the date the hazardous waste was accepted by the initial transporter? 263.22(a)	✓		
Item No.	Rail Transporters	Yes	No	N/A
6.17	If initial rail transporter, when accepting hazardous waste from a non-rail transporter does the rail transporter sign and date the manifest acknowledging receipt of the hazardous waste? 263.20(f)(1)(i)			✓
6.18	If initial rail transporter, does the rail transporter return a signed copy of the manifest to the non-rail transporter? 263.20(f)(1)(ii)			✓
6.19	If initial rail transporter, does the rail transporter forward at least three copies of the manifest to the next designated non-rail transporter or facility? 263.20(f)(1)(iii)			✓
6.20	If initial rail transporter, does the rail transporter retain one copy of the manifest and rail shipping paper? 263.20(f)(1)(iv)			✓
6.21	Does the rail transporter ensure the shipping paper and, in the case of exports the Acknowledgment of Consent, accompany the waste during transport? 263.20(f)(2)			✓
6.22	Does the final rail transporter obtain the date of delivery and handwritten signature of the designated facility on the manifest or shipping paper? 263.20(f)(3)(i)			✓
6.23	Does the final rail transporter retain a copy of the manifest or signed shipping paper? 263.20(f)(3)(ii)			✓
6.24	When delivering hazardous waste to a non-rail transporter, does the rail transporter obtain the date of delivery and handwritten signature of the next non-rail transporter on the manifest and retain one copy of the manifest? 263.20(f)(4)			✓

Inspection Date: 03/28/2018

Item No.	Water (Bulk) Transporters	Yes	No	N/A
6.25	Does the water (bulk) transporter obtain the date of delivery and handwritten signature of the designated facility on the manifest or shipping paper? 263.20(e)(3)	✓		
6.26	Does the water (bulk) transporter retain a copy of the manifest or signed shipping paper? 263.20(e)(5)	✓		
Item No.	SQG Waste	Yes	No	N/A
6.27	For SQG waste, if a manifest is not used is the waste being transported pursuant to a recalculation (tolling) agreement per 262.20(e)? 263.20(h)(1)	✓		
6.28	Is the following information recorded on a log or shipping paper for each shipment? (Check items below that are NOT in compliance): 263.20(h)(2) <input type="checkbox"/> Name, address, and EPA identification number of the generator of the waste <input type="checkbox"/> Quantity of waste accepted <input type="checkbox"/> All DOT-required shipping information <input type="checkbox"/> The date the waste is accepted	✓		
6.29	Does the transporter carry the shipping paper/log when transporting waste to the reclamation facility? 263.20(h)(3)	✓		
6.30	Does the transporter retain shipping papers/logs for a period of at least three years after termination or expiration of the tolling agreement? 263.20(h)(4)	✓		
6.31	If hazardous waste was discharged during transport, did the transporter give notice, if required by 49 CFR 171.15, to the National Response Center (800-424-8802)? 263.30(c)(1)	✓		
6.32	If hazardous waste was discharged during transport, did the transporter report in writing as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590? 263.30(c)(2)	✓		
6.33	If hazardous waste was discharged during transport, did the transporter clean up the discharge so that it no longer presents a hazard to human health or the environment? 263.31	✓		
6.34	Has the transporter demonstrated the financial responsibility required under 62-730.150(2)? 62-730.150(2)	✓		
6.35	Does the transporter verify the evidence of financial responsibility annually? 62-730.150(3)	✓		

Inspection Date: 03/28/2018

Signed:

A hazardous waste compliance inspection was conducted on this date, to determine your facility's compliance with applicable portions of Chapters 403 & 376, F.S., and Chapters 62-710, 62-730, 62-737, & 62 -740 Florida Administrative Code (F.A.C.). Portions of the United States Environmental Protection Agency's Title 40 Code of Federal Regulations (C.F.R.) 260 - 279 have been adopted by reference in the state rules under Chapters 62-730 and 62-710, F.A.C.

Norva Blandin

Principal Inspector Name

Inspector

Principal Inspector Title
Principal Inspector Signature

DEP

Organization

05/31/2018

Date

Jon Hines

Representative Name

Facility Manager

Representative Title

CBI

Organization

NOTE: By signing this document, the Site Representative only acknowledges receipt of this Inspection Report and is not admitting to the accuracy of any of the items identified by the Department as "Potential Violations" or areas of concern.

Report Approvers:**Approver:**

Norva Blandin

Inspection Approval Date:

05/31/2018