



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

FACILITY INFORMATION:

Facility Name: Cliff Berry Inc - Port Everglades Facility
On-Site Inspection Start Date: 03/11/2020 **On-Site Inspection End Date:** 03/11/2020
ME ID#: 57109 **EPA ID#:** FLR000083071
Facility Street Address: 3400 SE 9th Ave, Fort Lauderdale, Florida 33316
Contact Mailing Address: PO Box 13079, Fort Lauderdale, Florida 33316-0100
County Name: Broward **Contact Phone:** (954) 763-3390

NOTIFIED AS:

Transporter, Used Oil, VSQG

WASTE ACTIVITIES:

Generator: VSQG **Transporter:** Own Waste, Commercial Waste **Used Oil:** Oil Filters, Processor **Universal Waste:** Indicate types of UW generated and/or accumulated at the facility: **Generate/Accumulate:** Batteries, Mercury Containing Lamps, Mercury Containing Devices **Transport:** Mercury Containing Lamps, Mercury Containing Devices **Maximum quantity of UW handled or transported at any time:** Less than 5,000 kg (11,000 lbs); Small Quantity Handler (SQH)

INSPECTION TYPE:

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

INSPECTION PARTICIPANTS:

Principal Inspector: Jared T Heyns, Inspector
Romina Lancellotti, Environmental Specialist II; Carlos Grajeda, Environmental Specialist II; Kelly Brandenburg, Corporate Compliance; Jon Hines, Area Manager; Steve Collins,
Other Participants: ESOH Director

LATITUDE / LONGITUDE: Lat 26° 5' 0.9698" / Long 80° 7' 57.7718"

NAIC: 562219 - Other Nonhazardous Waste Treatment and Disposal

TYPE OF OWNERSHIP: Private

Introduction:

On March 11, 2020 (03/11/2020), Jared Heyns with the Florida Department of Environmental Protection (DEP) conducted a routine Compliance Evaluation Inspection (CEI) at Cliff Berry Inc. – Port Everglades Facility (CBI), located at 3400 SE 9th Avenue in Fort Lauderdale. CBI was inspected to determine the facility's compliance with the state and Federal hazardous waste regulations described in Title 40, Code of Federal Regulations (CFR) Parts 260-268, adopted and incorporated by reference in Rule 62-730, Florida Administrative Code (F.A.C.), as well as the state used oil Rule 62-710 F.A.C. The inspector was accompanied by Romina Lancellotti and Carlos Grajeda from the DEP.

The inspectors were escorted around the facility by Kelly Brandenburg, Corporate Compliance, and Jon Hines, Area Manager. Upon arrival at the facility the inspectors presented their credentials and explained the purpose

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of the inspection.

CBI occupies approximately eight acres and is connected to public water and a septic tank. CBI has been operating at its current location since the 1960's and employs 35 staff at this location. The facility office operates normal weekday hours.

Notification History:

CBI currently operates as a permitted facility (Permit #192423-HO-007; 192423-SO-008) for the operation of a hazardous waste (HW) transporter only, used oil transporter and transfer facility, and used oil processing activities. These permits are currently valid and expire on April 22, 2022 (04/22/2022).

Inspection History:

- 03/28/2018: The facility was inspected by the Department as a permitted used oil processor and HW transporter and was found to be out of compliance at the time of the inspection. The violation, pertaining to used oil acceptance records, was resolved on 05/14/2018. Compliance without enforcement was pursued in this case.
- 07/11/2016: The facility was inspected by the Department as a permitted used oil processor and HW transporter and was found to be in-compliance at the time of the inspection.

Personal Protective Equipment (PPE) was required to enter the facility. Department inspectors were equipped with steel-toed boots, safety vests, safety glasses, and hearing protection.

Process Description:

The facility staff noted that no changes to facility operations or tank contents have occurred since the date of last inspection. The Department inspectors began the inspection by going over the permit conditions and verifying the facility operations. The facility is authorized to process used oil and 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 Department inspectors concluded the intro meeting by requesting all records and documentation be ready for review at the end of the walkthrough portion of the inspection.

For used oil activities:

The area of the tank farm is 13,640 square feet and consists of two 24,500-gallon tanks, six 30,000-gallon tanks, one 15,500-gallon tank, one 499,044-gallon tank, one 17,700-gallon tank, three 15,000-gallon tanks, and two 10,000-gallon tanks. All tanks were properly labeled and located within a large concrete secondary containment unit. The secondary containment and loading/unloading areas were clean and accessible to inspect. No deficiencies were observed. Fire extinguishers and spill kits were located directly adjacent to the secondary containment.

The Department inspectors walked around the entire secondary containment unit. Evidence of a used oil spill was discovered under two trucks, which appeared to not be in operation. The trucks were parked in an area immediately south of the tank farm in the northeastern portion of the property. This area was a non-pervious surface packed with asphalt millings. The amount appeared to be de minimis, but the Department inspectors asked the facility staff to address this area and cleanup work began at the time of the inspection (Rule 62-780.560(1) F.A.C.).

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 building, a used oil tank, and two oily rag satellite containers. The rags used in the shop are purchased from an outside vendor, dried in one of two flammable cans, and then placed in the large 25-yard roll-off dumpster labeled "oily solids" each day before being sent to the CBI Miami facility. These rags are placed in the roll-off along with the solids from the truck wash and oily solid wastes that CBI picks up from its customers.

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 takes 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 sent to the CBI Miami facility for treatment. The solids that

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accumulate in the truck wash area are placed in the solid waste consolidation roll-off dumpster and are taken to the CBI Miami facility when full.

The Department inspectors observed the following containers during the inspection:

- One 500-gallon double walled steel tank for used oil
- Four 55-gallon steel drums containing petroleum contact water
- Four 55-gallon steel drums containing non-hazardous waste (solid)
- One 55-gallon steel drum containing non-hazardous waste (liquid)
- Two 55-gallon steel drums containing used oil

All drums/tanks were observed to be properly labeled, closed, and located within a secondary containment. This building is also equipped with audible and visual alarm. Several fire extinguishers, two eye wash stations, and three spill kits were observed throughout the building. No used oil filter crushing operations were observed on-site.

For hazardous waste activities:

This location is not permitted to be a HW transfer facility. Any HW transportation conducted by CBI goes directly to the Cliff Berry Miami facility during transportation (within 24 hours or less). Department inspectors verified this by viewing the HW manifests during the record review portion of the inspection.

Record Review:

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

- Acceptance and delivery records for used oil activities – Due to the large amount of records, the months of March, July, and November for 2018 and 2019 were selected at random. Several shipment records were observed to list the CBI Miami facility as the used oil generator (as opposed to the proper listing of CBI Port Everglades facility). This error in the system was corrected, and CBI submitted documentation via email on 04/01/2020 verifying the correction. This is not a repeat violation.
- HW manifests – Due to the large amount of records, the months of January, May, and August for 2018 and 2019 were selected at random. Several manifests were observed to be missing a second transporter listed because they were using the CBI Miami EPAID for the duration of the transport. Though it was determined that these shipments all went to the CBI Miami facility, Department inspectors were unable to determine the total amount of time each shipment was located at the Port Everglades facility. On 04/01/2020, the facility provided an exit interview response in which they stated that on 04/28/2016 Department staff Kathy Winston and Karen Kantor conducted an on-site outreach program that provided guidance of using the corporate EPAID as the hauler across the state. The Department would like to inspect this further at the CBI Miami facility.
- Daily inspection logs for the tanks and secondary containment. No deficiencies were observed.
- CBI facility operation logs (for used oil activities on-site less than 35 days). The facility maintains a full and complete standard operating procedure with requirements for daily tank inspections, acceptance and delivery records, halogen testing, laboratory procedures, and safety protocols.
- Full Contingency Plan/SPCC Plan (last revision 01/17) including the certified mail evidence of notification to the local authorities. No changes have been made to the Contingency Plan since the last arrangements with local authorities were made on 04/03/2017. All elements required by rule were included in the Contingency Plan including: Closure Plan, Waste Analysis Plan (WAP), and Emergency Response Procedures.
- Employee training plan (last round of training was conducted on 01/24/2020). Training is conducted for each employee initially within 6 months of hire, and is conducted annually thereafter. The Training Plan was observed to contain all required elements. The facility has had no changes in personnel since the date of last inspection.
- All permits, forms, and inspection reports displayed on-site appeared to be complete and in order. In addition, the facility prominently displayed all permits and licenses issued by Broward County for its used oil handling activities in accessible locations on-site. The inspector observed that the posted county permits/licenses appeared to be complete and in-order.
- Waste Analysis Plan. The Department inspectors reviewed the facility's Waste Analysis Plan, and appeared

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to be complete and in order at the time of the inspection. More specifically, the facility appeared to have a standard operating procedure for the testing of halogen content of used oil entering the facility.

- The last three years of the facility's annual financial reports, specifically for its Used Oil Processing Facility Closing Cost Estimate Forms, were available for review during the inspection and also submitted to the Department. The Closing Cost Estimate forms appeared to be complete and in order at the time of the inspection.
- Liability insurance plan in the amount of \$1,000,000. The plan policy #BAP0274662-02 is insured by Zurich American Insurance Company and expires on 12/31/2020. The Department inspectors observed no lapse in insurance at any point in the last three years.
- The facility's Annual reports for used oil and used oil filters from the last three years were available for review during the inspection and were submitted on time to the Department. The most recent report (for 2019) was received by the Department on 02/18/2020.

Based on the record review, the facility operates as a Used Oil Processor, Transporter, and Transfer facility as well as a HW Transporter. All required records were available for review quickly and appeared accurate (except for the issues mentioned above).

New Potential Violations and Areas of Concern:

Violations

Type:	Violation
Rule:	62-710.510(1)(a)
Explanation:	The Department inspectors observed several used oil acceptance and delivery records which listed the CBI Miami facility as the used oil generator (as opposed to the proper listing of CBI Port Everglades facility).
Corrective Action:	Please correct this error in the internal record management system, and provide evidence to the Department on the next shipping record.
	**This error in the system was corrected, and CBI submitted documentation via email on 04/01/2020 verifying the correction.

Type:	Violation
Rule:	62-780.560(1)
Explanation:	Department inspectors discovered evidence of a used oil spill under two trucks which appeared to not be in operation. The trucks were parked in an area immediately south of the tank farm in the northeastern portion of the property. This area was a non-pervious surface packed with asphalt millings. The amount appeared to be de minimis, but the Department inspectors asked the facility staff to address this area and cleanup work began at the time of the inspection.
Corrective Action:	Please address this cleanup promptly and submit all documentation, photos, and disposal manifest records.

**This violation was resolved via document submittal on 04/01/2020.

Photo Attachments:

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Spill upon first discovery



4 inch max excavation



PHOTO ATTACHMENTS:

Entrance to office



Labeled and insured vacuum truck



Tank farm



Tank farm secondary containment



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Location of de minimis spill



Conclusion:

CBI was inspected as a Used Oil Processor, Transporter, and Transfer facility as well as a HW Transporter and was found to be out of compliance for used oil records and an unreported de minimis used oil discharge. Compliance assistance was provided during the inspection and in the exit interview dated 03/17/2020. The facility was provided with a deadline of 04/01/2020 to complete the corrective actions.

As of the date of this inspection report, the cleanup has been conducted and no further issues have been reported. The cleanup area was nine feet by nine feet, and no evidence of used oil was observed/detected below two inches. 1,500 pounds of non-hazardous, petroleum contaminated soil/millings were sent off to CBI's Miami facility on 03/18/2020. The facility submitted all requested documentation, photos, and manifest records and the cleanup was addressed quickly after initial discovery.

On 04/01/2020, the facility submitted photos and documentation demonstrating that the corrective actions have been completed. The facility has since returned to compliance.

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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	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 - VSQG 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)	✓		
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)	✓		
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)			✓


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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)			✓
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)(a)? 62-730.150(2)(a)	✓		
6.35	Does the transporter verify the evidence of financial responsibility annually? 62-730.150(3)	✓		

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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

Jared T Heyns	Inspector	
Principal Investigator Name	Principal Investigator Title	
	DEP	04/20/2020
Principal Investigator Signature	Organization	Date
Romina Lancellotti	Environmental Specialist II	
Inspector Name	Inspector Title	
	DEP	
	Organization	
Carlos Grajeda	Environmental Specialist II	
Inspector Name	Inspector Title	
	DEP	
	Organization	
Kelly Brandenburg	Corporate Compliance	
Representative Name	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.		
Jon Hines	Area Manager	
Representative Name	Representative Title	
	CBI	
	Organization	

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Steve Collins**Representative Name**ESOH Director**Representative Title**CBI**Organization**

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Report Approvers:**Approver:**Norva Blandin**Inspection Approval Date:**04/20/2020