



FLORIDA DEPARTMENT OF Environmental Protection

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Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

April 26, 2021

Kelly Brandenburg, Manager, Regulatory Affairs
Cliff Berry Inc.
P.O. Box 13079
Fort Lauderdale, FL 33316
compliance@cliffberryinc.com

Re: Cliff Berry Inc. – Fort Pierce Facility
Facility ID #FLR000009266
St. Lucie County

Dear Ms. Brandenburg:

Department personnel conducted an inspection of the above-referenced facility on March 18, 2021. Based on the information provided during and following the inspection, the facility was determined to be in-compliance with the Department's rules and regulations. A copy of the inspection report is attached for your records.

The Department appreciates your efforts to maintain this facility in compliance with state and Federal rules. Should you have any questions or comments, please contact Jared Heyns at 561-681-6616 or via e-mail at jared.heyns@floridadep.gov.

Sincerely,

A handwritten signature in blue ink, appearing to be "AI", is written over a light blue circular background.

Alannah Irwin, Environmental Manager
Southeast District
Florida Department of Environmental Protection

Enclosure: Inspection Report Final

ec: Alannah Irwin, Jared Heyns - FDEP SED
John Katzor, Cliff Berry Inc., jkatzor@cliffberryinc.com



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

FACILITY INFORMATION:

Facility Name: Cliff Berry Inc - Fort Pierce Facility
On-Site Inspection Start Date: 03/18/2021 **On-Site Inspection End Date:** 03/18/2021
ME ID#: 36809 **EPA ID#:** FLR000009266
Facility Street Address: 400 Angle Rd, Fort Pierce, Florida 34946
Contact Mailing Address: PO Box 13079, Fort Lauderdale, Florida 33316-0100
County Name: St. Lucie **Contact Phone:** (954) 763-3390

NOTIFIED AS:

Transporter, Used Oil, VSQG

WASTE ACTIVITIES:

Generator: VSQG **Transporter:** Own Waste, Commercial Waste **Used Oil:** Oil Filters **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 Hazardous Waste Transporter Facility
Routine Inspection for Used Oil Transporter Facility
Routine Inspection for Used Oil Transfer Facility Facility
Routine Inspection for Universal Waste Transporter Facility
Routine Inspection for VSQG (<100 kg/month) Facility

INSPECTION PARTICIPANTS:

Principal Inspector: Jared T Heyns, Inspector
Other Participants: John Katzor, Assistant Facility Manager

LATITUDE / LONGITUDE: Lat 27° 27' 3.234" / Long 80° 21' 33.0225"

NAIC: 562219 - Other Nonhazardous Waste Treatment and Disposal

TYPE OF OWNERSHIP: Private

Introduction:

On March 18, 2021 (03/18/2021), Jared Heyns with the Florida Department of Environmental Protection (DEP) conducted a routine Compliance Evaluation Inspection (CEI) at Cliff Berry Inc, Fort Pierce (CBI), located at 400 Angle Rd in Fort Pierce. CBI was inspected to determine the facility's compliance with the state and Federal hazardous waste and used oil regulations described in Title 40, Code of Federal Regulations (CFR) Parts 260-268, 273, 279, adopted and incorporated by reference in Rule 62-730, 62-737, 62-710 Florida Administrative Code (F.A.C.).

The Department inspector was escorted around the facility by John Katzor, Assistant Facility Manager. Upon arrival at the facility the inspector presented their credentials and explained the purpose of the inspection.

CBI is situated on 1.5 acres and is connected to public water and sewer. CBI has been operating at this current location since 1995 and employs 9 staff currently. The facility office operates normal daytime hours, but their emergency response operations are available for their customers 24/7.

Notification History:

Cliff Berry Inc - Fort Pierce Facility Inspection Report

Inspection Date: 03/18/2021

11/01/1995 - Initially registered as a Used Oil Handler, Transporter, and Transfer Facility.

02/26/2020 - registered as a Hazardous Waste/Used Oil Transporter.

The current registrations are active: Hazardous Waste (HW) Transporter, Used Oil (UO) Transporter and Transfer facility, UO Filter Transporter and Transfer Facility (expires 06/30/2021); Universal Waste (UW) Transporter and UW Small Quantity Handler (SQH) (expires 03/01/2022).

Inspection History:

02/25/2019 - Inspected as a UO/HW/UW Transporter, UO Transfer Facility, and Very Small Quantity Generator (VSQG) and was found to be in compliance at the time of inspection.

05/08/2016 - Inspected as a UO/HW/UW Transporter, UO Transfer Facility, and Very Small Quantity Generator (VSQG) and was found to be in compliance at the time of inspection.

Steel toe boots, safety glasses, hard hat, and face mask were the only personal protective equipment (PPE) required to enter the facility.

Process Description:

The facility is surrounded by security fencing and consists of a building that serves as their main office and warehouse. All UO, oily water, UO filters, and antifreeze brought to this facility is transported by tanker trucks or tractor trailers to either CBI's Miami Facility (EPAID FLD058560699) or Canaveral Facility (EPAID FLR000119792). UO filters, solids, and oily water collected by CBI are re-manifested prior to shipment. CBI Fort Pierce has two box trucks designated for transport of HW; however, the trucks will directly transport the waste to the 10-day transfer facility in Miami. No HW or UW was observed during the inspection.

The facility has the following tanks on-site:

- One 23,000 gallon tank used for storage of UO. This tank was observed to be in secondary containment and labeled with the words "Used Oil," as required per 40 CFR 279.45.
- Four 12,000 gallon tanks used to store fuel. These tanks have not been used since 2017 and were observed to be in secondary containment. These tanks were empty during the inspection.
- One 6,000 gallon tank used to store non-potable water.

No leaks or deficiencies were observed with the UO storage tank.

During the inspection, the Department inspector observed the following drums:

- One 55-gallon drum labeled as "Oily Water".
- One 55-gallon drum labeled as "Oily Debris".
- One 55-gallon drum labeled as "Oily Pad/Rags".

These drums originate from the facility due to weekly cleaning and inspection of the secondary containment area. All drums were observed to be closed, in good condition, and in secondary containment. Spill kits, fire extinguishers, eye wash stations, and absorbents for HW, mercury, and UO spills were observed on-site.

The Department inspector observed one empty 10 cubic yard roll-top dumpster on-site during the inspection. This dumpster is not used for in-house operations; CBI will use this dumpster on an as-needed basis for off-site spill or incident response. The dumpster was observed to be covered and in good condition. CBI also has one trailer on-site for emergency response equipment.

Records Review

Used Oil:

- Transport, receiving, and shipping records were available for review at the time of inspection. The facility has maintained all records of transportation and training for 3 years.
- The facility was using an equivalent form to DEP form 62-710.901(2). CBI documents the halogen screening test results for UO on all shipment documents. The transporter also includes the generator EPA ID on the non-hazardous waste manifest.
- Non-hazardous waste manifests were available for UO and UO filters. UO stored at CBI Fort Pierce does not remain on-site for more than 35 days and will be sent to one of the CBI UO processing facilities in Miami, Canaveral, Fort Lauderdale, or Tampa. No UO processing is conducted at this facility.

Hazardous Waste Manifests:

HW manifest records were available for review on-site. HW is transported by CBI to EQ of Florida (EPAID FLD981932494). Generator EPA ID numbers, Land Disposal Restriction (LDR) forms, and waste analyses were

Cliff Berry Inc - Fort Pierce Facility Inspection Report

Inspection Date: 03/18/2021

included with the manifests. A review of the manifest records confirmed that this facility does not operate as a HW Transfer facility.

Insurance Liability:

The facility provided the Department a certificate of liability insurance for HW and UO most recently on 01/04/2021. The name of the insurers are Steadfast Insurance Company (Policy No. GPL 0274654-03, expires 12/31/2021) and Zurich American Insurance Company (Policy No. BAP 0274662-03, expires 12/31/2021) for \$2,000,000 each, which includes a Pollution Prevention bond.

Employee Training:

Employees receive annual training that covers laws and regulations pertaining to UO transporters under the Florida Administrative Code and the Federal Regulations, spill avoidance and emergency response procedures, and halogen testing. The most recent training occurred in February 2021. All employees receive an annual 8-hour HAZWOPER refresher training for HW site workers. The most recent training occurred in February 2021.

Halogen Screening Procedure:

The UO truck drivers use halogen screening meters and then, if necessary, Dextsil kits when picking up UO to ensure that it does not exceed 1,000 ppm of halogens. If UO is in excess of 1000 ppm of halogens, it is managed as HW.

Spill Prevention, Control, and Countermeasure (SPCC)/Contingency Plan:

The facility has a full SPCC and Contingency Plan that outlines the procedures for spill response and spill avoidance. The SPCC/Contingency Plan includes a facility site map, tank list, inspection records, specifications of the oily waste water and UO storage tank farm, security information, spill response measures, materials and equipment listing, and personnel training. The most recent revision occurred in January 2017. No changes have occurred since this revision.

Registrations:

All registrations are current, posted on-site, and available for review.

Annual Report:

The Department acknowledged receipt of the facility's 2020 UO Annual Report on 02/18/2020. Annual Report records are maintained on-site for at least three years.

PHOTO ATTACHMENTS:

Office building

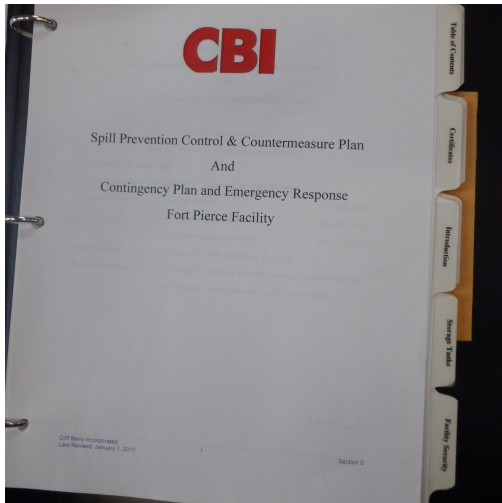


Two vacuum trucks



Cliff Berry Inc - Fort Pierce Facility Inspection Report

Inspection Date: 03/18/2021



SPCC Plan

UO transport record

DISPATCH TICKET

1. Generator's US EPA ID No.: FL0000000000
 2. Generator Size: 500-999 Gallons
 3. Generator Phone: 772-473-8432
 4. Transporter Name/Phone: [Handwritten]
 5. Description of Service/Instructions: FL0000000000

6. Driver's License No.: [Handwritten]
 7. Department Location: FTL USED OIL
 8. Scheduled Date of Work: 3/18/21
 9. Method of Payment: CIA

HAZ CLASS	ID #	PKG QTY	CONTAINERS TYPE	TOTAL QTY	UNIT
1				510	Gal

11. CERTIFICATION: This is to certify that the above named materials are properly labeled, described, packaged, stored and loaded and are in proper condition for transportation according to the applicable regulations of the Department of Transportation. I certify the materials described above in this manifest are regulated by federal regulations for restricted proper disposal of hazardous waste.

Conclusion:

CBI operates as a hazardous waste/used oil/used oil filter/universal waste transporter and used oil transfer facility and was found to be in compliance with the state and Federal requirements at the time of inspection.

Cliff Berry Inc - Fort Pierce Facility Inspection Report

Inspection Date: 03/18/2021

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)	✓		

Cliff Berry Inc - Fort Pierce Facility Inspection Report

Inspection Date: 03/18/2021


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)	✓		

Cliff Berry Inc - Fort Pierce Facility Inspection Report

Inspection Date: 03/18/2021

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 _____ Principal Investigator Name	Inspector _____ Principal Investigator Title	
 _____ Principal Investigator Signature	DEP _____ Organization	04/14/2021 _____ Date
John Katzor _____ Representative Name	Assistant 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: Alannah B Irwin _____	Inspection Approval Date: 04/14/2021 _____
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