



# FLORIDA DEPARTMENT OF Environmental Protection

Northeast District  
8800 Baymeadows Way West, Suite 100  
Jacksonville, Florida 32256

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

November 8, 2021

*Sent electronically to:* [bbernard@cliffberryinc.com](mailto:bbernard@cliffberryinc.com)

Mr. Brian Bernard, Assistant Facility Manager  
Cliff Berry, Inc.  
1518 Talleyrand Ave.  
Jacksonville, FL 32206

Re: Compliance Assistance Offer  
Cliff Berry, Inc. - Jacksonville  
EPA/DEP ID: FLR 000 119 784  
Duval County – Hazardous Waste

Dear Mr. Bernard:

A compliance inspection was conducted at your facility on August 3, 2021, under the authority of Section 403.091, Florida Statutes. During this inspection, potential non-compliance was noted. The purpose of this letter is to offer compliance assistance as a means of resolving this matter.

Specifically, potential non-compliance with the requirements of Chapter 403, Florida Statutes, and Chapter 62-710, Florida Administrative Code, was observed. Please see the attached inspection report for a full account of Department observations and recommendations.

We request you review the 'New Potential Violations and Areas of Concern' and respond within 30 days of receipt of this Compliance Assistance Offer. Your response should include one of the following:

1. Describe what has been done to resolve the non-compliance issue or provide a time schedule describing how/when the issue will be addressed;
2. Provide the requested information, or information that mitigates the concerns or demonstrates them to be invalid; or
3. Arrange for the case manager to visit your facility to discuss the Areas of Concern.

It is the Department's desire that you are able to adequately address the aforementioned issues so that this matter can be closed. Your failure to respond appropriately may result in the initiation of formal enforcement proceedings.

Cliff Berry, Inc. - Jacksonville  
Facility ID No.: FLR 000 119 784  
Compliance Assistance Offer  
Page 2 of 2

Please address your response and any questions to Bonnie Bradshaw of the Northeast District Office at 904-256-1638 or via e-mail at [bonnie.bradshaw@FloridaDEP.gov](mailto:bonnie.bradshaw@FloridaDEP.gov). We look forward to your cooperation in this matter.

Sincerely,



Joni Petry  
Environmental Administrator

Enclosure: Inspection Report

cc: FDEP-NED: Bonnie Bradshaw, Cheryl Mitchell, DEP\_NED  
Kelly Brandenburg, Cliff Berry, Inc. - [compliance@cliffberryinc.com](mailto:compliance@cliffberryinc.com)  
Jon Sandora, Cliff Berry, Inc. - [jsandora@cliffberryinc.com](mailto:jsandora@cliffberryinc.com)



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

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**FACILITY INFORMATION:**

**Facility Name:** Cliff Berry Inc - Jacksonville  
**On-Site Inspection Start Date:** 08/03/2021 **On-Site Inspection End Date:** 08/03/2021  
**ME ID#:** 42441 **EPA ID#:** FLR000119784  
**Facility Street Address:** 1518 Talleyrand Ave, Jacksonville, Florida 32206-5436  
**Contact Mailing Address:** PO Box 13079, Fort Lauderdale, Florida 33316-0100  
**County Name:** Duval **Contact Phone:** (954) 763-3390

**NOTIFIED AS:**

Transporter, Used Oil, VSQG

**WASTE ACTIVITIES:**

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

**INSPECTION PARTICIPANTS:**

**Principal Inspector:** Bonnie M Bradshaw, Inspector  
**Other Participants:** Brian Bernard, Assistant Facility Manager

**LATITUDE / LONGITUDE:** Lat 30° 20' 30.0" / Long 81° 37' 49.0"

**NAIC:** 562219 - Other Nonhazardous Waste Treatment and Disposal

**TYPE OF OWNERSHIP:** Private

**Introduction:**

Cliff Berry, Inc. (CBI, the facility) was inspected on August 3, 2021, as an unannounced hazardous waste compliance inspection. Jay Smothers (CBI) was present for the first half of the inspection and Brian Bernard (CBI) was present for the second half of the inspection. CBI was last inspected by the Department's Hazardous Waste Program on August 29, 2019. The facility is registered as a Hazardous Waste Transporter, Used Oil Transporter, Used Oil Transfer Facility, Used Oil Filter Transporter, Used Oil Filter Transfer Facility, Universal Waste Lamp Transporter, Universal Waste Mercury-Containing Device Transporter, Universal Waste Lamps Small Quantity Handler and Universal Waste Mercury-Containing Device Small Quantity Handler. The facility notified as a Very Small Quantity Generator (VSQG) of hazardous waste and as a Petroleum Contact Water (PCW) Transporter.

The facility was issued Used Oil Processing Facility permit number 249482-004-HO which expires April 14, 2023. The permit also includes a proposal to replace two of the three existing tanks and add six new tanks. At the time of inspection, the facility had replaced horizontal Tank 2 and 3 with the new horizontal Tank 2 and the

## Cliff Berry Inc - Jacksonville Inspection Report

Inspection Date: 08/03/2021

new vertical Tank 3. New vertical Tanks 4-7 had also been installed. Tank 1 was in operation. Tanks 2 -7 had not been piped yet. The facility also relocated the former horizontal Tanks 2 and 3 to the Waste Storage Area, described below. Although the facility wishes to maintain the used oil processing permit, the facility is currently not processing used oil.

CBI consists of a Main Office Building, a Waste Storage Area, an Aboveground Storage Tank (AST) Area and a Storage Warehouse.

CBI provides hazardous, non-hazardous and biohazardous waste removal and transport, emergency response cleanup, and the removal and transport of wastewater and PCW from storage tanks, secondary containment and bilge tanks. The facility operates Monday – Friday from 7:00 am to 5:00 pm. The facility employs six drivers/technicians and three administrative staff. C2 Holdings, Inc., a CBI affiliated company, owns the property and building which is connected to a well and septic system.

### Summary of Registered Activities:

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 Used Oil Processor: CBI is a permitted used oil processor, however, the facility does not currently process used oil. Used oil is transported to the CBI Miami facility for processing.

Used Oil Transporter/Transfer Facility: CBI transports used oil from industrial facilities and to its CBI Miami facility. The facility operates a used oil pump truck that it uses to pick up used oil from its industrial customers. The used oil may then be pumped into one of the used oil tanks described below, or transported directly to the CBI Miami facility. Oil stored in the tanks onsite is transported to the CBI Miami facility by Environmental Services and Logistics, Inc. The facility also transports drums of used oil which may be stored in the Waste Storage Area described below, transferred to the used oil storage tanks described below or transported directly to the CBI Miami facility. CBI transports the used oil stored in drums to the CBI Miami facility. Used oil could be stored onsite for more than 35 days, requiring the facility to comply with the Used Oil Processor standards.

Used Oil Filter Transporter/Transfer Facility: CBI transports used oil filters from industrial facilities and to its CBI Miami facility and may store 55-gallon drums of filters in the Waste Storage Area described below.

PCW Transporter: Oily water and PCW are transported from industrial facilities to Liquid Environmental Solutions, LLC (LES) or Water Recovery, LLC (WR) for processing. Oily water and/or PCW are typically transported directly to LES or WR, but in some cases may be held at the facility. Oily water and PCW are stored in Tanks 2 and 3 as described below.

Hazardous Waste Transporter: CBI occasionally transports hazardous waste from industrial facilities in drums. Hazardous waste is transported directly to a permitted hazardous waste Treatment, Storage or Disposal Facility (TSDF), or to AERC Recycling Solutions, Corp. in Melbourne, Florida or CBI Miami which are hazardous waste transfer facilities. Hazardous waste pick-ups are always scheduled to ensure that waste is not held for more than 24 hours at the facility.

Universal Waste Transporter: CBI transports universal waste batteries, universal waste mercury containing devices and universal waste bulbs from industrial facilities in enclosed trucks. Universal waste may be stored in the Waste Storage Area described below or transported directly to AERC Recycling Solutions, Corp.

### Process Description:

#### Waste Storage Area

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 The Waste Storage Area consists of a sealed, secondary containment pad where one semitrailer containing non-hazardous waste, universal waste, used oil and used oil filters is parked (Photo 1). The secondary containment area is 111' long by 25' wide by 4" deep and is calculated to hold 6,850 gallons. The facility maintains a log of the date, manifest number, customer, quantity of drums and content of the drums that are loaded into the trailer. At the time of inspection, there were at least eight 55-gallon drums of used oil filters, in addition to the non-hazardous and empty drums accumulating in the trailer. Due to the quantity of drums stored in the trailer, not all labels were inspected. All inspected used oil filter containers were closed, in good condition and properly labeled. There was some minor peeling of the secondary containment coating, therefore the used oil filters were not stored on an oil-impermeable surface (Photos 2 and 3)[62-710.850(5)(a), FAC].

## Cliff Berry Inc - Jacksonville Inspection Report

Inspection Date: 08/03/2021

Two double-walled, horizontal tanks relocated from the AST Area, described below, are also installed in the area. The 4,000-gallon and 2,000-gallon tanks, formally known as Tank 2 and Tank 3, are used for storage of oily water and PCW, respectively. These tanks have been temporarily located in the Waste Storage Area until the newly installed tanks in the AST Area, described below, are placed into service. This is an Area of Concern, as the re-location of these tanks was not included in the permit. Both tanks were closed, properly labeled and stored within the secondary containment.

### AST Area

The AST Area is located northwest of the Storage Warehouse (Photos 4 and 5). There is one double-walled tank, Tank 1, installed and operating within a walled secondary containment area. There are also six single-walled tanks, Tanks 2-7 installed, but not yet operating, within the secondary containment area. There is a curbed, secondary containment pad for use during truck loading and unloading. The facility is reminded that as-built drawings for new tanks are required to be submitted within 30 days of construction, in accordance with the permit. In addition, the facility should not use or conduct permitted activities with the new tanks until notification has been made to the Department, at least 7 days prior to usage.

Tank 1 (labeled 2) has a 15,000-gallon total capacity but is divided into two compartments. Both the first 5,000-gallon compartment, as well as the second 10,000-gallon compartment are currently being used to store used oil. Tank 2 (compartments labeled 3,4,5) is a newly installed 30,000-gallon, three compartment tank which replaced the former 4,000-gallon Tank 2 and 2,000-gallon Tank 3. The tank includes a 9,709-gallon compartment, a 4,525-gallon compartment and a 14,886-gallon compartment. Tank 2 will be used to store used oil. Tank 3 is an 8,000-gallon vertical tank that will be used to store PCW. Tank 4 is a 12,000-gallon vertical tank that will be used to store oily water. Tanks 5 and 6 are 25,000-gallon vertical tanks that will be used to store oily water. Tank 7 is a 12,000-gallon vertical tank that will be used to store oily water. Pads are in place for Tanks 8 and 9 which will be installed in the future and used to store oily water. It should be noted that the tank designations listed in the permit do not match the tank designations marked on Tanks 1 and 2. It is recommended that the markings align with the permit designations.

Tank 1 was closed, in good condition and labeled as "Used Oil." There was some minor cracking and peeling of the secondary containment area around the tank farm, as well as the truck secondary containment pad (Photos 6 and 7). This is an Area of Concern. The facility should ensure that the secondary containment is properly sealed before putting the new single-walled tanks into service and before storing oil contained in trucks on the pad.

In front of Tank 2 there is an area for storage of operational equipment and containers. There was one 55-gallon drum of used oil and one 55-gallon drum of used absorbents for tank filling operations (Photo 8). Both drums were closed, in good condition and stored within a secondary containment area. The used oil drum was properly labeled as "Used Oil." Do to fading, it was recommended that the label be replaced. When full, the drums are transported to the CBI Miami facility for processing. The absorbents are managed as non-hazardous waste based on previous analysis.

### Storage Warehouse

The Storage Warehouse is used to store emergency response equipment and materials used in clean-up efforts (Photo 9). The facility performs maintenance on some of its own equipment. Paints were stored in the Warehouse for maintenance operations. The facility is reminded to conduct a hazardous waste determination on any wastes generated from these materials prior to disposal. The facility uses Mansize (2-butoxyethanol 4.2601%, Glycine, N,N'-1,2-ethanediylbis[N-(carboxymethyl)-, sodium salt (1:4) 1.939%, sodium hydroxide 0.7462%) as a degreaser for its industrial tank cleaning operations conducted off-site. The facility representative stated that the liquid generated by tank cleaning operations is disposed of based on the contents of the tank that was cleaned. The facility is reminded to conduct a complete hazardous waste determination on any tank cleaning wastewaters prior to disposal.

### Records:

It should be noted that the facility uses the Cliff Berry Dania facility EPA Identification Number (FLR 000 083 071) on the manifests and shipping papers for all transportation activities from the facility.

Used oil transportation records were reviewed. The last transport of used oil from an industrial customer was

## Cliff Berry Inc - Jacksonville Inspection Report

Inspection Date: 08/03/2021

June 10, 2021, when CBI transported 400 gallons of used oil. It is the facility's procedure to screen for halogens prior to each pick up, refuse transport when halogens exceed 1,000 ppm and record this information on the manifest by initialing next to the pre-printed halogen information in box 15 of the manifest. There were nine instances in 2021 and 28 instances in 2020, however, where the halogen screening was not documented [62-710.510(1)(g), FAC]. The facility representative noted that despite repeated training and coaching, that the employee responsible for these oversights had to be released from employment. Most information required for used oil acceptance records was included on the manifests, with the exception of the type code and waste stream approval number which are available in the "business partner master database."

Used oil was last shipped from the facility tanks on July 23, 2021, when Environmental Services and Logistics, Inc. (FLR 000 193 854) transported 6,500 gallons of used oil to designated facility Cliff Berry Miami. The last shipment of used oil contained in drums from the facility was May 10, 2021, when CBI transported 1 drum of used oil to Cliff Berry Miami (FLD 058 560 699). Delivery records reviewed appeared to be in order. The end use code is noted in the Annual Report by Used Oil and Used Oil Filter Handlers, as noted during the permitting process.

Used oil driver training records were reviewed and appeared in order.

Used oil filters were last transported from an industrial customer on June 8, 2021, when 5 drums were transported. Used oil filters were last transported from the facility to the Cliff Berry Miami facility on May 10, 2021. The facility transported four drums of used oil filters. Used oil filter records reviewed appeared to be in order.

PCW was last transported on July 30, 2021, when 20 gallons of PCW was transported to CBI. PCW was last transported by CBI to WR (FLR 000 069 062) on June 14, 2021, when 5,000 gallons was transported. Written assurance that the PCW does not contain levels of hazardous constituents above those found in the source was included on the manifests. PCW records reviewed appeared to be in order.

Oily water was last transported on July 30, 2021, when 250 gallons of waste was transported to CBI. Oily water was last transported by CBI to WR on July 23, 2021, when 5,500 gallons was transported.

Hazardous waste was last transported to US Ecology Tampa, Inc. (FLD 981 832 494) on June 7, 2021, when CBI transported 110 gallons of D001/F005 hazardous waste. Hazardous waste records reviewed appeared to be in order.

The facility notified as VSQG of hazardous waste, but is operating as a non-handler. The facility has not generated any hazardous waste since the last inspection, but has the potential to generate small amounts of wastes from its maintenance activities.

Universal waste was last transported on June 19, 2019, when CBI transported 150 pounds of universal waste bulbs and 5 pounds of universal waste mercury containing devices to AERC Recycling Solutions, Corp. (FLD 984 262 782). Universal waste spill response procedures were available and maintained in trucks. Employees have been trained in proper handling and emergency response procedures.

Tank inspection records and the Contingency Plan were reviewed and appeared in order. The facility is reminded to update the tank inspection forms to reflect the new tank installations and removal.

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Copies of Northeast District's Hazardous Waste Generator Workshop PowerPoint training documents and other workshop files that may be useful can be found here:

For VSQGs:

<ftp://ftp.dep.state.fl.us/pub/outgoing/NED%20-%20HazWaste/SQG%20WORKSHOP/>

For Transporters:

<ftp://ftp.dep.state.fl.us/pub/outgoing/NED%20-%20HazWaste/TRA%20WORKSHOP/>

Please note that you cannot access this site using Chrome so you will have to use another browser such as Edge, Firefox, Internet Explorer, etc.

For Outstanding Items of Potential Non-Compliance

Inspection Date: 08/03/2021

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Please review the following section – New Potential Violations and Areas of Concern. This section includes potential violations observed at your facility during this inspection. For any potential violations below that have not been corrected, please refer to the Corrective Action for each item that is suggested to bring your facility into compliance. Once the corrective action has been completed, please send documentation to the Principal Inspector listed on page 1 of this Inspection Report. This documentation includes, but is not limited to, photos of corrected items, manifests, SDSs or other documents that will show that each potential violation has been fully addressed.

**Areas of Concern:**

1. Former Tanks 2 and 3 were relocated to the Waste Storage Area and are being used to store oily water and PCW, respectively. The relocation of these tanks was not included in the permit. The facility should either remove these tanks from the facility or consult with the Hazardous Waste Permitting Section to ensure the tanks are identified in the permit, if necessary.
2. There was some minor cracking and peeling of the secondary containment area around the tank farm, as well as the truck secondary containment pad in the AST Area. The facility should repair the secondary containment areas and ensure they are oil-impermeable.

**New Potential Violations and Areas of Concern:****Violations**

Type:	Violation
Rule:	62-710.510(1)(g)
Explanation:	The facility failed to document halogen screening for each shipment of used oil transported. There were nine instances in 2021 and 28 instances in 2020 where the halogen screening was not documented.
Corrective Action:	In order to return to compliance, the facility should conduct and document halogen screening for each shipment of used oil transported.

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Type:	Violation
Rule:	62-710.850(5)(a)
Explanation:	Waste Storage Area: Used oil filters were not stored on an oil-impermeable surface due to minor peeling of the secondary containment pad coating.
Corrective Action:	In order to return to compliance, the facility should store all used oil filters on an oil-impermeable surface.

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**PHOTO ATTACHMENTS:**

Photo 1



Photo 2





Inspection Date: 08/03/2021

Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8





Inspection Date: 08/03/2021

Photo 9



Inspection Date: 08/03/2021

**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? 262.18(a)	✓		
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: 08/03/2021

**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

Bonnie M Bradshaw	Inspector	
<b>Principal Investigator Name</b>	<b>Principal Investigator Title</b>	
	DEP	10/15/2021
<b>Principal Investigator Signature</b>	<b>Organization</b>	<b>Date</b>
Brian Bernard	Assistant Facility Manager	
<b>Representative Name</b>	<b>Representative Title</b>	
	Cliff Berry, Inc.	
	<b>Organization</b>	

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:**

<b>Approver:</b>	Bonnie M Bradshaw	<b>Inspection Approval Date:</b>	10/15/2021
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