



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

FACILITY INFORMATION:

Facility Name: Cliff Berry Inc Fort Lauderdale
On-Site Inspection Start Date: 11/01/2022 **On-Site Inspection End Date:** 11/01/2022
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

INSPECTION PARTICIPANTS:

Principal Inspector: Johanna Polycart, Inspector
Tarin Tischler, Environmental Specialist III; Michele DeFreitas, Environmental Specialist
Other Participants: II; Steven Swett, Operations Manager

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 May 13, 2021 (05/13/2021), Johanna Polycart with the Florida Department of Environmental Protection (DEP) conducted a routine Compliance Evaluation Inspection (CEI) at Cliff Berry Inc. – Fort Lauderdale (CBI or Facility), located at 3400 SE 9th Avenue, Fort Lauderdale 33316.

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 Michele DeFreitas, Environmental Specialist II and Tarin Tischler, Environmental Specialist III from the FDEP.

The inspectors were escorted around the facility by Steve Swett, Operations Manager. Upon arrival at the facility the inspectors presented their credentials and explained the purpose of the inspection.

CBI occupies 8 acres and is connected to City of Fort Lauderdale water services and has a septic tank onsite. The facility has been operating at its current location since the 1960's and employs approximately 31 staff. The facility operates 24 hours a day, and 7 days a week.

Notification History:

The facility initially notified with the Department as a Hazardous Waste Transporter and Used Oil Handler on

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12/6/2001 and was assigned the EPA Identification (EPAID) Number FLR000083071.

CBI currently operates as a permitted facility (Permit #: 192423-009-HO; 192423-010-SO) for Used oil & Material Processing activities. The permit is currently valid and expires on April 22, 2027.

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.
- 03/11/2020: 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 a de minimis used oil spill, was resolved on 04/01/2020. Compliance without enforcement was pursued in this case.
- 05/13/2021: The facility was inspected as a Used Oil Processor, Transporter, and Transfer facility as well as a 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. The Department inspectors were equipped with steel-toed boots, safety vest, safety glasses, and a face mask.

Process Description:

Cliff Berry Inc. offers environmental services (used oil transportation, hazardous waste transportation, and Used oil processing) to a wide variety of companies nationwide. The facility consists of one building with an office area, seven (7) bays where maintenance and other used oil activities are conducted, and an area separate from the main building that serves as the Tank Farm.

Used Oil and Petroleum Contact Water (PCW) Processing Activities:

The facility is authorized to operate as a Used Oil and PCW processor as declared in their permit, but the representative informed the Department that used oil processing ceased at this location about a year ago, and that all used oil processing is done in their Miami Plant.

The facility plans to maintain their used oil processor permit because of the capacity of their tanks and any future emergency that would require that type of operation.

The representative informed the inspectors that the CBI trucks do not offload Used Oil in this location, the used oil remains in their tank and is then transported to the CBI Miami plant.

The facility was requested to submit an annual report covering used oil and PCW processing facility activities conducted during the previous calendar year (2021) to the Department in the exit interview dated 11/3/2022, per Subsection 62-710.510(5).

The documentation was submitted to the Department on 11/9/2022.

Hazardous Waste Activities:

The representative informed the inspectors that the facility does not handle hazardous waste frequently, and that this location is not permitted to be a Hazardous Waste Transfer Station. Any hazardous waste received at this location, is transported within 24 hours or less to the CBI Miami plant.

Manifest for hazardous waste transportation activities conducted at the facility for 2021, and 2022 was requested by the Department in the exit interview dated 11/3/2022.

The documentation was submitted to the Department on 11/9/2022.

Bays 1 to 3 Maintenance area:

CBI employees conduct maintenance and repairs at the facility on their transportation trucks and forklifts. The maintenance services are performed in Bays 1 to 3, and the area serves as storage for product hydraulic oil, product coolant and product grease.

The inspectors observed indoors within this area:

- One (1) 500- gallon double-walled tank labeled "Used Oil".
- Two (2) 55-gallon drums labeled "Non-Hazardous Waste" "Used Oil Filters", the drum were closed at the time of the inspection.

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Used oil rags are also generated in that area and stored in a red bin labeled "Used Absorbent for Recycling". The rags are then washed and are re-used by the facility.

The Representative informed the inspectors that oily mop water is stored in their oily water tank, and along with the Used Oil, and Used Oil Filters generated onsite will be transported to the CBI Miami plant for processing.

Bay 4 Storage area:

This bay serves as supply storage for the facility. Materials observed in the area include cardboard boxes, plastic hoses, plastic bags, and empty storage containers. Used oil and hazardous waste are not generated in that area.

Outside of the area, before going to the next bay the inspectors observed nine (9) 5-gallon containers of product gasoline on a wooden pallet, and the representative informed the inspectors that the gasoline is used to replenish the trucks.

Bay 5 Wash area:

In the wash area, CBI washes the interior of the clients' trucks that are soiled with used oil, after they off-load that used oil to the facility. The wash bay is sectioned in two areas, one slated surface to retain the oily water that is generated after washing the truck, and one that serves as a parking station for the trucks and storage for cleaning products. Oily water is generated and pumped in a tank that is stored in the wash bay area, and oily sludge with solids is also generated and stored in drums until disposal.

The connection hose pipe used in the pump system to clean the trucks has a leak, so the facility places a bucket to collect any used oil discharged from the system. At the time of the inspection, the bucket was full of used oil that also is disposed of in the used oil tank.

The representative informed the inspectors that there are drains throughout the wash bay area and outside that collect all discharged oily water and non-oily water in the facility that goes to an oily water separator which is located in the back of the facility.

The inspectors observed in that area:

- Seven (7) 55-gallon containers labeled "Oily Sludge" "Non-Hazardous Waste". The containers were closed and in good condition at the time of the inspection.
- One (1) 6000- gallon tank on secondary containment, to collect Used Oil and oily water generated in the wash bay area.
- One 250 gallon tank of product Sodium Hypochlorite (bleach).
- One 250 gallon tank of product cleaning solvent labeled "1781 Corrosive".
- One 250 gallon tank of product labeled "Degreaser 50/50".

The used oil and oily water stored in the 6000-gallon tank stationed in the wash bay area is pumped in the bigger tanks located in the Tank Farm, which will then be transported to the CBI Miami plant for processing. Two cabinets labeled "Flammable Liquid" "Diesel" used to store product diesel cans, a 500-gallon tank of product gasoline labeled with a flammable placard, and approximately twenty (20) buckets of product hydraulic fluid oil were observed in the area.

The inspectors inquired about the labeling of the oily sludge as "Non-Hazardous waste", and the facility was required to provide the Department, a waste profile for one shipment of used oil that was washed in the bay as an example, to verify that the used oil generated was not hazardous.

On 11/9/2022, the facility submitted a Waste Profile of a shipment from Cable Marine West (the used oil generator) dated 1/19/2022 showing that the oily water was generated from cleaning operations, contained less than 1000 ppm of halogens, and the constitution of water was 90-99% and 1-10% of Used Oil.

In the permit #: 192423-009-HO and 192423-010-SO Part II Subpart E, the facility is allowed to accept non-hazardous waste oil contaminated solid waste including sludge. The sludge needs to be bulked in acceptable containers, in this case 55-gallon drums, and a Profile document from the generator should be obtained to demonstrate that the waste is non-hazardous, then the waste should be sent at a permitted solid waste disposal facility. In the case of CBI, the oily sludge is sent to their Miami plant for further processing.

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Bay 6 and 7:

The last two bays serve as a mechanic shop where car parts are fixed, and storage of various pieces of metal. Used oil and hazardous waste are not generated in that area.

Tank Farm:

The facility has sixteen (16) tanks as mentioned in the permit #192423-009-HO and 192423-010-SO. The inspectors toured the concrete secondary containment, which was in good condition, and no spills of used oil or waste was observed in the area.

The representative informed the inspectors that Oily Water and PCW are allowed to settle in the tanks before the materials are transferred in bulk to the Miami Plant.

The configuration of the Tanks was as follow:

- Tanks 1,2, 7, 8, and 9 labeled "Used Oil", and the size of each was 24,500 gallons.
 - Tanks 3, 5, and 6 which was out of service because of cleaning were labeled "Used Oil", and the size of each was 30,000 gallons.
 - Tank 4 was labeled "PCW" and was out of service at the time of the inspection, and the size was 15,000 gallons.
 - Tanks 12,13, and 14 were labeled "Used Oil" and the size of each was 15,000 gallons.
 - Tanks 15 and 16 were labeled "Used Oil" and the size of each was 10,000 gallons.
 - Tank 10 was labeled "Diesel Fuel" and the size was 593,570 gallons. The diesel fuel is stored for any emergency.
 - Tank 11 was labeled "Diesel Fuel", the size was 17,700 gallons and was out of service because of cleaning.
- The inspectors observed a 1000- gallon Slop Tank that is used for storage of the water and oil mixture generated when cleaning is performed in the containment area.

Record Review:

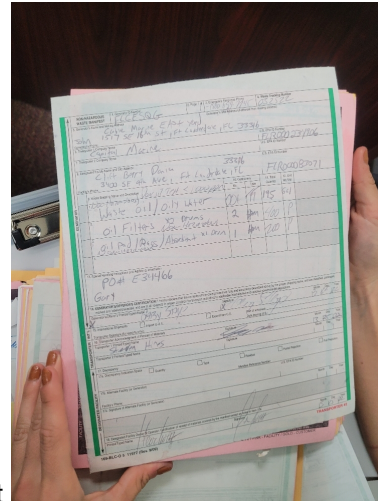
- Acceptance and delivery records for used oil activities were reviewed on site. CBI used Non-Hazardous waste manifest for shipments of used oil designated to their facility. Bill of Lading manifest and Dispatch tickets are used by CBI, when their trucks transport used oil and used jet fuel to the CBI Miami Plant.
- Hazardous waste manifests were not reviewed on site at the time of the inspection. The facility representative submitted Manifest from April, August, November of 2021, and January, August, October of 2022 to the Department.
- Daily inspection logs for the tanks were available for review. Weekly a throughout inspection is done in the Tank Farm, evaluating the integrity of the tanks and functionality of the emergency equipment.
- The facility maintains a full Spill Prevention Control & Countermeasure Plan (SPCC) and Contingency Plan last reviewed in January 2022 including emergency response procedures, emergency coordinator contact, and notification with local authorities.
- Liability Insurance plan in the amount of \$2,000,000. The plan policy #GPL 0274654-04 is insured by Steadfast Insurance Company and expires on 12/31/2022.
- The facility's annual reports for used oil, used oil filters and PCW activities were requested for submittal in the exit interview, and were sent for review on 11/9/2022.
- Employee training certificates were available for review during the inspection. The employees are required to complete the 40 Hour Hazwoper Training and complete the 8 Hour Hazwoper Refresher Training annually.
- The closure plan for the facility was part of the Contingency plan and was available for review at the time of the inspection.
- Waste Analysis Plan. The facility maintains a complete waste analysis plan that demands halogen testing and pH testing for incoming shipment at the Fort Lauderdale location, which does not have a laboratory onsite. The facility uses the laboratory of the Miami plant for any further testing as needed.

PHOTO ATTACHMENTS:

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Used Oil Tank, Bay 1



Manifest



Tank Farm



Wash Bay Area

Conclusion:

Cliff Berry Inc.- Fort Lauderdale is registered with the Department as a Used Oil Processor, Transporter and Transfer Facility, and also a Hazardous Waste Transporter.

All the trucks used by the facility are based out of the Fort Lauderdale location, and are also serviced and maintained there. So the EPAID FLR000083071 is used for all Used Oil transportation activities by Cliff Berry Inc.

The facility was inspected as a Used Oil Processor and Transporter and was found to be in compliance at the time of the inspection.

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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

Johanna Polycart**Principal Investigator Name****Principal Investigator Signature**Inspector**Principal Investigator Title**DEP**Organization**12/01/2022**Date**Tarin Tischler**Inspector Name**Environmental Specialist III**Inspector Title**DEP**Organization**Michele DeFreitas**Inspector Name**Environmental Specialist II**Inspector Title**DEP**Organization**Steven Swett**Representative Name**Operations Manager**Representative Title**Cliff Berry Inc.**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:**12/01/2022