

Thursby, Kim

From: Bill Parkes [bparkes@cliffberryinc.com]
Sent: Tuesday, June 12, 2007 3:15 PM
To: Epost HWRS
Subject: RE: Cliff Berry, Inc.;FLR 000 119 792

Tim -

I received the attached document.

Thanks,

William E. Parkes, Jr.
Manager Regulatory Affairs and Capital Projects
Cliff Berry, Inc. (CBI)

-----Original Message-----

From: Epost HWRS [mailto:EpostHWRS@dep.state.fl.us]
Sent: Monday, June 11, 2007 1:10 PM
To: bparkes@cliffberryinc.com
Cc: White, John; Raoul.Clarke@dep.state.fl.us; Wick, Fred; Bahr, Tim; Prusty, Rabin; Kothur, Bheem
Subject: Cliff Berry, Inc.;FLR 000 119 792

This is the corrected one. Please delete the one sent earlier. Attachments were missing.

In an effort to provide a more efficient service, the Florida Department of Environmental Protection's Hazardous Waste Regulation Section is forwarding the attached document to you by electronic correspondence "e-correspondence" in lieu of a hard copy through the normal postal service.

We ask that you verify receipt of this document by sending a "reply" message to epost_hwrs@dep.state.fl.us. If your email address has changed or you anticipate that it will change in the future, please advise accordingly in your reply. You may also update this information by contacting Kim Thursby at (850) 245-8792.

The attached document is in "pdf" format and will require Adobe Reader 6 or higher to open properly. You may download a free copy of this software at www.adobe.com/products/acrobat/readstep2.html.

Please note that our documents are sent virus free. However, if you use Norton Anti-virus software, a warning may appear when attempting to open the document. Please disregard this warning.

Your cooperation in helping us affect this process by replying as requested is greatly appreciated. If you should have any questions about the attached document(s), please direct your questions to the contact person listed in the correspondence.

Tim Bahr
Environmental Administrator
Hazardous Waste Regulation
Department of Environmental Protection
E-Mail Address: epost_hwrs@dep.state.fl.us



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

June 11, 2007

SENT VIA EMAIL

bparkes@cliffberryinc.com

Mr. William E. Parkes, Jr.
Cliff Berry, Incorporated
Post Office Box 13079
Port Everglades Station
Fort Lauderdale, Florida 33316

RE: Cliff Berry, Inc. – Canaveral Facility
EPA I.D. No. FLR 000 119 792
Used Oil Processing Facility Permit

Dear Mr. Parkes:

The Florida Department of Environmental Protection (Department) has received your permit application dated February 12, 2007 to construct and operate a Used Oil / Oily Wastewater Transfer Station Facility at 5855 Industrial Drive, Cocoa, Florida.

The review of the permit application indicates that it is incomplete. Please provide the information requested in the enclosed summary. In preparing your response, the Department recommends that you identify each comment followed by your response and also provide revised pages for the application. The revised pages should include the new revision date.

Further action on processing your application is temporarily suspended pending receipt of your complete response. Please submit three copies of your written response within 30 days of receipt of this notice. If you cannot submit this information within 30 days, you must formally request an extension and provide a schedule, with dates, indicating when this information will be submitted.

Mr. William E. Parkes, Jr.
June 11, 2007
Page Two

Should you like to arrange a meeting or if you have any questions, please contact Rabin Prusty at (850) 245-8780, e-mail: rabin.prusty@dep.state.fl.us.

Sincerely,



Bheem Kothur, P.E. III
Hazardous Waste Regulation

BK/rp

Enclosure

cc: John White, DEP/Orlando, john.white@dep.state.fl.us
Raoul Clarke, DEP/Tallahassee, raoul.clarke@dep.state.fl.us
Fred Wick, DEP/Tallahassee, fred.wick@dep.state.fl.us

ATTACHMENT
June 5, 2007
Cliff Berry, Inc. - Canaveral Facility
EPA I.D. No. FLR 000 119 792
Notice of Deficiency

1. **Attachment 2, Page 2:** (a). The Land Owner Certification form shows Cliff Berry Inc. (CBI) as land owner, not C-2 Holdings Inc as stated earlier in the Lease Agreement page, please correct. Also clarify that Cliff Berry II is the owner of C-2 Holdings Inc.
2. **Attachment 3:** Please specify the tank numbers on the map with tank capacity and provide a revised Tank Table. The tank numbers on the map must match with the Tank Table. Please also provide an 8 ½" x 11" drawing for the tank area identifying all tanks to be attached in the permit.

Table #1 states that there are three (3) 8,300 gallon and two (2) 5,000 gallon tanks. However, in the drawing there are three (3) 10,000 gallon and two (2) 5,000 gallon tanks. Please clarify and revise the permit application as appropriate.

Permit Application:

- a. Submittal is incomplete (see Item 8. on page 11 of application) and needs detailed descriptions of tanks and equipment including specifications, inspection and monitoring schedules, corrective action procedure plan, and certification by an Engineer registered in the state of Florida.
 - b. CBI should submit for review "As-Built" Certification and receive DEP approval prior to operation of the newly constructed units. Submittal should include calculations for the secondary containment area and information on surface coating material. The containment area should be coated with a chemically compatible material that prevents possible leaching of spill contaminates.
 - c. Provide details and indicate on a map where and how contaminated soils will be stored on the site.
 - d. Indicate on a map the location of any ground water wells on-site and provide data from previous sampling events.
3. **Cost Estimate:** Cliff Berry, Inc. must submit an itemized closure cost estimate for the five (5) tanks shown in the drawing (Attachment 3).

4. **Attachment 4 – Used Oil Analysis Plan:**

Page 1, Procedures, paragraph 2 notes that “A record of the halogen test result must be recorded on the manifest and job ticket.” It appears this statement only relates to the use of the Dexsil kit which is used if the halogen meter detects elevated levels of halogens. Please note, use of the Halogen Leak Detector should also be noted on all manifests to document that drivers did check the oil prior to pickup.

The Sampling Plan must include a tracking plan and a sampling plan for sludges. Please provide a copy of the form used by the driver and also a copy of the form that will be used on-site to record used oil analytical/testing data.

5. **Attachment 4 – Used Oil Analysis Plan Appendix C – Re-buttable Presumption Flowchart:**

The 3rd decision point down the left side of the flowchart (Does a Regulatory Exclusion Apply) does not have a “YES” answer associated with it. Also in this box, it is not indicated how Cliff Berry Inc. is going to determine if a facility is a CESQG. Please submit how you will determine if a facility is a CESQG.

6. **Attachment 5 (Part 3M):** Cliff Berry has notified the Department as a hazardous waste transfer facility at this location pursuant to Section 62-730.171 (3) FAC. However, Cliff Berry must submit a written closure plan for a hazardous waste transfer facility that satisfies the requirements of the closure performance, notification, and decontamination standards of 40 CFR 265.111, 265.112, 265.114 and 265.115. The facility must also comply with 40 CFR 265 Subpart B, Subpart C, Subpart D, and subpart I with the exception of 40 CFR 265.13.

7. Decision point 5 reads “Does the used oil contain significant concentrations of halogenated constituents?” There is no indication of what constitutes a significant concentration of halogenated constituents.

It is recommended that Cliff Berry, Inc. use the presence of any halogenated listed hazardous waste constituent in concentrations exceeding 100 parts per million as an indicator of the presence of mixing listed hazardous waste with the used oil.

8. **Attachment 5 – Spill Prevention Control & Countermeasure Plan and Contingency Plan and Emergency Procedures:**

Page 2.1, the Introduction indicates Cliff Berry, Inc. operates a ten day hazardous waste transfer facility from this location. This statement must be removed.

9. **This facility is not approved for operation of a hazardous waste transfer facility at this location and, if it is currently operating one, it is in violation of 403.7211, Florida Statutes.**

Page 3.3, Item 3M, contains information regarding a hazardous waste ten day transfer facility. This information must be removed from the used oil processor permit application.

10. **Attachment 6 - Canaveral Facility Closure Plan:**

Page 1 of 4, General Provisions, Item 3 provides a list of sampling analytical procedures to be performed during closure of the facility. The list of sampling parameters is not complete. For example, it only identifies the analysis for lead and does not indicate the facility will sample for other metals known to be present in oil. Any reduction in sampling parameters must be justified by the facility providing documentation that the used oil managed on-site did not contain any of the contaminants.

Financial Assurance: A Financial Assurance for Closure Cost estimates needs to be included in the application for a hazardous waste transfer facility.

- (a). CBI 's Closure Cost estimate and Financial Assurance should include:
- Disposal cost (transportation + treatment) estimate should be for the total capacity of the plant; 83,000 gallons.
 - Waste Characterization analytical cost for each of the 3 tanks.
 - Analytical cost for rinse water confirmation from each of 3 tanks.
 - Disposal cost should assume some tank sludge removal cost and should consider some percentage of the sludge as non-pumpable and thus require additional labor and equipment cost for removing.
- (b). CBI states it will be receiving contaminated soil from retail gasoline stations and storing the soil onsite. If the soil is not part of a UST removal subject to corrective action regulations under 40 CFR Part 280, it would not meet the criteria for the exclusion from hazardous waste regulations found in 40 CFR 261.4 (b)(10). If the soil does not meet the exclusion, it would be hazardous waste if it failed TCLP analysis. CBI also implies it may receive sludge from the cleanout of USTs that are currently in service at retail gasoline stations. The sludge removed from USTs that contained gasoline would be, at a minimum, a characteristic hazardous waste.
- (c). The Closure cost estimates should include the disposal of hazardous waste soil and sludge.
- (d). CBI states that it will receive oily wastewater from retail gasoline stations. Wastewater removed from secondary containment that surrounds gasoline

tanks would meet the definition of Petroleum Contact Water (PCW) and may be a characteristic hazardous waste unless sent for product recovery.

11. **Attachment 7:** Please indicate if CBI has applied for a IW pretreatment permit.
 - (a). Describe in detail your business plan, types of waste streams and what type of businesses you plan to collect waste from. Also describe any on-site treatment you may perform to the used oil, used oil filters, or wastewater you receive. Provide details of how and where your facility will dispose/market the waste materials it receives.
 - (b). Who will make the Hazardous waste determination of contaminated soils received and stored on-site.
12. **Attachment 8:** Will the facility be a “Marketer” of used oil, if so, they need to register as one? And also register as a used oil and filter transfer facility. Please see Application for Registration, Used Oil and Oil Filter Handlers, Form 62-710.901(1).
13. Page 1 of 4, General Provisions, Item 4 indicates that “Visual inspection of soils adjacent to the containment area will determine the location of soil sampling.” If spills are cleaned up immediately as required there should be no visible indications of contamination. There is also no mention of the number of samples to be taken at the time of closure.