

## Thursby, Kim

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**From:** Bill Parkes [BParkes@cliffberryinc.com]  
**Sent:** Tuesday, January 29, 2008 11:41 AM  
**To:** Epost HWRS  
**Subject:** RE: Cliff Berry, Inc. - Canaveral;FLR 000 119 792;249477-HO-001

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Tim -

CBI confirms receipt of the attached document on January 9, 2008.

Thanks,

William E. Parkes, Jr.  
Cliff Berry, Inc. ( CBI )

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**From:** Epost HWRS [mailto:EpostHWRS@dep.state.fl.us]  
**Sent:** Wednesday, January 09, 2008 3:09 PM  
**To:** Bill Parkes  
**Cc:** White, John; mblake@cocoafl.org; truman.scarborough@brevardcounty.us; heath\_rauschenberger@fws.gov; maryann.poole@myfwc.com; Raoul.Clarke@dep.state.fl.us; Wick, Fred; Bahr, Tim; Prusty, Rabin; Kothur, Bheem  
**Subject:** Cliff Berry, Inc. - Canaveral;FLR 000 119 792;249477-HO-001

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](mailto: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](http://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](mailto:epost_hwrs@dep.state.fl.us)

*The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.*



# 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

January 9, 2008

SENT VIA E-MAIL

[bparkes@cliffberryinc.com](mailto:bparkes@cliffberryinc.com)

Mr. William E. Parkes, Jr.  
Regulatory Affairs Manager  
Cliff Berry, Incorporated  
P.O. Box 13079  
Fort Lauderdale, Florida 33316

SUBJECT: Cliff Berry, Inc. – Canaveral Facility  
Facility Operating Permit  
EPA I.D. Number: FLR 000 119 792  
Permit Number: 249477-HO-001  
Brevard County

Dear Mr. Parkes:

Enclosed you will find a Department Permit (Intent to Issue), along with the draft Operating Permit and language for the required Public Notice of Agency Action. Please ensure publication within the time allotted.

As applicant, you are a person whose substantial interests will be determined by the permit, and rights explained in the Intent to Issue apply to you. You have a period of 14 days from the date you received this Intent to Issue in which to exercise your rights.

Proof of publication must be provided to the Department within seven days of publication of the notice.

If you have any questions, please contact Rabin Prusty at (850) 245-8780 or via e-mail: [rabin.prusty@dep.state.fl.us](mailto:rabin.prusty@dep.state.fl.us).

Sincerely,

Tim J. Bahr, Administrator  
Hazardous Waste Regulation

TJB/rp  
Enclosure

Mr. William E. Parkes, Jr.  
January 9, 2008  
Page Two

cc: John White, DEP/Orlando, [john.white@dep.state.fl.us](mailto:john.white@dep.state.fl.us)  
Mayor, City of Cocoa, [mblake@cocoaf1.org](mailto:mblake@cocoaf1.org)  
Chair, County Board of Commissioners, [truman.scarborough@brevardcounty.us](mailto:truman.scarborough@brevardcounty.us)  
Heath Rauschenberger, U. S. Fish and Wildlife Services, [heath\\_rauschenberger@fws.gov](mailto:heath_rauschenberger@fws.gov)  
Mary Ann Poole, Florida Fish and Wildlife Conservation Commission,  
[maryann.poole@myfwc.com](mailto:maryann.poole@myfwc.com)  
Raoul Clarke, DEP/Tallahassee, [raoul.clarke@dep.state.fl.us](mailto:raoul.clarke@dep.state.fl.us)  
Fred Wick, DEP/Tallahassee, [fred.wick@dep.state.fl.us](mailto:fred.wick@dep.state.fl.us)

**FACT SHEET**  
**January 8, 2007**  
**Cliff Berry, Inc. – Canaveral Facility**  
**Cocoa, Florida**  
**EPA I.D. No: FLR 000 119 792**  
**Permit No: 249477-HO-001**

**Used Oil Processing Facility Permit**

1. This facility will construct and operate a Used Oil Processing Facility consisting of 5 above ground storage tanks.
2. The Permittee has complied with the closure cost estimate and financial assurance requirements of the new Rule dated June 9, 2005. Financial Assurance Mechanism and annual closure cost estimate adjustment conditions are added to this permit.
3. There are no issues with the facility.

**STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In the Matter of an  
Application for a Permit by:

*Cliff Berry, Incorporated.  
P.O. Box 13079  
Fort Lauderdale, Florida 33316*

*DEP File No.249477 -HO-001  
EPA I. D. FLR 000 119 792  
Brevard County*

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**INTENT TO ISSUE**

The Florida Department of Environmental Protection (“the Department”) gives notice of its intent to issue a permit (copy enclosed) for the proposed project as detailed in the application specified above, for the reasons stated below.

On February 12, 2007, Cliff Berry Incorporated submitted an application to the Department for a permit (249477-HO-001) to construct and operate a used oil processing facility located at 5855 Industrial Drive, Cocoa, Florida. The Department has permitting jurisdiction under Section 403.704(16) and 403.769, Florida Statutes (F.S.) and Chapters 62-4, 62-701 and 62-710, Florida Administrative Code (F.A.C.). The project is not exempt from permitting procedures. The Department has determined that an operating permit is required for the proposed work. The Department intends to issue the permit with the conditions included in the enclosed draft permit.

Pursuant to Section 403.815, F.S., you (the applicant) are required to publish at your own expense the enclosed Newspaper Notice. The notice shall be published one time only within 14 days of receipt in the legal ad section of a daily, major newspaper of general circulation in the area affected. For the purpose of this notice, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. Where there is more than one daily newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permit modification. If you are uncertain that a newspaper meets these requirements, please contact the Office of General Counsel of the Department at (850) 245-2242. The applicant shall provide proof of publication to the Department of Environmental Protection at 2600 Blair Stone Road, Mail Station #4560, Tallahassee, Florida 32399-2400; Attention: Administrator, Hazardous Waste Regulation Section, within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000.

Petitions by the permit applicant or any of the parties listed below must be filed within 14 days of receipt of this Intent. Petitions filed by other persons must be filed within 14 days of publication of the public notice or within 14 days of their receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (d) A statement of all material facts disputed by petitioner, or a statement that there are no disputed facts;
- (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final

decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available in this proceeding.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



Charles F. Goddard, Chief  
Bureau of Solid & Hazardous Waste  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

cc: John White, DEP/Orlando  
Mayor, City of Cocoa  
Chair, Orange County Board of Commissioners  
Heath Rauschenberger, U. S. Fish and Wildlife Services  
Mary Ann Poole, Florida Fish and Wildlife Conservation Commission  
Raoul Clarke, DEP/Tallahassee  
Fred Wick, DEP/Tallahassee



Newspaper Notice:

**STATE OF FLORIDA  
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
PUBLIC NOTICE OF PROPOSED AGENCY ACTION  
NOTICE OF INTENT TO ISSUE**

THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION GIVES NOTICE OF ITS INTENT TO ISSUE A PERMIT TO CLIFF BERRY INCORPORATED TO CONSTRUCT AND OPERATE A USED OIL PROCESSING FACILITY AT 5855 INDUSTRIAL DRIVE, COCOA, FLORIDA 32927, HAVING ASSIGNED FACILITY I.D. NUMBER FLR 000 119 792.

The draft permit prepared in accordance with the provisions of Chapters 62-4, 62-701, 62-710 and 62-730, Florida Administrative Code (F.A.C.), contains the conditions for permit number 249477-HO-001. The permit is intended to be issued to allow Cliff Berry, Incorporated to construct and operate a Used Oil Processing Facility at the Cliff Berry, Incorporated site in Cocoa, Florida.

Copies of the application and the draft permit renewal are available for public inspection during normal business hours 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at Florida Department of Environmental Protection, Central District Office, 3319 Maguire Blvd Suite 232, Orlando, Florida 32803-3767, (407) 894-7555 and at 2600 Blair Stone Road, Mail Station #4560, Tallahassee, Florida 32399-2400; Attention: Administrator, Hazardous Waste Regulation Section, (850) 245-8780.

A person whose substantial interests are affected by the above proposed agency action may petition for an administrative determination (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the permit applicant and any of the parties listed below must be filed within fourteen (14) days of receipt of this Intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen (14) days of publication of this notice of intent or receipt of the written notice, whichever occurs first. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within this time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed; and
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of all material facts disputed by petitioner, or a statement that there are no disputed facts; (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available in this proceeding.



# 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

## PERMITTEE:

Cliff Berry, Incorporated  
P.O. Box 13079  
Fort Lauderdale  
Florida 33316

Attention:  
William E. Parkes, Jr.  
Manager Regulatory Affairs

I.D. Number: FLR 000 119 792  
Permit Number: 249477-HO-001  
Date of Issue: DRAFT  
Expiration Date: DRAFT  
County: Brevard County  
Lat/Long: 28° 27' 24.8"N/80° 46' 17.8"W  
Project: Used Oil Processing Facility

This permit is issued under the provisions of Chapter 403 of Florida Statutes (F.S.), Chapters 62-4, 62-160, 62-701, 62-710, 62-730, and 62-740 of Florida Administrative Code (F.A.C.), and 40 Code of Federal Regulations (CFR) Part 279. The above named Permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereto and specifically described as follows:

**TO OPERATE:** To construct and operate a Used Oil Processing Facility. The Used Oil Facility is located in Brevard County at 5855 Industrial Drive, Cocoa, Florida 32927. A diagram of the site layout is included as Attachment A. Tank capacity is shown in Attachment B.

The facility is authorized to operate a Used Oil Processing Facility. The facility is also permitted to market Used Oil.

The facility consists of three (3) 8,300 gallons above ground horizontal storage tanks and two (2) 5,000 gallons vertical tanks in secondary containment unit. Total used oil capacity of tanks in the tank farm is 29,900 gallons. The Antifreeze Tank (Tank No. 5) is not permitted under this permit. All tanks are listed in Attachment B.

The facility is located on approximately a 4.4-acre parcel of land owned by C-2 Holdings, Inc. The Permittee will operate the Used Oil Transfer Facility in accordance with the permit applications listed below.

Cliff Berry, Inc. – Canaveral Facility  
5855 Industrial Drive  
Cocoa, Florida 32927

I.D. Number: FLR 000 119 792  
Permit/Cert Number: 249477-HO-001  
Expiration Date: DRAFT

**Permit History:**

1. Used Oil Processing Facility Permit Application submitted on February 12, 2007.
2. Additional information submitted on July 24, 2007 in response to first Notice of Deficiency.
3. Additional information submitted on November 5, 2007 in response to second Notice of Deficiency.

DRAFT

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## Part I - GENERAL AND STANDARD CONDITIONS

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the Permittee and enforceable pursuant to the authority of Sections 403.141, 403.727, or 403.859 through 403.861, Florida Statutes. The Permittee is hereby placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in Subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit does not constitute a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the Permittee from liability for harm or injury to human health or welfare, animal, plant or aquatic life or property and penalties therefore caused by the construction or operation of this permitted source, nor does it allow the Permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The Permittee shall at all times properly operate and maintain the facility and systems of processing and control (and related appurtenances) that are installed or used by the Permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The Permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purpose of:
  - a. Having access to and copying any records that must be kept under the conditions of the permit;
  - b. Inspecting the facility, equipment, practices, or operations regulated or required under this permit; and

- c. Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated.
8. If, for any reason, the Permittee does not comply with, or will be unable to comply with, any condition or limitation specified in this permit, the Permittee shall immediately notify and provide the Department with the following information:
  - a. A description of and cause of non-compliance; and
  - b. The period of non-compliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

The Permittee shall be responsible for any and all damages that may result and may be subject to enforcement action by the Department for penalties or revocation of this permit.
9. In accepting this permit, the Permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, which are submitted to the Department, may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is proscribed by Sections 403.73 and 403.111, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
10. The Permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided however, the Permittee does not waive any other rights granted by Florida Statutes or Department rules.
11. This permit is transferable only upon Department approval in accordance with Florida Administrative Code Rules 62-4.120 and 62-710.800, F.A.C., as applicable. The Permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department.
12. This permit is required to be kept at the work site of the permitted activity during the entire period of construction, operation, or closure.
13. This permit also constitutes:
  - a. Determination of Best Available Control Technology (BACT);
  - b. Determination of Prevention of Significant Deterioration (PSD);
  - c. Certification of Compliance with State Water Quality Standards (Section 401, PL 92-500); and
  - d. Compliance with New Source Performance Standards.
14. The Permittee shall comply with the following monitoring and record keeping requirements:

- a. Upon request, the Permittee shall furnish all records and plans required under Department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the Department, during the course of any unresolved enforcement action;
  - b. The Permittee shall retain at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records), copies of all reports required by this permit, and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report or application unless otherwise specified by Department rule; and
  - c. Records of monitoring information shall include:
    - (1) The date, exact place, and time of sampling or measurements;
    - (2) The person responsible for performing the sampling or measurements;
    - (3) The date(s) analyses were performed;
    - (4) The person responsible for performing the analyses;
    - (5) The analytical techniques or methods used; and
    - (6) The results of such analyses.
15. When requested by the Department, the Permittee shall, within a reasonable period of time furnish any information required by law that is needed to determine compliance with the permit. If the Permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be submitted or corrected promptly.
16. Rules
- a. The facility shall comply with all applicable portions of 40 CFR Part 279 and Chapter 62-710, Florida Administrative Code, (F.A.C.).
  - b. This facility shall be constructed and operated in accordance with all applicable requirements of Chapter 62-4, 62-701, 62-710, 62-730 and 62-740, F.A.C., and all other applicable requirements of Department Rules.
  - c. By acceptance of this permit, the Permittee certifies that he has read and understands the obligations imposed by the General and Standard Conditions contained herein, including the date of permit expiration and renewal deadlines. It is a violation of this permit to fail to comply with all conditions and deadlines.
  - d. Nothing contained in General and Standard Condition 10 shall be deemed to waive any right Permittee has under Florida Statutes or Department rules to oppose application of any such changes to the facility if Permittee is otherwise legally entitled to do so.



17. Submittals in response to these conditions shall be submitted as follows:

- a. One (1) hard copy and one (1) electronic copy shall be submitted to:

Environmental Administrator  
Hazardous Waste Management Section  
Bureau of Solid and Hazardous Waste  
Florida Department of Environmental Protection  
2600 Blair Stone Road, MS 4560  
Tallahassee, Florida 32399-2400

- b. One (1) hard copy and one (1) electronic copy shall be submitted to:

Solid and Hazardous Waste Program Administrator  
Florida Department of Environmental Protection  
Central District Office  
Solid and Hazardous Waste Section  
3319 Maguire Boulevard  
Orlando, Florida 32803-3767

- c. The Permittee shall submit one (1) copy of the renewal permit and/or modifications cover letter and appropriate fee to:

Florida Department of Environmental Protection  
Post Office Box 3070  
Tallahassee, Florida 32315-3070

The Permittee shall submit the other copies of the renewal to the addresses in the General and Standard Condition of this Part.

- d. Financial Assurance Mechanism:

The Permittee shall maintain, in good standing, the financial mechanisms established to demonstrate proof of financial assurance. Support documentation and required adjustments shall be submitted within the time frames specified in Rule 62-701.630, F.A.C. as adopted by reference in Rule 62-710.800(6), F.A.C. All submittals in response to this specific condition shall be sent to:

Florida Department of Environmental Protection  
Financial Coordinator – Solid Waste Section  
Bob Martinez Center  
2600 Blair Stone Road, MS 4565  
Tallahassee, Florida 32399-2400

- e. Annual Closing Cost Estimate Adjustment:

The Permittee shall annually adjust the closing cost estimate for inflation using Form 62-710.901(7). Adjustments shall be made in accordance with Rule 62-710.800(6), F.A.C. An owner or operator shall submit the adjusted cost estimate between January 1 and March 1. All

submittals in response to this specific condition shall be sent to the address on the cost estimate form.

18. The Permittee shall annually register their used oil handling activities with the Department on DEP Form 62-710.900(1) in accordance with Rule 62-710.500, F.A.C.
19. The Permittee shall display the validated registration form and identification number in a prominent place at the facility location [Rule 62-710.500(4), F.A.C.].
20. The Permittee shall submit an annual report covering used oil processing facility activities conducted during the previous calendar year to the Department on DEP Form 62-701.900(3) by March 1 of each year in accordance with Rule 62-710.520(1), F.A.C. The report shall summarize the records kept pursuant to Rule 62-710.510, F.A.C.
21. Before transferring ownership or operation of this facility during its operating life, the Permittee must notify the new owner or operator in writing of the requirements of 40 CFR Part 279 and Rule 62-710, F.A.C. The Permittee shall also submit an application for transfer of the permit on DEP Form 62-1.201(1) accompanied with an appropriate application fee.
22. Before closing or making any substantial modification to the facility, the Permittee shall submit to the Department the Used Oil Processing Facility Permit Modification Request, pursuant to Rules 62-4.080 and 62-710.800(6), F.A.C. The engineering aspects of the request must be certified by a Professional Engineer registered in the State of Florida.
23. The Department may modify, revoke, reissue, or terminate for cause, this permit in accordance with the provisions of Rule 62-710.800, F.A.C. The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition. The Permittee may submit any subsequent revisions to the Department for approval. These revisions shall meet the requirements of FAC, Rules 62-4.050 and 62-710.800(6), and must be accompanied with an appropriate application fee.
24. Prior to sixty (60) days before the expiration of this permit, the Permittee shall submit a complete application for renewal of the permit on DEP form 62-710.901 and in a manner prescribed by the Department, unless the facility is to be closed prior to the expiration date of this permit per the requirements of Rule 62-710.800(1), F.A.C.
25. The Permittee shall maintain and operate the facility to minimize the possibility of fire, explosion, or any unplanned sudden or non-sudden release of used oil, sludges, residues or constituents to air, soil, or surface water which could threaten human health or the environment, in accordance with 40 CFR 279.52 and Rule 62-710.800(1), F.A.C.
26. The Permittee shall not accept or store any hazardous wastes in the permitted tanks without receiving written approval from the Department.
27. The Permittee is allowed to store used oil only in the aboveground tanks or in containers within the secondary containment, as shown in Attachment A of the permit. The permitted units are Tanks 1, 2, 3, 4 and 5.

28. The Permittee shall not exceed the maximum storage capacities of the permitted tanks as specified in Attachment No. 5 of the permit application and in Attachment B of the permit.
29. To prevent overflow, the Permittee shall notify the Department when the volume of the used oil stored in any of the tanks exceeds ninety-five (95) percent of the maximum storage capacity of the tank as specified in Attachment No. 5 of the permit application and Attachment B of the permit.
30. Category B Storage Tanks (tanks installed after March 12, 1991, and before July 13, 1998) shall comply with the performance standards of FAC, Rule 62-762.511. Repairs to aboveground storage and process tanks shall meet the criteria of FAC, Rule 62-762.701, F.A.C. [Rule 62-710.800(3), F.A.C.].
31. The inspection records and release detection monitoring required in Rule 62-762.601, F.A.C. for aboveground process and storage tanks and integral piping shall be maintained in the Permittee's operating record [Rule 62-710.800(5), F.A.C.].
32. The Permittee shall prevent the release of used oil, oily waste or oily wastewater to the environment. The secondary containment system shall be maintained in accordance with the Attachment No. 3 of the permit application and shall comply with the requirements of 40 CFR 279.54, including the requirements set forth below:
  - a. All new components shall have secondary containment as required by parts (b) and (c) of this condition prior to being put into service;
  - b. Pursuant to 40 CFR 279.54, the secondary containment system shall be:
    - (1). Designed, installed and operated to prevent any migration of wastes or accumulated liquid to the soil, groundwater or surface waters;
    - (2). Capable of detecting and collecting releases and run-on until the collected material is removed;
    - (3). Constructed of or lined with materials compatible with the waste to be stored and have sufficient structural strength to sustain the stresses induced by a failure of the primary containment system as well as other stresses which may be induced by the environment;
    - (4). Placed on a foundation or base capable of providing support to the secondary containment system;
    - (5). Provided with a leak detection system designed and operated to detect failure of either the primary or secondary containment structures or the presence of any release within 24 hours;
    - (6). Sloped or otherwise designed and operated to drain or remove liquids resulting from leaks, spills, or precipitation; and
    - (7). Designed and operated, to contain 110% of the capacity of the largest tank within its boundary.

- c. Ancillary equipment shall be provided with secondary containment.
33. Prior to beginning operation, the Permittee shall inspect the secondary containment system floor and perimeter walls for any cracks or gaps. If any cracks or gaps are found, the Permittee shall repair the cracks and gaps prior to beginning operation of the used oil processing facility [40 CFR 279.54(d)(2) and 40 CFR 279.54(e)(2)].
34. The Permittee shall label or mark all containers and aboveground tanks, used for storage or processing of used oil, with the words “Used Oil” [40 CFR 279.54(f)].
35. The Permittee shall label or mark all containers or tanks which are solely used for the storage of Petroleum Contact Water with the words “Petroleum Contact Water” or “PCW” [FAC 62-740.100].
36. The Permittee shall store used oil, PCW, used oil residues or used oil filters only in those containers or tanks which are made of or lined with materials that will not react with and are otherwise compatible with the waste to be stored.
37. If a container or tank holding used oil, PCW, used oil residues or used oil filters is not in good condition (e.g., rusting, bulging) or begins to leak, the Permittee shall transfer the waste to another container or tank which is in good condition [40 CFR 279.22].
38. As part of the general operating requirements, the Permittee shall:
  - a. Not place used oil, other wastes or treatment reagents in a tank system if the possibility exists that this may cause the tank system to fail;
  - b. Use appropriate controls and practices to prevent spills and overflows;
  - c. Follow the operating procedures described in Attachment No. 4 of the permit application; and
  - d. Comply with the requirements of 40 CFR 279.54(g) if a leak or spill occurs.
39. The Permittee shall inspect the tank system in accordance with Attachment No. 5 of the permit application. These requirements include:
  - a. Developing and following a schedule and procedure for inspecting overfilling controls;
  - b. Inspecting at least once each operating day the aboveground portions of the tank system, and the construction materials and area immediately surrounding the tank storage area. However, the Permittee shall document the daily inspections at least once a week; and
  - c. The results of the inspections in (a) and (b) of this condition shall be maintained in the operating record of the facility.
40. Spilled or leaked waste and accumulated precipitation must be removed from the secondary containment areas within 24 hours of detection and managed in accordance with Attachment No. 5 of the permit application.

41. Pursuant to the requirements of 40 CFR 279.52(a), concerning preparedness and prevention, the Permittee shall:
  - a. Maintain a copy of the preparedness and prevention plan, Attachment No. 5 of the permit application, at the facility;
  - b. Equip the facility with the required emergency equipment described in Attachment No. 5 of the permit application [40 CFR 279.52(a)(2)];
  - c. Test and maintain the required emergency equipment in accordance with the requirements of 40 CFR 279.52(a)(3);
  - d. Provide all facility personnel involved in used oil processing operations with immediate access to an internal alarm or emergency communication device, as described in Attachment No. 5 of the permit application [40 CFR 279.52(a)(4)]; and
  - e. Make arrangements with the local authorities as described in Attachment No. 5 of the permit application [40 CFR 279.52(a)(6)].
42. Pursuant to the requirements of 40 CFR 279.52(b), concerning the contingency plan, the Permittee shall:
  - a. Immediately carry out the provisions of the contingency plan, Attachment No. 5 of the permit application, and follow the emergency procedures described by 40 CFR 279.52(b)(6), whenever there is a fire, explosion, or release of used oil, oily waste or oily wastewater that threatens or could threaten human health or the environment. The Permittee shall give proper notification to the Department if an emergency situation arises and within fifteen (15) days must submit to the Department a written report which includes all information required in 40 CFR 279.52(b)(6)(ix);
  - b. Maintain a copy of the contingency plan at the facility and submit copies to all local police departments, fire departments, hospitals, and State and local emergency response teams pursuant to the requirements of 40 CFR 279.52(b)(3);
  - c. Amend the plan and submit the amended plan for Department approval within seven days of meeting any criteria listed in 40 CFR 279.52(b)(4). Any other changes to the plan must be submitted to the Department within seven days of the change in the plan. All amended plans must be distributed to the appropriate agencies;
  - d. Comply with the requirements of 40 CFR 279.52(b)(5), concerning the emergency coordinator; and
  - e. Notify the Department of Environmental Protection's 24-hour emergency telephone number [(800) 320-0519] in the case of emergency. During normal business hours, the Department's Central District office may be contacted at (407) 895-7555.
43. The Permittee shall maintain reports of all releases that are greater than one (1) gallon, as part of its on-site operating records. The reports shall include amount and time of release and a schedule that details the corrective action taken. The Permittee shall submit a written report to the Department

within fourteen (14) days for all the releases that are greater than fifty (50) gallons. The Permittee shall inform the Department immediately if a release requires the Permittee to take any of the tanks out of service.

44. The Permittee shall inspect the facility operating, emergency and safety equipment in accordance with the schedules approved in Attachment No. 6 of the permit application. The Permittee shall remedy any deterioration or malfunction discovered by an inspection, in accordance with 40 CFR 279.52. Changes, additions, or deletions to the schedule must be approved in writing by the Department. The schedules must be maintained as part of the operating record of the facility [40 CFR 279.54].

## **PART II – TANK FARM CONDITIONS**

“Tank system”, for the purpose of Part II of this permit, is defined as storage tank(s), appurtenant equipment and secondary containment structure comprising the Permittee’s used oil processing facility.

1. The Permittee shall label or mark all above ground tanks and containers used to store or process used oil, with the words “Used Oil” [40 CFR 279.54(f)].
2. The Permittee shall inspect all regulated tank system in accordance with procedures presented in Attachment No. 5 of the permit application.
3. The inspection records and release detection monitoring required in Rule 62-761.600, F.A.C., for above ground process and storage tanks shall be maintained in the Permittee’s operating record.
4. Above ground storage and process tanks having a capacity greater than 550 gallons shall comply with the performance standards of Rule 62-761.500 and 62-761.510, F.A.C.
5. The Permittee shall prevent the release of used oil or other pollutants to the environment. The secondary containment shall be sealed, free of cracks and maintained in accordance with Rule 62-761.500(1)(e), F.A.C.
6. The Permittee shall provide and maintain adequate secondary containment that shall be impervious to the types of pollutant stored in the tanks and contain at least 110 percent of the volume of the largest tank in accordance with Rule 62-761.500, F.A.C.
7. Spilled or leaked waste must be removed from the secondary containment areas within three (3) days of the incident [Rule 62-761.820(1)(d), F.A.C.]. Accumulated precipitation must be removed from the secondary containment areas within one week after a rainfall event [Rule 62-761.700(3)(a), F.A.C.]. The above materials shall be managed in accordance with Attachment No. 5 of the permit application.
8. The Permittee shall submit the proposed or constructed new tanks as built drawings within 30 days of completion of construction. Each drawing shall be certified by a Professional Engineer registered in Florida.

### **PART III – CLOSURE CONDITIONS**

1. The Closure Plan:
  - a. The Permittee shall maintain an adequate written closure plan and it must demonstrate how the Facility will be closed in order to meet the following requirements that:
    - (1) There will be no need for further facility maintenance;
    - (2) Used oil will not contaminate soil, surface water or groundwater;
    - (3) All tanks, piping, secondary containment & ancillary equipment will be emptied, cleaned and decontaminated, and all materials removed and managed; and
    - (4) Aboveground storage tanks and process tanks and all integral piping will be closed pursuant to Rule 62-761.800, F.A.C.
    - (5) In addition, pursuant to closure requirements of 40 CFR 279.54(h), Permittees who store or process used oil in above ground tanks must comply with the following requirements:
      - i. At closure of a tank system, the Permittee must remove or decontaminate used oil residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste, unless the materials are not hazardous waste as defined in 40 CFR 261 or determined, pursuant to 40 CFR 262.11.
      - ii. If the Permittee demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in 40 CFR 279.54(h), then the Permittee must close the tank system and perform post closure care in accordance with the closure and post closure care requirements that apply to hazardous waste landfills as defined in 40 CFR 265.310.
  - b. The closure plan, as described in Attachment 6, “Closure Plan” of the application dated February 12, 2007, additional revisions dated July 24, 2007 and November 5, 2007 shall be updated whenever significant operational changes occur or design changes are made.
  - c. The closure plan shall be maintained with records required under Rule 62-710.510, F.A.C.
  - d. The Permittee shall submit an updated and detailed closure plan to the Department at least 60 days prior to the scheduled date of closing the facility.
  - e. Within 30 days after closing the facility, the Permittee shall submit a certification of closure completion to the Department that demonstrates that the facility was closed in substantial compliance with the detailed closure plan.
2. Containers: Pursuant to closure requirements of 40 CFR 279.54(h), Permittees who store used oil in containers must comply with the following requirements:
  - a. At closure, containers holding used oils or residues of used oil must be removed from the site;

- b. The Permittee must remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures or equipment contaminated with used oil, and manage them as hazardous waste unless the materials are not hazardous waste as defined in 40 CFR 261 or determined, pursuant to 40 CFR 261.11.

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## ATTACHMENT B

### Tank Table

<b>Tank No.</b>	<b>Date Installed</b>	<b>Size</b>	<b>Material of</b>	<b>Products</b>
	<b>Installed</b>	<b>Gallons</b>	<b>Construction</b>	
<b>1</b>	<b>Oct-2006</b>	<b>8,300</b>	<b>Steel</b>	<b>Used Oil/Water</b>
<b>2</b>	<b>Oct-2006</b>	<b>8,300</b>	<b>Steel</b>	<b>Used Oil/Water</b>
<b>3</b>	<b>Oct-2006</b>	<b>8,300</b>	<b>Steel</b>	<b>Used Oil/Water</b>
<b>4</b>	<b>Oct-2006</b>	<b>5,000</b>	<b>Steel</b>	<b>Used Oil/Water</b>
<b>5</b>	<b>Oct-2006</b>	<b>5,000</b>	<b>Steel</b>	<b>Antifreeze</b>

Note: Tank No. 5 is not permitted under this permit.