

## Thursby, Kim

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**From:** Bill Parkes [bparkes@cliffberryinc.com]  
**Sent:** Monday, September 10, 2007 1:20 PM  
**To:** Epost HWRS  
**Subject:** RE: Cliff Berry, Inc. - Canaveral;FLR 000 119 792;Used Oil Processing Facility Permit Application 2nd Notice of Deficiency

Tim -

We received the attached document at CBI.

Thanks,

William E. Parkes, Jr.  
Cliff Berry, Inc.

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

**From:** Epost HWRS [mailto:EpostHWRS@dep.state.fl.us]  
**Sent:** Monday, September 10, 2007 12:18 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. - Canaveral;FLR 000 119 792;Used Oil Processing Facility Permit Application 2nd Notice of Deficiency

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)





# 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

September 10, 2007

**SENT VIA EMAIL**

[bparkes@cliffberryinc.com](mailto: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 Application  
2<sup>nd</sup> Notice of Deficiency

Dear Mr. Parkes:

The Florida Department of Environmental Protection (the Department) has reviewed your response dated July 20, 2007 to the Department's first notice of deficiency (NOD). Cliff Berry must provide additional information on items specified in the Attachment to complete the permit application for operating 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 Attachment. In preparing your response, the Department recommends that you identify each comment followed by your response and also provide your revised pages of the application. The revised pages are to include the new revision date.

Further action on processing your application is temporarily held in abeyance 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.  
September 10, 2007  
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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](mailto: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](mailto:john.white@dep.state.fl.us)  
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)

**ATTACHMENT**  
**September 7, 2007**  
**Cliff Berry, Inc. – Canaveral Facility**  
**EPA I.D. No. FLR 000 119 792**  
**2<sup>nd</sup> Notice of Deficiency**

1. **DEP 1<sup>st</sup> NOD Item No. 3:** Closure cost estimates. Cliff Berry must submit an itemized closure cost estimate for the five (5) tanks shown in the Drawing (Attachment 3). Please review Drawing, Tank Table, cost estimate and revise as appropriate.

Please also provide a site map (8 ½ "x 11") identifying all tanks. The site map will be attached to the permit.

2. **DEP 1<sup>st</sup> NOD Item No. 4:** Used oil analysis plan; driver form. The Non-Hazardous Waste Manifest includes a space where the driver can note if a halogen test was performed. This form is acceptable.

Please be aware, 40 CFR 279.46(a)(2) and 62-710.510(1)(b), F.A.C. require that the used oil transporter document the EPA identification number (if applicable) of the source who provided the used oil for transport. If a used oil generator location has an EPA identification number, Cliff Berry, Incorporated should be recording the number in the space provided on the Non-Hazardous Waste Manifest.

3. **DEP 1<sup>st</sup> NOD Item No. 5:** Re-buttable Presumption Flowchart. The Department's comments indicated the 3<sup>rd</sup> decision point down the left side of the flowchart provided with the application (Does a Regulatory Exclusion Apply) does not have a "YES" answer associated with it. The Department is just recommending this be corrected.

Also, there was no indication of how Cliff Berry, Incorporated was going to determine if a facility was a CESQG if that was the reason for accepting a shipment of used oil with greater than 1,000 ppm halogens. The information provided in Attachment No. 5 by Cliff Berry, Incorporated is a copy of 40 CFR 261.5, Special requirements for hazardous waste generated by conditionally exempt small quantity generators. There is no indication how this regulation will be applied.

The Department recommends that, if Cliff Berry, Incorporated is going to have the generator make a nonhazardous waste determination based upon product knowledge or analytical information or both for the waste to be processed it should be noted that:

generator knowledge or “acceptable knowledge” includes “process knowledge” and the facility’s records of analysis performed before the effective date of RCRA regulations, or a combination of these with actual chemical analysis of the waste. “Process Knowledge” could constitute acceptable knowledge when detailed information on the wastes is obtained from existing published or documented waste analysis data or studies conducted on hazardous wastes generated by processes similar to that which generated the waste.

If Cliff Berry, Incorporated relies on acceptable knowledge of a waste provided by the generator we suggest the following:

- Cliff Berry, Incorporated personnel should become familiar with the generator’s processes by site visits, sampling data, and/or other information.
- Waste analysis data contained in documented studies from the generator must be based on valid sampling and analytical techniques; and
- Process descriptions and documented studies from the generator should be reviewed to determine if any differences exist between the processes described in the studies and those actually employed by the generator.

No action is required for this item, Cliff Berry, Incorporated must just be aware of the information provided above.

4. **DEP 1<sup>st</sup> NOD Item No. 10:** Closure Plan. The complete list of sampling parameters submitted with the closure plan contained in the permit application should be complete. If, at the time of actual closure of the facility, Cliff Berry, Incorporated wishes to provide an updated plan, that is also acceptable.
5. **General Comment:** Facility is encouraged to establish preexisting conditions at the site by taking soil and groundwater samples (if necessary), so that when the facility is ready to clean close, it will help and it will be most economical in closing the site.