

## Thursby, Kim

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**From:** Epost HWRS  
**Sent:** Thursday, April 10, 2008 2:17 PM  
**To:** bparkes@cliffberryinc.com  
**Cc:** Kantor, Karen E.; banton@ci.dania-beach.fl.us; ddupuy@broward.org; 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.- Port Everglades;FLR 000 083 071;192423-HO-004  
**Attachments:** 4-10-08-CBI, Port Everglades Permit Mod-Intent.pdf

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)

**Tracking:**

<b>Recipient</b>	<b>Delivery</b>	<b>Read</b>
bparkes@cliffberryinc.com		
Kantor, Karen E.	Delivered: 4/10/2008 2:16 PM	Read: 4/11/2008 7:40 AM
banton@ci.dania-beach.fl.us		
ddupuy@broward.org		
heath_rauschenberger@fws.gov		
maryann.poole@myfwc.com		
Raoul.Clarke@dep.state.fl.us		
Wick, Fred	Delivered: 4/10/2008 2:16 PM	
Bahr, Tim	Delivered: 4/10/2008 2:16 PM	
Prusty, Rabin	Delivered: 4/10/2008 2:16 PM	Read: 4/10/2008 5:13 PM
Kothur, Bheem	Delivered: 4/10/2008 2:16 PM	
Clarke, Raoul	Delivered: 4/10/2008 2:16 PM	Read: 4/10/2008 3:10 PM



# 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

April 10, 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  
Port Everglades Station  
Fort Lauderdale, Florida 33316

SUBJECT: Cliff Berry, Inc.- Port Everglades, Dania Beach, Florida  
Facility Permit Modification  
EPA I.D. Number: FLR 000 083 071  
Permit Number: 192423-HO-004  
Broward County

Dear Mr. Parkes:

Enclosed you will find a Department Permit Modification (Intent to Issue), along with the draft Permit Modification 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 (7) days of publication of the notice.

If you have any questions, please contact Rabin Prusty at (850) 245-8780.

Sincerely,

A handwritten signature in black ink that reads "Tim J. Bahr".

Tim J. Bahr, Administrator  
Hazardous Waste Regulation

TJB/rp  
Enclosure

Mr. William E. Parkes, Jr.

April 10, 2008

Page Two

cc: Karen Kantor, DEP/West Palm Beach, [karen.e.kantor@dep.state.fl.us](mailto:karen.e.kantor@dep.state.fl.us)  
Mayor, City of Dania Beach, [banton@ci.dania-beach.fl.us](mailto:banton@ci.dania-beach.fl.us)  
Chair, Broward County Board of Commissioners, [ddupuy@broward.org](mailto:ddupuy@broward.org)  
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**  
**April 10, 2008**

Cliff Berry, Inc.  
Dania Beach, Florida  
EPA I.D. No: FLR 000 083 071  
Permit No: 192423-HO-004

Used Oil Processing Facility Permit Modification

1. The facility has a Used Oil Processing Permit.
2. This permit modification is to add three tanks to the existing Tank Farm with eight (8) tanks. The new Tank Farm will consist of 11 tanks.
3. The Permittee has provided additional closure cost estimates and Financial Assurance for the three additional tanks and the facility is in compliance with the Financial Assurance Requirements.
4. There are no issues with the facility.

**STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In the Matter of an  
Application for a Permit Modification by:

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

*DEP File No. 192423-HO-004  
EPA I. D. FLR 000 083 071  
Broward 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 modification (copy enclosed) for the proposed project as detailed in the application specified above, for the reasons stated below.

On February 5, 2008, Cliff Berry, Incorporated submitted an application to the Department for a permit modification (192423-HO-004) to add three (3) tanks to the used oil and processing facility located at 3400 S.E. 9<sup>th</sup> Avenue, Dania Beach, Florida. The Department has permitting jurisdiction under Section 403.704(16) and 403.769, Florida Statutes (F.S.) and Chapters 62-4, 62-701, 62-710, 62-730, 62-740 and 62-762 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 modification with the conditions included in the enclosed draft permit modification.

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 fourteen (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 (7) 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 modification.

The Department will issue the permit modification 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 fourteen (14) days of receipt of this Intent. Petitions filed by other persons must be filed within fourteen (14) days of publication of the public notice or within fourteen (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 fourteen (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: Karen Kantor, DEP/West Palm Beach  
Mayor, City of Dania Beach  
Chair, Broward 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 MODIFICATION TO CLIFF BERRY INCORPORATED TO ADD THREE TANKS TO THE USED OIL PROCESSING FACILITY AT 3400 S.E. 9TH AVENUE, DANIA BEACH, FLORIDA 33316, HAVING ASSIGNED FACILITY I.D. NUMBER FLR 000 083 071.

The draft permit modification, prepared in accordance with the provisions of Chapters 62-4, 62-701, 62-710, 62-730, 62-740 and 62-762, Florida Administrative Code (F.A.C.), contains the conditions for permit number 192423-HO-004. The permit modification is intended to be issued to allow Cliff Berry, Incorporated to operate a Used Oil Processing Facility at the Cliff Berry, Incorporated site in Dania Beach, Florida.

Copies of the application and the draft permit modification 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, West Palm Beach District Office, 400 North Congress Ave, Suite 200, West Palm Beach, Florida 33401, (561) 681-6600 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  
Port Everglades Station  
Fort Lauderdale, Florida 33316

Attention:  
Mr. William E. Parkes  
Regulatory Affairs Manager

I.D. Number: FLR 000 083 071  
Permit Number: 192423-HO-004  
Date of Issue: **DRAFT**  
Expiration Date: April 22, 2012  
County: Broward County  
Lat/Long: 26° 05' 00" N/80° 07' 57.6" W

Project: Used Oil Processing Facility

This permit is issued under the provisions of Section 403.769 of Florida Statutes (F.S.), Chapters 62-4, 62-701, 62-710, 62-730, 62-740 and 62-762 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:** A Used Oil Processing Facility hereafter referred to as the "Facility". The Used Oil Processing Facility is located in Broward County at 3400 S.E. 9<sup>th</sup> Avenue, Dania Beach, Florida 33316. A diagram of the site layout is included as Attachment A.

The facility is authorized to process used oil, oily wastewater, petroleum contact water, and used oil filters under this permit.

The facility consists of 2 (two) 24,500 gallon tanks, 3 (three) 30,000 gallon tanks, 1 (one) 15,500 gallon tank, 1 (one) 593,570 gallon tank and 1 (one) 17,700 gallon tank. All tanks are located within the secondary containment unit as shown on drawing Sheet 1, Permit Modification Application dated February 5, 2008. The area of the tank farm is 13,640 square feet.

This permit modification is for adding three (3) 30,000 gallons tanks, Tank 7, Tank 8 and Tank 9 to the Tank Farm. Tank 7 is a new tank, and Tank 8 and Tank 9 have been inspected and certified.

The Facility is located on an approximately 4-acre parcel of land. The Permittee will process and market used oil in accordance with the permit application.

The following documents were used in preparation of this permit:

1. Used Oil Processing Facility Permit Application dated October 29, 2001.
2. Additional information dated January 30, 2002 and March 4, 2002.
3. Permit Modifications application dated May 8, 2006.

Cliff Berry, Inc. – Port Everglades  
3400 S.E. 9<sup>th</sup> Avenue  
Dania Beach, Florida 33316

I.D. Number: FLR 000 083 071  
Permit/Cert Number: 192423-HO-004  
Expiration Date: April 22, 2012

4. Permit Renewal application dated February 22, 2007.
5. Permit Modification Application dated February 5, 2008
6. Additional information received on April 2, 2008 via e-mail.

There are no other changes to the permit. Permittee must attach this permit to the previous Permit No. 192423-HO-003.

Issued \_\_\_\_\_

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

\_\_\_\_\_  
Charles F. Goddard, Chief  
Bureau of Solid and Hazardous Waste

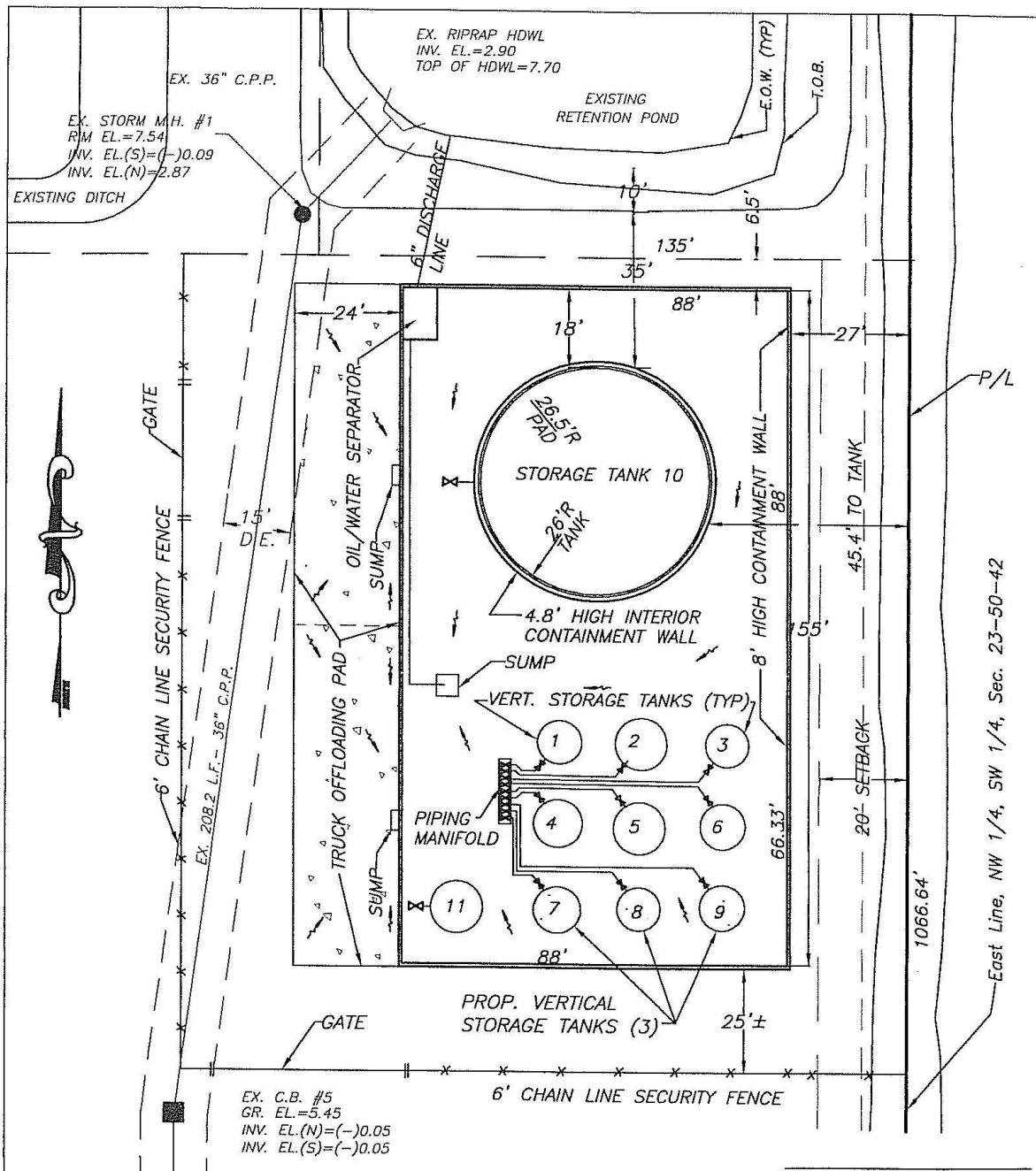
#### FILING AND ACKNOWLEDGMENT

Filed on this date, pursuant to Section 120.52, Florida Statutes, with the designated Clerk, receipt of which is acknowledged.

\_\_\_\_\_  
CLERK

\_\_\_\_\_  
DATE

**ATTACHMENT A**



NEAL B. JANOV #21998

REVISIONS	DATE	BY:	CHK:
ADDED TANKS 7,8&9	1-22-06	M.K.	

**DIVERSIFIED CONSTRUCTION**  
**DCES**  
 & ENGINEERING SERVICES  
 250 N.W. 4TH DIAGONAL, STE. 200  
 BOCA RATON, FL 33432  
 561-750-3717 FAX 561-750-3686  
 EB #6459

**C.B.I. – PORT EVERGLADES FACILITY**  
**SITE PLAN**  
 3400 S.E. 9TH AVENUE  
 DANIA BEACH, FLORIDA 33316

SCALE:	1"=30'
DATE:	4-25-06
OWN. BY:	M.K.
CHK. BY:	N.B.J.
P.R.	PG.
REVISION:	1 OF 1
JOB NO.:	365-95

## ATTACHMENT B

Table # 1  
Vertical Tanks

Tank #	Date Installed	Size ( Gallons )	Material of Construction	Products
1	12/05	24,500	Steel	Used Oil / Water
2	12/05	24,500	Steel	Used Oil / Water
3	12/05	30,000	Steel	Used Oil / Water
4	12/05	15,500	Steel	Used Oil / Water
5	12/05	30,000	Steel	Used Oil / Water
6	12/05	30,000	Steel	Used Oil / Water
7	3/08	30,000	Steel	Used Oil / Water
8	3/08	30,000	Steel	Used Oil / Water
9	3/08	30,000	Steel	Used Oil / Water
10	12/05	593,570	Steel	Diesel Fuel
11	12/05	17,700	Steel	Diesel Fuel