

Memorandum

Florida Department of Environmental Protection

ENFORCEMENT/COMPLIANCE COVER MEMO

TO: [X] Deborah A. Getzoff, District Director [Signature] 4/30/10

FROM: [Signature] Jim Dregne, Hazardous Waste Program Manager HSO

DATE: April 30, 2010

FILE NAME: Cliff Berry, Inc. - Tampa Facility OGC#:10-0960

PROGRAM: Hazardous Waste COUNTY: Hillsborough

TYPE OF DOCUMENT:

- [ ] draft or [ ] final [ ] NOV [ ] Consent Order
[ ] Final Order [ ] Case Report [ ] Penalty Authorization
[ ] Warning Letter [X] Other Final Letter

DESCRIPTION OF VIOLATIONS: CBI is a used oil processor. The company exceeded storage capacity by over 50%. Storing used oil in unpermitted units, not labeled and without secondary containment at two locations.

SUMMARY OF CORRECTIVE ACTIONS: All Violations Corrected

PENALTY SUMMARY:

Potential for Harm: Major Extent of Deviation: Major

Penalty Amount: \$68,200.00 Expenses: \$1,000.00

TOTAL PENALTY AMOUNT: \$69,200.00 [ ] TO SECRETARY



# Florida Department of Environmental Protection

Southwest District Office  
13051 North Telecom Parkway  
Temple Terrace, FL 33637-0926

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

CERTIFIED MAIL 7009 1680 0001 0455 5007  
RETURN RECEIPT REQUESTED

April 30, 2010

Larry A. Doyle, Ph.D., CHMM  
Executive Vice President  
Cliff Berry, Inc.  
Post Office Box 13079  
Fort Lauderdale, FL 33316-0100

Re: Cliff Berry, Inc.  
FLR 000 013 888  
Warning Letter #WL09-0045HW29SWD  
Hillsborough County

Dear Mr. Doyle:

I have carefully reviewed the finding from the Department's hazardous waste inspection conducted at your Tampa facility on July 31, 2009 and our offer to settle this case. The proposed settlement was previously reviewed by both the Department's Office of General Counsel and supervisors with the Hazardous Waste Regulation section in Tallahassee who found our settlement offer to be consistent with the Department's Enforcement Response Policy and EPA's RCRA Civil Penalty Policy.

As you are aware, the Department's initial settlement proposal in this case was \$84,800.00. Following the December 2, 2009, enforcement meeting, this amount was reduced by 10% based on CBI's Good Faith demonstration following the inspection. After reviewing your counteroffer letter received December 9, 2009, the Department further reduced the penalty to \$69,220.00.

On February 25, 2010, the Department offered to resolve this matter through the entry of a Short Form Consent Order that included the payment of a civil penalty of \$68,220.00, plus \$1,000.00 in Department costs. I believe that this offer is a fair offer and a just resolution of this case. This is our final offer. Please sign and return the Short Form Consent Order #10-0960 within 10 days of receipt of this letter. If you are unwilling to settle this case at these terms, the Department will forward this case to our Office of General Counsel for resolution.

If you have any questions, please contact James Dregne at (813)632-7600, extension 410.

Sincerely yours,

Deborah A. Getzoff  
Director of District Management  
Southwest District

DAG/kmh

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®

**OFFICIAL USE**  
ENVIRONMENTAL PROTECTION

7009 1680 0001 0455 5007

Postage	\$	APR 30 2010
Certified Fee		
Return Receipt Fee (Endorsement Required)		SOUTHWEST DISTRICT Postmark TEMPLE TERRACE Here
Restricted Delivery Fee (Endorsement Required)		

Total Postage  
**Sent To** Larry A. Doyle, Ph.D., CHMM  
Executive Vice President  
Cliff Berry, Inc.  
P.O. Box 13079  
City, State, Zi Ft. Lauderdale, FL 33616-0100