

SOUTHWEST DISTRICT ENFORCEMENT COVER MEMO

TO:  James Dregne, Hazardous Waste Program Manager

THROUGH:  Elizabeth Knauss, HW Enforcement Coordinator

FROM:  Shannon Camp, Environmental Specialist II

DATE: September 7, 2010

FILE NAME: Cliff Berry, Inc.

COUNTY: Hillsborough

PROGRAM: Hazardous Waste

Inspection Date : August 17, 2010

TYPE OF DOCUMENT: Noncompliance Letter

REQUESTED ACTION: Signature

DESCRIPTION OF VIOLATIONS: 4 UW lamps w/o container; outdated Cont. Plan; sec. containment for fill lines in disrepair; no waste determination on filter sludge; possible mismanagement of industrial wastewater/PCW/Used Oil.

STATUS OF CORRECTIVE ACTIONS: Pending

Attachments: Non Compliance Letter, Inspection Report



Florida Department of
Environmental Protection
Southwest District Office
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Mimi Drew
Interim Secretary

September 14, 2010

Jon Sandora
Cliff Berry, Inc.
5218 St. Paul St.
Tampa, FL 33619

Re: Noncompliance Letter
Cliff Berry, Inc.
FLR 000 013 888
Hillsborough County

Dear Mr. Sandora:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. A hazardous waste program field inspection conducted at your facility on August 17, 2010 indicates that you may be in violation of Florida Statutes and Rules regarding waste management. Department of Environmental Protection personnel made observations described in the attached inspection report. The report lists the alleged violations of Department Rules along with recommended corrective actions for each violation.

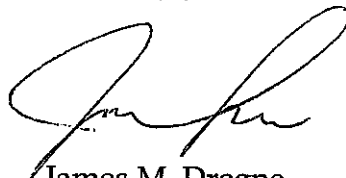
Sections 403.161 and 403.727, Florida Statutes state that it is a violation to fail to comply with rules adopted by the Department. The activities observed during the Department's field inspection and any other activities at your facility that may be contributing to violations of Florida Statutes or Department Rules should cease.

You are requested to contact Ms. Camp at (813)632-7600, extension 473, within fifteen (15) days of receipt of this Noncompliance Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Cliff Berry, Inc.
FLR000013888
Noncompliance Letter

Please be advised that this Noncompliance Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), F.S. If you fail to respond within 30 days, under the Department's agreement with the United States Environmental Protection Agency (EPA), you may be designated as significantly out of compliance. This could result in issuance of a formal administrative complaint and assessment of civil penalties if the case is not resolved within 180 days of the date of the inspection. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely yours,



James M. Dregne
Environmental Manager
Hazardous Waste Program

JMD/sdc

Attachment

cc: Kelley Boatwright, HEPC



Florida Department of
Environmental Protection
Hazardous Waste Inspection Report

FACILITY INFORMATION:

Facility Name: Cliff Berry Inc

On-Site Inspection Start Date: 08/17/2010 On-Site Inspection End Date: 08/17/2010

ME ID#: 13562 EPA ID#: FLR000013888

Facility Street Address: 5218 Saint Paul St, Tampa, Florida 33619-6118

Contact Mailing Address: PO Box 13079, Fort Lauderdale, Florida 33316-0100

County Name: Hillsborough Contact Phone: (954) 763-3390

NOTIFIED AS:

CESQG (<100 kg/month)

Transporter

Used Oil

INSPECTION TYPE:

Routine Inspection for Used Oil Processor facility

INSPECTION PARTICIPANTS:

Principal Inspector: Shannon D. Camp, Inspector

Other Participants: Danielle Nichols, ES III; Jon Sandora, Facility Manager

LATITUDE / LONGITUDE: Lat 27° 55' 12.3033" / Long 82° 23' 43.3281"

SIC CODE: 4953 - Trans. & utilities - refuse systems

TYPE OF OWNERSHIP: Private

Introduction:

Cliff Berry, Inc. (CBI) was inspected on August 17, 2010 to determine the facility's compliance with state and federal hazardous waste and used oil regulations. Mr. Sandora accompanied the inspectors throughout the inspection. This facility was last inspected by the Department on July 31, 2009.

Process Description:

CBI is a permitted used oil processor as well as a used oil/used oil filter transporter and transfer facility. Operations have not changed since the Department's last inspection. CBI is permitted to bulk and process non-hazardous petroleum contaminated debris and soil in a mixing chamber. They have not yet initiated this process at the Tampa facility.

CBI routinely transports industrial wastewater to the Tampa facility. The Department is concerned about the management of the wastewater. The facility's records are unclear as to how the wastewater is managed at the facility and the Department is concerned that industrial wastewater, petroleum contact water and used oil are being commingled. CBI must provide documentation to the Department demonstrating how each waste stream is handled at the facility and which tank each is placed.

CBI is still utilizing the rail spur located adjacent to Mariani Asphalt. Mr. Sandora stated that the railcar is loaded all at once in one day and a request is immediately sent to CSX for transport. At that time, CSX takes possession of the railcar and a pickup is scheduled. The Department had agreed to this practice as long as the railcar is not storing used oil for more than 24 hours without arranging for CSX to transport it to Miami.

New Potential Violations and Areas of Concern:

Inspection Date: 08/17/2010

Used Oil Processor

Type: Area Of Concern

Rule: 279.54(d)

Question Number: 28.160

Question: Is secondary containment consisting of a floor and dike which are impervious to oil provided for ASTs? Applies to all ASTs regardless of size per 279.54(d & e), 62-710.401(6).

Explanation: During the inspection, the secondary containment for the used oil fill lines was observed to be in disrepair. The metal dike was observed to be "lifting" off the ground and was no longer providing adequate containment.

Corrective Action: The dike for the fill lines must be repaired so as to provide adequate secondary containment for the used oil fill lines in the event that a spill should occur.

Type: Area Of Concern

Rule: 279.52(a)(2)(iii)

Question Number: 28.260

Question: Is spill control and decontamination equipment present?

Explanation: During the inspection, at least one of the facility's spill control kits was observed to be empty.

Corrective Action: CBI must regularly inspected the facility's safety and emergency equipment to ensure they are available and is good condition in the event a spill or other emergency occurs.

Checklist Independent Potential Violations and Areas of Concern

Type: Violation

Rule: 279.52(b)(4)

Explanation: At the time of the inspection, CBI had Dan Stone still listed as the first alternate emergency coordinator. Mr. Stone had left the company three months prior to the inspection.

Corrective Action: CBI must amend the contingency plan with the correct emergency coordinators. The amended plan must be submitted to the Department's permit engineer in Tallahassee.

Type: Violation

Rule: 273.14(e), 273.13(d)(1)

Explanation: At the time of the inspection, CBI had four universal waste lamps located in the loft area that were not in closed, labeled containers.

Corrective Action: CBI must ensure that all universal waste lamps are stored within properly closed and labeled containers.

Type: Violation

Inspection Date: 08/17/2010

Rule: 262.11

Explanation: CBI failed to conduct a proper waste determination on used oil filter sludge generated from the fill port prior to disposing of it as non-hazardous waste. The waste is disposed of at the Okeechobee landfill.

Corrective Action: CBI must ensure that the filter sludge is not characteristically hazardous prior to disposal as a non-hazardous waste. The filter sludge must be annually sampled as generator knowledge cannot be utilized in this case. The Department recommends that the waste be analyzed at least yearly by TCLP.

Summary of Potential Violations and Areas of Concern:

Potential Violations

Rule Number	Area	Date Cited	Explanation
279.52(b)(4)	Checklist Independent Violations	08/17/2010	At the time of the inspection, CBI had Dan Stone still listed as the first alternate emergency coordinator. Mr. Stone had left the company three months prior to the inspection.
273.14(e), 273.13(d)(1)		08/17/2010	At the time of the inspection, CBI had four universal waste lamps located in the loft area that were not in closed, labeled containers.
262.11		08/17/2010	CBI failed to conduct a proper waste determination on used oil filter sludge generated from the fill port prior to disposing of it as non-hazardous waste. The waste is disposed of at the Okeechobee landfill.

Areas of Concern

Rule Number	Area	Date Cited	Explanation
279.54(d)	Used Oil Processor	08/17/2010	During the inspection, the secondary containment for the used oil fill lines was observed to be in disrepair. The metal dike was observed to be "lifting" off the ground and was no longer providing adequate containment.
279.52(a)(2)(iii)		08/17/2010	During the inspection, at least one of the facility's spill control kits was observed to be empty.

Conclusion:

At the time of the inspection, Cliff Berry, Inc. was not operating in compliance with state and federal hazardous waste regulations.

Inspection Date: 08/17/2010

Signed:

A hazardous waste compliance inspection was conducted on this date, to determine your facility's compliance with applicable portions of Chapters 403 & 376, F.S., and Chapters 62-710, 62-730, 62-737, & 62-740 Florida Administrative Code (F.A.C.). Portions of the United States Environmental Protection Agency's Title 40 Code of Federal Regulations (C.F.R.) 260 - 279 have been adopted by reference in the state rules under Chapters 62-730 and 62-710, F.A.C. The above noted potential items of non-compliance were identified by the inspector(s).

This is not a formal enforcement action and may not be a complete listing of all items of non-compliance discovered during the inspection.

Shannon D. Camp
PRINCIPAL INSPECTOR NAME

Inspector
PRINCIPAL INSPECTOR TITLE

Shannon D

9/7/2010
DATE

PRINCIPAL INSPECTOR SIGNATURE

Danielle Nichols
INSPECTOR NAME

ES III
INSPECTOR TITLE

NO SIGNATURE
INSPECTOR SIGNATURE

Jon Sandora
REPRESENTATIVE NAME

Facility Manager
REPRESENTATIVE TITLE

NO SIGNATURE
REPRESENTATIVE SIGNATURE

NOTE: By signing this document, the Site Representative only acknowledges receipt of this Inspection Report and is not admitting to the accuracy of any of the items identified by the Department as "Potential Violations" or areas of concern.

Stewart, Patricia

From: Stewart, Patricia
Sent: Tuesday, September 14, 2010 1:12 PM
To: 'andreastermer@polk-county.net'; 'tam.stanley@epa.gov'
Subject: Clean Harbors FLD 980 729 610
Attachments: Clean Harbors.pdf

Attached please find a copy an inspection letter. This is the only copy you will receive.

NOTE: If you have any questions concerning the contents of this documents, please contact the DEP Environmental Specialist II Shannon.D.Camp@dep.state.fl.us

Acrobat Reader 6.0 or greater is required to read these documents. It is available for downloading at:
<http://www.adobe.com/products/acrobat/readstep.html>

Thank you,
Patricia Stewart
Senior Clerk
Department of Environmental Protection
Southwest District
13051 N. Telecom Parkway
Temple Terrace, Florida 33637
813-632-7600, X 356
FAX: 813-632-7664
Patricia.Stewart@dep.state.fl.us

Stewart, Patricia

From: Mail Delivery System [MAILER-DAEMON@mseive01.rtp.epa.gov]
To: tam.stanley@epa.gov
Sent: Tuesday, September 14, 2010 1:16 PM
Subject: Relayed: Clean Harbors FLD 980 729 610

Delivery to these recipients or distribution lists is complete, but delivery notification was not sent by the destination:

tam.stanley@epa.gov

Subject: Clean Harbors FLD 980 729 610