



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
Checklist Independent Violations 279.52(b)(4)		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
Used Oil Processor 279.54(d)		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. Camp

PRINCIPAL INSPECTOR SIGNATURE

9/7/2010

DATE

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.