



**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

CENTRAL DISTRICT  
3319 MAGUIRE BOULEVARD, SUITE 232  
ORLANDO, FLORIDA 32803

RICK SCOTT  
GOVERNOR

HERSCHEL T. VINYARD JR.  
SECRETARY

May 15, 2013

Mark Groothouse, Canaveral Assistant Facility Manager  
Cliff Berry Inc - Canaveral  
5855 Industrial Drive  
Cocoa, Florida 32927  
[MGroothouse@cliffberryinc.com](mailto:MGroothouse@cliffberryinc.com)

Re: Cliff Berry Inc - Canaveral  
EPA ID # FLR000119792  
Brevard County  
OCD-CAP-13-1342

Dear Mr. Groothouse:

Department personnel conducted a compliance inspection of the above-referenced facility on March 19, 2013. Based on the information and corrective actions provided during and following the inspection, the facility was determined to be in compliance with the Department's rules and regulations. A copy of the inspection report is attached for your records.

The Department appreciates your efforts to maintain this facility in compliance with state and federal rules. Should you have any questions or comments, please contact Day M. Goldsmith at 407-897-4184 or via e-mail at [Day.Goldsmith@dep.state.fl.us](mailto:Day.Goldsmith@dep.state.fl.us).

Sincerely,

A handwritten signature in black ink, appearing to read 'Aaron Watkins'.

Aaron Watkins, Manager  
Central District  
Florida Department of Environmental Protection

Enclosures: Inspection Report (with attachments)

cc: MaryAnn Civil, Brevard County Natural Resources Management Office,  
[Maryann.civil@brevardcounty.us](mailto:Maryann.civil@brevardcounty.us)



Florida Department of  
Environmental Protection  
Hazardous Waste Inspection Report

**FACILITY INFORMATION:**

**Facility Name:** Cliff Berry Inc - Canaveral Facility

**On-Site Inspection Start Date:** 03/19/2013      **On-Site Inspection End Date:** 03/19/2013

**ME ID#:** 42543      **EPA ID#:** FLR000119792

**Facility Street Address:** 5855 Industrial Dr, Cocoa, Florida 32927-4608

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

**County Name:** Brevard      **Contact Phone:** (954) 763-3390

**NOTIFIED AS:**

CESQG (<100 kg/month)

Transporter

Used Oil

**INSPECTION TYPE:**

Routine Inspection for Used Oil Transporter facility

Routine Inspection for Used Oil Processor facility

Routine Inspection for Transporter facility

Routine Inspection for Non-Handler facility

**INSPECTION PARTICIPANTS:**

**Principal Inspector:** Day Goldsmith, Environmental Specialist

**Other Participants:** Mark Groothouse, Canaveral Assistant Facility Manager; Janine Kraemer, Environmental Consultant

**LATITUDE / LONGITUDE:** Lat 28° 27' 22.892" / Long 80° 46' 17.306"

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

**TYPE OF OWNERSHIP:** Private

**Introduction:**

On March 19, 2013, Day M. Goldsmith and Janine Kraemer, Florida Department of Environmental Protection (FDEP), accompanied by Mark Groothouse, Assistant Facility Manager, inspected Cliff Berry, Inc. for compliance with state and federal hazardous waste and used oil regulations.

Cliff Berry Inc.'s most recent Hazardous Waste Transporter Certificate of Approval expires December 3, 2013. The facility last submitted the 8700-12FL notification in December 2012.

The facility is connected to a potable well for drinking water and a septic system for domestic wastewater.

**INSPECTION HISTORY**

The facility was last inspected by the Department's Hazardous Waste Program in June 2012 as a Transporter of hazardous waste, a Used Oil Processor, and a Used Oil Transporter. The facility was in compliance at the time of inspection.

In 2011, the facility was inspected by the Department's Hazardous Waste Program as a Used Oil Processor and was not in compliance at that time. Violations identified during the inspection included failure to update the facility's emergency plans with current employee information, failure to establish a emergency coordinator in the Contingency Plan able to respond in a short amount of time, and failure to include generator EPA identification numbers and testing of halogens on

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shipping documents. The facility completed the corrective actions and come back into compliance without enforcement.

In 2009, the facility was inspected by the Department's Hazardous Waste Program as a Used Oil Processor and was in compliance at that time.

### Process Description:

Cliff Berry Inc.'s Canaveral Facility is a transporter and transfer facility for used oil, hazardous waste, and universal waste. Due to a used oil storage capacity in excess of 25,000 gallons, Cliff Berry, Inc. was required to obtain a Used Oil Processing Permit; however, the facility does not currently process used oil on-site. The facility consists of three 8,300-gallon above ground storage tanks and two 5,000-gallon above ground storage tanks. The tank farm is located in secondary containment.

The facility operates trucks that pick up used oil, oily water, hazardous waste, and universal waste from generator locations. Used oil and oily water are received at the Canaveral Facility, screened to remove solids, and transferred to storage tanks. Hazardous waste is not stored on-site for longer than the allowable 24 hour period during transit. Universal Waste is stored in a storage bay for consolidation and disposal. No universal waste was on the property at the time of inspection. The facility had a trailer on-site with two drums of "photo liquid" and boxes of biomedical waste. There was also a separate storage container with biomedical waste.

The tank farm was properly contained in secondary containment with no evidence of spills or releases. All used oil tanks were properly labeled as "Used Oil". The facility had a 275-gallon tote for waste antifreeze storage. Once the tote is full, it is transferred to the Miami facility for management. There was a 55-gallon drum of used oil filters and a 55-gallon drum of oily rags/absorbents, both of which were properly labeled. The used oil goes to the Cliff Berry, Inc. Miami facility for processing.

The facility was not generating any hazardous waste on-site as of the date of this inspection nor was any hazardous waste being stored on site from their transporting operations.

### RECORDS

A review of the used oil shipping papers found the facility is correctly documenting the EPA ID numbers and halogen testing on shipping documents. All of the hazardous waste manifests listed the Cliff Berry Ft. Lauderdale facility's EPA ID number as the transporter's EPA ID number.

The facility conducts inspections on the tank farm and storage facilities daily and documents these inspections on the tank farms monthly as per permit requirements.

The inspectors reviewed the Contingency Plan, the facility response plan, and notification of local authorities. The Contingency Plan was located in a locked office and was not readily available for staff to access in case of an emergency [40 CFR 279.52(3)(i)]. The emergency coordinators listed on the document did not reside within a close proximity to the facility and would not be able to respond quickly to an emergency [40 CFR 279.52(5)]. The primary emergency coordinator, Cliff Berry, II, is located in Ft. Lauderdale and the secondary emergency coordinator, Paul Meding, is located in Ft. Pierce. In 2011, the facility was also cited for failure to designate a primary emergency coordinator that resides within a close proximity to the facility.

NOTE: Prior to the conclusion of the inspection, the Contingency Plan had been updated to list a staff member on-site as the primary emergency coordinator, Natalie Hood, and Cliff Berry, II as the secondary emergency coordinator. The plan was relocated to the reception desk where all employees could access it an emergency.

Training for Cliff Berry Inc. Canaveral employees consists of an initial 40-hour HAZWOPER upon hire and then monthly safety meetings thereafter. Safety meeting topics include MSDS, PPE, hazardous materials training, and container management.

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**New Potential Violations and Areas of Concern:****Violations**

Type:	Violation
Rule:	279.52(b)(3), 279.52(b)(3)(i)
Explanation:	A copy of the contingency plan and all revisions to the plan must be maintained at the facility. Specifically, Cliff Berry Inc. Canaveral Facility failed to maintain the contingency plan in a location accessible to all employees in the event of an emergency.
Corrective Action:	Cliff Berry Inc. Canaveral Facility relocated the revised contingency plan to the front desk where all employees can access it.
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Type:	Violation
Rule:	279.52(b)(5)
Explanation:	Emergency coordinator. At all times, there must be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristic of used oil handled, the location of all records within the facility, and facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan. Guidance: The emergency coordinator's responsibilities are more fully spelled out in paragraph (b)(6) of this section. Applicable responsibilities for the emergency coordinator vary, depending on factors such as type and variety of used oil handled by the facility, and type and complexity of the facility. Specifically, Cliff Berry Inc. Canaveral Facility's Contingency Plan listed a primary emergency coordinator that was located too far away to respond to a facility emergency in a short amount of time.
Corrective Action:	Cliff Berry Inc. Canaveral Facility revised the contingency plan to designate a local on-site employee, who has received the required training, to act as the primary emergency coordinator in the event of an emergency, prior to the conclusion of the inspection.
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**Conclusion:**

Cliff Berry, Inc.'s Canaveral Facility was inspected as a Transporter of hazardous waste, a Small Quantity Handler, a Transporter of universal waste (batteries, pharmaceuticals, mercury containing devices, and mercury containing lamps), and a Used Oil (and Used Oil Filter) Transporter, a Used Oil (and Used Oil Filter) Transfer facility, and a Used Oil Processor. The facility was not in compliance at the time of the inspection but completed all required corrective actions prior to the issuance of the inspection report.

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**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.

Day Goldsmith  
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**PRINCIPAL INSPECTOR NAME**

Environmental Specialist  
\_\_\_\_\_  
**PRINCIPAL INSPECTOR TITLE**

FDEP  
\_\_\_\_\_  
**ORGANIZATION**

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.