Florida Department of

Environmental Protection

Hazardous Waste Inspection Report

FACILITY INFORMATION:

Facility Name: Cliff Berry Inc - Canaveral Facility

On-Site Inspection Start Date: 08/19/2015 **On-Site Inspection End Date:** 08/19/2015

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 Processor facility

Routine Inspection for Transporter facility

Routine Inspection for Non-Handler facility

Routine Inspection for Used Oil Transporter facility

INSPECTION PARTICIPANTS:

Principal Inspector:	Brittany N Pierce, Inspector
Other Participants:	Michael Eckoff, Inspector; Natalie Hood, Assistant Facility Manager; Edward Rysak, Inspector

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 August 19, 2015, Brittany Pierce, Eddie Rysak, and Michael Eckoff, Florida Department of Environmental Protection (FDEP), inspected Cliff Berry, Inc. - Canaveral Facility for compliance with permit number 249477-HO-002, and state and federal hazardous waste and used oil regulations. The facility was represented by Natalie Hood, Assistant Facility Manager.

Cliff Berry Inc. – Canaveral Facility's most recent Hazardous Waste Transporter Certificate of Approval expires June 30, 2016. The facility last submitted the 8700-12FL notification in February 2015.

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

Process Description:

INSPECTION HISTORY:

The facility was inspected by the Department in March 2013 for compliance with permit number 249477-HO-001, and state and federal hazardous waste and used oil regulations. The facility was not in compliance at that time due to failure to maintain a copy of the contingency plan accessible to employees and failure to list a primary emergency coordinator that could reach the facility in a short period of time. The facility completed corrective actions and came back into compliance

without enforcement.

The facility was 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 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 an 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 shipping documents. The facility completed the corrective actions and came 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. – Canaveral Facility is a hazardous waste transporter, as well as a transporter and transfer facility for used oil 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 10,000-gallon aboveground 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 is sampled utilizing a sniffer or a Q1000 test kit. If a sample has over 1000ppm of halogens, it is not loaded onto the truck. Used oil and oily water received at the facility is screened to remove solids, and transferred to storage tanks. The used oil stored at the Canaveral facility is transferred to Cliff Berry, Inc.’s Miami facility for processing. According to permit condition Part I, number 45.d., analytical testing is not required if the used oil is sent to another used oil processor for further processing.

Generator knowledge is applied to any petroleum contact water collected. Testing of the pH is completed on collections before accepted at the facility.

Hazardous waste is not stored on-site for longer than the allowable 24-hour period during transit. The facility utilizes AERC as a secondary option to store hazardous waste at the AERC transfer facility if the waste needs to be stored over 24 hours. 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.

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 containing drums of used oil filters, used absorbents, and totes of used cooking oil. All drums were properly labeled and managed. The drums are stored within the trailer until sent to the Miami facility for further processing. There was also a separate storage container with biomedical waste.

Boats, trailers, and supplies were located on the northwest side of the property. Ms. Hood stated the NRC owns these items and uses Cliff Berry Inc.’s site for storage.

Four tanker trailers were located on the west side of the property along the fence. Tanker trailer #TT04 was leaking and approximately one gallon of oily water was on the ground [62-710.401(2), F.A.C.]. Facility personnel immediately began cleaning up the release. Ms. Hood stated the tanker trailer arrived on-site on Sunday and was awaiting off-loading.

A containment structure was located on the southwest corner of the tank farm. Inside the structure was a container holding sample bottles. Ms. Hood stated incoming used oil is sampled upon arrival. Some dates on sample bottles were from 2014. The inspectors requested the facility evaluate the

need for the samples and properly manage accordingly. In a letter submitted to the Department on September 15, 2015, the facility stated they have properly disposed of any old samples they are no longer using within this area.

On the south end of the property were tanker trailers, a box truck, and two trailers for use at clean-up sites. In addition, a travel trailer was being used by an employee that resides on the site temporarily.

A shop area was located near the southeast side of the property. The area was bordered by two cargo containers. According to Ms. Hood, the containers are used to store equipment and supplies. Inside the shop area were twelve drums awaiting transport to Cliff Berry Inc.'s Miami facility for processing. One drum was not labeled, and Ms. Hood did not know the contents of the drum [40 CFR 262.11]. Two sheds on the east side of the shop contained over-pack drums, empty drums, and spill clean-up supplies. In a letter submitted to the Department on September 15, 2015, the facility stated the drum was identified as used oil, labeled, and properly managed based on the contents.

The tank farm was properly contained in secondary containment with no evidence of spills or releases. The floors were cracked slightly within the secondary containment and the off-loading area. Ms. Hood stated repair, resealing, and repainting of the floors was in the process of being scheduled. In a letter submitted to the Department, it was stated that the repair of the secondary containment floor will take place in the second quarter of 2016.

All used oil tanks were properly labeled as "Used Oil." The tanks were labeled with incorrect information regarding the allowable maximum fill amounts. In documentation submitted to the Department on September 15, 2015, the facility provided pictures to show the maximum fill amounts have been re-enumerated. The facility also supplied the operating procedure, which includes information to display the procedures for assuring that the tanks are not overfilled. In a phone conversation with a facility representative, it was stated that the vertical tanks are also equipped with remote tank alarms, and the horizontal tanks have audible alarms for overfill protection.

The facility had three 275-gallon totes for waste antifreeze storage. One of the used antifreeze totes was open at the time of the inspection. Once the totes are full, they are transferred to the Miami facility for management. Next to the used antifreeze totes were two empty drums, one 55-gallon drum of oily debris, one 55-gallon drum labeled "non-hazardous waste CBI," one 55-gallon drum labeled "non-hazardous waste Seaport Canaveral ULSD Diesel," and one 55-gallon drum that was not labeled [40 CFR 262.11]. 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. In a letter submitted to the Department on September 15, 2015, it was indicated that a lid was supplied for the open used antifreeze tote and that the contents of the unlabeled drum were identified as used oil and properly managed.

The sump in the off-loading area was full at the time of the inspection. The facility representative was not aware of the clean out procedures or schedule. In a letter submitted to the Department on September 15, 2015, it was indicated that a daily inspection log has been developed to prompt employees to check the condition of the sump. This inspection log also prompts employees to document clean outs of the sump.

An approximately 30-gallon tub is used to capture leaks as used oil is pumped from the tanks to the tanker trailer. The tub was approximately 2/3 full. Ms. Hood indicated that the tub is typically emptied when it reaches 2/3 full. Buckets used to collect drips and leaks of used in the off-loading and loading areas were not properly labeled as "Used Oil" [40 CFR 279.22(c)(1)]. The facility submitted documentation on September 15, 2015 to display that the containers used in this area have been properly labeled.

A sludge pan catches residue and sediments cleaned out of tanks. The sludge is sent to Miami for processing.

Fire extinguishers were located on the southeast and northeast corners of the tank farm. Fire extinguishers were last inspected in February 2015. An eye wash station was located on the north east corner of the off-loading area.

RECORDS REVIEW:

The most recent used oil processor registration certificate was posted within the facility.

A review of the used oil shipping papers found the facility is correctly documenting the EPA ID numbers and halogen testing on shipping documents. Pink dispatch tickets are used for tracking incoming used oil acceptance to the Canaveral facility. Yellow dispatch tickets are used for tracking outgoing shipments, which are sent to the Miami facility.

Each collection picked up by a Cliff Berry transporter from generators is assigned a work order. The work orders document: the generator's name and EPA ID number if available, halogen testing results, the description of what is being collected, and signatures from the generator and the transporter/truck driver. There may be multiple work orders per truck load. Before off-loaded into the tank farm, a composite sampling of halogen testing is completed and each truck load is assigned an off-load ticket number.

For any used oil that is being sent to Miami for processing, waste stream approval numbers (or profile numbers) are assigned to the tanker truck outgoing loads. A manifest is also generated for outgoing loads. After arriving at the Miami facility, tanker truck loads are analyzed, and the waste stream approval numbers are entered into the database management system after tested. In a phone conversation with a Cliff Berry representative on November 3, 2015, it was stated that about 2-3 loads per week are sent out of the tank farm to the Miami processing facility.

All of the hazardous waste manifests listed the Cliff Berry Inc. - Port Everglades' EPA ID number, FLR000083071, as the transporter's EPA ID number. Hazardous waste manifests included: the name, address, and EPA ID numbers of the generators and the designated disposal facilities. All descriptions of waste, signatures of generators and transporters, and dates of pick-ups on records reviewed appeared accurate. Cliff Berry (Port Everglades facility) in Ft. Lauderdale maintains records, transporter information, and designated facility information.

Non-hazardous waste manifests were also reviewed. Waste solids are characterized by generator knowledge. The customers are required to fill out a profile addressing several questions regarding waste generation.

Soil and debris are tested once delivered to the Miami facility. Inspectors were informed that profile sheets of lab analytical results are maintained at the corporate office.

The facility conducts inspections on the tank farm and storage facilities daily and documents the inspections on internal facility audits. The documented inspections were available for review.

The most recent contingency plan was not available at the time of the inspection [40 CFR 279.52(b)(3)(i)]. In a letter submitted to the Department, it was stated that the updated 2013 contingency plan has been placed in an accessible area of the Canaveral facility office.

Natalie Hood has been identified as the facility’s primary emergency coordinator. The two back-up emergency coordinators are identified as Paul Meding and Cliff Berry II within the May 2013 contingency plan. During a conversation with Ms. Hood it was unclear whether she had the financial authority to commit the resources needed to carry out the contingency plan. In a letter submitted to the Department on September 15, 2015, it was indicated that she has the financial authority to carry out the contingency plan, as needed. The facility also indicated that Mark Groothouse will be incorporated as an additional emergency coordinator in the 2016 revisal of the contingency plan.

Notifications to local authorities were not available during the inspection [40 CFR 279.52(a)(6)]. In a submittal to the Department provided on October 29, 2015, documentation was provided to show that notifications were sent out in May 2014.

The written analysis plan (WAP) was not available for review at the time of the inspection, as required by Part I, number 45, of the permit [403.727(1)(c), F.S.]. In a letter submitted to the Department on September 15, 2015, it was stated that the written analysis plan has been placed in an area accessible to employees.

The training for 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. Safety meeting attendance logs for the past few months were available for review.

New Potential Violations and Areas of Concern:

Violations

Type:	Violation
Rule:	262.11
Explanation:	Hazardous waste determination. A person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste. Specifically, one 55-gallon drum inside the shop area was not labeled. Additionally, a second 55-gallon drum located near the tank was not labeled. The contents of both drums were unknown at the time of the inspection.
Corrective Action:	The facility submitted documentation on September 15, 2015 that stated that both drums were labeled, identified, and properly managed based on the contents.

Type:	Violation
Rule:	279.22(c)(1)
Explanation:	Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil." Specifically, buckets used to collect drips and leaks found near the off-loading area were not correctly labeled as "Used Oil".
Corrective Action:	The facility submitted documentation on September 15, 2015 to display that the containers used in this area were properly labeled.

Type:	Violation
Rule:	279.52(a), 279.52(a)(6)
Explanation:	Owners and operators of used oil processing and re-refining facilities must comply with the following requirements: arrangements with local authorities. At the time of the inspection, notifications to local authorities were not available.
Corrective Action:	In a submittal to the Department received on October 29, 2015, documentation was provided to show that notifications to authorities were sent out in May 2014.

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, the most recent contingency plan was not available at the time of the inspection.
Corrective Action:	In a letter submitted to the Department, it was stated that the updated 2013 contingency plan was placed in an accessible area of the Canaveral facility office.

Type:	Violation
Rule:	403.727, 403.727(1)(c)
Explanation:	Violations; defenses, penalties, and remedies. Fail to comply with a permit. Specifically, the facility failed to maintain a copy of the written analysis plan on site, as required in Part I, number 45 of the used oil processor permit.
Corrective Action:	In a letter to the Department submitted on September 15, 2015, it was stated that the written analysis plan was placed in an area accessible to employees.

Type:	Violation
Rule:	62-710.401(2)
Explanation:	No person may discharge used oil into soils, sewers, drainage systems, septic tanks, surface or ground waters, watercourses, or marine waters. Specifically, a tanker trailer at the facility leaked approximately one gallon of oily water on the ground.
Corrective Action:	At the time of the discovery, the facility immediately cleaned the release of oily water on the ground.

Conclusion:

Cliff Berry, Inc. – Canaveral Facility was inspected as a hazardous waste transporter of hazardous waste, a small quantity handler and transporter of universal waste, a used oil and used oil filter transporter, a used oil and used oil filter transfer facility, and a permitted used oil processor. The facility was not in compliance at the time of the inspection. The facility has since completed all corrective action required.

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.

Brittany N Pierce	Inspector
PRINCIPAL INSPECTOR NAME	**PRINCIPAL INSPECTOR TITLE**
	FDEP
	ORGANIZATION

Supervisor: **Reginald Phillips**

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.