Florida Department of

Environmental Protection

Hazardous Waste Inspection Report

FACILITY INFORMATION:

Facility Name: Cliff Berry Inc - Miami Terminal

On-Site Inspection Start Date: 03/01/2022 **On-Site Inspection End Date:** 03/01/2022

ME ID#: 51668 **EPA ID#:** FLD058560699

Facility Street Address: 3033 NW North River Dr , Miami, Florida 33142-6304

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

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

NOTIFIED AS:

Transfer Facility, Transporter, Used Oil, VSQG

WASTE ACTIVITIES:

Generator: VSQG **Transporter:** Own Waste, Commercial Waste, Transfer Facility **Used Oil:** On-Spec, Oil Filters, Processor, Collection Center (Commercial) **Other:** Both **Universal Waste: Indicate types of UW generated and/or accumulated at the facility: Generate/Accumulate:** Batteries, Mercury Containing Lamps, Mercury Containing Devices **Transport:** Mercury Containing Lamps, Mercury Containing Devices **Maximum quantity of UW handled or transported at any time:** 5000 kg or more; Large Quantity Handler (LQH)

INSPECTION TYPE:

Routine Inspection for Used Oil Processor Facility
Routine Inspection for VSQG (<100 kg/month) Facility
Routine Inspection for Used Oil Transporter Facility
Routine Inspection for Hazardous Waste Transporter Facility
Routine Inspection for Used Oil Transfer Facility Facility
Routine Inspection for Hazardous Waste Transfer Facility Facility
Routine Inspection for Universal Waste Transporter Facility

INSPECTION PARTICIPANTS:

Principal Inspector: Tarin F Tischler, Inspector

Other Participants: Justin Stark, Inspector; Leroy Arce, Vice President, Resource Recovery; Romina Lancellotti, Inspector; Michael Acosta, Lab Supervisor

LATITUDE / LONGITUDE: Lat 25° 47' 47.6926" / Long 80° 14' 38.8063"

NAIC: 562219 - Other Nonhazardous Waste Treatment and Disposal

TYPE OF OWNERSHIP: Private

Introduction:

On March 1, 2022 (03/01/2022), Tarin Tischler with the Florida Department of Environmental Protection (FDEP) conducted a compliance evaluation inspection at Cliff Berry Inc – Miami Terminal, located at 3033 NW North River Dr Miami, FL 33142. Cliff Berry (hereinafter CBI or facility) was inspected to determine the facility's compliance with the state and Federal hazardous waste and used oil regulations described in Title 40, Code of Federal Regulations (CFR) Parts 260-268, 273, and 279, adopted and incorporated by reference in Rules 62-710, 62-730, and 62-737, Florida Administrative Code (F.A.C.). The inspector was accompanied by Justin Stark and Romina Lancellotti with FDEP.

The inspectors were escorted by Leroy Arce, Vice President, Resource Recovery, and Michael Acosta, Lab Supervisor. Upon arrival at the facility the inspectors presented their credentials and explained the purpose of the inspection.

Cliff Berry occupies 147,668 square feet and is connected to Miami-Dade water and sewer. The facility operates 24 hours a day Monday through Friday and can operate Saturday and Sunday on an as needed basis for cruise ship waste. CBI employs 17 staff.

Notification History:
CBI currently operates as a Used Oil and Material Processing Facility under permit numbers 77628-009-HO and 77628-010-SO. These permits were issued 04/12/2018 and expire on 02/12/2023. CBI initially notified (under Union Oil Company of California) with the FDEP as a Small Quantity Generator (SQG) on August 1980. The facility was assigned the EPA Identification (EPAID) Number FLD058560699. facility most recently notified as a Very Small Quantity Generator (VSQG) of hazardous waste, a Large Quantity Handler (LQH) and transporter of Universal Waste, a hazardous waste transfer facility, a used oil transporter, transfer facility, and processor, and a used oil filter transporter and transfer facility via an annual report submitted 02/11/2022.

Inspection history:
Cliff Berry Inc was most recently inspected by the Department on 11/18/2020 and was found to be out of compliance for failure to containerize universal waste lamps and failure to remove accumulated precipitation from secondary containment within 24 hours of detection. The facility was also previously inspected on 05/10/2018 and found to be in compliance.

Hard hats, safety vests, safety glasses, and steel toed boots were the Personal Protective Equipment (PPE) required to enter the facility. The inspectors were also equipped with face masks.

Process Description:

Cliff Berry Inc - Miami Terminal operates as a hazardous waste and used oil filter transfer facility and a used oil processor. The facility is authorized to process used oil, oily wastewater, petroleum contact water (PCW), oily solid waste, and used oil filters. The facility consists of 31 tanks and is permitted to store and use a total of 904,590 gallons of used oil in aboveground tanks and containers. The facility is authorized to handle all EPA waste codes but does not handle explosives.

The facility consists of offices and conference rooms in the front building, a Pit Area, Wall, an Advanced System for Used Oil Processing, an area for oily water processing, a wastewater treatment plant, a hazardous waste storage area, a laboratory, and a warehouse for used oil filter storage.

The area behind the front entrance building holds the tanks for used oil, oily water, and petroleum contact water storage and processing. Mr. Arce explained to inspectors that when a nonhazardous liquid waste shipment such as oil, oily water, or wastewater, is delivered, the driver signs a sheet by the pit docks and collects a sample of the waste in one of the empty jars in a box near the sign in sheet. The sign in sheet records the name of the driver, the truck number, manifest number, arrival and departure time, transporter and generator company names and waste category. The driver then adds the sample to a tray on the same table and calls the laboratory to inform them a sample has been added. Separate containers are attached to the walls in this area for manifests to be signed and signed manifests. A fire extinguisher and spill kit were available in this area.

Pit Area:
Tanker trucks of oil and wastewater with solids are vacuumed into dark pits for the settling stage. These open pits are separated into three sections. Oil and water are added to the pits and the water is pumped into the outer two sections while oil consolidates in the middle. This area is open but under a covered roof within secondary containment. The water is then drained off and the oil is pumped into an oil tank for used oil processing. Tanker trucks with only liquid waste that do not contain solids are taken directly to used oil tanks for processing. Bunker tank waste from ships are not used oil and are therefore not managed as used oil. These wastes are managed as oily wastes because they contain 40-60% water.

The Wall:
Beyond the pit area is the area know as The Wall. Four tank trucks were lined up in this area parallel to six horizontal steel tanks with approximately 17,500-gallon capacities each, numbered 16-21. These tanks hold used oil, diesel fuel, and oily water and are loaded from the tank trucks after the lab receives sampling results. Tank 18 is currently out of service. CBI has two pumps for unloading used oil and two for oily water. Oil related waste is brought via CBI trucks and other third-party transporters. Facilities are required to notify CBI in advance if waste is brought from other sources. A fire extinguisher and “No Smoking” sign were observed in this area. The Wall and Pit Area were surrounded by secondary containment.

A tank car for off-site railway transportation was also observed near this area. Mr. Arce informed inspectors that the facility began shipping via railroad last year, but it is not done often. Separate black pumps are used for removing waste from bunker tanks. 5-gallon buckets sat next to each pump for priming the used oil and oily water pumps to remove air before unloading. When the pump is opened, air is removed from the pump, displacing the air in the tank. Air is displaced until liquid emerges from the pump to the 5-gallon bucket. The pump is then shut off and the rest of the liquid is loaded into the appropriate tank. Buckets are filtered about once a week to once every other week depending on the amount of wastes deposited. If the bucket is full, liquid can be collected back by the pump.

Advanced Used Oil Process System:
Tanks 27-29 are located northwest of The Wall. These vertical tanks hold 29,000 gallons each. These tanks hold and process only used oil in the facility's Advanced Used Oil Process System. A centrifuge on top of these tanks processes the oil at 200-210° F. The tank is filled with water, and the centrifuge uses centripetal force to separate water, oil, and solids within the used oil. Solids are congregated at the bottom of these tanks underneath a layer of water with oil separating on top. After this process, oil is moved into the Finished Oil tank, the water is flushed into a water tank, and the sludge of solids are moved into a separate tank below which is pumped into the head of the facility, near the Wastewater Treatment Area. An automated system within these tanks reads the quality of the oil by monitoring the water content. All other testing is done in the laboratory. Prior to this process, oil is placed into a shaker to minimize solids before being moved to the centrifuge for final separation, as the centrifuge is not designed to handle larger solids. This area was surrounded by secondary containment.

Oily Water Processing:
Tanks 1, 3, and 4 are used for oily water processing. A demulsifier is used to segregate the oil and water, and different tanks are used depending on the required length of processing. Tank 1 is used for oily water with the lowest water content and Tank 4 is used for oily water with the highest water content that will take longer to process. The length of time required to process depends on the laboratory determination of the composition of the oily water, as well as knowledge of where the water is coming from and the processes it was used for. The Laboratory tests this water to estimate the length of time to process and predict which speed of demulsification is required. All tanks have a tank gage and flays that indicate when the tank is full. Tank 2 holds finished oil that has been run through the Advanced Oil Processing System. Fuel oil stored here is continually monitored and adjusted as necessary. This area was surrounded by secondary containment walls.

Cooker Tanks:
Tanks 22-25 are known as the Cooker Tanks for "industrial slop oil". Minimal petroleum contact water (PCW) is used here, the rest is brought to a separate tank at the front of the facility. A sample is taken before waste is offloaded in these tanks to determine the water content, and waste added here has the appearance of oil but typically contains 40-60% water. Natural gas heats a coil inside the tank to 180-200° F, heating the oil. Oil surrounds the coil and water is pulled out from the bottom of the tank. Once oil and water are separated and water is removed, the remaining oil is brought to the shaker to remove any residual solids before being moved into Tank 2 for finished fuel oil ready for shipment.

Inspectors observed a box with a light and alarm in this area. Mr. Arce informed inspectors this was a closed alarm system that turns off the shaker if a leak is detected. Leaks are collected in a closed secondary containment part of the tank. If the box fills, a leak is detected and the alarm rings. Mr. Arce also informed inspectors that most tanks are painted white to easily spot any oil residue outside of the tanks. Some pumps and pipes are painted black to maximize their heat and aid in the process.

A Hot Oil Heater was located near the cooker tanks. A special oil is used to heat the coils in the tank here which heats the other oil in the tank to 385-400° F. Natural gas then heats the coil surrounded in oil. This tank holds 24,000 gallons that are continually looped through this heater. This process takes approximately 6 hours in colder months and 4 hours in the summer.

Inspectors observed a fire extinguisher and eye wash station in this area in good condition. The area was surrounded by walls serving as secondary containment. Inspectors also observed three poly 55-gallon drums. Two were labeled "Degreaser" and one was labeled "Diesel." Facility representatives informed inspectors that these drums held product, not waste. A 55-gallon metal drum in this area along the secondary containment wall was rusty and appeared in poor condition. Facility representatives demonstrated to inspectors that this drum was empty and had not been utilized for some time.

Welding Area:
The Welding Area of the facility is where welding operations are performed to construct materials to be used in the used oil processing. CBI currently employs 2-3 welders and all equipment is built on site, including black strainers used to remove solids remaining in the oil. No waste was observed in this area.

Process Water Area:
Tanks 10A and 10B hold wastewater after it has been processed in the wastewater treatment system. Each tank has a capacity of 44,000 gallons. Water is discharged from here to the Miami-Dade Publicly Owned Water Treatment Works (POTW), which the facility holds a permit for.

Five dumpsters serving as sludge containers were located in this area as well. All were empty except one container marked “RO12”. Mr. Arce informed inspectors that solids are collected here from the wastewater treatment plant and goes to a landfill when the container is full.

Used Oil Filters Storage Area:
Used oil filters are stored in a large garage area outside of the facility’s tank farm. Mr. Arce informed inspectors that the facility is authorized to process used oil filters, but the machine used to crush filters was currently broken and would not be returning to operation. The facility was then sending used oil filters to US Foundry, which later shut down about 6-8 months prior to the inspection. CBI is in the process of acquiring a new used oil filter processing system, but there is currently a 5-6 month backlog on the delivery. The facility is currently sending used oil filters to the Cliff Berry facility located at 5218 Saint Paul St Tampa, FL 33619, as well as other competitors.

At the time of the inspection, the facility had approximately 280 55-gallon drums of used oil filters stored in the Used Oil Filters Storage Area. The facility is registered as a used oil transfer facility and is therefore authorized to store used oil filters for more than 10 days in accordance with 62-710.201(9) F.A.C. Drums were stacked and stored on pallets and labeled “Non-Hazardous Waste, Used Oil Filters”. The labels were marked with the name and address of the shipper and Cliff Berry facility, an accumulation date, and manifest number.

Wastewater Treatment Area:
The building with the facility’s wastewater treatment plant is adjacent to the Used Oil Filters Storage Area. The Wastewater Treatment Area serves as the head of the plant. The wastewater treatment plant separates oil and water using a water separator machine to catch free oil within the wastewater. This free oil is then brought to a pit. The remaining water is then transferred though a narrow pipe to a separate pit that serves as a mixing chamber. The pH of the water is adjusted by adding a coagulant and metal precipitant. This gives solids and water within the wastewater a positive charge. The pH of the water is then raised, and metals are removed. Finally, a polymer is added to remove solids, which are then dried using a drying drum and disposed of in the dumpster for nonhazardous sludge. The wastewater treatment plant operator controls the speed of the drying drum depending on the quantity of solids to ensure solids are completely dry before being moved to the dumpster. Water dispersed into a tank after oil and solids are removed should pour clear if properly separated. Air is forced into the wastewater during the entire process to aid in separation. Totes of coagulant and precipitant were observed in this area, as well as tanks of alkaline liquid to raise the pH of the wastewater. These containers held product and not waste.

Hazardous Waste Storage Area:
The Hazardous Storage Area for the hazardous waste transfer facility portion of CBI was located in a gated area inside the wastewater treatment building. This area serves as a 10-day storage area for hazardous waste transported from other facilities, as well as an accumulation area for xylene generated in the lab. At the time of the inspection, inspectors observed the following waste drums in this area:

- 16 nonhazardous waste drums
- Two (2) 30-gallon drums labeled “Hazardous waste, HW Flammable Liquids” These drums were dated 2/15/2022 and 2/17/2022.
- Four (4) 55-gallon drum labeled “Hazardous Waste, HW Flammable Liquids, Date: 2/17/2022”
- One (1) 55-gallon drum labeled “Hazardous Waste, HW Flammable Liquids, Date: 2/22/2022”
- One (1) 20-gallon drum labeled “Hazardous Waste, HW Flammable Liquids, Date: 2/21/2022”
- One (1) 5-gallon drum labeled “Hazardous Waste, HW Inorganic Acid (lab pack), Date: 2/21/2022”
- One (1) 15-gallon drum labeled “Hazardous Waste, HW Aerosols, Waste Aerosols Flammable, Date: 2/21/2022”

- One (1) 30-gallon drum labeled “Hazardous Waste, HW Aerosols FB, Waste Aerosols Flammable, Date: 2/17/2022”
- One (1) 55-gallon drum labeled “Hazardous Waste, HW Flammable Liquids (Gasoline), Date: 2/17/2022”
- One (1) 15-gallon drum labeled “Hazardous Waste, HW Corrosive Liquid Basic LP, Date: 2/17/2022”
- One (1) 55-gallon drum labeled “Hazardous Waste, HW Solvent Rags, Waste Flammable Solids, Organic, Date: 2/17/2022”
- One (1) 55-pound box labeled “Hazardous Waste, Waste Flammable Liquids, n.o.s. (gasoline, petroleum distillates), Date: 2/23/2022”

All drums in this area were marked with the Shipper’s name, address, and EPAID number, the shipment’s manifest tracking number, the designated facility, DOT shipping name, and applicable EPA waste codes and DOT regulated hazardous waste placard. Inspectors also observed a weekly hazardous waste storage log documenting the amount of used xylene generated by the facility stored in this area. Facility representatives informed inspectors that hazardous waste was shipped from this area every Thursday.

Laboratory Area:
The Laboratory Area is located near the entrance to the facility, below conference rooms and personnel offices. The Laboratory collects samples of wastewater, petroleum contact water, used oil and oily water deposited by drivers in the jars at the facility entrance prior to unloading waste into the appropriate tanks. The Laboratory tests for hazardous waste characteristics such as flash point and pH. Used oil samples are also tested for water concentration, halogen concentration, and PCBs. The Laboratory does not test for toxicity but uses process knowledge from the waste generator to determine if additional toxicity testing is needed. Samples that may contain toxic constituents are sent to a third-party laboratory, Summit Environmental Technologies, prior to the oil prescreening. Samples are deposited in the laboratory sink, which is connected to the Pit area and run through the Pit treatment process. The facility had its Biomedical Waste Storage Operating Permit, validated registration form and identification number, Storage Tank Certification of Financial Responsibility, Local Business Tax Receipt, Used Oil and Material Processing Facility Permit, Air Pollution Annual Operating Permit, and Annual Operating Permit on display in the Laboratory Area.

CBI also has a Water by Distillation Laboratory located in a small elevated room next to the tank farm. Xylene waste is generated in this area and spent xylene accumulates in the 10-day hazardous waste storage area.

Records Review:
Inspectors reviewed the facility’s records in a conference room above the Laboratory and front entrance area. Inspectors informed facility representatives of the records that would be reviewed prior to the facility tour, so all records were available following the tour. Inspectors reviewed the facility’s Used Oil and Material Processing Permit, Closure Plan, SPCC Plan, Contingency Plan, and used oil and hazardous waste manifests.

Used Oil and Material Processing Permit:
The facility operates under permit numbers 77628-009-HO and 77628-010-SO. A copy of the facility’s permit was available on site and online in the Department’s Handler database. The permit specifies the general standard and operating conditions for CBI, conditions for used oil, petroleum contact water, non-hazardous non used oil waste, and tank and container conditions.

Closure Plan:
Closure Costs estimates for the facility were available online in the Department’s Handler database. The closure plan documents the estimated cost of facility closure, demonstrated there will be no further need for facility maintenance, used oil will not contaminate surface or ground water, and all Tanks, piping, secondary containment and ancillary equipment will be emptied, cleaned and decontaminated, and all materials removed and managed, per 62-710.800(5) F.A.C.

SPCC Plan:
CBI’s SPCC plan accurately demonstrated the physical layout of the facility with the location of all used oil storage, a procedure for when discharge occurs, inspection, training and security procedures, and certification by a licensed Professional Engineer per 40 CFR 112.7.

Contingency Plan and emergency procedures:
The facility’s contingency plan was available on-site and in the Department’s online database. The contingency plan met the requirements in the facility standards for used oil processors outlined in 40 CFR 279.52(b)(2).

Used Oil and Hazardous Waste Manifests:
The facility had the manifests for the past three years of hazardous waste brought to CBI's hazardous waste transfer facility and the past three years of used oil materials processed available on site for review. Records of used oil disposal appropriately demonstrated the name, address and EPAID of the generator, transporter, and receiving facility, the date of shipment, and quantity of used oil acceptance per 40 CFR 279.46. Information on quantity of used oil shipments were also available on site in the facility's annual reports.

Disposal records for the shipments of hazardous waste transfer facility were available in the form of uniform hazardous waste manifests. A log was kept on-site demonstrating dates hazardous waste shipments are picked up and corresponding dates of shipment to the designated facilities. These logs included the generator name and EPAID and the manifest tracking number of each shipment. This log indicated the following:

>>A shipment of hazardous waste from IRL Laboratories (EPAID: FLR000166751) was transported under manifest tracking number 023487094JJK on 10/22/2021. The log was missing the date the hazardous waste was shipped from the transfer facility. Inspectors asked for a copy of this manifest on site and in the exit interview sent 03/03/2022. Facility representatives explained to inspectors that they were unable to comply with the 10-day storage limit for hazardous waste transfer facilities due to an issue with the waste profile for this shipment, so this waste was returned to the generator rather than sent to a designated facility. Per 40 CFR 263.21(a), the transporter must deliver the entire quantity of hazardous waste which he or she has accepted from a generator or a transporter to: The designated facility listed on the manifest; or the alternate designated facility, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery; or the next designated transporter; or the place outside the United States designated by the generator. The facility returned the hazardous waste to the generator without a new manifest after accepting the waste, as required by 40 CFR 263.20(1).

>>A shipment of hazardous waste from Caterpillar Tractor (EPAID: FLESQG) was transported under manifest tracking number 023487101JJK on 10/22/2021 and delivered to the designated facility on 11/03/2021. Based on this information, CBI stored hazardous waste for 12 days and was not compliant with the 10-day storage limitations described in 40 CFR part 263.12(a), adopted and incorporated by reference in Rule 62-730.170(1), F.A.C.

Notification with Local Authorities:
The facility could not provide documentation of notification with local authorities at the time of the inspection and was asked to submit this documentation in the exit interview sent 3/03/2022. This documentation was received on 03/15/2022 and indicated submittal of the facility's Quick Reference Guide (QRG) of the Contingency Plan to local authorities on 11/09/2018 and 11/13/2018.

Personnel Training:
Training requirements for CBI Personnel were available for review in the facility's SPCC plan, but individual training certificates were stored at a separate CBI location. These training certificates were requested in the exit interview sent 03/03/2022 and submitted on 03/15/2022. These included used oil transporters certification training, 8-hour OSHA HAZWOPER training, and DOT training.

While reviewing records in the facility's conference room, inspectors observed what appeared to be universal waste lamps stored in a spare room. These lamps were stored in open boxes without proper labeling required in 40 CFR 273. In the exit interview sent 03/03/2022, inspectors requested photo documentation of these lamps stored in proper universal waste containers and labeled as such. The facility responded on 3/15/2022 and explained these lamps had been tested and were working lamps, not waste. Facility representatives also explained this room was being rented out by a tenant as a portion of the office space rented to them and this room stores non-waste construction materials for future use.

New Potential Violations and Areas of Concern:

Violations

Type:	Violation
Rule:	263.12 , 403.727(1)(b) , 62-730.171(1)
Explanation:	A shipment of hazardous waste from Caterpillar Tractor (EPAID: FLESQG) was

	transported under manifest tracking number 023487101JJK on 10/22/2021 and delivered to the designated facility on 11/03/2021. Based on this information, CBI stored hazardous waste for 12 days and was not compliant with the 10-day storage limitations.
Corrective Action:	The facility was informed storage exceeding the 10-day limit in the future would require a hazardous waste storage permit and be subject to regulation under 40 CFR parts 264, 265, 267, 268, and 270 with respect to storage of those wastes. No further action is required at this time.

Type:	Violation
Rule:	263.20(a)(1)
Question Number:	6.7
Question:	If NO, is the waste exempt from the manifest requirement? 263.20(a)(1)
Explanation:	Hazardous waste transported was returned to generator IRL laboratories without a new manifest documenting transportation of hazardous waste.
Corrective Action:	Only designated facilities have the authority to reject waste loads, not transporters after acceptance of hazardous waste from generators. All shipments of hazardous waste must be documented using a uniform hazardous waste manifest. No further action is required at this time.

Type:	Violation
Rule:	263.21(a)
Explanation:	The facility failed to deliver the entire quantity of hazardous waste which he or she has accepted from a generator or a transporter to: The designated facility listed on the manifest; or The alternate designated facility, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery; or The next designated transporter; or The place outside the United States designated by the generator. Hazardous waste shipment from IRL Laboratories documented under manifest tracking number 023487094JJK was not delivered to the designated facility but returned to the generator.
Corrective Action:	Hazardous waste must be delivered to the designated facility listed on the manifest, an alternate transporter or designated facility, or a place outside the United States designated by the generator. Loads can only be rejected by the designated facility, not the transporter after waste has been accepted. No further corrective action is required at this time.

PHOTO ATTACHMENTS:

Cliff Berry Inc - Miami Terminal Inspection Report

Inspection Date: 03/01/2022

Sign in Sheet for incoming oil materials sampling

The Pit Area

The Wall

CBI Rail Car

Buckets used for pump priming

Welding Area

Cliff Berry Inc - Miami Terminal Inspection Report

Inspection Date: 03/01/2022

Oily Water Processing Tanks 1, 3, and 4

Process Water Tanks

Used Oil Filters Storage Area

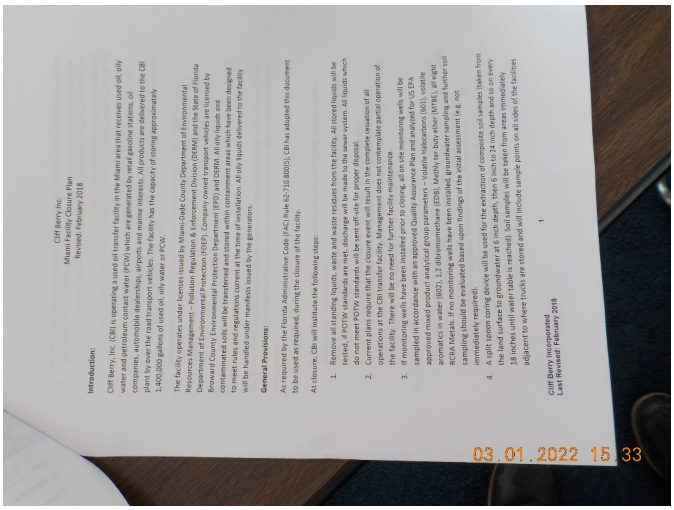
Cooker Tank leak detection alarm

RO12 sludge container

Drying Drum in wastewater treatment plant

Labeling in Hazardous Waste Storage Area

CBI Closure Plan



Conclusion:

Cliff Berry Inc. – Miami Terminal was inspected as a Used Oil Processor, a hazardous waste, used oil and used oil filters transfer facility and transporter, a Large Quantity Handler (LQH) and transporter of universal waste, and a Very Small Quantity Generator (VSQG) of hazardous waste and was found to be out of compliance for failure to comply with the 10-day storage limit for hazardous waste transfer facilities, failure to transport hazardous waste with a manifest, and failure to deliver the entire quantity of hazardous waste which he or she accepted from a generator to the designated facility listed on the manifest. Compliance assistance was provided during the inspection and in the exit interview dated 03/03/2022. The facility was provided with a deadline of 03/17/2022.

On 03/15/2022, the facility submitted corrective actions including documentation of notification with local authorities, facility personnel training records, paper copies of manifest with tracking numbers 023487101JJK and 023487094JJK, and information regarding the open lamp containers observed by inspectors.

Following the submittal of manifest 023487094JJK from IRL Laboratories, inspectors noted the manifest did not include the name and EPAID of the hazardous waste transporter on line 6 of the Uniform Hazardous waste manifest. This was corrected and submitted on 03/31/2022. Facility representatives explained that this was sent back to the generator because CBI was unable to get the waste profile completed in a timely fashion due to a change in the profile process at the designated facility US Ecology Tampa Inc. (EPAID: FLD981932494). Therefore, instead of being officially rejected by the designated facility, it was returned to the generator. The facility has been informed transporters and transfer facilities do not have the authorization to reject waste and it must be rejected by the designated facility and marked on the manifest as such before being returned to the generator or another transporter or designated facility. No further action is required at this time.

Following the submittal of manifest 023487101JJK from Caterpillar Tractor which documented waste stored in the hazardous waste transfer facility for greater than 10-days, facility representatives explained that due to the changes in the US Ecology Tampa Inc waste profile processes. The new process required additional signatures from the hazardous waste generator, and after accepting the waste the generator facility closed and CBI was unable to get the additional signatures before time ran out on the 10-day storage limit. The facility was informed storage exceeding the 10-day limit in the future would require a hazardous waste storage permit and be subject to regulation under 40 CFR parts 264, 265, 267, 268, and 270 with respect to storage of those wastes. No further action is required at this time.

Following the submittal of CBI personnel training certificates, the Department requested training records for two employees who signed manifests observed during and after the inspection but whose training records were not included in the original submittal. These records were provided on 04/06/2022 and the facility has returned to compliance.

6.0: Transporters Checklist

Requirements:

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

Note: Checklist items with shaded boxes are for informational purposes only.

Item No.	Transporter Requirements	Yes	No	N/A
6.1	Has the transporter notified the Department as a transporter and received an EPA identification number? 62-730.150(2)(a), 263.11(a)	✓		
6.2	Does the transporter repackage wastes with different USDOT shipping descriptions?			
6.3	If YES, does the transporter comply with 40 CFR 262 Generator Standards? 263.10(c)			✓
6.4	Does the transporter transport waste into the US from abroad?			
6.5	If YES, does the transporter comply with 40 CFR 262 Generator Standards? 263.10(c)			✓
6.6	Does the transporter obtain a signed and dated manifest prior to accepting a hazardous waste for transport?			
6.7	If NO, is the waste exempt from the manifest requirement? 263.20(a)(1) ☐ Exemption Type - Tolling Agreement ☐ Exemption Type - VSQG Bill-of-Lading		✓	
6.8	Does the transporter sign and date the manifest upon acceptance? 263.20(b)	✓		
6.9	Does the transporter leave a signed copy of the manifest acknowledging acceptance of the waste? 263.20(b)	✓		
6.10	Does the transporter ensure the manifest and, in the case of exports the Acknowledgment of Consent, accompany the waste during transport? 263.20(c)	✓		
6.11	Does the transporter obtain the signature and date of delivery of the receiving (designated) facility or other transporter upon transferring custody of the waste? 263.20(d)(1)	✓		
6.12	Does the transporter retain one copy of the manifest signed and dated by the designated facility or other transporter? 263.20(d)(2)	✓		
6.13	Does the transporter give the remaining copies of the manifest to the designated facility or accepting transporter? 263.20(d)(3)	✓		
6.14	If the entire quantity of hazardous waste cannot be delivered, does the transporter contact the generator for further direction and revise the manifest in accordance with the generator's instructions? 263.21(b)	✓		
6.15	For a partial load rejection, while the transporter is on the facility's premises, does the transporter obtain a new manifest for the rejected material, accompanied by a copy of the original manifest that includes the manifest tracking number of the new manifest? 263.21(b)			✓
6.16	Does the transporter retain a copy of the manifest signed by the generator, himself, and the next designated transporter or designated facility for a period of three years from the date the hazardous waste was accepted by the initial transporter? 263.22(a)	✓		
Item No.	Rail Transporters	Yes	No	N/A
6.17	If initial rail transporter, when accepting hazardous waste from a non-rail transporter does the rail transporter sign and date the manifest acknowledging receipt of the hazardous waste? 263.20(f)(1)(i)	✓		
6.18	If initial rail transporter, does the rail transporter return a signed copy of the manifest to the non-rail transporter? 263.20(f)(1)(ii)	✓		

6.19	If initial rail transporter, does the rail transporter forward at least three copies of the manifest to the next designated non-rail transporter or facility? 263.20(f)(1)(iii)	✓		
6.20	If initial rail transporter, does the rail transporter retain one copy of the manifest and rail shipping paper? 263.20(f)(1)(iv)	✓		
6.21	Does the rail transporter ensure the shipping paper and, in the case of exports the Acknowledgment of Consent, accompany the waste during transport? 263.20(f)(2)	✓		
6.22	Does the final rail transporter obtain the date of delivery and handwritten signature of the designated facility on the manifest or shipping paper? 263.20(f)(3)(i)	✓		
6.23	Does the final rail transporter retain a copy of the manifest or signed shipping paper? 263.20(f)(3)(ii)	✓		
6.24	When delivering hazardous waste to a non-rail transporter, does the rail transporter obtain the date of delivery and handwritten signature of the next non-rail transporter on the manifest and retain one copy of the manifest? 263.20(f)(4)	✓		
Item No.	Water (Bulk) Transporters	Yes	No	N/A
6.25	Does the water (bulk) transporter obtain the date of delivery and handwritten signature of the designated facility on the manifest or shipping paper? 263.20(e)(3)			✓
6.26	Does the water (bulk) transporter retain a copy of the manifest or signed shipping paper? 263.20(e)(5)			✓
Item No.	SQG Waste	Yes	No	N/A
6.27	For SQG waste, if a manifest is not used is the waste being transported pursuant to a recalmation (tolling) agreement per 262.20(e)? 263.20(h)(1)	✓		
6.28	Is the following information recorded on a log or shipping paper for each shipment? (Check items below that are NOT in compliance): 263.20(h)(2) ☐ Name, address, and EPA identification number of the generator of the waste ☐ Quantity of waste accepted ☐ All DOT-required shipping information ☐ The date the waste is accepted	✓		
6.29	Does the transporter carry the shipping paper/log when transporting waste to the reclamation facility? 263.20(h)(3)	✓		
6.30	Does the transporter retain shipping papers/logs for a period of at least three years after termination or expiration of the tolling agreement? 263.20(h)(4)	✓		
6.31	If hazardous waste was discharged during transport, did the transporter give notice, if required by 49 CFR 171.15, to the National Response Center (800-424-8802)? 263.30(c)(1)	✓		
6.32	If hazardous waste was discharged during transport, did the transporter report in writing as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590? 263.30(c)(2)	✓		
6.33	If hazardous waste was discharged during transport, did the transporter clean up the discharge so that it no longer presents a hazard to human health or the environment? 263.31	✓		
6.34	Has the transporter demonstrated the financial responsibility required under 62-730.150(2)(a)? 62-730.150(2)(a)	✓		
6.35	Does the transporter verify the evidence of financial responsibility annually? 62-730.150(3)	✓		

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

Tarin F Tischler	Inspector	
Principal Investigator Name	**Principal Investigator Title**	
	DEP	04/20/2022
Principal Investigator Signature	**Organization**	**Date**

Justin Stark	Inspector
Inspector Name	**Inspector Title**
	DEP
	Organization

Leroy Arce	Vice President, Resource Recovery
Representative Name	**Representative Title**
	Cliff Berry, Inc.
	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.

Romina Lancellotti	Inspector
Representative Name	**Representative Title**
	DEP
	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.

Michael Acosta	Lab Supervisor
Representative Name	**Representative Title**
	Cliff Berry, Inc.
	Organization

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Report Approvers:

Inspection Date: 03/01/2022

Approver:	Alannah B Irwin	**Inspection Approval Date:**	04/20/2022