

Thursby, Kim

From: Kelly Brandenburg <compliance@cliffberryinc.com>
Sent: Thursday, January 19, 2023 10:02 AM
To: Thursby, Kim
Cc: Smith, Michell M.; Walker, Kim (Waste); Bastek, Brian; 'Merizalde.carlos@epa.gov'; Eldredge, Susan F; Eckoff, Michael; Ashwood, Janet; vogel.jennifer@epa.gov; Petersen, Dane; 'deris@bdhcg.com'; Kothur, Bheem
Subject: RE: Cliff Berry, Inc. Canaveral; FLR 000 119 792;First Request for Additional Information (RAI)

EXTERNAL MESSAGE

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received

Kelly Brandenburg | Corporate Compliance | Cliff Berry, Inc. | compliance@cliffberryinc.com | (954) 763-3390 Ext 1005

From: Thursby, Kim <Kim.Thursby@FloridaDEP.gov>
Sent: Wednesday, January 11, 2023 2:29 PM
To: Kelly Brandenburg <compliance@cliffberryinc.com>
Cc: Smith, Michell M. <Michell.M.Smith@FloridaDEP.gov>; Walker, Kim (Waste) <Kim.Walker@FloridaDEP.gov>; Bastek, Brian <bastek.brian@epa.gov>; 'Merizalde.carlos@epa.gov' <merizalde.carlos@epa.gov>; Eldredge, Susan F <Susan.Eldredge@dep.state.fl.us>; Eckoff, Michael <Michael.Eckoff@FloridaDEP.gov>; Ashwood, Janet <Janet.Ashwood@FloridaDEP.gov>; vogel.jennifer@epa.gov; Petersen, Dane <Dane.Petersen@FloridaDEP.gov>; 'deris@bdhcg.com' <deris@bdhcg.com>; Kothur, Bheem <Bheem.Kothur@FloridaDEP.gov>
Subject: Cliff Berry, Inc. Canaveral; FLR 000 119 792;First Request for Additional Information (RAI)

CAUTION - EXTERNAL EMAIL

In an effort to provide a more efficient service, the Florida Department of Environmental Protection's Hazardous Waste Program and Permitting section is forwarding the attached document to you by electronic correspondence "e-correspondence" in lieu of a hard copy through the normal postal service.

We ask that you verify receipt of this document by sending a "reply" message to epost_hwrs@dep.state.fl.us (An automatic "reply message" is not sufficient to verify receipt). If your email address has changed or you anticipate that it will change in the future, please advise accordingly in your reply. You may also update this information by contacting Kim Thursby at (850) 245-8792.

The attached document is in "pdf" format and will require Adobe Reader 6 or higher to open properly. You may download a free copy of this software at www.adobe.com/products/acrobat/readstep2.html.

Your cooperation in helping us affect this process by replying as requested is greatly appreciated. If you should have any questions about the attached document(s), please direct your questions to the contact person listed in the correspondence.

Michell Mason Smith
Environmental Administrator
Hazardous Waste Program & Permitting





FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

REQUEST FOR ADDITIONAL INFORMATION

January 11, 2023

Kelly Brandenburg, Manager – Regulatory Affairs and Special Projects
P.O. Box 13079 Port Everglades Station
Fort Lauderdale, FL, 33316
compliance@cliffberryinc.com

Re: **First Request for Additional Information (RAI)**
Cliff Berry, Inc. Canaveral, Facility
EPA ID Number: FLR 000 119 792
Current Operating Permits: 249477-003-HO
DEP Application Numbers: 249477-004-HO
Brevard County – Hazardous Waste

Dear Kelly Brandenburg:

Thank you for your application for a Used Oil and Material Processing Permit Renewal for the above referenced Facility. A Department staff review of the application submitted on December 12, 2022, indicates the application is incomplete. Pursuant to the provisions of Rule 62-710.800, Florida Administrative Code (F.A.C.) and Chapter 403.722, Florida Statutes (F.S.), all processing of the application is suspended when a permit application is deemed incomplete. Please provide the information listed below and refer to this correspondence in your response.

1. *Used Oil Processing Facility Permit Application, Part I. A. General Information, Item number 3. Note: Used Oil Processors must also meet all applicable subparts, (describe compliance in process description for applicable standards) if there:* Facility marked as a Marketer (Subpart H), whereas approved 8700-12FL, form dated March 21, 2022, is not marked as a “Marketer”. Please review the 8700-12FL form and the Permit Application to assure the two (2) forms are consistent and modify as appropriate.
2. *Used Oil Processing Facility Permit Application, Part I. C. Operating Information, Item number 2. List Applicable EPA Hazardous Waste Codes, Page 3 of 9:* Permit application lists “NONE”, however, Form 8700-12FL, Florida Notification of Regulated Waste Activity, Item Number 10, Waste Codes for Federally Regulated Hazardous Wastes, lists D001, D003, F007, K019, P012, U112, All D, All F, Rarely K, All P, All U, and No Explosive, Waste Codes. Please review the 8700-12FL form and the Permit Application to assure the two (2) forms are consistent and modify as

- appropriate.
3. *Attachment 3, Waste Analysis Plan – Miami Facility, Pages 1 of 3 and 2 of 3*: Facility stamped these pages as “Confidential “. The department can not honor your request at this time, since the documents were submitted through electronic email.
 4. *Spill Prevention Control and Countermeasures Plan (SPCC) And Contingency Plan and Emergency Procedures, Section 1, Evaluation and Testing, Page 2*: Tanks shall be evaluated, and the re-testing frequency shall be established and implemented in accordance with API Std 653, November 2014, incorporated by reference in subsection 62-762.411(3), F.A.C. Storage tanks shall be evaluated at the time of installation. Evaluations shall be certified by a professional engineer licensed in the State of Florida or approved by an API Std 653 certified inspector. Non-destructive testing shall be performed by qualified personnel as specified in API Std 650, March 2013, incorporated by reference in subsection 62-672.201(67), F.A.C. and API Std, November 2014. All field erected tanks shall be repaired in accordance with API Std 653, November 2014. Field erected tanks with storage capacities of less than 250,000 gallons may be evaluated in accordance with STI SP001, January 2018, incorporated by reference in subsection 62-782.411(3), F.A.C., in lieu of API Std 653, November 2014. Internal and External inspections of the tanks may be required, to assess the condition of the above ground tanks and determine its suitability for continued service. Therefore, provide copies of the most recent internal and external tank inspections for all tanks listed in the application.
 5. *Used Oil and Material Processing Permit Applications, C. Operating Information, Item 10. Closure Plan is labeled as Attachment 8, Page 4 of 9, and Closure Plan Revised, dated January 2022, Introduction, First Paragraph, Last Sentence: CBI has plan to install three (3) additional tanks with a capacity of 75,000-gallons in 2020, making the total future capacity to 115,000-gallons*: Please review this sentence and revise as appropriate.
 6. Please provide Facility Site Plan (8.5”X11”) and Tank Table (8.5”X11”) in word document and pdf in order for us to insert them into the renewal permit.
 7. Please provide a brief history and description of any environmental enforcement actions taken by the Department, delegated local program, or federal agency against the applicant and provide a history of any reported releases or spills by the applicant within the past five (5) years.

In order for the Department to continue processing your Permit Application and deem it complete, please submit the information requested as soon as possible, and refer to this correspondence in your response. The response must be signed, sealed, and dated by a registered Florida Professional Engineer. The Department must receive a response within 90 days of the date of this letter, or April 11, 2023, unless a written request for additional time to provide the requested information is submitted and approved. Pursuant to subsection 62-4.055(1), F.A.C., failure of an applicant to provide the timely requested information by the applicable deadline may result in denial of the application.

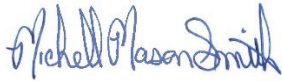
Please submit the response in electronic format to HWPP@dep.state.fl.us, with a copy to Bheem.kothur@floridadep.gov; If the file is very large, you may post it to a folder on this office’s ftp site at: <ftp://ftp.dep.state.fl.us/pub/incoming/DWM/FOLDER>. After posting the

Kelly Brandenburg, Manager – Regulatory Affairs and Special Projects
January 11, 2023
Page 3 of 3

document, send an e-mail to HWPP@dep.state.fl.us, with a copy to Bheem.kothur@floridadep.gov; alerting us that it has been posted.

If you have any questions, please contact Bheem Kothur by telephone at (850) 245-8781 or by e-mail at bheem.kothur@floridadep.gov

Sincerely,



Michell Mason Smith, Environmental Administrator
Hazardous Waste Program & Permitting

MS/bk

Cc:

Brian Bastek, EPA Region 4, bastek.brian@epa.gov

Carlos Merizalde, EPA Region 4, merizalde.carlos@epa.gov

Susan Eldredge, DEP Headquarters, susan.eldredge@floridadep.gov

Michael Eckoff, DEP Central District, Michael.eckoff@floridadep.gov

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