



**Florida Department of
Environmental Protection
Hazardous Waste Inspection Report**

FACILITY INFORMATION:

Facility Name: Cliff Berry Inc Fort Lauderdale

On-Site Inspection Start Date: 07/29/2024

On-Site Inspection End Date: 07/29/2024

ME ID#: 57109

EPA ID#: FLR000083071

Facility Street Address: 3400 SE 9th Ave, Fort Lauderdale, Florida 33316

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

County Name: Broward

Contact Phone: (954) 763-3390

NOTIFIED AS:

Transporter, Used Oil, VSQG

WASTE ACTIVITIES:

Generator: VSQG **Transporter:** Own Waste, Commercial Waste **TSD:** Operating Non-Commercial TSD **Used Oil:** Oil Filters, Processor **Other:** Transport **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 Transporter Facility

INSPECTION PARTICIPANTS:

Principal Inspector: Kaitlyn Taylor, Inspector

Other Participants: Jade Knight, Environmental Specialist II, Kelly Brandenburg, Corporate Compliance

LATITUDE / LONGITUDE: Lat 26° 5' 0.9698" / Long 80° 7' 57.7718"

NAIC: 562219 - Other Nonhazardous Waste Treatment and Disposal

TYPE OF OWNERSHIP: Private

Introduction:

On July 29, 2024 (07/29/2024), Kaitlyn Taylor with the Florida Department of Environmental Protection (FDEP) conducted a compliance evaluation inspection at Cliff Berry Inc Fort Lauderdale (hereinafter CBI or facility) located at 3400 SE 9th Ave, Fort Lauderdale, FL 33316. CBI was inspected to determine the facility's compliance with the state and Federal hazardous waste regulations described in Title 40, Code of Federal Regulations (CFR) Parts 260-268 and 279, adopted and incorporated by reference in Rule 62-710 and 62-730 Florida Administrative Code (F.A.C.). The inspector was accompanied by Jade Knight with the FDEP.

The inspectors were escorted around the facility by Kelly Brandenburg, Corporate Compliance. Upon arrival at the facility, the inspectors presented their credentials and explained the purpose of the inspection.

CBI occupies 8 acres and is connected to the city water and sewer and has one septic tank. CBI has been operating at its current location since the 1960's and employs 45 staff. The facility operates 8am-5pm Monday through Friday.

Notification History:

CBI currently operates as a Used Oil and Material Processing Facility under permit numbers 192423-009-HO and 192423-010-SO. These permits were issued on 04/25/2022 and expire on 04/22/2027.

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The facility initially notified with the Department as a Hazardous Waste Transporter and Used Oil Handler on 12/6/2001 and was assigned the EPA Identification (EPAID) Number FLR000083071. The facility most recently notified in 2024 as a Very small quantity generator (VSQG) and transporter of hazardous waste; a large quantity handler (LQH) and transporter of universal waste; a transporter, transfer facility, and processor of used oil; and a transporter and transfer facility of used oil filters.

Inspection History:

- 03/11/2020: The facility was inspected by the Department as a permitted used oil processor and HW transporter and was found to be out of compliance at the time of the inspection. The violation pertaining to a de minimis used oil spill, was resolved on 04/01/2020.
- 05/13/2021: The facility was inspected by the Department as a Used Oil Processor, Transporter, and Transfer facility as well as a HW Transporter and was found to be in-compliance at the time of the inspection.
- 11/01/2022: The facility was inspected by the Department as a Used Oil Processor, Transporter, and Transfer facility as well as a HW Transporter and was found to be in-compliance at the time of the inspection.

Personal Protective Equipment (PPE) was required to enter the facility. The Department inspectors were equipped with steel-toed boots, safety vest, safety glasses, and a face mask.

Process Description:

Cliff Berry Inc. offers environmental services (used oil transportation, hazardous waste transportation, and Used oil processing) to a wide variety of companies nationwide.

Used Oil Processing Activities:

The facility is authorized to operate as a Used Oil processor as declared in their permit, but the representative informed the Department that used oil processing ceased at this location and that all used oil processing is done in their Miami Plant. The facility plans to maintain their used oil processor permit because of the capacity of their tanks and any future emergency that would require that type of operation. The representative informed the inspectors that the CBI trucks do not offload Used Oil in this location, the used oil remains in their tank and is then transported to the CBI Miami plant.

Hazardous Waste Activities:

The representative informed the inspectors that the facility does not handle hazardous waste frequently, and that this location is not permitted to be a Hazardous Waste Transfer Station. Any hazardous waste received at this location, is transported within 24 hours or less to the CBI Miami plant.

The facility consists of the following areas where waste is stored or generated:

- Storage and Wash Bay
- Tank Farm
- Maintenance

Storage and wash bay:

In this area CBI washes the interior of the clients' trucks that are soiled with used oil residue and oily solid debris. The wash bay is sectioned in two areas, one slated surface to retain the oily water that is generated after washing the truck, and one that serves as the roll-off/solidification area and storage for cleaning products. The oily water generated is pumped into a 6,000-gallon tank that is stored in the wash bay area and then pumped to the tank farm for storage until it is transported to the CBI Miami plant for processing. There are drains throughout the wash bay area and outside that collect all discharged oily water and non-oily water in the facility that goes to an oily water separator which is in the back of the facility. The solids are bulked and/or processed in a roll-off container for disposal. This area is inspected daily.

Inspectors observed the following:

- Two 55-gallon drums of non-hazardous oily solids waiting to be added to the roll-off.

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- One 20-cubic yard roll-off container.

Inspectors were informed that the drums that get stored in this area are typically from cleanups, which mainly include oily absorbents/solids and oily water.

Tank Farm:

The facility has 16 tanks all constructed of steel and located within a concrete secondary containment structure that is sealed and impervious to petroleum products as stated in permit numbers 192423-009-HO and 192423-010-SO. The tank farm is inspected daily. No discrepancies were observed at the time of the inspection.

The facility has one pump station where trucks pump oily water and petroleum contact water (PCW) into the storage tanks. The pump station is located near a storm drain that remains closed while pumping in case of a spill or leak. If water accumulates on top of the storm drain during pumping it is properly cleaned up before opening the drain.

Inspectors observed the following:

- Two 55-gallon drums of oily solids.

Maintenance:

The maintenance bays are where CBI employees conduct maintenance and repairs on the facilities fleet vehicles and where products are stored. Inspectors were informed that oily mop water is disposed of in their oily water tank and will be transported to the CBI Miami plant for processing.

Inspectors observed the following:

- Seven spent lead acid batteries for recycling.
- Scrap metal for recycling.
- One 500-gallon double walled tank labeled "used oil".
- One 55-gallon drum labeled "used antifreeze".
- One 55-gallon drum labeled "used oil filters".
- One 55-gallon drum of oily rags.
- One 20-gallon drum of oily rags.
- Three used oil caddies. Two of these caddies were not labeled "used oil" (40 CFR 279.22(c)(1)). Compliance assistance was provided onsite and in the exit interview to properly label the caddies.

Records Review:**Preparedness and Prevention:**

Spill kits, eye wash and shower stations, fire alarms, and fire extinguishers are available on-site [40 CFR 279.52 (a)(2)]. The facility conducts routine inspections, testing, and maintenance of all communications systems, fire protection equipment, spill control equipment, and decontamination equipment [40 CFR 279.52(a)(3)]. The facility utilized intrinsically safe phones and alarms for internal communications. Alarms directly contact the authorities for external communication [40 CFR 279.52(a)(2)]. Adequate aisle space was observed throughout the facility [40 CFR 279.52(a)(5)]. The facility could demonstrate that the appropriate arrangement with the local police, fire department, hospital, and local emergency response agencies have been made [40 CFR 279.52(a)(6)].

SPCC Plan:

The facilities SPCC plan accurately demonstrates 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 [40 CFR 112.7]. The most recent revision occurred in January of 2022.

Contingency Plan:

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The facility maintains a full contingency plan that includes emergency contact information, an evacuation map, and emergency response and preparedness procedures [40 CFR 279.52(b)(2)]. The most recent revision occurred in January of 2022. Compliance assistance was provided onsite and in the exit interview to review their contingency plan annual and document the date of review per the facilities' permits 192423-009-HO; 129423-010-SO Part II Subpart A – General Operating Conditions #6 (40 CFR 270.30(a)).

The facility has a designated emergency coordinator that is available on site or on call [40 CFR 279.52(b)(5)]. The primary emergency coordinator is Jon Hines, Southeast Area Manager.

Personnel Training:

The facility conducts annual training for all staff according to their job responsibilities. The various trainings include HAZWOPER, DOT, and Used Oil Transportation and Management. All records are maintained onsite.

Manifest Records:

The facility has not generated any hazardous waste within the past three years [62-730.030(2) FAC].

Acceptance and delivery records for transportation of all hazardous waste for the past three years were available for review [40 CFR 263.22].

Acceptance and delivery records for used oil activities for the past three years were available 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 [40 CFR 279.46 & 56].

Waste Analysis Plan:

The facility maintains a complete waste analysis plan that demands halogen testing and pH testing for incoming shipment at the Fort Lauderdale location [40 CFR 279.55]. This facility does not accept used oil, only oily water and solids, so used oil goes straight to the Miami plant and uses the laboratory of the Miami plant.

Annual Reports:

The facility's Annual Reports from the last three years were available to the inspectors for review. The most recent Annual Report appeared to be complete and in order.

Financial Assurance:

The facility was able to provide proof of financial assurance and tank insurance.

Closure Plan:

The closure plan and closure cost estimates for the facility were available for review [62-710.800(5) F.A.C.].

Inspections:

The facility was able to provide daily processed solid waste inspection logs and tank inspection logs.

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

Type: Violation
 Rule: **270.30(a)**
 Explanation: The facilities' permit (192423-009-HO; 129423-010-SO Part II Subpart A – General Operating Conditions #6) states “The Permittee shall perform at a minimum, an annual review of the Contingency Plan to ensure that it is up to date and contains current information. The date of review should be noted in the written operating record at the facility.” At the time of the inspection the Contingency Plan listed that the most recent review was conducted January 2022.
 Corrective Action: The facility should comply with all permit requirements by reviewing the contingency plan annually and documenting the date of review.

Comments:

The facility submitted corrective actions on 7/30/2024.

Type: Violation
 Rule: **279.22(c)(1)**
 Explanation: Inspectors observed two used oil caddies with no label.
 Corrective Action: The facility should label all used oil caddies with the words "Used Oil".

Comments:

The facility submitted corrective actions on 7/30/2024.

Photo Attachments:

Caddies without labels



Caddies with labels



PHOTO ATTACHMENTS:

Storage and Wash Bay Area



Tank Farm



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Conclusion:

Cliff Berry Inc Fort Lauderdale was inspected as a Very small quantity generator (VSQG) and transporter of hazardous waste; a large quantity handler (LQH) and transporter of universal waste; a transporter, transfer facility, and processor of used oil; and a transporter and transfer facility of used oil filters and was found to be out of compliance for the following:

- Failure to comply with permit requirements for reviewing the contingency plan annually and documenting the date of review (40 CFR 270.30(a)).
- Failure to label used oil caddies "used oil" (40 CFR 279.22(c)(1)).

On 07/30/2024, the facility submitted all corrective actions and have since returned to compliance.

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1.0: Pre-Inspection 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.

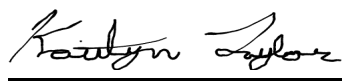
Item No.	Pre-Inspection Review	Yes	No	N/A
1.1	Has the facility notified with correct status? 262.18(a)	✓		
1.2	Has the facility notified of change of status? 62-730.150(2)(b)	✓		
1.3	Did the facility conduct a waste determination on all wastes generated? 262.11	✓		

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

Kaitlyn Taylor
Principal Investigator Name

Inspector
Principal Investigator Title


Principal Investigator Signature

DEP
Organization

09/11/2024
Date

Jade Knight
Inspector Name

Environmental Specialist II
Inspector Title

DEP
Organization

Kelly Brandenburg
Representative Name

Corporate Compliance
Representative Title

Cliff Berry
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.

Report Approvers:

Approver: Viviana Useche

Inspection Approval Date: 09/11/2024