

Thursby, Kim

From: Kelly Brandenburg <compliance@cliffberryinc.com>
Sent: Monday, March 6, 2023 2:20 PM
To: Kothur, Bheem
Cc: Thursby, Kim
Subject: RE: Cliff Berry, Inc. Miami; FLD 058 560 699; Notice of Intent to Issue a Renewal Permit

EXTERNAL MESSAGE

This email originated outside of DEP. Please use caution when opening attachments, clicking links, or responding to this email.

Message received. Yes, very important to include compliance@cliffberryinc.com The cb2 email is Cliff himself and he is not focused on emails. I will begin the publication process on this.

Thank you Bheem for following up as this would have been lost.

Kelly Brandenburg | Corporate Compliance | Cliff Berry, Inc. | compliance@cliffberryinc.com | (954) 763-3390 Office | (760) 274-3024 Mobile |

From: Kothur, Bheem <Bheem.Kothur@FloridaDEP.gov>
Sent: Monday, March 6, 2023 2:17 PM
To: Kelly Brandenburg <compliance@cliffberryinc.com>
Cc: Kothur, Bheem <Bheem.Kothur@FloridaDEP.gov>; Thursby, Kim <Kim.Thursby@FloridaDEP.gov>
Subject: FW: Cliff Berry, Inc. Miami; FLD 058 560 699; Notice of Intent to Issue a Renewal Permit

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Kelly,
Please confirm you received the documents and respond to Epost, cc me.
Thanks.

Bheem

From: Thursby, Kim <Kim.Thursby@FloridaDEP.gov>
Sent: Friday, March 3, 2023 9:25 AM
To: Cliff Berry II <cb2@cliffberryinc.com>
Cc: Smith, Michell M. <Michell.M.Smith@FloridaDEP.gov>; Walker, Kim (Waste) <Kim.Walker@FloridaDEP.gov>; Bastek, Brian <bastek.brian@epa.gov>; Rodgers-Smith, Delores <Rodgers-Smith.Delores@epa.gov>; 'Merizalde.carlos@epa.gov' <merizalde.carlos@epa.gov>; vogel.jennifer@epa.gov; Financial Assurance Working Group <Financial.Assurance.Working.Group@dep.state.fl.us>; Irwin, Alannah <Alannah.Irwin@FloridaDEP.gov>; 'annie_dziergowski@fws.gov' <annie_dziergowski@fws.gov>; 'FWCConservationPlanningServices@myfwc.com' <FWCConservationPlanningServices@myfwc.com>; 'fsuarez@miamigov.com' <fsuarez@miamigov.com>; 'district2@miamidade.gov' <district2@miamidade.gov>; Petersen, Dane <Dane.Petersen@FloridaDEP.gov>; Ashwood, Janet <Janet.Ashwood@FloridaDEP.gov>; Eldredge, Susan F <Susan.Eldredge@dep.state.fl.us>; 'deris@bdhcg.com' <deris@bdhcg.com>; Ciaravella, Philip <Philip.Ciaravella@FloridaDEP.gov>; Kromhout, Elizabeth

<Elizabeth.Kromhout@FloridaDEP.gov>; Kothur, Bheem <Bheem.Kothur@FloridaDEP.gov>

Subject: Cliff Berry, Inc. Miami; FLD 058 560 699; Notice of Intent to Issue a Renewal Permit

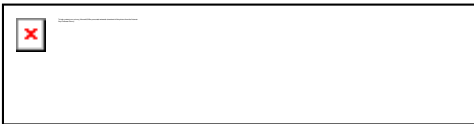
In an effort to provide a more efficient service, the Florida Department of Environmental Protection's Hazardous Waste Program and Permitting section is forwarding the attached document to you by electronic correspondence "e-correspondence" in lieu of a hard copy through the normal postal service.

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

March 3, 2023

Cliff Berry II, Chief Executive Officer
Cliff Berry, Inc.
P.O. Box 13079
Fort Lauderdale, FL 33316
Cb2@cliffberryinc.com

Re: **Notice of Intent to Issue a Renewal Permit**
Cliff Berry, Inc. Miami Facility
EPA ID Number: FLD 058 560 699
Draft Operating Permit: 77628-011-HO; 77628-012-SO
Miami-Dade County, Florida

Dear Berry:

The purpose of this letter is to provide Notice of Intent to Issue a Renewal Permit for your facility located at 3033 NW North River Drive, in **Miami**, Miami-Dade County, Florida, specifically for Operation of a Used Oil and Material Processing Facility. Please review the attached documents and ensure publication within the time allotted.

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

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Sincerely,

A handwritten signature in blue ink that reads "Michell Mason Smith".

Michell Mason Smith, Environmental Administrator
Hazardous Waste Program & Permitting

Enclosures

cc (with Enclosures):

Brian Bastek, EPA Region 4 bastek.brian@epa.gov
Delores Rogers-Smith, EPA Region 4, rodgers-smith.delores@epa.gov
Carlos Merizalde, EPA Region 4, merizalde.carlos@epa.gov

www.floridadep.gov

Jennifer Vogel, EPA Region 4, vogel.jennifer@epa.gov
Financial Assurance Working Group, DEP Headquarters,
financial.assurance.working.group@floridadep.gov
Alannah Irwin, DEP Southeast District, alannah.irwin@floridadep.gov
Annie Dziergowski, U.S. Fish & Wildlife Service annie_dziergowski@fws.gov
Florida Fish & Wildlife Conservation Planning Services
FWCConservationPlanningServices@myfwc.com
Mayor Francis Suarez, Mayor of City of Miami, fsuarez@miami.gov
Marleine Bastein, Board of County Commissioners District 2, district2@miamidade.gov
Dane Petersen, DEP OGC, Tallahassee, dane.petersen@floridadep.gov
Janet Ashwood, DEP Headquarters, janet.ashwood@floridadep.gov
Susan Eldredge, DEP Headquarters, susan.eldredge@floridadep.gov
Deris Bardales, deris@bdhcg.com
Phil Ciaravella, DEP Headquarters, phil.ciaravvella@floridadep.gov
Elizabeth Kromhout, DEP Headquarters, Elizabeth.kromhout@floridadep.gov

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In the Matter of an
Application for a Permit by:

*Cliff Berry, Inc.
3033 NW North River Drive
Miami, Florida 33316*

*DEP File No.: 77628-011-HO, 77628-012-SO
Miami-Dade County*

INTENT TO ISSUE

The Florida Department of Environmental Protection (DEP or Department) gives notice of its intent to issue a Permit (draft copy enclosed) for the proposed project as detailed in the application specified above, for the reasons stated below.

On November 20, 2022, the applicant, Cliff Berry, Inc. applied to the Department and provided supplemental information dated February 8, 2023, and February 27, 2023, for a Used Oil & Material Processing Renewal Permit to process used oil, oily wastewater, oily solid waste, and collect used oil filters, at Cliff Berry, Inc. in Miami, Florida. The application and supplemental information can be located at: <http://depdms.dep.state.fl.us/Oculus/servelet/login>

The Department has permitting jurisdiction under Section 403.704(10) and 403.769, Florida Statutes (F.S.) and Chapters 62-4, 62-701, 62-710, 62-730, Florida Administrative Code (F.A.C.). The project is not exempt from permitting procedures. The Department has determined that a Permit is required for the proposed work. The Department intends to issue a Permit with the conditions included in the enclosed draft, which will replace all previous permits and permit modifications for this facility.

The following conditions of Permit 77628-009-HO, 77628-010-SO are amended as follows.

| SPECIFIC CONDITIONS | FROM | TO | TYPE OF REVISIONS |
|--|-------------|-----------|---|
| Title Page | Existing | Amended | Update of Permit No. 77628-011-HO, 77628-012-SO; and renewal application dates. |
| Page 2 | Existing | Amended | Added renewal application documents. |
| Part I and Part II (Pages 6 through 21). | Existing | Amended | Updated Permitting Template as Appropriate. |
| Pages 27 through 28 | Existing | Amended | Updated to include Revised Map and Tank Table. |

Pursuant to Sections 403.722 and 403.815, F.S., and Chapters 62-710.210 and 62-730.292, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Newspaper Notice.

The Newspaper Notice shall be published one time only within 30 days of receipt of the Intent in the legal ad section of a daily, major newspaper of general circulation in the area affected. The newspaper must be printed and published periodically at least once a week, contain at least 25 percent of its words in the English language, be for sale to the public generally, be available to the public generally for the publication of official or other notices with no more than 75 percent of its content dedicated toward advertising (as measured in half of the newspaper's issues that are published during any 12-month period), and customarily contain information of a public character or of interest or of value to the residents or owners of property in the county where published, or of interest or of value to the general public. The newspaper must have been in existence for two years, unless no such newspaper exists in the affected area (see Sections 50.011 and 50.031, F.S.). Where there is more than one daily newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permit. If you are uncertain that a newspaper meets these requirements, please contact the Department's Office of General Counsel at (850) 245-2242. The applicant shall provide proof of publication to the Department of Environmental Protection at 2600 Blair Stone Road, Mail Station #4560, Tallahassee, Florida 32399-2400; Attention: Administrator, Permitting and Compliance Assistance Program, within 7 days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the Permit.

NOTICE OF RIGHTS

The Department will issue the Permit with the attached conditions unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

Your 14-day period for requesting an administrative hearing begins on the date you receive this Intent. The procedures for petitioning for a hearing are set forth below and apply to you, as applicant and Permittee.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified

representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation is not available in this proceeding.

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

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EXECUTION AND CLERKING

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

**Kimberly A.
Walker**

Digitally signed by Kimberly
A. Walker
Date: 2023.03.03 09:01:52
-05'00'

Kimberly A. Walker, Program Administrator
Permitting & Compliance Assistance Program
2600 Blair Stone Road, MS 4550
Tallahassee, Florida 32399-2400

FILING AND ACKNOWLEDGMENT

FILED on this date pursuant to Section 120.52(11), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Kim Thursby Digitally signed by Kim Thursby
Date: 2023.03.03 09:14:57 -05'00'

Clerk

Date

Newspaper Notice:

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF INTENT TO ISSUE

THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP OR DEPARTMENT) GIVES NOTICE OF ITS INTENT TO ISSUE A PERMIT UNDER SECTION 403.722, FLORIDA STATUTES (F.S.), AND CHAPTERS 62-4, 62-701, 62-710, 62-730, 62-740, OF THE FLORIDA ADMINISTRATIVE CODE (F.A.C.) TO Cliff Berry, Inc. This permit relates to the facility located at 3033 NW North River Drive, in Miami, Miami-Dade County, Florida, having assigned facility ID number FLD 058 560 699, and is issued as part of DEP's Used Oil and Solid Waste Management Programs.

The draft Permit contains the conditions for Permit(s) 77628-011-HO, 77628-012-SO. The Used Oil & Material Processing Permit is intended to be issued to allow Cliff Berry, Inc. to process used oil, oily wastewater, oily solid waste, and used oil filters and a 10-day or less HW-Transfer Station at Cliff Berry, Inc. located in Miami, Florida.

Copies of the application and the draft Permit are available for public inspection during normal business hours 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at DEP Southeast District Office, 3301 Gun Club Road, SC 7201-1, West Palm Beach, Florida 33406, (561) 681-6600, and at Permitting & Compliance Assistance Program, Division of Waste Management, Bob Martinez Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850) 245-8781. Electronic copies of the application and supplemental information can be accessed in the Department's OCULUS data system located at:

<http://depedms.dep.state.fl.us/Oculus/servlet/login>

The Department will issue the Permit unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of all material facts disputed by petitioner, if there are none, the petition must so indicate; (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement of which rules or statutes the petitioner contends



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

PERMITTEE:
CLIFF BERRY, INC.
P.O. BOX 13079
FORT LAUDERDALE, FLORIDA 33316

I.D. NUMBER: FLD 058 560 699

PERMIT NUMBER: 72815-011-HO; 72815-012-SO
DATE OF ISSUE: DRAFT
EXPIRATION DATE: FEBRUARY 12, 2028

ATTENTION:
CLIFF BERRY, II, CHIEF EXECUTIVE OFFICER

COUNTY: Miami-Dade
PROJECT: USED OIL AND MATERIAL PROCESSING
FACILITY

Pursuant to authorization obtained by the Florida Department of Environmental Protection (FDEP) under the Resource Conservation and Recovery Act [42 United States Code (U.S.C.) 6901, *et seq.*, commonly known as RCRA], and 40 Code of Federal Regulations 279, this permit is issued under the provisions of Section 403.722 Florida Statutes (F.S.), and Chapters 62-4, 62-160, 62-701, 62-710, 62-730, 62-740, 62-762, 62-777 and 62-780 Florida Administrative Code (F.A.C.). This permit replaces expired permit 77628-011-HO and 77628-012-SO. The above-named Permittee is hereby authorized to perform the work or operate the facility shown on the application dated November 20, 2022, and revised or supplemented by documentation submitted on February 8, 2023, that are incorporated herein and collectively referred to as the "permit application." The permit application also includes any approved drawing(s), plans, and other documents that are specifically identified and incorporated by reference. The permitted units or permitted activities are specifically described as follows:

To operate a Used Oil and Material Processing Facility hereinafter referred to as the "Facility". The Used Oil and Material Processing Facility is located on an approximately 3.39-acre parcel of land owned by Cliff Berry, Inc. (CBI) in Miami-Dade County, at 3033 NW North River Drive, Miami, Florida, 33142. Diagrams of the site layout and tank storage area are included as Attachment A (Facility Map) of this permit. Tank capacity and contents are shown in Attachment B (Tank Table) of this permit.

The facility is authorized to process used oil, oily wastewater, petroleum contact water, oily solid waste and used oil filters. The Facility consists of a container and drum storage area, an oil filter processing system, a wastewater pre-treatment system, and a loading and unloading area. Oily waters/wastewaters are separated and/or decanted, and they are pretreated on site prior to discharge off site for disposal at a permitted facility.

Facility is also permitted to store and operate a ten (10) day or less, Hazardous Waste Transfer Station.

In addition, the Permittee may generate solid waste from their wastewater treatment processes and used oil processing. These wastewater treatment solids and oily solid wastes are placed into no more than three (3) 20-cubic yard roll-off containers and shipped to a permitted, lined solid waste landfill for disposal. The maximum number of drums of oily wastes awaiting processing on site at any one time shall not exceed 1,750 55-gallon drums.

The Facility currently consists of thirty-one (31) tanks ranging from 5000 gallons to 50,000 gallons and seven (7) 126,000-gallon tanks. The primary and secondary materials stored in these tanks are as listed in Attachment B of this permit. All tanks and piping are located within secondary containment unit as shown in Attachment A. The facility is authorized to store and use a total of 904,590 gallons (95% of capacity) of used oil in the above ground storage tanks and related appurtenances currently in use at the facility. Details for specific tanks are listed in Attachment B of this permit.

The Permittee is required to investigate any releases of contaminants to the environment at the facility regardless of the time at which waste was placed in a unit and to take appropriate corrective action for any such releases. Pursuant to 40 CFR 260.10 [as adopted by reference in Rule 62-730.020(1), F.A.C.], and Chapter 62-780 F.A.C. corrective requirements extend to all property under control of the Permittee (see Attachment A, a map of the property boundaries of the land under the Permittee's control) and to all contamination that originated from discharges at the property under control of the Permittee.

This permit is based on the premise that information and reports submitted by the Permittee prior to issuance of this permit are accurate. Any inaccuracies found in this information or information submitted as required by this permit may be grounds for termination or modification of this permit in accordance with Rules 62-4.050 and 62-710.800 F.A.C. and potential enforcement action.

The following documents were used in the preparation of this permit:

1. Operating Permit Numbers 77628-006-HO and 77628-007-SO dated July 26, 2013.
2. Permit Major Modification 77628-008-HO and 77628-007-SO dated August 19, 2015.
3. Form 8700-12FL Notification of Regulated Waste Activity dated January 9, 2017.
4. Permit Renewal Application and supplemental information dated December 18, 2017 and January 11, 2018.
5. DEP Request for Additional Information letter dated January 25, 2018.
6. DEP Financial Assurance documentation approval dated February 9, 2018.
7. Facility responses to Request for Additional Information dated February 9, 2018, February 20, 2018, and February 26, 2018.

8. Permit Renewal Application dated November 20, 2022.
9. DEP Request for Additional Information dated December 20, 2022.
10. Facility Response for Additional Information dated February 8, 2023.

DRAFT

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PERMITTEE: Cliff Berry, Inc.
I.D. NUMBER: FLD 058 560 699

PERMIT NUMBER: 77628-011-HO; 77628-012-SO
EXPIRATION DATE: February 12, 2028

| Permit Renewal (most recent) | | | |
|---|----------|-------------------------------|---|
| Effective Date | Duration | Permit Number | Brief Description |
| MONTH XX, 2023 | 5 years | 77628-011-HO, 77628-012-SO | Used Oil and Material Processing Permits |
| Table of Permit Modifications | | | |
| Effective Date | Class* | Permit Number | Brief Description |
| | | | N/A Applicable at This Time! |
| | | | |
| | | | |
| | | | |
| *Chapter 62-710, Florida Administrative Code. | | | |

PART I – GENERAL AND STANDARD CONDITIONS

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are “permit conditions” and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The Permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in Sections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the Permittee from liability for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the Permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The Permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the Permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. This permit or a copy thereof shall be kept at the work site of the permitted activity. In the event that there is no building or reasonable repository for such a copy at the work site, an alternate location must be approved by the Department in writing.
8. The Permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be

required by law and at reasonable times, access to the premises where the permitted activity is located or conducted for the activities below. Reasonable time may depend on the nature of the concern being investigated.

- a. Have access to and copy any records that must be kept under conditions of the permit.
 - b. Inspect the facility, equipment, practices, or operations regulated or required under this permit.
 - c. Sample or monitor any substances or parameters at any time or location reasonably necessary to assure compliance with this permit or Department rules.
9. The conditions in this permit shall take precedence over the permit application documents where there are differences between those documents and the permit conditions.
10. In accepting this permit, the Permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of the permitted activity which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted activity arising under the Florida Statutes or Department rules, except where such use is prescribed by Section 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
11. The Permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the Permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.
12. The Permittee shall comply with the following notification and reporting requirements:
 - a. If for any reason the Permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the Permittee shall immediately provide the Department's RCRA Manager with the following information:
 - (1) A description of and cause of noncompliance.
 - (2) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The Permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.
 - b. The Permittee will report any event requiring emergency response or noncompliance that may endanger human health or the environment from fires and explosions or releases of hazardous waste that may endanger public drinking water supplies. The

Permittee will report to the Department's RCRA Manager verbally within 24 hours, and provide a written report of the incident to the Hazardous Waste Program & Permitting Section at the address in Part I.15 or by alternate means (e.g., e-mail) as approved by the Department, within five calendar days. It is the responsibility of the Permittee to ensure receipt of the written report. The Department of Environmental Protection's 24-hour emergency telephone number is (850) 413-9911 or (800) 320-0519. During normal business hours, the Hazardous Waste Program & Permitting Section in Tallahassee may be contacted at 850-245-8707, or the DEP District Office may be contacted at (561) 681-6600 (West Palm Beach).

(1) The verbal report shall include the following information:

- (a) The name, address, I.D. number, e-mail address, and telephone number of the facility and its owner or operator.
- (b) The date, time, and type of incident.
- (c) The identity and quantity of materials involved.
- (d) The extent of any injuries.
- (e) An assessment of actual or potential hazards.
- (f) The estimated quantity and disposition of recovered materials.

(2) The written report shall include all of the information in the verbal report and the following information:

- (a) A description and cause of the noncompliance.
- (b) If not corrected, the expected time of correction, and the steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

c. The Permittee shall record all releases greater than one (1) gallon in the facility's written operating record. If a release equal to or greater than twenty-five (25) gallons occurs, the Permittee shall also notify the Department, no later than 24 hours after occurrence, using the Discharge Report Form [DEP Form Number 62-762.900(1)] in accordance with Rule 62-780.210(1), F.A.C., and 62-762.411(5), F.A.C., if the discharge is from an Aboveground Storage Tank System regulated by Chapter 62-762, F.A.C. The Permittee shall inform the Department immediately if a release requires the Permittee to take any of the tanks out of service. Releases shall be immediately cleaned up in accordance with the approved facility Contingency Plan, this permit, and any applicable rules.

(1) For all releases, the information recorded, and/or submitted to the Department, shall include at a minimum, the location of the release, time of the release, time and description of the response, and all relevant information (e.g., location of site(s) on a map of appropriate scale; general dimensions of affected area; media affected; hazardous constituents released; and magnitude of release).

- (2) The Department may conduct, or require that the Permittee conduct, confirmatory sampling in order to determine whether contamination is present.
 - (3) Depending upon the type of discovery, notification requirements of Part I.12.b may also be required.
- d. Before closing or making any substantial modification to the facility, the Permittee shall submit to the Department the Used Oil Processing Facility Permit Modification Request, pursuant to Rule 62-4.080 and Subsection 62-710.800(3), F.A.C. The engineering aspects of the request must be certified by a Professional Engineer registered in the State of Florida.
 - e. Capacity: In order to prevent overflow, the Permittee shall notify the Department when the volume of used oil, oily wastewater or PCW stored in any of the permitted tanks exceeds ninety-five percent (95%) of the maximum storage capacity of the tank as specified in the Operating Information section of the permit application and Attachment B of this permit.
 - f. Annual Reporting:
 - (1) Used Oil: The Permittee shall submit an annual report covering used oil processing facility activities conducted during the previous calendar year to the Department on DEP Form 62-710.901(3), F.A.C., by March 1 of each year in accordance with Subsection 62-710.510(5), F.A.C. The report shall summarize the records kept pursuant to Rule 62-710.510 and Subsection 62-740.300(5), F.A.C.
 - (2) PCW: The Permittee shall submit an annual report covering petroleum contact water (PCW) activities for the previous year by March 1 of each year. The report shall include:
 - (a) The total quantity of PCW received during the previous calendar year.
 - (b) An estimate of the total quantity of product recovered from the PCW as described in the permit application pursuant to Rule 62-740.300(5), F.A.C.
13. The Permittee shall comply with the following recordkeeping requirements:
- a. Upon request, the Permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
 - b. The Permittee shall hold all information required by the permit at the facility or other location designated by this permit. This includes records of all monitoring information (including all calibration and maintenance records and all original recordings for continuous monitoring instrumentation); copies of all reports; and records of all data used to complete the permit application. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

- c. All manifests, both electronic and paper, must be submitted to EPA's Hazardous Waste Electronic Manifest (e-Manifest) System.
 - d. Records of monitoring information shall include all required items in Chapter 62-160, F.A.C., and the following information:
 - (1) The date, exact place, and time of sampling or measurements.
 - (2) The person responsible for performing the sampling or measurements.
 - (3) The dates that analyses were performed.
 - (4) The person responsible for performing the analyses.
 - (5) The analytical techniques or methods used.
 - (6) The results of such analyses.
 - e. Information regarding the recordkeeping requirements for those facilities that handle and/or store Petroleum Contact Water (PCW) are provided in detail in Part II Subpart D of this permit, if applicable.
14. Within the timeframe requested by the Department, the Permittee shall furnish any information required by law which is needed to determine compliance with the permit. If the Department's request does not include a timeframe, the time of response is 30 days. If the Permittee becomes aware that the relevant facts were not submitted or were incorrect in the permit application or any report submitted to the Department, such facts or information shall be corrected promptly.
15. Except as otherwise specifically provided in this permit, all submittals in response to permit conditions shall be provided as described below. Submittals may be directed to alternative addresses (*i.e.* electronic submittal) and will not require a permit modification. Technical submittals (*e.g.* workplans, reports) provided in digital format must be in optical media format (Cd or DVD) or through a secured internet port (*i.e.* username/password encryption) when one is available.

Environmental Administrator
Florida Department of Environmental Protection
Hazardous Waste Program & Permitting
2600 Blair Stone Road, M.S. 4560
Tallahassee, Florida 32399-2400

In addition to copies sent to Hazardous Waste Program and Permitting in Tallahassee, submittals shall also be sent to:

Hazardous Waste Compliance Assurance
Florida Department of Environmental Protection
Southeast District Office, 3301 Gun Club Road, West Palm Beach, FL 33406

16. All documents submitted pursuant to the conditions of this permit shall be accompanied by a cover letter stating the name and date of the document submitted, the number(s) of the Part(s) and Condition(s) of the permit affected, the E.P.A. I.D. number, and the permit number and project name of the permit involved.
 17. The Permittee shall revise "Part I – General" of the Application for a Used Oil Processing Facility Permit [DEP Form 62-710.901(6)] and submit the revised form to the Department within 30 days of any changes in the Part I information. Changes in the Part I information may also require changes to the Department's 8700-12FL form.
 18. The Permittee may claim that any information required to be submitted by this permit is confidential in accordance with Chapter 403.73, F.S.
 19. This permit is transferable only upon written Department approval in accordance with Rules 62-4.120 and 62-710.800 F.A.C., as applicable. The Permittee shall submit an application for transfer of the permit, at least thirty (30) days prior to transferring the facility, on DEP Form 62-1.201(1), F.A.C., accompanied with an appropriate application fee, required pursuant to Rule 62-4.050, F.A.C. The Permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department. Before transferring ownership or operation of this facility during the term of this permit, the Permittee must notify the new owner or operator in writing of the requirements of 40 CFR Part 279 and Chapter 62-710, F.A.C.
 20. The following conditions apply to renewal, modification and revocation of this permit:
 - a. The Permittee shall submit a complete application for the renewal of this permit, on DEP Form 62-710.901(6), F.A.C. - the "Used Oil Processing Facility Permit Modification Request", and in a manner prescribed by the Department, a minimum of 60 calendar days before the expiration of the permit, unless the facility is to be closed prior to the expiration date of this permit per the requirements of Rule 62-4.080, F.A.C. and Rule 62-710.800(3), F.A.C. The permit renewal application shall be submitted in accordance with Chapters 62-4 and 62-710, F.A.C.
 - b. The Department may modify, revoke, reissue, or terminate for cause this permit in accordance with Chapter 62-4, F.A.C and 403.704(10), F.S.
 - c. The Permittee may submit any permit modification to the Department for approval. The filing of a request for a permit modification, revocation, reissuance, termination, notification of planned changes, or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.
 - d. The Permittee shall submit the application for a permit renewal or modification to the addresses in Part I.15.
- (1) The Permittee shall submit a fee with the permit renewal or modification application that meets the requirements of Rule 62-4.050 and Rule 62-710.800(4), F.A.C.

- (2) The Permittee shall submit a copy of the cover letter accompanying the permit renewal or modification application and the fee to the following address:

Florida Department of Environmental Protection
Permitting & Compliance Assistance Program
2600 Blair Stone Road, M.S. 4500
Tallahassee, Florida 32399-2400

- (3) The Permittee shall also submit notification of fee submittal, or notification of annual fee submittal, to the addresses in Part I.15, or by an alternate means (e.g., e-mail) as approved by the Department.
- (4) The permit renewal or modification application fee may alternately be submitted electronically. If the Permittee intends to submit the application fee electronically, the Permittee shall obtain instructions from the Department on the proper procedures and shall follow such instructions in making the electronic submittal. Notification per Part I.22.d.(3) is still required.
- e. The timeframes for permit review begin on the date when the Department has received both the permit renewal or modification application and the application fee.
- f. If the Permittee allows this permit to expire prior to Department acceptance of the closure certification, the Permittee must reapply for a permit in accordance with DEP Form 62-710.901(6), F.A.C.
21. Land disposal (placement) of used oil, for dust suppression, weed abatement, road treatment or other similar uses that have a potential to release used oil into the environment, is prohibited in accordance with 40 CFR 266.23(b) and Rule 62-710.401(5), F.A.C.
22. The Permittee is not relieved of responsibility to clean up a release that has migrated beyond the facility boundary where off-property access is denied or revoked.
- a. The Permittee shall use all reasonable efforts, including but not limited to correspondence, telephone calls, personal contacts, drafting and redrafting agreements, and payment of a fee, to obtain access to real property necessary for work to be performed in the implementation of this permit.
- b. If necessary access cannot be obtained by the Permittee, or if obtained, is revoked by owners or entities controlling access to the properties to which access is necessary, the Permittee shall notify the Department within five business days of such refusal or revocation. The Department may at any time thereafter seek to obtain such access as is necessary to implement the terms of this permit.
- c. The Permittee shall reimburse the Department for any expenses that the Department is ordered to pay, or that the Department incurs in connection with its efforts to obtain necessary access to said property. The Permittee shall pay these sums to the

Department, or arrange a payment schedule with the Department, within 30 days of demand by the Department. Payments shall be performed in accordance to Part I.22.d.

23. The Permittee shall maintain, in good standing, the financial assurance mechanisms established to demonstrate proof of financial assurance per Rule 62-701.630 F.A.C., as adopted by reference in Rule 62-710.800(6), F.A.C. Supporting documentation, for proof of financial assurance and required annual adjustments, shall be submitted within the time frames specified in Rule 62-701.630, F.A.C., as adopted by reference in Rule 62-710.800(6), F.A.C. All submittals in response to this specific condition shall be sent to:

Florida Department of Environmental Protection
Financial Assurance Working Group
Permitting & Compliance Assistance Program
2600 Blair Stone Road, M.S. 4548
Tallahassee, Florida 32399-2400

24. The Permittee shall annually adjust the closing cost estimate for inflation using Form 62-710.901(7), F.A.C. Adjustments shall be made in accordance with Rule 62-710.800(6), F.A.C. An owner or operator shall submit the adjusted cost estimate between January 1 and March 1 of each year. All submittals in response to this specific condition shall be sent to the addresses on the cost estimate form.
25. Any dispute resolution will be conducted in accordance with Chapter 120, F.S. (Administrative Procedure Act), Chapter 28-106, F.A.C., and the Department's existing rules and procedures.

PART II – OPERATING CONDITIONS

Part II Subpart A – General Operating Conditions

1. The Permittee shall comply with all applicable portions of 40 CFR Part 279 and Chapter 62-710, F.A.C. This facility shall be constructed, operated and maintained and closed in accordance with all applicable requirements of Chapters 62-4, 62-701, 62-710, 62-730, 62-740, 62-762, 62-777 and 62-780, F.A.C., and all other applicable requirements of Department Rules. By acceptance of this permit, the Permittee certifies that they have read and understand the obligations imposed by this permit, including the date of permit expiration and renewal deadlines. It is a violation of this permit to fail to comply with all conditions and deadlines.
2. The Permittee shall maintain and operate the facility to minimize the possibility of fire, explosion or any unplanned sudden or non-sudden release of used oil or used oil constituents to air, soil, or surface water which could threaten human health or the environment in accordance with 40 CFR 279.52(a)(1).

3. The Permittee shall comply with the following conditions concerning preparedness and prevention:
 - a. The Permittee maintain a copy of the Spill Prevention Control and Countermeasures Plan (SPCC) (also known as the Preparedness and Prevention Plan (PPP)) of the permit application at the facility.
 - b. At a minimum, the Permittee shall have the equipment available at the facility which is described in the SPCC in accordance with 40 CFR 279.52(a)(2). The Permittee shall visually inspect and maintain the facility emergency and safety equipment listed in the SPCC, in accordance with 40 CFR 279.52(a)(3) and the permit application, during permitted activities. The Permittee shall remedy any deterioration or malfunction discovered by an inspection. A schedule for the inspection of the facility emergency and safety equipment must be maintained in the operating record of the facility. Changes, additions, or deletions to the schedule must be approved in writing by the Department.
 - c. The Permittee shall maintain immediate access to an internal communications or alarm system, fire protection equipment, spill control equipment and decontamination equipment per 40 CFR 279.52(a)(2 & 4).
 - d. The Permittee shall maintain arrangements with State and local authorities as required by 40 CFR 279.52(a)(6), and with local medical facilities and emergency response personnel. If State or local officials refuse to enter into preparedness and prevention arrangements with the Permittee, the Permittee must document this refusal in the operating record. Authorities/facilities include local fire and police departments, sheriff's office, state police, hospitals, ambulance services and emergency medical technicians, and state and local emergency response centers.
 - e. The Permittee shall maintain aisle space, as required pursuant to 40 CFR 279.52(a)(5), to allow the unobstructed movement of personnel, fire protection, and emergency response equipment to any area of the facility.
4. The Permittee shall comply with the following conditions concerning the Contingency Plan (CP):
 - a. The Permittee shall immediately carry out the provisions SPCC Plan and Contingency Plan of the permit application and follow the emergency procedures described by 40 CFR 279.52(b)(6), whenever there is a fire, explosion, or release of used oil, oily waste or oily wastewater which threatens or could threaten human health or the environment. The Permittee shall give proper notification if an emergency situation arises and, within five calendar days, must submit to the Department a written report which includes all information required in Part I.12.b of this permit.
 - b. The Permittee shall comply with the requirements of 40 CFR 279.52(b)(3). A copy of the CP and all revisions to the plan must be maintained at the facility. Electronic copies of the CP must be submitted to the authorities/facilities in Part II.A. 3.d., provided the entity has the capability to receive electronic submittals.

- c. Within thirty days of meeting any criterion listed in 40 CFR 279(b)(4)(i-v), the Permittee shall amend the plan and submit the amended plan to the Department. Any other changes to the plan must be submitted to the Department within thirty days of the change. All amendments or plans must be distributed to the State and local authorities in Part II.A.3.d.
 - d. The Permittee shall comply with the requirements of 40 CFR 279.52(b)(5), concerning the emergency coordinator.
 - e. 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.
5. The Permittee, pursuant to 40 CFR 279.57, must keep and maintain a written operating record at the Facility until closure of the Facility, which includes the following information:
- a. Records and results of used oil analyses performed as described in the analysis plan required under 40 CFR 279.55; and described in the permit application.
 - b. The inspection records and release detection monitoring required in Rule 62-762.601, F.A.C. for aboveground process and storage tanks and integral piping.
 - c. The closure plan and remedial action (corrective measures) plans as applicable for each contaminated site.
 - d. Inspections of emergency and safety equipment.
 - e. Annual reports.
 - f. Summary reports and details of all incidents that require implementation of the contingency plan as specified in 40 CFR 279.52(b).
 - g. Documentation that local officials have refused to enter into preparedness prevention arrangements with the Permittee, when applicable.
 - h. All registration and/or certification documentation related to the facility.
 - i. Any hazardous materials manifests and/or shipping records. For electronic manifests, this recordkeeping condition is satisfied by the retention of the facility's electronic manifest copies in its account on the e-Manifest system, provided such copies are readily available for viewing and production if requested by the Department inspector.
 - j. This permit and any related supporting documentation.

Part II Subpart B – Used Oil Permit Conditions

1. The Permittee shall register their used oil handling activities annually with the Department on DEP Form 62-730.900(1)(b).
2. The Permittee shall comply with the annual reporting and recordkeeping requirements pursuant to Rules 62-710.500 and 62-710.510 F.A.C. using DEP Form 62-710.901(3).
3. The Permittee shall display the validated registration form and identification number in a prominent place at the facility location [Rule 62-710.500(4), F.A.C].

4. The Permittee shall not accept or store any hazardous wastes in the permitted tanks or in any other area at the facility without a Department approved hazardous waste permit.
5. The Permittee shall store used oil, used oil residues or used oil filters only in those containers or tanks which are made of or lined with materials that will not react with and are otherwise compatible with the waste to be stored.
6. The Permittee is authorized to store used oil only in aboveground tanks or containers within the secondary containment, and/or within double-walled tanks as shown in Attachment A of this permit. The permitted units and tank capacities are shown for Tanks in Attachment B.
7. To prevent the release of used oil, oily waste or oily wastewater to the environment, the Permittee shall ensure that all tank and container systems, including ancillary equipment be provided with secondary containment that meet the requirements of 40 CFR 279.54 (d or e) and Rule 62-710.401(6), F.A.C. All new tank systems shall have secondary containment as required by this condition prior to being put into service. The secondary containment systems shall be maintained in accordance with the permit application and shall comply at a minimum with the requirements set forth below:
 - a. Designed, installed and operated to prevent any migration of wastes or accumulated liquid to the soil, groundwater or surface waters;
 - b. Capable of detecting and collecting releases and run-on until the collected material is removed;
 - c. Constructed of, or lined with, materials compatible with the waste to be stored and have sufficient structural strength to sustain the stresses induced by a failure of the primary containment system as well as other stresses which may be induced by the environment;
 - d. Placed on a foundation or base capable of providing support to the secondary containment system;
 - e. Provided with a leak detection system designed and operated to detect failure of either the primary or secondary containment structures or the presence of any release within 24 hours;
 - f. Sloped or otherwise designed and operated to drain or remove liquids resulting from leaks, spills, or precipitation; and
 - g. Designed and operated, to contain 110% of the capacity of the largest tank within its boundary.
8. The Permittee shall inspect the secondary containment system floor and perimeter walls for any cracks or gaps. If any cracks or gaps are found, the Permittee shall repair the cracks and gaps prior to beginning or resuming operation of the used oil processing facility [40 CFR 279.54(d)(2) and 40 CFR 279.54(e)(2)].
9. Pursuant to 40 CFR 279.55, for the written analysis plan, and 40 CFR 279.56, concerning Tracking, the Permittee shall:

- a. Sample and analyze each incoming shipment by EPA Method 9077 or a leak detector device (i.e., Tek Mate Sniffer or equivalent) as set forth in the permit application, prior to accepting used oil from off-site facilities. The sampling frequency shall be in accordance with the permit application.
 - b. Test all containers of the same waste stream for the parameters listed in the permit application, if any of the samples fail the analysis required by Part II.B.9.a. of this permit, the Permittee may collect a representative sample from containers received from the same generator for this analysis;
 - c. Reject any incoming containers of used oil which fail the analysis required by Part II. B.9.a. of this permit. The Permittee shall maintain documentation of any shipment of used oil which is refused due to suspected mixing with hazardous waste in the facility operating record; and
 - d. Analyze, prior to shipment, all outgoing shipments of used oil for the parameters listed in the permit application to determine whether the used oil is on-specification or off-specification. However, the testing is not required if the used oil is sent to another Used Oil processor for further processing.
 - e. All sampling and analysis activities shall be conducted in accordance with Chapter 62-160, F.A.C. All analyses will be conducted by a laboratory accredited by the National Environmental Laboratory Accreditation Program (NELAP) and certified by the Florida Department of Health.
 - f. The Permittee must keep a copy of the written analysis plan at the facility.
10. Pursuant to 40 CFR 279.56 and 40 CFR 279.65 (Tracking), and Rule 62-710.510(1), F.A.C., the Permittee must comply with the following tracking requirements: the Permittee shall maintain records on DEP Form 62-710.901(2), F.A.C., or on substantially equivalent forms which contain at least the same information as the Department form.
- a. Acceptance: Used oil processors/re-refiners must keep a record of each used oil shipment accepted for processing/re-refining. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:
 - (1) The name, address and EPA identification number (if applicable) of the transporter who delivered the used oil to the processor/re-refiner, oil-burner or disposal facility;
 - (2) The name, address and EPA identification number (if applicable) of the generator or processor/re-refiner from whom the used oil was received for processing/re-refining;
 - (3) The quantities of each type of used oil accepted and date of acceptance; and
 - (4) Waste stream approval number and the off-load number.
 - b. Deliveries: Used oil processor/re-refiners must keep a record of each shipment of used oil that is shipped to a used oil burner, processor/re-refiner, or disposal facility. These records may take the form of a log, invoice, manifest, bill of lading or other

shipping documents. Records for each shipment must include the following information:

- (1) The name, address and EPA identification number (if applicable) of the transporter who delivers the used oil to the receiving facility;
 - (2) The name, address and EPA identification number (if applicable) of the burner, processor/re-refinery or disposal facility who will receive the shipment;
 - (3) The quantities of used oil shipped and date of shipment; and
 - (4) The laboratory analytical results.
- c. The records described in paragraph (a) and (b) of this section must be maintained for at least three years. The records shall be kept at the permitted facility and shall be available for inspection by the Department during normal business hours.

Part II Subpart C – Tank and Container Conditions

1. “Tank system”, for the purpose of this permit, is currently defined as the storage tank(s) listed on Attachment B of this permit, along with ancillary equipment and any secondary containment structures.
2. Volumes of used oil and/or oily water should not exceed 904,590 gallons in processing at any given time (95% of 952,200 gallons [total of used oil / oily water tanks listed in Attachment B]). To prevent overflow, the Permittee shall notify the Department when the volume of used oil, oily water, or PCW stored in any of the permitted tanks exceeds 95% of the maximum storage capacity of the tank.
3. The total containment capacity within the used oil secondary containment area shall not be modified from the capacity (i.e., calculations) presented within the permit application. Any modification to the containment area (e.g., addition or modification of tanks) that effects the containment capacity of this area requires written approval from the Department.
4. Labeling of tanks and containers:
 - a. Used Oil: The Permittee shall label or mark all containers and aboveground tanks, used for storage or processing of used oil, with the words “Used Oil” [Rule 62-710.401(6), F.A.C., and 40 CFR 279.54(f)].
 - b. PCW: The Permittee shall label or mark all containers or tanks which are solely used for the storage of Petroleum Contact Water with the words “Petroleum Contact Water” [Rule 62-740.100(1), F.A.C.].
5. The Permittee shall store used oil, used oil residues, used oil filters or PCW (if applicable) only in those containers or tanks which are made of or lined with materials which will not react with and are otherwise compatible with the waste to be stored.

6. The Permittee shall keep containers and tanks closed or covered except when adding or removing waste in accordance with Rule 62-710.401(6), F.A.C.
7. Aboveground storage and process tanks having a capacity greater than 550 gallons, and all integral piping shall comply with the performance standards for shop fabricated tanks per Rule 62-762.501, F.A.C. Repair and operation of aboveground storage and process tanks shall meet the criteria of Rule 62-762.701, F.A.C.
8. The Permittee shall inspect the tank system in accordance with the permit application. At a minimum, these requirements shall also include:
 - a. Inspecting, at least once a month, the condition of storage tank systems, including secondary containment, that contain, transfer, store, or are designed to contain, transfer, or store regulated substances;
 - b. Developing and following a schedule and procedure for inspecting overfilling controls;
 - c. Inspecting at least once each operating day the aboveground portions of the tank system, and the construction materials and area immediately surrounding the tank storage area. However, the Permittee shall document the daily inspections at least once a week; and
 - d. The results of the inspections in (a), (b), and (c) of this condition shall be maintained in the operating record at the facility.
9. The Permittee shall remove spilled or leaked waste and accumulated precipitation from the secondary containment areas within 24 hours of detection and manage the material in accordance with the Spill Prevention Control and Countermeasures Plan (SPCC) (also known as the Preparedness and Prevention Plan (PPP)) and the Contingency Plan of the permit application.
10. If a container or tank holding used oil, used oil residues or used oil filters is not in good condition (e.g., rusting, bulging) or begins to leak, the Permittee shall transfer the waste to another container or tank which is in good condition [40 CFR 279.54(b)].
11. The Permittee shall, in the event of a release and in accordance with 40 CFR 279.54(g) and Chapter 62-780, F.A.C.:
 - a. Stop the release;
 - b. Contain the release;
 - c. Clean up and manage properly the released waste and other materials;
 - d. If necessary, repair or replace any leaking storage containers or tanks prior to returning them to service;
 - e. Notify FDEP and other authorities, as applicable;
 - f. Perform remedial actions in accordance with Chapter 62-780, F.A.C., if applicable.
12. As part of the general operating requirements, the Permittee shall:

- a. Not place used oil, PCW, other wastes or treatment reagents in a tank system if the possibility exists that this may cause the tank system to fail;
- b. Use appropriate controls and practices to prevent spills and overflows;
- c. Follow the operating procedures described in the permit application;
- d. Comply with the requirements of 40 CFR 279.54(g) and Chapter 62-780, F.A.C., if a leak or spill occurs; and
- e. Comply with the notification requirements for the discovery of a release greater than twenty-five (25) gallons or that requires tanks to be removed from service per Part I.12. b and c.

Part II Subpart D – Petroleum Contact Water Processing Conditions

1. The Permittee shall ship or accept petroleum contact water (PCW) only by using a transporter who is a registered hazardous waste transporter in compliance with Rule 62-730.170, F.A.C., or has received a DEP/EPA ID number by notifying the Department on DEP/EPA Form 8700-12FL of its intent to transport PCW. [Rule 62-740.200(2), F.A.C.].
2. The Permittee shall store PCW only in those containers or tanks which are made of, or lined with, materials which will not react with and are otherwise compatible with the waste to be stored. PCW received into the Facility may be commingled and stored in Facility tanks with other petroleum or used oil-contaminated water for processing and recovery in accordance with the permit application. The volume of PCW stored within any tank at the facility shall not exceed the maximum capacity of that tank as listed in Attachment B for the storage of PCW.
3. If a container or tank holding PCW is not in good condition (e.g. rusting, bulging) or begins to leak, the Permittee shall transfer the waste to another container or tank which is in good condition.
4. The Permittee shall store or treat PCW in tanks registered under the specifications of Chapter 62-762, F.A.C., or in containers or tanks that do not require registration but meet the requirements of Rule 62-740.100(2), F.A.C. [Rule 62-740.300(2)(a) and (b), F.A.C.].
5. The Permittee shall maintain records of the following PCW related activities for each shipment of PCW received for a minimum of three years, and make the records available to the Department upon request [Rule 62-740.300(2)(c), F.A.C.]:
 - a. Name and address of the PCW producer.
 - b. Name and address of the PCW transporter.
 - c. Date of receipt of the PCW shipment.
 - d. Volume of PCW received.
 - e. A copy of the shipping paper used for shipment of the PCW.
 - f. Documentation of weekly PCW container or tank inspections as required in Rule 62-740.100(2)(e), F.A.C.

6. Records to demonstrate that, under normal operating practices, the Facility recovers product from PCW [Rule 62-740.300(3), F.A.C.].
7. Have on file written assurances from the producers that the PCW does not contain levels of hazardous constituents above those found in the source of the PCW [Rule 62-740.300(4), F.A.C.].
8. The Permittee shall document quantities of product recovered from PCW and submit a report to the Department by March 1 of each year [Rule 62-740.300(5), F.A.C.].
9. The Permittee shall test and manage all waste residuals after the recovery of product from PCW in accordance with Chapter 62-730, F.A.C., or other applicable rules of the Department [Rule 62-740.300(6), F.A.C.].

Part II Subpart D – Petroleum Contact Water Conditions: Not applicable at this time.

Part II Subpart E – Non-Hazardous, Non-Used Oil Waste Conditions:

1. The facility may only accept non-hazardous, oil contaminated solid wastes that do not qualify as used oil, such as petroleum contaminated debris and soil, and latex paint. The waste will be bulked and /or processed for acceptance at permitted solid waste disposal facilities.
2. All non-hazardous solid waste received at the site for bulking will be received either in drums or containers. Waste will be properly segregated from other wastes permitted at the facility. The maximum number of drums containing oil contaminated solid wastes shall not exceed 1,750 55-gallon drums at any one time. The oily solid wastes are processed and bulked together with solid waste generated from the wastewater treatment process into 20-cubic yard roll-off containers. Storage in other type of containers may be acceptable with Department's prior approval.
3. Prior to acceptance of non-hazardous solid/sludge at the facility, the Permittee shall obtain from the generator a signed Profile Document which demonstrates that the waste is non-hazardous. The profile must be supported by laboratory analytical results (SDS sheets may be accepted for virgin, unused materials). The Permittee shall perform or shall require the generator to perform the sampling and analysis. The minimum required analysis shall include total or TCLP Metals (As, Cr, Cd, Pb) and total or TCLP Volatile Organics. For small volumes of waste, generator's knowledge may be applied on a case by case basis to support a claim that an oil contaminated solid waste is non-hazardous. Generator knowledge must be supported by historical analytical results.
4. All unprocessed solid wastes shall be stored within the secondary containment areas as indicated on the site plan of the permit application.
5. Liquid wastes/sludges will be solidified using, for example: oil absorbents, pads, used oil dry, pigs, swell gel, or other similar materials. Liquids shall not be solidified inside the

roll-off container, but absorbent material may be used to address de minimis free liquids inside the roll-off. All materials shall be processed and managed on impervious surfaces, or in drums or containers.

6. Processed solids shall be stored in covered, lined roll-off containers or covered drums on impervious surfaces. The number of containers storing processed solids wastes along with wastewater treatment solids, awaiting disposal shall not exceed three (3) 20-cubic yard roll-off containers. The quantity of oily solid wastes generated from the solidification unit is approximately 100 tons per month.
7. Any blending, bulking and solidification of non-regulated solid waste will occur in roll-off boxes, dump trailers or liquid storage tanks. This same roll-off will be used to transport the processed waste to a licensed and permitted solid waste facility by CBI or other appropriately licensed and permitted waste transporter. All materials shall be processed and managed on impervious surfaces, or in tanks or containers. There shall be no intermediate storage of treated or untreated waste outside the covered, oil-tight roll-offs.
8. The owner or operator shall ensure that neither liquids nor solids are discharged outside the containment areas.
9. Containers with processed waste shall be clearly labeled "Processed Solid Waste".
10. Containers shall be covered at all times, except during loading or unloading.
11. The owner or operator shall conduct daily inspections to document the conditions of the storage containers, the pavement within the storage facility, and the processing equipment. These inspections shall be recorded on an appropriate form on a weekly basis. In the event deficiencies are discovered (e.g. leakage), the corrective actions taken shall be noted on the inspection form.
12. The permitted facility shall maintain records of the total amount of oil contaminated solid waste delivered, processed and disposed of annually. The records shall be maintained a minimum of three (3) years.

PART III – CLOSURE CONDITIONS

1. The Permittee shall close the facility in a manner that minimizes or eliminates, to the extent necessary to protect human health and the environment, escape of hazardous waste, hazardous waste constituents, hazardous waste decomposition products, contaminated leachate or run-off to the groundwater, surface waters, or to the atmosphere.
2. The Permittee shall have a Department-approved written Closure Plan and Closure Schedule as required by 40 CFR 279.54(h)(1), subsection 62-710.800(3), F.A.C. and

paragraph 62-710.800(5)(a), F.A.C. The Closure Plan and all revisions to the plan must be kept at the facility until closure is completed and approved by the Department. The Closure Plan must demonstrate how the facility will be closed so that there will be no need for further facility maintenance. The Closure Plan must be submitted to the Department for approval prior to initiation of closure activities. The Closure Plan must address above all and the following:

- a. Above-ground Tanks (ASTs):
 - (1) All tanks, piping, secondary containment and ancillary equipment will be emptied, cleaned and decontaminated, and all materials removed and managed;
 - (2) Aboveground storage tanks and process tanks and all integral piping will be closed pursuant to Rule 62-762.801, F.A.C. Closure of ASTs shall include:
 - (a) Testing of residue in the tanks. If the residue is hazardous, follow the steps outlined in the Closure Plan. In accordance with 40 CFR 279.54(h), the Permittee must remove or decontaminate used oil residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste, unless the materials are not hazardous waste.
 - (b) Remove and properly dispose any non-hazardous residue.
 - (c) Triple rinse the tanks, piping and ancillary equipment.
 - (d) Remove the tanks and piping to a scrap steel dealer or document the re-use of the tanks and piping.
 - b. Containers: Containers holding used oils or residues of used oil must be removed from the facility. As with tanks, the Permittee must manage removed materials as hazardous waste, unless the materials are not hazardous as defined in 40 CFR 261 or determined, pursuant to 40 CFR 262.11.
 - c. Solid Waste: All solid waste must be removed from the facility and recycled or disposed of in accordance with the requirements of Rule 62-701.710(6), F.A.C.
 - d. Facility Confirmation Sampling: Both soil and groundwater analyses shall be performed as described in Table D, located at the end of rule 62-780.900, F.A.C.
3. Modifications to the approved Closure Plan shall be made whenever significant operational changes occur or design changes are made and shall be approved by the Department.
 4. The Permittee shall notify the Department within seven calendar days of any determination that actions undertaken as part of closure or associated monitoring programs no longer satisfy the requirements set forth in this permit. If the Department determines that a modification of the permit is required, the Permittee shall, within 60 calendar days of notice by the Department, submit an application for a permit modification in accordance with Part I.20. of this permit.

5. The Permittee shall complete closure activities within 90 days after notification to the Department of closure and in accordance with the closure schedule in the permit application. Any changes in the time allowed for closure activities or reporting requirements shall require prior written Department approval. At least 60 calendar days prior to initiating physical closure activities, the Permittee shall prepare and submit a Closure Activities Report.
 - a. The Closure Activities Report will be in columnar format (*i.e.* a table or spreadsheet) with columns for “closure activity,” “schedule date,” and “completed date.”
 - b. The Closure Activities Report shall be maintained and updated by the Permittee throughout the closure period, with copies submitted monthly to the Department, unless an alternate submittal schedule is approved by the Department in writing. Each report must be submitted to the Department by the tenth day of each month for the preceding month until the acceptance of physical closure by the Department. These reports can be submitted electronically.
 - c. Any deviation from the schedule or described tasks shall be fully documented in the Closure Activities Report.
6. The Permittee shall notify the Department 60 days prior to the date on which the Permittee expects to begin partial or final closure of a unit(s).
7. The Permittee shall properly decontaminate or dispose of all equipment, structures, and residues used during or resulting from the closure activities.
8. The Permittee shall provide opportunities for site inspections by the Department by informing the Department at least seven days in advance of any major physical closure activity (*e.g.*, unit decontamination or removal, cap installation, soil sampling, soil removal, etc.).
9. Within 30 calendar days of the completion of closure, the Permittee shall submit to the Department, a Closure Report. The Closure Report must include, but not be limited to the following:
 - a. Environmental sampling data to verify closure activities.
 - b. Decontamination data.
 - c. Copies of manifests or other appropriate shipping documents for removal of all hazardous wastes and all contaminated residues.
 - d. A description of final closure activities.
 - e. A final Closure Activities Report (Part III.5. of this permit) that documents:
 - (1) The weight of #1 heavy metal scrap sold.
 - (2) The weight of other scrap sold, by classification.
 - (3) The weight of scrap disposed and how disposed.
 - (4) An inventory of the valves and fittings that were retained for future application.
 - (5) A statement that the tanks and piping have been completely removed and that everything removed is included in the above listing.

PERMITTEE: Cliff Berry, Inc.
I.D. NUMBER: FLD 058 560 699

PERMIT NUMBER: 77628-011-HO; 77628-012-SO
EXPIRATION DATE: February 12, 2028

EXECUTION AND CLERKING

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Kimberly A. Walker, Program Administrator
Permitting & Compliance Assistance Program
2600 Blair Stone Road, MS 4550
Tallahassee, Florida 32399-2400

FILING AND ACKNOWLEDGMENT

FILED on this date pursuant to Section 120.52(11), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Clerk

Date

PERMIT NUMBER: 77628-011-HO; 77628-012-SO
EXPIRATION DATE: February 12, 2028

ATTACHMENT B – TANK TABLE

Vertical Tanks

| Tank # | Date Installed | Size (Gallons) | Material of Construction | Products |
|-----------|----------------|----------------|--------------------------|------------------|
| 01 (AST) | 1946 | 126,000 | Steel | Used Oil |
| 02 (AST) | 1946 | 126,000 | Steel | Used Oil |
| 03 (AST) | 1946 | 126,000 | Steel | Oily Water |
| 04 (AST) | 1946 | 126,000 | Steel | Oily Water |
| 05 (AST) | 1946 | 126,000 | Steel | Oily Water |
| 06 (AST) | 1946 | 126,000 | Steel | Oily Water |
| 07 (AST) | 1946 | 126,000 | Steel | Used Oil |
| 10A (AST) | 2013 | 44,000 | Steel | Clean Water |
| 10B (AST) | 2013 | 44,000 | Steel | Clean Water |
| 11A (AST) | 2013 | 50,000 | Steel | Finished Product |
| 11B (AST) | 2013 | 50,000 | Steel | Finished Product |
| 12A (AST) | 2013 | 50,000 | Steel | Used Oil |
| 12B (AST) | 2013 | 50,000 | Steel | Used Oil |
| 26A (AST) | 2018 | 5,500 | Steel | Vapor Recovery |
| 26B (AST) | 2018 | 5,500 | Steel | Vapor Recovery |
| 27 (AST) | 2016 | 30,000 | Steel | Used Oil |
| 28 (AST) | 2016 | 30,000 | Steel | Used Oil |
| 29 (AST) | 2016 | 30,000 | Steel | Used Oil |
| 30 (AST) | 2016 | 30,000 | Steel | Condensate |

Horizontal Tanks

| Tank # | Date Installed | Size (Gallons) | Material of Construction | Products |
|-------------|----------------|----------------|--------------------------|-------------|
| 16 (AG) | 1965 | 17,600 | Steel | Diesel Fuel |
| 17 (AG) | 1965 | 17,600 | Steel | PCW |
| 18 (AG)-OOS | 1965 | 17,400 | Steel | Empty |
| 19 (AG) | 1965 | 17,400 | Steel | Oily Water |
| 20 (AG) | 1965 | 17,600 | Steel | Used Oil |
| 21 (AG) | 1965 | 17,600 | Steel | Used Oil |
| 22 (AG) | 2000 | 25,000 | Steel | Used Oil |
| 23 (AG) | 2000 | 25,000 | Steel | Used Oil |
| 24 (AG) | 2019 | 23,000 | Steel | Used Oil |
| 25 (AG) | 2019 | 23,000 | Steel | Used Oil |

PERMITTEE: Cliff Berry, Inc.
I.D. NUMBER: FLD 058 560 699

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EXPIRATION DATE: February 12, 2028

| | Date Installed | Size (Gallons) | Material of Construction | Products |
|-------------------|----------------|----------------|--------------------------|------------------|
| Receiving Tank #1 | 1995 | 5,000 | Steel | Oily Waste Water |
| Receiving Tank #2 | 1995 | 5,000 | Steel | Used Oil |
| Receiving Tank #3 | 1995 | 5,000 | Steel | Oily Waste Water |

require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any other persons must be filed within 14 days of publication of this notice or receipt of the written notice, whichever occurs first. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Any person may submit comments or request a public meeting regarding the proposed permitting decision pursuant to Section 403.722(10), F.S. A request for a public meeting is not equivalent to a request for a formal or informal administrative hearing. Public meetings are not evidentiary in nature, and information submitted at a public meeting is for non-binding consideration only. A public meeting is not subject to court or appellate review. Any comment or request for a public meeting must be filed (received) in the Office of General Counsel, Agency Clerk, within 45 days of publication of this notice, unless such period is extended by the Department. Failure to file a request for a public meeting within this time period shall constitute a waiver of any right such a person may have to request a meeting under Section 403.722(10), F.S.

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to submit comments, request a public meeting, or file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the expiration of the deadline proposed to be extended. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation is not available in this proceeding.