



FLORIDA DEPARTMENT OF Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

November 20, 2023

Sent via email: compliance@cliffberryinc.com

Ms. Kelly Brandenburg, Corporate Compliance
Cliff Berry, Inc.
Post Office Box 13079
Fort Lauderdale, FL 33316

RE: Warning Letter WL23-216 (Significant Non-Complier)
Cliff Berry Inc. - Jacksonville
EPA/DEP ID: FLR 000 119 784
Duval County – Hazardous Waste

Dear Ms. Brandenburg:

A Hazardous Waste Compliance Inspection was conducted at your facility on August 24, 2023. During this inspection, possible violations of Chapters 376 and 403, Florida Statutes (Fla. Stat.), and Chapters 62-730 and 62-710, Florida Administrative Code (Fla. Admin. Code), were observed.

During this inspection, Department personnel noted the following:

- The facility did not complete hazardous waste determinations on two (2) wastestreams.
- The facility failed to document the halogen screening for each shipment of used oil transported.
- One (1) truck used for transporting hazardous waste did not have the current hazardous waste transporter registration.

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Sections 376.121 and 403.121, Fla. Stat.

Please contact Emma Sacchitello at (904) 256-1668, or email at Emma.Sacchitello@FloridaDEP.gov, within **15 days** of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in receiving any facts that you may have which might assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this.

Cliff Berry Inc - Jacksonville
EPA/DEP ID: FLR 000 119 784
Warning Letter No. WL23-216
Page 2 of 2

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. We look forward to your cooperation in completing our investigation and resolving this as soon as possible.

Sincerely,



Gregory J. Strong
District Director

Attachment: Final Inspection Report

TK ec: FDEP: Emma Sacchitello, Bonnie Bradshaw, Cheryl L. Mitchell, Matthew Kershner,
Thomas Kallemeyn, DEP_NED
Cliff Berry: Bill Cruz, BCruz@cliffberryinc.com;
Jon Sandora, JSandora@cliffberryinc.com



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

FACILITY INFORMATION:

Facility Name: Cliff Berry Inc - Jacksonville

On-Site Inspection Start Date: 08/24/2023

On-Site Inspection End Date: 08/24/2023

ME ID#: 42441

EPA ID#: FLR000119784

Facility Street Address: 1518 Talleyrand Ave, Jacksonville, Florida 32206-5436

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

County Name: Duval

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:** On-Spec, 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 Hazardous Waste Transporter Facility
Routine Inspection for Used Oil Transporter Facility
Routine Inspection for Universal Waste Transporter Facility
Routine Inspection for VSQG (<100 kg/month) Facility
Routine Inspection for Used Oil Transfer Facility Facility
Routine Inspection for Used Oil Marketer Facility

INSPECTION PARTICIPANTS:

Principal Inspector: Emma L Sacchitello, Inspector

Other Participants: Bill Cruz, Facility Manager

LATITUDE / LONGITUDE: Lat 30° 20' 30.0" / Long 81° 37' 49.0"

NAIC: 562219 - Other Nonhazardous Waste Treatment and Disposal

TYPE OF OWNERSHIP: Private

Introduction:

Cliff Berry, Inc. (CBI, the facility) was inspected on August 24, 2023, as an unannounced hazardous waste compliance inspection. CBI was last inspected by the Department's Hazardous Waste Program on August 3, 2021. Bill Cruz (Facility Manager) and Bonnie Bradshaw (DEP) were present throughout the inspection. The facility is registered as a Hazardous Waste Transporter, Used Oil Transporter, Used Oil Transfer Facility, Used Oil Filter Transporter, Used Oil Filter Transfer Facility, Universal Waste Lamp Transporter, Universal Waste Mercury-Containing Device Transporter, Universal Waste Lamps Small Quantity Handler and Universal Waste Mercury-Containing Device Small Quantity Handler. The facility notified as a Very Small Quantity Generator (VSQG) of hazardous waste and as a Petroleum Contact Water (PCW) Transporter.

The facility was issued Used Oil Processing Facility permit number 249482-005-HO which expires April 14, 2028. Although the facility wishes to maintain the used oil processing permit, the facility is currently not processing used oil.

The facility currently has seven employees at this location and operates Monday – Friday from 7:00 AM to 5:00 PM. C2 Holdings, Inc., a CBI affiliated company, owns the property and building. The facility is connected to a

Inspection Date: 08/24/2023

well and septic system.

CBI provides hazardous, non-hazardous and biohazardous waste removal and transport, emergency response cleanup, and the removal and transport of wastewater and PCW from storage tanks, secondary containment and bilge tanks. CBI consists of a Main Office Building, a Waste Storage Area, an Aboveground Storage Tank (AST) Area and a Storage Warehouse.

Process Description:**Waste Storage Area**

The Waste Storage Area consists of a sealed, secondary containment pad where one semitrailer containing non-hazardous waste, universal waste, used oil and used oil filters is parked (Photo 1). The secondary containment area is 111' long by 25' wide by 4" deep and is calculated to hold 6,850 gallons. The facility maintains a log of the date, manifest number, customer, quantity of drums and content of the drums that are loaded into the trailer. At the time of inspection, there were three boxes of universal waste lamps and one 5-gallon container of universal waste batteries, in addition to the non-hazardous and empty drums accumulating in the trailer. All inspected containers were closed, in good condition and properly labeled.

The facility is reminded that the secondary containment coating should be oil-impermeable when used oil or used oil filters are stored in this area. There was some peeling of the coating surface in the vicinity of the loading rack (Photo 2).

AST Area

The AST Area is located northwest of the Storage Warehouse (Photos 3 and 4). There is one double-walled tank and six single-walled tanks installed and operating within a walled secondary containment area. There is a curbed, secondary containment pad for use during truck loading and unloading.

The first tank has a 15,000-gallon total capacity but is divided into two compartments (compartments labeled 1 and 2). Compartment 1 has a 5,000-gallon capacity and Compartment 2 has a 10,000-gallon capacity. Both compartments are currently being used to store used oil. The second tank (compartments labeled 3, 4 and 5) is a 30,000-gallon, three compartment tank. All three compartments have a 10,000-gallon capacity and are used to store used oil. Tank 6 is a 12,000-gallon vertical tank that is used to store oily water. Tank 7 is a 25,000-gallon vertical tank that is used to store oily water. Tank 8 is an 8,000-gallon vertical tank that is used to store PCW. Tank 9 is a 12,000-gallon vertical tank that is used to store oily water. Tank 10 is a 25,000-gallon vertical tank that is used to store oily water.

Tanks 1-5 were closed, in good condition and labeled as "Used Oil." There was some minor cracking and peeling of the secondary containment area around the tank farm, as well as the truck secondary containment pad (Photos 5 and 6), however, the secondary containment appeared to be sealed under the cracking. The facility is reminded that the secondary containment should be properly sealed and remain oil-impermeable.

Used oil, PCW and oily water picked up from transportation activities are first offloaded into a separator (Photo 7). The separator has three compartments with screens. Once the liquid goes through the compartments, the liquid goes through canister filters before being routed to the proper tank. The canister filters are cleaned out approximately 8 times per year. The waste from cleaning the filters is managed as non-hazardous waste and accumulated in the used absorbent containers, described below, but the facility has not conducted a complete hazardous waste determination to support this action [40 CFR 262.11]. Solids are cleaned out of the separator approximately 2-3 times per year. Solids are managed as non-hazardous waste and accumulated in the used absorbent containers, described below, but the facility has not conducted a complete hazardous waste determination to support this action [40 CFR 262.11].

On one end of the truck secondary containment pad, there were two 55-gallon containers of used absorbents accumulating (Photo 8). Both drums were closed, in good condition and stored within a secondary containment

Inspection Date: 08/24/2023

area. When full, the drums are transported to the CBI Miami facility for processing. Used absorbents are managed as non-hazardous waste based on previous analysis.

On the other end of the truck secondary containment pad, there were seven 55-gallon containers of oily water accumulating (Photo 9). This oily water had been picked up from a customer on the day of the inspection and was going to be off-loaded into one of the oily water tanks.

Storage Warehouse

The Storage Warehouse is used to store emergency response equipment and materials used in clean-up efforts (Photo 10). The facility performs maintenance on some of its own equipment. Paints were stored in the Warehouse for maintenance operations. The facility is reminded to conduct a hazardous waste determination on any wastes generated from these materials prior to disposal. The facility uses Mansize as a degreaser for its industrial tank cleaning operations conducted off-site. Manfire degreaser (pH: 13-14) may also be used on occasion. Non-empty containers of Manfire would generate a D002 hazardous waste if disposed of. The facility representative stated that the liquid generated by tank cleaning operations is disposed of based on the contents of the tank that was cleaned. The facility is reminded to conduct a complete hazardous waste determination on any tank cleaning wastewaters prior to disposal. If a hazardous wastewater is generated, it is either directly transported to US Ecology for disposal or accumulated at the facility for less than 24-hours before being transported for disposal.

Records Review

It should be noted that the facility uses the Cliff Berry Dania facility EPA Identification Number (FLR 000 083 071) on the manifests and shipping papers for all transportation activities from the facility.

Used oil transportation records were reviewed. The last transport of used oil from an industrial customer was August 1, 2023, when CBI transported 3,000 gallons of used oil. It is the facility's procedure to screen for halogens prior to each pick up, refuse transport when halogens exceed 1,000 ppm and record this information on the manifest by initialing next to the pre-printed halogen information in box 15 of the manifest. There were nine instances in 2023, however, where the halogen screening was not documented [62- 710.510(1)(g), FAC]. Most information required for used oil acceptance records was included on the manifests, with the exception of the type code and waste stream approval number which are available in the "business partner master database."

Used oil was last shipped from the facility tanks on August 21, 2023, when CBI transported 5,561 gallons of used oil to designated facility Cliff Berry Miami. Delivery records reviewed appeared to be in order. The end use code is noted in the Annual Report by Used Oil and Used Oil Filter Handlers, as noted during the permitting process.

Used oil driver training records were reviewed and appeared in order.

Used oil filters were last transported from an industrial customer on May 16, 2023, when 800 pounds were transported. Used oil filters were last transported from the facility to the Cliff Berry Miami facility on April 10, 2023, when 1,050 pounds were transported. Used oil filter records reviewed appeared to be in order.

PCW was last transported on August 2, 2023, when 200 gallons of PCW was transported to CBI. PCW was last shipped from the facility tanks on August 7, 2023, when Environmental Services & Logistics, Inc. (FLR 000 256 198) transported 6,100 gallons of PCW to designated facility Cliff Berry Miami. Written assurance that the PCW does not contain levels of hazardous constituents above those found in the source was included on the manifests. PCW records reviewed appeared to be in order.

Oily water was last transported on August 22, 2023, when 385 gallons was transported to CBI. Oily water was last transported by CBI to Water Recover (FLR 000 069 062) on August 21, 2023, when 6,000 gallons was

Inspection Date: 08/24/2023

transported.

Hazardous waste was last transported to US Ecology Tampa, Inc. (FLD 981 832 494) on July 10, 2023, when CBI transported 12 pounds of D001 hazardous waste. Hazardous waste records reviewed appeared to be in order.

One truck used for transporting hazardous waste did not have the current hazardous waste transporter registration [62-730.170(2)(g), FAC]. The current registration was put in the truck during the inspection.

The facility is notified as a VSQG of hazardous waste, but is operating as a non-handler. The facility has not generated any hazardous waste since the last inspection, but has the potential to generate small amounts of wastes from its maintenance activities.

Universal waste was last transported on August 21, 2023, when 36 pounds of universal waste batteries and 67 pounds of universal waste lamps were transported to CBI. Universal waste spill response procedures were available and maintained in trucks. Employees have been trained in proper handling and emergency response procedures.

The Contingency Plan was reviewed and appeared in order.

Tank inspection records were reviewed and appeared to be in order.

For Outstanding Items of Potential Non-Compliance

Please review the following section – New Potential Violations and Areas of Concern. This section includes potential violations observed at your facility during this inspection. For any potential violations below that have not been corrected, please refer to the Corrective Action for each item that is suggested to bring your facility into compliance. Once the corrective action has been completed, please send documentation to the Principal Inspector listed on page 1 of this Inspection Report. This documentation includes, but is not limited to, photos of corrected items, manifests, SDSs or other documents that will show that each potential violation has been fully addressed.

New Potential Violations and Areas of Concern:

Violations

Inspection Date: 08/24/2023

Type: Violation 1
Rule: 262.11
Explanation: The facility has not conducted a complete hazardous waste determination on the following wastestreams:
1. AST Area: waste from cleaning out the canister filters
2. AST Area: waste from cleaning out the solids from the separator trough
Corrective Action: In order to return to compliance, prior to the next routine disposal or within four months, the facility should conduct and fully document a hazardous waste determination by having a representative sample of the wastestreams analyzed separately by a certified Florida laboratory for the following:

Toxicity Characteristic Leaching Procedure (TCLP) for:

- RCRA metals, pursuant to 40 CFR 261.24, via method 6010;
- RCRA volatiles, pursuant to 40 CFR 261.24, via method 8260; and
- Flashpoint, pursuant to 40 CFR 261.21, via methods 1010 or 1020 (if there is a liquid phase)

If the material is a solid, a determination of whether the material is an ignitable solid.

Documentation of the results of these waste determinations should be submitted to this office for review. These waste streams are not to be disposed of until written approval has been given by DEP. The wastes should be disposed of in a proper manner once written approval has been given by DEP. Hazardous waste should be sent off-site to a permitted treatment, storage, or disposal facility. NOTE: None of the samples are to be composites. The samples are to be collected and analyzed in accordance with EPA publication SW# 846 "Test Methods for Evaluating Solid Waste" 3rd Edition. All sampling and analysis shall be conducted in accordance with Rule 62-160, Florida Administrative Code (FAC). A National Environmental Laboratory Accreditation Program (NELAP) certified laboratory should analyze the samples.

Volatile samples should be iced within 15 minutes of collection and maintained at 4-6°C. This information should be documented on the chain-of-custody. It is recommended that results be reported to the Method Detection Limits (MDLs). Full lab reports including the chain-of-custody should be provided. Alternative methods for hazardous waste determinations should be approved by DEP. Further enforcement action is possible, pending the results of the analytical tests.

Type: Violation 2
Rule: 62-710.510(1)(g)
Explanation: The facility failed to document halogen screening for each shipment of used oil transported. There were nine instances in 2023 where the halogen screening was not documented.
Corrective Action: No further action is required. The facility return to compliance via emails dated October 2, 2023, and October 11, 2023.

Type: Violation 3
Rule: **62-730.170(2)**
Explanation: One truck used for transporting hazardous waste did not have the current hazardous waste transporter registration.
Corrective Action: No further action is required. The current registration was put in the truck during the inspection.

PHOTO ATTACHMENTS:

Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8



Photo 9



Photo 10



Inspection Date: 08/24/2023

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			✓

Inspection Date: 08/24/2023

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

Emma L Sacchitello**Principal Investigator Name**Inspector**Principal Investigator Title**E. Sacchitello**Principal Investigator Signature**DEP**Organization**11/06/2023**Date**Bill Cruz**Representative Name**Facility Manager**Representative Title**Cliff Berry, Inc.**Organization**

NOTE: By signing this document, the Site Representative only acknowledges receipt of this Inspection Report and is not admitting to the accuracy of any of the items identified by the Department as "Potential Violations" or areas of concern.

Report Approvers:**Approver:**Bonnie M Bradshaw**Inspection Approval Date:**11/06/2023