



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

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**FACILITY INFORMATION:**

**Facility Name:** Cliff Berry Inc - Miami Terminal

**On-Site Inspection Start Date:** 02/27/2024

**On-Site Inspection End Date:** 02/27/2024

**ME ID#:** 51668

**EPA ID#:** FLD058560699

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

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

**County Name:** Miami-Dade

**Contact Phone:** (954) 763-3390

**NOTIFIED AS:**

Transfer Facility, Transporter, Used Oil, VSQG

**WASTE ACTIVITIES:**

**Generator:** VSQG **Transporter:** Own Waste, Commercial Waste, Transfer Facility **TSD:** Operating Non-Commercial TSD **Used Oil:** On-Spec, Oil Filters, Processor, Collection Center (Commercial) **Other:** Both

**Universal Waste:** Indicate types of UW generated and/or accumulated at the facility: **Generate /Accumulate:** Batteries, Mercury Containing Lamps, Mercury Containing Devices **Transport:** Mercury Containing Lamps, Mercury Containing Devices **Maximum quantity of UW handled or transported at any time:** 5000 kg or more; Large Quantity Handler (LQH)

**INSPECTION TYPE:**

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

**INSPECTION PARTICIPANTS:**

**Principal Inspector:** Kaitlyn Taylor, Inspector

**Other Participants:** Breanna Moore , Environmental Specialist II, Shelby Luong, Environmental Specialist II, Kelly Brandenburg, Corporate Compliance , Leroy Arce, Vice President, Resource Recovery

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

**NAIC:** 562219 - Other Nonhazardous Waste Treatment and Disposal

**TYPE OF OWNERSHIP:** Private

**Introduction:**

On February 27, 2024, Kaitlyn Taylor with the Florida Department of Environmental Protection (FDEP) conducted a compliance evaluation inspection at Cliff Berry Inc - Miami Terminal (hereinafter CBI or facility) located at 3033 NW North River Dr, Miami, Florida 33142. CBI was inspected to determine the facility's compliance with the state and Federal hazardous waste regulations described in Title 40, Code of Federal Regulations (CFR) Parts 260-268, 273, and 279, adopted and incorporated by reference in Rule 62-710 and 62-730 Florida Administrative Code (F.A.C.). The inspector was accompanied by Shelby Luong and Breanna Moore with the FDEP.

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

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CBI occupies 147,668 square feet and is connected to the city water and sewer. CBI has been operating at its current location since 1980 and employs 16 staff. The facility operates 7am-6pm Monday through Saturday.

**Notification History:**

CBI currently operates as a Used Oil and Material Processing Facility under permit numbers 72815-011-HO and 72815-012-SO. These permits were issued on 06/04/2023 and expire on 02/12/2028. CBI initially notified (under Union Oil Company of California) with the FDEP as a Small Quantity Generator (SQG) in August 1980. The facility was assigned the EPA Identification (EPAID) Number FLD058560699. The facility most recently notified as a Very Small Quantity Generator (VSQG) of hazardous waste; transporter of Universal Waste; hazardous waste transporter and transfer facility; used oil transporter, transfer facility, and processor; and used oil filter transporter and transfer facility on 03/01/2024.

**Inspection History:**

- 03/01/2022 - found to be out of compliance for failure to comply with the 10-day storage limit for hazardous waste transfer facilities, failure to transport hazardous waste with a manifest, and failure to deliver the entire quantity of hazardous waste which he or she accepted from a generator to the designated facility listed on the manifest. A return to compliance letter was sent on 05/23/2022.
- 11/18/2020 - found to be out of compliance for failure to containerize universal waste lamps and failure to remove accumulated precipitation from secondary containment within 24 hours of detection. A return to compliance letter was sent on 01/04/2021.

**Process Description:**

Cliff Berry Inc - Miami Terminal is authorized to process used oil, wastewater, petroleum contact water (PCW), oily solid waste, and used oil filters. The facility consists of 31 tanks and is permitted to store and use a total of 904,590-gallons of used oil in aboveground tanks and containers. Waste generated by the facility includes xylene (D001, F003), wastewater sludge, oily solids, and scrap metal.

The facility consists of a laboratory, pit area, loading and unloading, tank farm, used oil processing system, oily water processing system, cooker tanks, welding, used oil filter processing, hazardous waste storage, and wastewater processing system.

**Laboratory:**

The laboratory is used to conduct Ph, flashpoint, and particulate matter testing. When a nonhazardous liquid waste shipment such as oil, oily water, or wastewater is delivered, the driver signs in by the pit docks and collects a sample of the waste in one of the empty jars in a box near the sign in table. The sign in sheet is used to match the sample to the manifested waste. The driver records their name and truck number and lists the corresponding manifest details. The driver adds the sample to a tray on the same table. A fire extinguisher and spill kit were available in this area. Samples are maintained for one year and then disposed in the pit area.

**Pit Area:**

Tanker trucks of used oil and wastewater contaminated with solids are vacuumed into the pits. The pits are used to remove solids from oily water and separate the water and the oil. The water is drained off and the oil is pumped into a tank for used oil processing. The solids are scooped out into two 55-gallon trash cans before being dumped into two roll off dumpsters that drain the solids of any liquid. The roll offs are stationed at a tilt next to the pit area so any liquid drains back into the system. This area is open but under a roof within secondary containment. Tanker trucks with non-contaminated used oil are taken directly to used oil tanks for processing.

**Loading/Unloading:**

Inspectors observed an elevated platform loading area where operators pump oil into tanker trucks. Below this area is a drain connected to a sump leading to the pit area to collect any oily water generated by this process. Inspectors observed one 250-gallon container labeled "Used Oil" to catch oil drippings from the valves and pipes used to pump the oil.

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The unloading area is where used oil, diesel fuel, and oily water tanker trucks are pumped into the holding tanks. Inspectors observed the pump area within secondary containment. Below each valve inspectors observed 2-gallon buckets labeled "Oily water" to collect any drippings during the connecting and disconnecting of the pumps. Beside this area were two 55-gallon drums for oily rags and absorbents were observed. This waste is disposed in the facilities oily solids compactor.

#### Tank Farm:

The tank farm is located beside the loading and unloading areas. The tank farm holds the 31 permitted tanks contained inside impermeable secondary containment. The tank levels are monitored by a float system which is viewed from the outside. The facility inspects the tanks and the secondary containment daily. All tanks were properly labeled. No deficiencies were observed at the time of the inspection.

#### Used Oil Processing System:

The facilities advanced used oil processing system is located within the tank farms secondary containment. A centrifuge is used to process the oil at 200-210° F. Oil is placed into a shaker to minimize solids before being moved to the centrifuge for separation, as the centrifuge is not designed to handle larger solids. The tank is filled with water and heated, and the centrifuge uses centripetal force to separate water, oil, and solids within the used oil. Solids are congregated at the bottom of these tanks underneath a layer of water with oil separating on top. After this process, oil is moved into the Finished Oil tank, the water is flushed into a water tank, and the sludge of solids is moved into a separate tank below which is pumped into the head of the facility, near the Wastewater Treatment Area. An automated system within these tanks reads the quality of the oil by monitoring the water content. All other testing is done in the laboratory. Inspectors observed one 5-gallon bucket labeled "Used Oil" to collect drippings.

#### Oily Water Processing System:

Three tanks labeled "Oily Water" inside the tank farms secondary containment are used for oily water processing. A demulsifier is used to segregate the oil and water and different tanks are used based on the required processing length. The processing length and speed of demulsification is determined by laboratory analysis of the composition of the oily water, as well as knowledge of where the water is coming from and the processes it was used for. The separated processed oil is transferred into a tank that holds finished processed oil ready for shipment.

#### Cooker Tanks:

Four black tanks located inside the tank farms secondary containment are known as Cooker Tanks for petroleum contact water (PCW), which the facility refers to as "industrial slop oil". This waste comes from ship bunker tanks and contains 40-60% water. Natural gas heats a coil inside the tank to 180-200° F, heating the oil. Oil surrounds the coil and water is pulled out from the bottom of the tank. Separated processed oil is transferred into a tank that holds finished processed oil ready for shipment.

In a small room next to the cooker tank area the facility stores one 2-gallon satellite accumulation container labeled "Flammable Liquids (Spent Xylene Waste)" generated from testing water percentage of PCW and Oily water.

Near the cooker tanks inside the secondary containment, inspectors observed two 300-gallon containers labeled "used oil" and one uncovered 450-gallon tank labeled "used oil". Compliance assistance was provided on-site and in the exit interview to have the container closed, covered, or otherwise protected from the weather (62-710.401(6) F.A.C.).

#### Welding:

The facility has a small covered outdoor area for welding and storage. Any scrap metal generated is sent to TNR Metals for recycling. No hazardous waste or used oil was observed.

#### Used Oil Filter Processing:

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Used oil filters are stored in 55-gallon drums inside of a large garage area. The facility has one used oil filter crusher to process the filters. The drums are checked by spotters to remove any solid waste that is not a used oil filter and then the drums are placed in the crusher. Used oil is collected in the bottom of the machine and pumped into a used oil tank. The facility processes 90-120 drums per day. Crushed filters free of liquid are sent for recycling.

Next to the used oil filter storage area the facility has an oily waste compactor for all oily solids. The roll off collects any liquid at the bottom. This waste sent to the Waste to Energy facility, Wheelabrator, for disposal.

#### Hazardous Waste Storage:

The hazardous waste storage area is located in a gated area inside the wastewater treatment building. This area serves as a 10-day storage area for hazardous waste transported from other facilities, as well as a central accumulation area (CAA) for xylene generated on-site. Corrosives and flammables are stored on opposite sides of the caged area.

At the time of the inspection, inspectors observed approximately 34 containers of 10-day storage waste and one 55-gallon drum labeled "hazardous waste Xylene" (D001, F003) for the CAA. All drums in this area were marked with the Shipper's name, address, and EPAID number, the shipment's manifest tracking number, the designated facility, DOT shipping name, and applicable EPA waste codes and DOT regulated hazardous waste placard. Inspectors also observed a weekly hazardous waste storage log documenting the amount of used xylene generated by the facility stored in this area. Facility representatives informed inspectors that hazardous waste was shipped from this area weekly.

#### Wastewater Processing System:

The wastewater processing system separates oil and water using a water separator machine to catch free oil within the wastewater. This free oil is then brought to The Pit. The remaining water is transferred through a pipe to a separate pit that serves as a mixing chamber. The pH of the water is raised by adding a coagulant and metal precipitant, and metals are removed. Finally, a polymer is added to remove solids, which are dried using a drying drum and disposed of in the dumpster for non-hazardous sludge. The wastewater operator controls the speed of the drying drum depending on the quantity of solids to ensure solids are completely dry before being moved to the dumpster. Water dispersed into a tank after oil and solids are removed should pour clear if properly separated. Inspectors observed one container of non-hazardous wastewater sludge.

#### Records Review:

##### SPCC Plan:

The facility's SPCC plan accurately demonstrates the physical layout of the facility with the location of all used oil storage; a procedure for when discharge occurs; inspection, training and security procedures; and certification by a licensed Professional Engineer [40 CFR 112.7]. The most recent revision occurred on 01/05/2024.

##### Contingency Plan:

The facility maintains a full contingency plan that includes emergency contact information, an evacuation map, and emergency response and preparedness procedures [40 CFR 279.52(b)(2)]. The most recent revision occurred on 01/05/2024.

The facility could demonstrate that the appropriate arrangement with the local police, fire department, hospital, and local emergency response agencies have been made [40 CFR 279.52(6)].

##### Personnel Training:

The facility conducts annual training for all staff who manage used oil and hazardous waste. This training includes understanding and recognition of hazardous wastes and used oil, spill prevention and response to releases, and waste management best practices training. The individual signing the manifest is DOT/HazMat

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certified.

**Manifest Records:**

The past three years of manifests for hazardous waste generated by the facility and LDRs were available for review. The most recent shipment of hazardous waste occurred on 03/07/2024. The waste was transported by Cliff Berry (DANIA) (FLR000083071) and the designated facility was US ECOLOGY TAMPA INC (FLD081032484). The facility shipped one 55-gallon drum of Waste Flammable Liquids (xylene, Petroleum, Spirit) waste codes D001 and F003.

Acceptance and delivery records for transportation of all hazardous waste for the past three years were available for review. In order to comply with the 10-day transfer facility storage requirements the facility ships hazardous waste weekly.

Acceptance and delivery records for used oil activities for the past three years were available for review. The facility maintains all used oil laboratory analysis records on-site. Records of used oil disposal appropriately demonstrated the name, address and EPAID of the generator, transporter, and receiving facility, the date of shipment, and quantity of used oil acceptance [40 CFR 279.46].

**Annual Reports:**

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

**Financial Assurance:**

The facility was able to provide proof of financial assurance [62-710.800(6) F.A.C.].

**Closure Plan:**

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

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

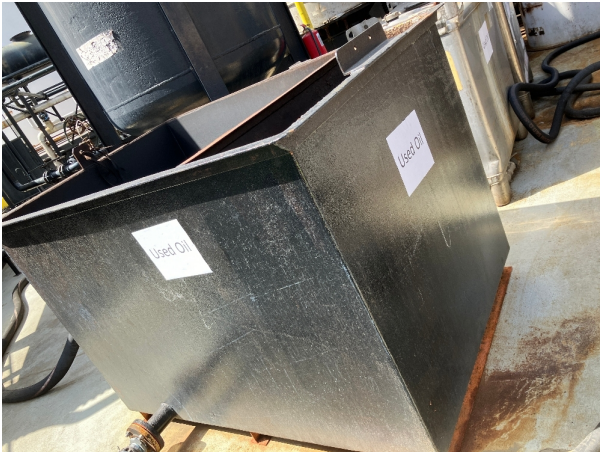
Type:	Violation
Rule:	62-710.401(6)
Explanation:	Inspectors observed one uncovered used oil container stored outside.
Corrective Action:	The facility should properly close, cover, or otherwise protect the container from the weather.

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**Photo Attachments:**



Uncovered used oil container



Closed used oil container



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**PHOTO ATTACHMENTS:**

The Pit Area



Used Oil Filter Storage



Tank Farm



Hazardous Waste CAA



### Wastewater Sludge



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### Conclusion:

Cliff Berry Inc. Miami Terminal was inspected as a used oil processor, VSQG, hazardous waste transporter and transfer facility, universal waste transporter, used oil transporter and transfer facility, and a used oil filter transporter and transfer facility and found to be out of compliance for failure to close, cover, or otherwise protect used oil container from the weather (62-710.401(6) F.A.C.).

On 03/08/2024 the facility submitted all requested documentation and has since returned to compliance.

**2.0: VSQG 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.	Standards for Very Small Quantity Generators	Yes	No	N/A
2.1	Generator Size Determination (If the answer is No for any one question then facility is not a VSQG)			
2.2	Does the facility generate less than 100 kg/mo (220 lb/mo) of all hazardous wastes? 262.14(a)(1)	✓		
2.3	Does the facility generate less than 1kg/mo of acutely toxic (P-listed, 40 CFR 261.33(e)) hazardous wastes? 262.14(a)(1)	✓		
2.4	Does the facility accumulate onsite no greater than 1,000 Kilograms (2,200 pounds) of hazardous waste at any one time? 262.14(a)(4)	✓		
2.5	Does the facility accumulate onsite less than a total of 1 kg of acute hazardous waste listed in 261.31 or 261.33(e)? 262.14(a)(3)	✓		
Item No.	Hazardous Waste Determination	Yes	No	N/A
2.6	Has the facility properly identified all hazardous waste streams? (Check any that are not OK) 262.11 <input type="checkbox"/> Is it excluded under 261.4? <input type="checkbox"/> Is it listed in subpart D of 261 or appendix IX of 261? <input type="checkbox"/> Has the waste been analyzed? <input type="checkbox"/> Has generator knowledge of the hazard characteristics of the waste in light of the materials used been applied?	✓		
Item No.	Record Keeping	Yes	No	N/A
2.7	Has the facility documented delivery of its hazardous waste to a facility permitted or authorized to accept the waste? (Check any that are not OK) 262.14(a)(5) <input type="checkbox"/> Name and address of the generator and TSD/authorized facility. <input type="checkbox"/> Type and amount of hazardous waste delivered. <input type="checkbox"/> Date of shipment	✓		
2.8	Are written records and other receipts documenting proper disposal retained for at least 3 years? 62-730.030(2)	✓		



**6.0: Transporters Checklist****Requirements:**

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

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

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

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

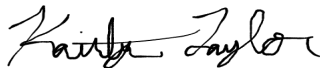
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6.33	If hazardous waste was discharged during transport, did the transporter clean up the discharge so that it no longer presents a hazard to human health or the environment? 263.31	✓		
6.34	Has the transporter demonstrated the financial responsibility required under 62-730.150(2)(a)? 62-730.150(2)(a)	✓		
6.35	Does the transporter verify the evidence of financial responsibility annually? 62-730.150(3)	✓		

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**Signed:**

A hazardous waste compliance inspection was conducted on this date, to determine your facility's compliance with applicable portions of Chapters 403 & 376, F.S., and Chapters 62-710, 62-730, 62-737 & 62 -740 Florida Administrative Code (F.A.C.). Portions of the United States Environmental Protection Agency's Title 40 Code of Federal Regulations (C.F.R.) 260 - 279 have been adopted by reference in the state rules under Chapters 62-730 and 62-710, F.A.C

Kaitlyn Taylor**Principal Investigator Name**Inspector**Principal Investigator Title****Principal Investigator Signature**DEP**Organization**03/26/2024**Date**Breanna Moore**Inspector Name**Environmental Specialist II**Inspector Title**DEP**Organization**Shelby Luong**Inspector Name**Environmental Specialist II**Inspector Title**DEP**Organization**Kelly Brandenburg**Representative Name**Corporate Compliance**Representative Title**CBI**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.

Leroy Arce**Representative Name**Vice President, Resource  
Recovery**Representative Title**CBI**Organization**

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**Report Approvers:**

Inspection Date: 02/27/2024

**Approver:** Viviana Useche

**Inspection Approval Date:** 04/09/2024