

Date	Agency	Description	Disposition	Corrective Action
① 3/8/2012	Miami-Dade County DERM 701 NW 1st Court Miami, FL 33136	Notice of Violation	Closed	Minor out of service violation because five tanks in Miami Facility required painting due to minor corrosion; All tanks were painted, even ones not in violation
② 9/11/2012	FDEP Southeast District Office 400 N Congress Ave, Ste 200 West Palm Beach, FL 33401	Violation Warning Letter \$4,500 Penalty Paid	11/14/13 Closed	Immediately corrected areas of concern and set forth policy to ensure the errors were not repeated
③ 10/4/2012	Miami-Dade County DERM 701 NW 1st Court Miami, FL 33136	Warning Letter	10/24/12 Closed	De minimus pH exceedance
2a 10/29/2012	FDEP Southeast District Office 400 N Congress Ave, Ste 200 West Palm Beach, FL 33401	Warning Letter	Closed	Warning letter was a disclosure of the potential fines coming from the 9/11/12 warning letter. Fines were mitigated from \$6,700 to \$4,000
④ 11/29/2012	Miami-Dade County DERM 701 NW 1st Court Miami, FL 33136	Field Notice of Violation	Closed	CBI argues that the odors are not coming from CBI plant
2b 12/19/2012	FDEP Southeast District Office 400 N Congress Ave, Ste 200 West Palm Beach, FL 33401	Consent Agreement	Closed	Entered into an agreement to pay \$4,000 and immediately corrected areas of concern and set forth policy to ensure the errors were not repeated

✓ 8/24/12 ⑤ 2/28/2013	Miami-Dade County DERM 701 NW 1st Court Miami, FL 33136	Warning Letter	Closed	De minimus vanadium exceedance
✓ ⑤ 2/28/2013	Miami-Dade County DERM 701 NW 1st Court Miami, FL 33136	Warning Letter	Closed	De minimus vanadium exceedance
✓ ⑥ 7/16/2013	Miami-Dade County DERM 701 NW 1st Court Miami, FL 33136	Warning Letter	Closed	De minimus vanadium exceedance
* 8/5/2013	Miami-Dade County DERM 701 NW 1st Court Miami, FL 33136	<i>Cancelled</i> Warning Notice	Closed - Error by CE	DERM lost SSES Survey which was properly completed and submitted prior to the deadline; DERM acknowledged the lost survey and withdrew warning
✓ ⑦ 11/22/2013	FDEP Southeast District Office 400 N Congress Ave, Ste 200 West Palm Beach, FL 33401	Warning Letter	Closed	Customer packaged waste in incompatible containers. CBI picked up waste without knowledge of the issue and experienced a container failure during transit. Cleanup was completed and policy established to ensure this would not happen again. Resulted in \$2,130 in penalty
✓ ⑧ 4/24/2014	FDEP Southeast District Office 400 N Congress Ave, Ste 200 West Palm Beach, FL 33401	Notice of Potential Non-Compliance	Closed	Immediately corrected areas of concern and set forth policy to ensure the errors were not repeated

*Some*

*2*

✓ 9 5/17/2014	Miami-Dade County DERM 701 NW 1st Court Miami, FL 33136	Field Notice of Violation	Closed	CBI argues that the odors are not coming from CBI plant
✓ 10 5/18/2014	Miami-Dade County DERM 701 NW 1st Court Miami, FL 33136	Field Notice of Violation	Closed	CBI argues that the odors are not coming from CBI plant
✓ 11 6/19/2014	Miami-Dade County DERM 701 NW 1st Court Miami, FL 33136	Notice of Violation Odor Complaints	Closed	CBI argues that the odors are not coming from CBI plant
✓ 12 11/6/2014	Miami-Dade County DERM 701 NW 1st Court Miami, FL 33136	Field Notice of Violation	Closed	CBI argues that the odors are not coming from CBI plant
✓ 13 4/17/2015	Miami-Dade County DERM 701 NW 1st Court Miami, FL 33136	Warning Letter	Closed	De minimus vanadium exceedance
✓ 14 4/17/2015	Miami-Dade County DERM 701 NW 1st Court Miami, FL 33136	Warning Letter	Closed	Monthly report lost by DERM and resubmitted
✓ 15 5/12/2015	Miami-Dade County DERM 701 NW 1st Court Miami, FL 33136	Warning Letter	Closed	De minimus vanadium & benzene exceedance
✓ 16 9/30/2015	Miami-Dade County Trash Collection Dept	Warning Notice	Closed	Illegal dumping of tires and other trash by third parties on CBI property, which is then cleaned up by CBI

17	Miami-Dade County DERM 701 NW 1st Court Miami, FL 33136	Field Notice of Violation	Closed	Odor was coming from a broken underground sewer line that was in the state of being repaired when the odor was evident
18	Miami-Dade County DERM 701 NW 1st Court Miami, FL 33136	Notice of Violation	Closed	Underground sewer line broke, which required CBI to repair line, sample soil and backfill with clean fill
19	Miami-Dade County Trash Collection Dept	Warning Notice	Closed	Illegal dumping of tires and other trash by third parties on CBI property, which is then cleaned up by CBI
20	Miami-Dade County DERM 701 NW 1st Court Miami, FL 33136	Field Notice of Violation	Closed	CBI argues that the odors are not coming from CBI plant
21	Miami-Dade County Trash Collection Dept	Warning Notice	Closed	Illegal dumping of tires and other trash by third parties on CBI property, which is then cleaned up by CBI
22	FDEP Southeast District Office 400 N Congress Ave, Ste 200 West Palm Beach, FL 33401	Warning Letter	Closed	Immediately corrected areas of concern and set forth policy to ensure the errors were not repeated
23	Miami-Dade County DERM 701 NW 1st Court Miami, FL 33136	Warning Letter	Closed	De minimus nickel exceedance



Carlos A. Gimenez, Mayor

March 8, 2012

Mr. Cliff Berry, Sr., Director  
Cliff Berry Inc.  
851 Eller Dr.  
Ft. Lauderdale, FL 33316

**CERTIFIED MAIL No. 70081830000281743345  
RETURN RECEIPT REQUESTED**

RE: Cliff Berry Inc. (UT-778/File-7438/DEP Facility ID #13/8630152), located at, near,  
or in the vicinity of 3033 NW N. River Dr., Miami, Miami-Dade County, Florida. (Folio # 30-3128-000-0130).

Dear Mr. Berry:

**NOTICE OF VIOLATION AND  
ORDERS FOR CORRECTIVE ACTION**

On June 24, 2011, a representative of this Department inspected an aboveground tank removal operation at the above referenced site. Chapter 62-762 of the Florida Administrative Code (F.A.C.) requires submission of a Tank Closure Assessment Report (TCAR) to the locally approved program (PERA) within sixty (60) days of the tank removal. As of this date, a TCAR has not been submitted to the Department for review.

Be advised that the above constitutes a violation of Chapter 24 of the Code of Miami-Dade County, to wit:

**Section 24-25**, Violations of Rules and Regulations of the State of Florida Department of Environmental Protection, in pertinent parts of Chapter 62.762.800(3)(c), F.A.C, and Chapter 62-762.700, F.A.C.

Based on the above and pursuant to the authority granted to me under Section 24-7(15) of Chapter 24 of the Code of Miami-Dade County, I am hereby ordering you to:

1. Within thirty (30) days of receipt of this NOTICE, contact the Department the required UTCAR for review.

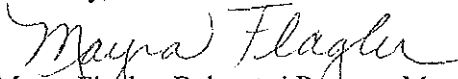
**BE ADVISED THAT FAILURE TO COMPLY WITH THE ABOVE MAY RESULT, AT A MINIMUM, IN CIVIL PENALTIES AND THE PAYMENT OF ALL DEPARTMENTAL COSTS INCURRED IN THE INVESTIGATION AND SETTLEMENT OF THIS CASE. IN ADDITION, FAILURE TO COMPLY MAY RESULT IN YOUR CASE BEING PREPARED FOR FORMAL ENFORCEMENT ACTION IN A COURT OF COMPETENT JURISDICTION PURSUANT TO THE ENFORCEMENT AND PENALTY PROVISIONS OF SECTIONS 24-29 AND 24-30 OF CHAPTER 24 OF THE CODE OF MIAMI-DADE COUNTY.**

*Delivering Excellence Every Day*

Mr. Berry  
UT-778/File-7438  
DEP Facility ID #13/8630152  
March 8, 2012  
Page 2

If you have any questions concerning this matter, please contact **Yanett Rodriguez** of the Environmental Evaluation & Compliance Section of this office at (305) 372-6600.

Sincerely,

A handwritten signature in cursive script that reads "Mayra Flagler".

Mayra Flagler, Delegated Program Manager  
Environmental Evaluation & Compliance Section

Enclosure: Inspection dated 06/24//2011

### DERM Complaint Inspection Worksheet

Inspection Area	EC-4
Inspector	REEDM
Date (mm/dd/yyyy)	1/20/2013
Start Time (24 hr. format)	12:29
End Time (24 hr. format)	13:06
Hours Worked	0:37
Mileage	0
County Vehicle Number	26642

#### Complaint Information

Complaint #	62058
Permit #	N/A
Complainant Name	Enriquetta Gutshall
Complainant Address	3330 NW 19 Terr.
Complainant Phone #	305-634-7344
Call back?	Y <span style="float: right;">Call back info (DATE&amp;TIME): 1:00 ON 1/20/13</span>
Source Name	Possibly CBI
Source Address	3033 NW N. River Drive
City	Miami
Nature of Complaint	"CBI Emissions Releasing Poisonous Toxins."
Additional Complaint Types:*	

\* Please add NPDES to all relevant complaints

Inspection Type & Reason:	UNS-COM		
Outcome Code:	SAT	Notice Given:	(for Water Rest & NPDES)
<b>Inspector On Call:</b>	Yes		
On Site Contact Name	N/A		
On Site Contact Title	N/A		
On Site Phone #	N/A		
Photos Taken:	Yes	Samples Taken:	No
<b>QUE FOL Inspection (w/in Days)?</b>	No	Days	<b>QUE FOL to?</b>
Permit Group Notification	No	Enforcement Required:	No

Supervisor	Eduardo de Aragon
Review Date	02/06/13
Status	Closed

#### Comments

This was a complaint response inspection made on 1/20/2013 @ 12:29 PM. I went to Cliff Berry Inc. at 3033 NW N. River drive with my windows rolled down approximately a block before I arrived. I smelled no odors at the location. I waited until 12:53 PM and then went to the complainant's location at 3330 NW 19 Terrace. I parked in front of the complainant's home and exited my car to walk the block where here home was located attempting to detect any sort of odor that might be considered poisonous or toxic. I was unable to detect any odors during my walk of the neighborhood. The day was a clear and sunny 80° with winds blowing East, Southeast at 8 miles per hour with 61% humidity (SOURCE: the Weather Channel @ 12:45 PM 1/20/12). Photos were taken .EdeAragon copy of report to R Gordon & M Montano .



# Florida Department of Environmental Protection

Southeast District Office  
400 N. Congress Avenue, Suite 200  
West Palm Beach, FL 33401-2913  
561-681-6600

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T.  
Vinyard Jr.  
Secretary

September 11, 2012

Cliff Berry, Sr., Director and Registered Agent  
Cliff Berry, Inc  
P.O. Box 13079  
Ft. Lauderdale, FL 33316

Subject: Warning Letter # 12-0065HW13SED  
Hazardous Waste Compliance Evaluation Inspection at Cliff Berry, Inc. - Miami  
Terminal, 3033 NW North River Dr., Miami, Florida 33142-6304  
EPA ID #FLD058560699

Dear Mr. Berry:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. Hazardous waste and used oil compliance evaluation inspections conducted on October 27, 2011 and November 11, 2011, respectively, at your used oil processing facility indicates that a violation of Florida Statutes and Rules may exist at the above described facility. Department of Environmental Protection personnel observed possible violations regarding hazardous waste and used oil management. The observations of the Department are in the attached inspection reports.

Section 403 Florida Statutes, provides that facilities must comply with Title 40 Code of Federal Regulations (CFR), Parts 260 to 268 and 279 as adopted in Chapter 62-730, Florida Administrative Code (F.A.C.) and Chapter 62-710, F.A.C. The activities observed during the Department's field inspection and any other activities at your facility that may be contributing to violations of the above-described statutes or rules should be ceased.

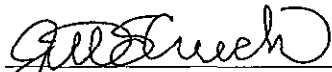
You are requested to contact Ms. Kathy Winston at the address above or 561/681-6756 within fifteen (15) days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.



Cliff Berry, Inc. - Miami Terminal  
FLD058560699  
Page 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 the investigation and resolution of this matter.

Sincerely,



Gill S. Creech, P.E.  
Southeast District Director



JSC/JWL/KK/kw

Attachments: Hazardous Waste Inspection Reports dated October 27, 2011 and November 11, 2011

cc: Electronic Archboard/OCULUS  
Glen Perrigan, DWM via email  
Mike Halpin, Office of the Secretary, via email

2a



# Florida Department of Environmental Protection

AVZ  
10/31/12

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard Jr.  
Secretary

Southeast District Office  
400 N. Congress Avenue, Suite 200  
West Palm Beach, FL 33401  
561-681-6600

October 29, 2012

**VIA ELECTRONIC MAIL: [LDoyle@cliffberryinc.com](mailto:LDoyle@cliffberryinc.com)**

Cliff Berry, Sr., Director and Registered Agent  
C/O Larry Doyle, Executive Vice President  
Cliff Berry, Inc  
P.O. Box 13079  
Ft. Lauderdale, FL 33316

IWP-108

RE: Penalty Disclosure - Warning Letter #WL12-0065HW13SED  
Cliff Berry, Inc. - Miami Terminal, 3033 NW North River Dr., Miami, Florida 33142-6304  
EPA ID # FLD058560699

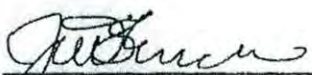
Dear Mr. Berry:

The purpose of this letter serves as confirmation of our enforcement meeting held on October 18, 2012 to discuss the alleged violations in Warning Letter #WL12-0065HW13SED dated September 11, 2012. The Department has reviewed your submittals and the facts of this case and has determined that a civil penalty is appropriate in this case.

In accordance with the Department's July 17, 2007 "Settlement Guidelines for Civil and Administrative Penalties", the U.S. EPA RCRA Civil Penalty Policy, the Department's Guidelines for Characterizing RCRA Violations (May 2008), and the Department's Guidelines for Characterizing Used Oil Violations (May 2008) the penalty proposed in this case is \$6,200.00 plus \$500.00 for Department's cost and expenses. The attached civil penalty worksheets are formulated and tendered only in the context of settlement negotiations in order to attempt to reach a cooperative settlement.

You are requested to contact Kathy Winston of this office at (561) 681-6756 within 10 days of receipt of this letter to discuss resolution of this matter through entry of a Consent Order. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,

  
Jill S. Creech, P.E.  
Southeast District Director

10-25-12  
Date



JSC/JWL/KK/kw

cc: Electronic Archboard/OCULUS  
Glen Perrigan, DWM  
Karl Markeset, PERA ([markek@miamidade.gov](mailto:markek@miamidade.gov))



Cliff Berry, Incorporated  
Environmental Services

October 19, 2011

Florida Dept. of Environmental Protection  
c/o Kathy Winston, CHMM  
400 N. Congress Ave., Suite 200  
West Palm Beach, FL 33401-2319

RECEIVED  
OCT 24 2011  
FL DEP  
WEST PALM BEACH

Re: FDEP inspection of the CBI Miami Facility October 27, 2011 ME ID#: 51668

Ms. Winston,

In response to the request for additional information voiced during our meeting of October 18, 2011, CBI is providing the following information.

**Oily Waste Storage Area:** The oily waste storage area has been designed as a storm water catchment with sump and tank. It is not designed to meet a volumetric calculation typical of a containment area (e.g. 110% of the largest container). The waste held in this area is primarily filter cake set inside a roll off box. The storage area basin is simply there to aid in retention of rain water so that when the water mingles with drips from the roll off box it does not run off the property. The space is sloped to the northeast corner (away from the wall that was damaged) toward a sump which is mechanically pumped to a 1,760 gallon tank.

The oily waste storage area was originally designed as a sloped area with only an earthwork on the southeast side (where the wall is today). It was later improved with a horizontal pipe about six inches off the ground acting as bumper for the forklift that carries oily waste to the roll off box. The pipe became damaged over time so it was further improved with cement blocks. When the cement blocks became damaged, as noted on the October 2011 inspection, they were removed and the wall rebuilt with reinforced concrete that can be observed today. Again, the purpose of the wall is to stop the forklift from colliding with the side of the roll off box. Although the wall surrounding the oily waste storage area appears similar to a containment wall, it simply acts as a means to delineate the edge of the storm water retention area and should not be held to the higher standard of a containment wall. Photos showing the latest iteration of the wall are attached.

**Used Oil Tanks:** Tanks #2 and #5 have had the "Used oil" markings restored.

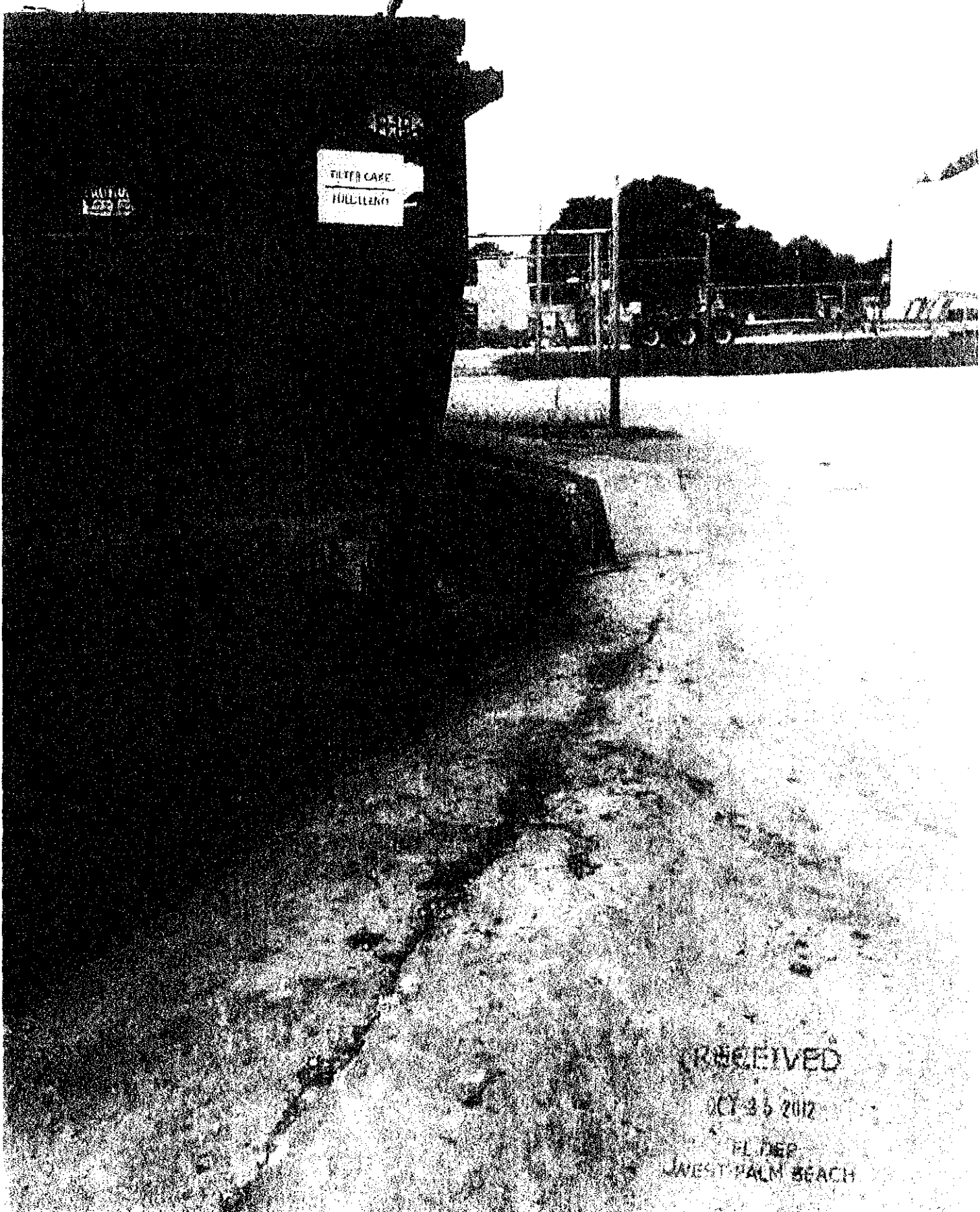
**Hazardous Waste Transfer Area (HWTA):** The HWTA has been moved back to its original location. The attached photo was taken October 19, 2012. Pointers have been added to showcase additional measures taken by CBI to safeguard materials placed in the HWTA, including an extended berm to segregate materials, extended spacing between containers, a large swing door with lock, warning signage and rolls of replacement labels. The successful transition also places containers inside the HWTA and beyond the nearby traffic pattern to better protect materials.

Best regards,



Steve Collins, CHMM

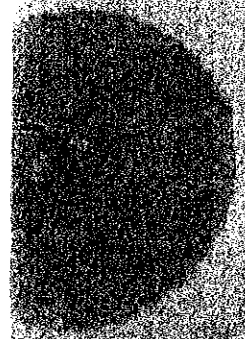
- Encl:
1. Oily waste area photo showing curb elevation above ground and berm
  2. Tank #2 with "Used oil" signage
  3. Tank #5 with "Used oil" signage
  4. Hazardous Waste Transfer Area with improvements identified by arrows



RECEIVED  
OCT 3 5 2012  
FL DEP  
WEST PALM BEACH

2  
A

USED  
OIL



*Enclosures*

5

USED  
01

# CBI Miami Facility – Hazardous Waste Transfer Area (Oct. 19, 2012) Improvements

Additional aisle  
space

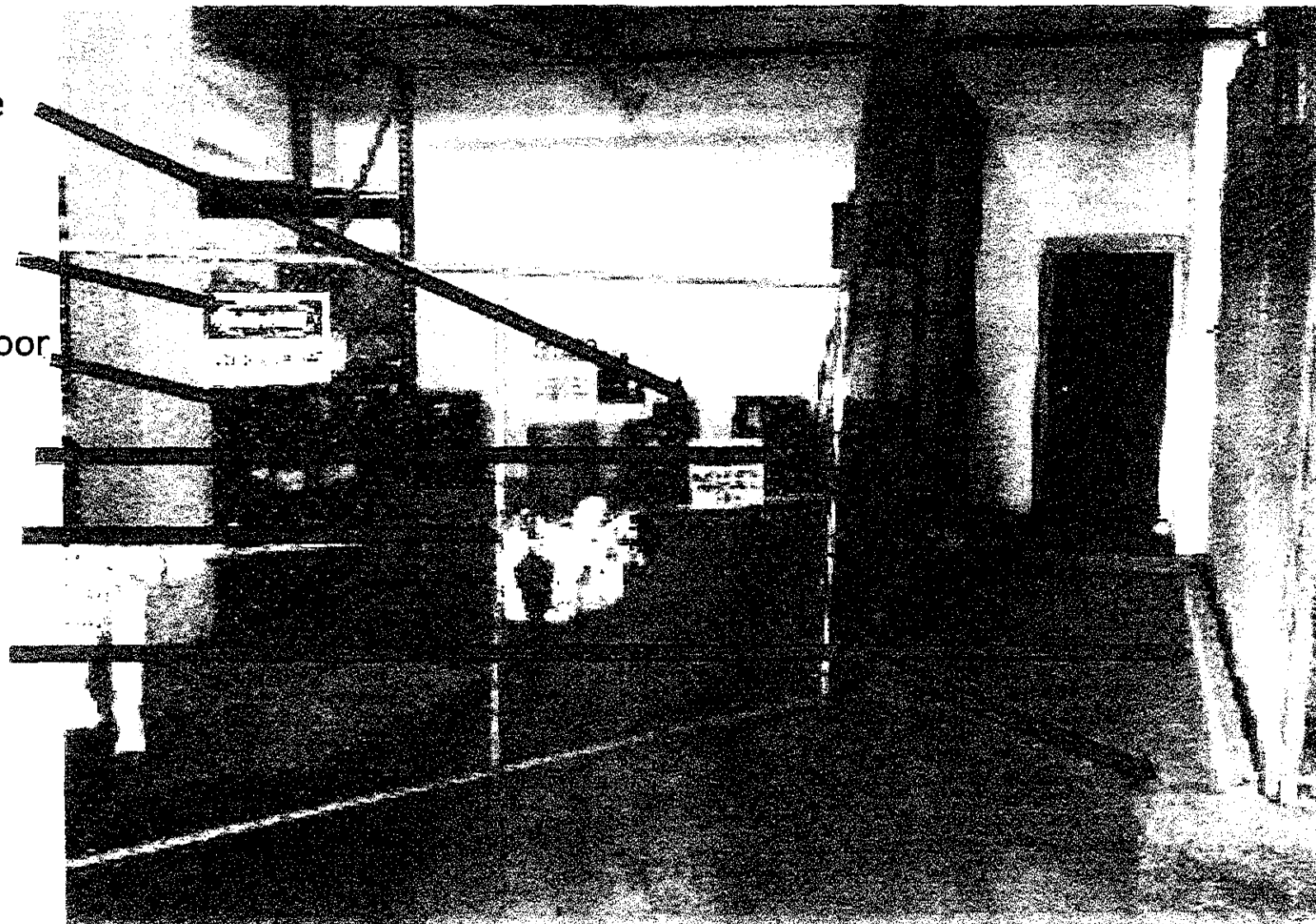
Warning signs

Larger swing door

Lock

Labels

Curbing and  
berm





**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Southeast District Office  
400 North Congress Avenue, 3rd Floor  
West Palm Beach, FL 33401  
561-681-6600

RICK SCOTT  
GOVERNOR

JENNIFER CARROLL  
L.L. GOVERNOR

HERSCHILL F. VINYARD JR.  
SECRETARY

December 19, 2012

Cliff Berry, Sr., Director and Registered Agent  
Cliff Berry, Inc  
P.O. Box 13079  
Ft. Lauderdale, FL 33316

RECEIVED DEC 19 2012

SUBJECT: Department of Environmental Protection v. Cliff Berry, Inc.  
OGC File No.: 12-1703  
EPA ID #FLD058560699

RECEIVED

JAN 14 2013

FL DEP  
WEST PALM BEACH

Mr. Berry:

The State of Florida Department of Environmental Protection ("Department") finds that Cliff Berry, Inc. ("Respondent") was in violation of the rules and statues cited in the attached Warning Letter. Before sending this letter, the Department requested that the Respondent undertake certain actions to resolve the violations. These actions have since been completed. However, due to the nature of the violations, the Respondent remains subject to civil penalties. The Respondent is also responsible for costs incurred by the Department during the investigation of this matter.

**The Department's Offer**

Based on the violations described above, the Department is seeking \$4,000.00 in civil penalties and \$500.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$4,500.00. The civil penalty in this matter includes 2 violations of \$2,000.00 or more.

**Respondent's Acceptance**

If you wish to accept this offer and fully resolve the enforcement matter pending against the Respondent, please sign this letter and return it to the Department at Florida Department of Environmental Protection, 400 N. Congress Ave., 3rd Floor, West Palm Beach, FL 33401 by December 17, 2012. The Department will then countersign it and file it with a designated clerk of the Department. Once the document is filed with the designated clerk, it will constitute a final order of the Department pursuant to Section 120.52(7), F.S. and will be effective unless a request for an administrative hearing is filed by a third party in accordance with Chapter 120, F.S. and the attached Notice of Rights.

*Cliff Berry, Sr.*



DEP V. Cliff Berry, Inc.  
OGC # 12-1703  
Page 2

By accepting this offer you, Cliff Berry, Sr.:

- (1) certify that you are authorized and empowered to negotiate, enter into, and accept the terms of this offer in the name and on behalf of Respondent;
- (2) acknowledge and waive Respondent's right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this offer, once final;
- (3) acknowledge and waive Respondent's right to an appeal pursuant to Section 120.68, F.S.; and
- (4) acknowledge that payment of the above amount does not constitute a waiver of the Department's right, if any, to recover emergency response related costs and expenses for this matter.

The Department acknowledges that the Respondent's acceptance of this offer does not constitute an admission of liability for the violation(s) referenced above.

#### **Respondent's Performance**

After signing and returning this document to the Department,

- (1) Respondent must pay \$4,500.00 in full by January 17, 2012.
- (2) The payment(s) must: (a) be in the form of a cashier's check or money order; (b) be payable to the "Department of Environmental Protection"; (c) include the OGC Number assigned above and the notation "Ecosystem Management and Restoration Trust Fund"; and (d) be sent to Florida Department of Environmental Protection, 400 N. Congress Ave., 3<sup>rd</sup> Floor, West Palm Beach, Florida, Attention: Kathy Winston.

The Department may enforce the terms of this document, once final, and seek to collect monies owed pursuant to Sections 120.69 and 403.121, F.S.

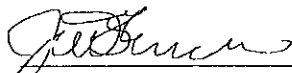
Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither the Respondent nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, F.S. Once this letter is clerked and becomes a final order of the Department, as explained above, the attached Notice of Rights will apply to parties, other than the Respondent, whose interests will be substantially affected.

Please be aware that if the Respondent declines to respond to the Department's offer, the Department will assume that the Respondent is not interested in resolving the matter and will proceed accordingly.


DEP V. Cliff Berry, Inc.  
OGC # 12-1703  
Page 3

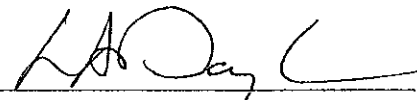

If you have any questions, please contact Kathy Winston at (561)681-6756 or at  
Kathy.Winston@dep.state.fl.us.

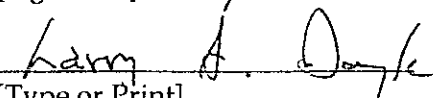
Sincerely,

  
12-18-12  
Jill S. Creech, P.E. Date  
Southeast District Director

FOR THE RESPONDENT:

I,  [Type or Print Name], HEREBY ACCEPT  
THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

By:  [Signature] Date: 

Title:  [Type or Print]

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DEP V. Cliff Berry, Inc.  
OGC # 12-1703  
Page 5

### NOTICE OF RIGHTS

Persons who are not parties to this Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Order means that the Department's final action may be different from the position it has taken in the Order.

The petition for administrative hearing must contain all of the following information:

- a) The OGC Number assigned to this Order;
- b) The name, address, and telephone number of each petitioner; 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;
- c) An explanation of how the petitioner's substantial interests will be affected by the Order;
- d) A statement of when and how the petitioner received notice of the Order;
- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Order; and
- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Order.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at the address indicated above. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under Sections 120.569 and 120.57, Florida Statutes. Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.



**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

Southeast District Office  
400 N. Congress Avenue, 3<sup>rd</sup> Floor  
West Palm Beach, FL 33401-2913

561-681-6600

RICK SCOTT  
GOVERNOR

JENNIFER CARROLL  
L.T. GOVERNOR

HERSCHEL T. VINYARD JR.  
SECRETARY

February 5, 2013

Cliff Berry, Sr., Director and Registered Agent  
Cliff Berry, Inc.  
P.O. Box 13079  
Ft. Lauderdale, Florida 33316


Re: Settlement of Department of Environmental Protection vs. Cliff Berry, Inc.  
OGC# 12-1703  
EPA ID #FLD058560699

Dear Mr. Berry:

Enclosed for your implementation is a copy of the fully executed and filed Consent Order in the above styled case. The compliance dates and terms of this Consent Order have been accomplished in a timely manner.

Thank you for your cooperation in this matter. If you have any questions concerning this matter, please contact Kathy Winston at 561/681-6756.

Sincerely,

  
\_\_\_\_\_  
Jill S. Creech, P.E.                      02-05-13  
Southeast District Director              Date

Cc: Electronic Archboard/OCULUS  
Lea Crandall, OGC, DEP Tallahassee (MS#35)  
Shirley Richards, SED



Cliff Berry, Incorporated  
Environmental Services

October 24, 2012

Mike Montano  
Pollution Control Inspector II  
IW/IWP Program, EEC  
Miami-Dade County Environmental Resources Management  
Pollution, Regulation and Enforcement Division  
701 NW 1<sup>st</sup> Court \* Suite 700  
Miami, FL 33136-3912

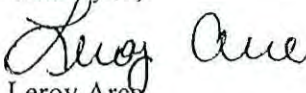
RE: Warning Notice dated 10/4/2012; Operating Permit No. IWP-108, violations of Self-Monitoring Report (SMR) requirements for Industrial Waste Pretreatment Facility located at, near or in the vicinity of Cliff Berry, Inc. Miami Terminal, 3033 NW N. River Dr. Miami, Florida 33142

Mr. Montano,

This letter is in response to the Warning Notice dated 10/4/2012 and received 10/12/2012 regarding the 8/13/2012 sample analysis reading of 11.60 pH which is in excess of the permit limits of 5.5 - 11.50 pH. As indicated by daily reports for the rest of this and prior months, the errant pH reading is an isolated incident. We have reviewed our internal processes and equipment and reemphasized pretreatment standards with operators. We have replaced the primary pH sensor and have recalibrated the equipment as a precaution against any erroneous readings. Miami-Dade quarterly sampling on 8/24/2012 confirmed that the facility is operating in compliance with the permit limits. We strive daily to maintain our facility in full compliance with all federal, state and local rules and regulations and regret the incident.

Please contact me if there are any questions or concerns.

Thank you,

  
Leroy Arce  
Facility Manager



Florida Department of  
Environmental Protection  
Hazardous Waste Inspection Report

Not disclosed  
EXHIBIT 5  
Page 23 of 259  
Completed

**FACILITY INFORMATION:**

**Facility Name:** Cliff Berry Inc - Jacksonville Facility  
**On-Site Inspection Start Date:** 09/20/2012 **On-Site Inspection End Date:** 09/20/2012  
**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:**

CESQG (<100 kg/month)  
Transporter  
Used Oil

**INSPECTION TYPE:**

Routine Inspection for Used Oil Processor facility  
Routine Inspection for Used Oil Generator facility  
Routine Inspection for Hazardous Waste Transporter facility  
Routine Inspection for Used Oil Transfer Facility  
Routine Inspection for Used Oil Transporter facility  
Routine Inspection for Used Oil Marketer facility

**INSPECTION PARTICIPANTS:**

**Principal Inspector:** Jabe Breland III, Inspector  
**Other Participants:** Jay Smothers, ; Ileana Smothers, Facility Manager

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

**SIC CODE:** 4213 - Trans. & utilities - trucking, except local

**TYPE OF OWNERSHIP:** Private

**Introduction:**

Cliff Berry, Inc. (CBI) was inspected on September 20, 2012, as unannounced hazardous waste compliance inspection. Mr. Jay Smothers was present for the September 20, 2012, inspection. A follow up inspection was conducted on October 2, 2012, to review records. Ms. Ileana Smothers was present for the follow up inspection.

CBI provides emergency response cleanup for transportation accidents and the clean up and removal of hazardous and non-hazardous waste from industrial spills. CBI has been assigned the EPA identification number: FLR 000 119 784. Please use this number on all hazardous waste manifests and on all correspondence with the DEP.

On May 11, 2005, CBI, Jacksonville Branch, notified the Department that it was a hazardous waste and used oil transporter, a used oil transfer facility, a used oil processor, and a used oil marketer. A subsequent notification on June 17, 2008, showed the facility to be a hazardous waste and used oil transporter, used oil processor, and used oil filter transporter. On February 12, 2007, CBI applied for a permit to become a used oil processor. The Department issued a permit to CBI on April 14, 2008. However, CBI has not been processing used oil at the facility.

At the time of the inspection, CBI was in the process of renewing its used oil processing permit with

DEP. The new permit application includes an expansion of the current used oil storage area to include the installation of ten additional tanks (Photo 1). Nine would be for oily wastewater, and one would be for petroleum contact water (PCW). The facility intends to bring oily wastewater back to its facility for processing instead of taking it to a third party for processing.

The facility is currently operating as a registered used oil transporter and transfer facility. The facility is also a hazardous waste transporter and used oil filter transporter and transfer facility.

**Process Description:**

CBI's current operation consists of an office building, a large storage warehouse, and a used oil storage area. The office building and the storage warehouse do not generate any waste. These two areas are used to store boats, pumps, hoses, boom, and other spill cleanup inventory.

**Used Oil Storage:**

The facility has three double-walled tanks including one 15,000-gallon tank with two compartments of 10,000 and 5,000-gallon capacities, one 2,000-gallon tank, and one 4,000-gallon tank. The tanks were properly labeled and appeared to be in good condition. Next to the tanks is an area for storing used oil generated from the loading and off-loading of used oil into the tanks (Photo 2). The facility places buckets underneath the hose fittings during off-loading, and any used oil that drips into these buckets is captured and added to the used oil drum. This drum was properly labeled and in secondary containment. There was also one drum of oily rags from the off-loading operations and one drum of petroleum contact water (PCW) from a customer. These drums were properly labeled.

The facility ships used oil to its Miami facility to be processed and sold as a fuel. According to facility records, the last shipment of used oil from this location to Miami was on March 8, 2012.

**Non Hazardous Waste and Used Oil Filter Storage:**

The facility has a semi trailer on-site to store non-hazardous waste, universal waste, and used oil filters it receives from its customers. The facility keeps a log of what drums are in the trailer and when they were delivered. At the time of the inspection, there were 12 drums in the trailer. These drums were properly labeled, closed, and in good condition.

**Records:**

According to the hazardous waste manifests supplied by the facility, CBI is accepting and transporting Small Quantity Generator (SQG) and Large Quantity Generator (LQG) amounts of hazardous waste. A hazardous waste manifest is required to accompany shipments of SQG and LQG hazardous waste. A review of the facility's hazardous waste manifests found them to be in order. At the time of the inspection, the facility did not have any hazardous waste on-site. According to Mr. Smothers, shipments of hazardous waste are taken directly to the permitted TSD or Cliff Berry's 10-day transfer facility located in Miami.

A review of the facility's used oil acceptance records during the inspection showed that the facility picked up used oil a total of four times in July and August 2012. The facility was performing halogen screening as required by Section 62-710.510(1)(g), FAC. The facility mainly picks up oily wastewater from its customers and takes it directly to Liquid Environmental Solutions (LES) or Water Recovery Inc (WRI) for processing.

According to Ms. Smothers, CBI routinely performs training for its used oil transportation activities and provided documentation of this employee training. The facility's contingency plan was reviewed and was in order.

The facility displayed its used oil transportation registration at the facility, but it was from the previous year and had expired [Section 62-710.500(4), FAC]. This was corrected during the follow up visit. The facility has submitted its certificate of liability insurance for its used oil and hazardous waste transportation activities. It has also completed its annual reporting for its used oil activities.



Inspection Date: 09/20/2012

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

**Violations**

Type: Violation

Rule: 62-710.500(4)

Explanation: The facility did not have its current registration on display. The one that was displayed was expired.

Corrective Action: The facility corrected this during the follow up visit on 10.3.12.

---

**PHOTO ATTACHMENTS:**

Photo 1 - area for tank expansion




Photo 2



**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. The above noted potential items of non-compliance were identified by the inspector(s).

This is not a formal enforcement action and may not be a complete listing of all items of non-compliance discovered during the inspection.

<u>Jabe Breland III</u> <b>PRINCIPAL INSPECTOR NAME</b>	<u>Inspector</u> <b>PRINCIPAL INSPECTOR TITLE</b>	
<u></u> <b>PRINCIPAL INSPECTOR SIGNATURE</b>	<u>DEP</u> <b>ORGANIZATION</b>	<u>2/18/2013</u> <b>DATE</b>

**Supervisor:** Jabe Breland III **Inspection Approval Date:** 02/18/2013

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.

RICK SCOTT  
GOVERNOR

JENNIFER CARROLL  
LT. GOVERNOR

HERSCHEL T. VINYARD JR.  
SECRETARY



## FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

NORTHEAST DISTRICT  
7777 BAYMEADOWS WAY WEST, SUITE 100  
JACKSONVILLE, FLORIDA 32256

February 18, 2013

**SENT VIA EMAIL**

[ileana@cliffberryinc.com](mailto:ileana@cliffberryinc.com)

Ms. Ilena Smothers, Facility Manager  
Cliff Berry, Inc  
1518 Talleyrand Avenue  
Jacksonville, Florida 32206

**Re: Cliff Berry, Inc**  
**EPA/DEP ID: FLR 000 119 784**  
**Duval County – Hazardous Waste**

Dear Ms. Smothers:

Thank you for your assistance during the hazardous waste compliance inspection conducted by the Florida Department of Environmental Protection at your facility on September 20, 2012. Enclosed is the report that documents this inspection.

Based on this inspection, your facility was found to be in violation of Florida Statutes and Rules concerning used oil management. Subsequent to the inspection, your facility submitted information stating that the violations have been corrected. Since your facility has returned to compliance, no enforcement action will be taken.

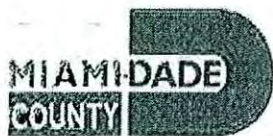
Your continued cooperation is appreciated. If you have any questions regarding this report or hazardous waste regulation in general, please contact me at 904.256.1671.

Sincerely,

A handwritten signature in blue ink that reads "Jabe Breland III" followed by a small square mark.

Jabe Breland III  
Environmental Specialist III  
Hazardous Waste Section

162  
Enclosure(s)



Carlos Alvarez, Mayor

Environmental Resources Management  
Pollution Regulation and Enforcement Division  
201 NW 1st Court & Suite 700  
Miami, Florida 33136-3912  
T 305 372-6600 F 305 372-6410

miamidade.gov

**AIR POLLUTION SOURCES  
FIELD NOTICE OF VIOLATION**

TO: GILFF BERRY, Inc  
ADDRESS: 3053 NW 20TH STREET MIAMI, FL  
SOURCE/LOCATION: 3053 NW 20TH STREET

YOU ARE HEREBY NOTIFIED that on NOV 29, 2012, the following violation(s) of Chapter 24 of the Code of Miami-Dade County, and/or regulations of the Florida Administrative Code, was observed at the referenced location by an official of this Department:

- Failure to obtain appropriate Air Permit
- Uncontrolled fugitive emissions
- Non-compliance with Stage II Vapor Recovery
- Objectionable odor**
- Excessive Visible Emissions
- Improper handling/removal of asbestos
- Non-compliance with CFC regulations
- Other

Specifically: Odors from storage of various materials

In view of the above, and pursuant to the authority granted to me by Sections 24-7 and 24-25, Miami-Dade County Environmental Protection Ordinance, I hereby order you to:

- Upon receipt of this NOTICE, immediately initiate corrective measures to eliminate and/or Cease and Desist the above-referenced violation(s).
- Within \_\_\_ days of receipt of this NOTICE, initiate corrective measures to eliminate and/or Cease and Desist the above-referenced violation(s).
- Within \_\_\_ days of receipt of this NOTICE, contact the DERM Pollution Regulation and Enforcement Division at (305) 372-6600 to discuss corrective measures. When contacted, you may be required to submit in writing, the steps which you have taken to ensure that no further violation(s) will occur. Said report may include evidence of equipment repairs, adjustments or servicing performed to correct the violation(s).
- Within \_\_\_ days of receipt of this NOTICE, submit a completed application for an air construction/operating permit to the DERM Air Quality Management Division located at the above letterhead address.

*Be advised that applying for a DERM Air Permit does not necessarily guarantee the issuance of such Permit, and you may not be allowed to continue operation at this location.*

Failure to comply with the above may result in either the issuance of a Uniform Civil Violation Notice (UCVN), pursuant to Chapter 8-CC of Miami-Dade County, requiring corrective action(s) and payment of a civil penalty or the initiation of formal enforcement action by this Department, subjecting you to the enforcement and penalty provisions of Sections 24-29 and 24-30 of the Code of Miami-Dade County.

For further information regarding the above, please contact the Pollution Regulation and Enforcement Division at 305-372-6600.

*Notice was delivered 12-03-12. NO ONE COME TO THE INVESTIGATION.*

PLEASE GOVERN YOURSELF ACCORDINGLY

Received by Leroy Arce  
Recipient's Signature

Print Leroy Arce  
Recipient's Name

Title General Manager

Posted: Y \_\_\_ N

Photographed: Y  N \_\_\_

Carlos Espinosa, P.E., Director  
ENVIRONMENTAL RESOURCES MANAGEMENT

Issued/Posted by: Allen T...  
Inspector's Signature

Print Allen T...  
Inspector's Name

Section/Phone

Date: 12/03/2012

*Delivering to...*  
12/03/2012



miamidade.gov

**Regulatory and Economic Resources**  
Environmental Resources Management  
701 NW 1st Court • 7th Floor  
Miami, Florida 33136-3912  
T 305-372-6600 F 305-372-6893

February 28, 2013

CERTIFIED MAIL NO. 7006 0810 0000 7059 6047  
RETURN RECEIPT REQUESTED

Cliff Berry II, Permittee  
Cliff Berry, Inc., Miami Terminal  
P.O. Box 13079 Port Everglades  
Fort Lauderdale, Florida 33316

**RE: Industrial Waste Pretreatment Facility located at, near, or in the vicinity of 3033  
NW North River Drive, Miami-Dade County, Florida 33142 (IWP-0108).**

**WARNING NOTICE**

Dear Mr. Berry:

On August 24, 2012, representatives of this Department sampled the final industrial effluent discharge to sanitary sewers from your industrial waste pretreatment system. Analyses of these samples revealed violations of Section 24-42.4, SANITARY SEWER DISCHARGE LIMITATIONS AND PRETREATMENT STANDARDS, Miami-Dade County Environmental Protection Ordinance, specifically:

**Vanadium Monthly Average 0.090 mg/l, when no more than 0.0662 mg/l is permitted (see enclosed).**

The violation was corrected as demonstrated by samples collected subsequently by your facility during the month of September 2012.. However you are required to submit to this Department, in writing, the reason(s) for the aforementioned violation and the action(s) taken to correct it.

Be advised that failure to submit the required information, within ten (10) days of receipt of this NOTICE or continued operation in violation of said Ordinance, shall result in either the issuance of a Uniform Civil Violation Notice (UCVN), pursuant to Chapter 8CC Code of Metropolitan Dade County, requiring corrective actions and payment of civil penalty, OR the initiation of formal enforcement action against you and your facility.

For further information regarding the above, please call the Pollution Regulation Division at (305) 372-6600.

Sincerely,

Allen T. Cox  
Pollution Control Inspector II  
Pollution Regulation Division

Enclosure: Industrial Waste Pretreatment Annual Operating Permit No. IWP-108  
Regulated Pollutants  
Laboratory Analysis Record



miamidade.gov

February 28, 2013

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Sincerely,

Allen T. Cox  
Pollution Control Inspector II  
Pollution Regulation Division

Enclosure: Industrial Waste Pretreatment Annual Operating Permit No. IWP-108  
Regulated Pollutants  
Laboratory Analysis Record

5/22/2012

# REGULATED POLLUTANTS

CLIFF BERRY, INC. MIAMI TERMINAL

INDUSTRIAL USER CODE: IWP-0108  
OUTFALL: FAC

6/1/2012 - 5/31/2013

<u>PARAMETER NAME</u>	<u>UNITS</u>	<u>DAILY MAXIMUM LIMIT</u>	<u>AVERAGE LIMIT</u>	<u>AVERAGE LIMIT TYPE</u>	<u>SAMPLE TYPE</u>	<u>SAMPLE FREQ</u>
2,4,6-Trichlorophenol	mg/l	0.155	0.106	M	G	1/M
Ammonia	mg/l	100			G	1/M
Antimony	mg/l	0.249	0.206	M	G	1/M
Arsenic	mg/l	0.162	0.104	M	G	1/M
Benzene	mg/l	0.2			G	1/M
Bis(2-ethylhexyl)phthalate	mg/l	0.215	0.101	M	G	1/M
Cadmium	mg/l	0.187	0.0962	M	G	1/M
Carbazole	mg/l	0.598	0.276	M	G	1/M
Carbon Tetrachloride	mg/l	0.22			G	1/M
Chromium	mg/l	0.746	0.323	M	G	1/M
Cobalt	mg/l	0.192	0.124	M	G	1/M
Copper	mg/l	0.5	0.242	M	G	1/M
Cyanide	mg/l	0.5			G	1/M
EPA series 624 & 625 organics	mg/l	2.0			G	1/M
Flow, total	gpd	210040				1/M
Fluoranthene	mg/l	0.0537	0.0268	M	G	1/M
Lead	mg/l	0.35	0.16	M	G	1/M
Mercury	mg/l	0.00234	0.000739	M	G	1/M
n-Decane	mg/l	0.948	0.437	M	G	1/M
Nickel	mg/l	0.39	1.45	M	G	1/M
n-Octadecane	mg/l	0.589	0.302	M	G	1/M
o-Cresol	mg/l	1.92	0.561	M	G	1/M
p-Cresol	mg/l	0.698	0.205	M	G	1/M
pH (Maximum / Minimum)		11.5	5.5	M	G	1/M
Silver	mg/l	0.12	0.0351	M	G	1/M
Tetrachloroethylene	mg/l	0.125			G	1/M
Thallium	mg/l	0.005			G	1/S
Tin	mg/l	0.409	0.12	M	G	1/M
Titanium	mg/l	0.0947	0.0618	M	G	1/M
Total Petroleum Hydrocarbons	mg/l	50			G	1/M
Trichloroethylene	mg/l	0.16			G	1/M
TSS	lb/d	145			G	1/M
Vanadium	mg/l	0.218	0.0662	M	G	1/M
Vinyl Chloride	mg/l	0.08			G	1/M
Zinc	mg/l	2.87	0.641	M	G	1/M

Temp. of samples upon arrival 13°C by SR

METROPOLITAN MIAMI-DADE COUNTY, FLORIDA



LABORATORY ANALYSIS RECORD



EPA # FLO0025  
HRS # E46126

ENFORCEMENT

Environmental Resources Management  
Office of Laboratory Services  
MIAMI, FLORIDA 33130-1510  
(305)-375-1851

Location: 3033 NW NORTH RIVER DR

SI  
A Sampler: MONTAM

BC#

Sample #: 290060

S: Deliverer: MONTAM

Section: IWP

Date: 8/24/12 Time: 2:00 pm

D Return To: MONTAM

Permit #: 108

Collection Point: Spigot after pump station.

R CC#: 985343

Phone: 6600

Observation/Known Hazards:

C TOTAL Metals

Date: 8/24/12  
Time: 2:00 pm

24 AUG '12 15:48  
Clock-In Date/Inspector

Signature of Inspector

Signature of Lab Custodian

AB84224  
Ref # Joad? S10N  
\*Laboratory ID #/ Fridge #

Return For TCLP / SPLP?

Clock-In Date/Inspector

Date Requested

\*Laboratory ID #/ Fridge #

\*Laboratory ID #/ Fridge #

\*Take-Out Date/DERM Lab

\*Returned-Date/DERM Lab

\*Take-Out Date/DERM Lab

\*Returned-Date/DERM Lab

\*Take-Out Date/DERM Lab

For Disposal Date:  
See Metal Disposal Log

\*Sample Disposal Date

\*Extracted By / Date

\*Analyzed By / Date

Requirements: SDWA  NPDES  Other

Matrix: H2O  Soil/Sludge  Product  Layer  Sewage  Other

Preservation: None  Acid  Base  Thermal  ICE

Sample Bottle: Prepared Date By Lab: 092111TM2 Picked-Up Date By Inspector: 8/24/12

Split Sample? Yes  No  Consultant/Lab: Cliff Berg / Pace

Test(s) Run/Method #	Test(s) Run/Method #
TOTAL Metals + Silver	Titanium
Thallium	Vanadium
Antimony	Tin
Cobalt	

RECEIVED  
DERM

SEP 11 2012

Relinquished To: \*\*Contract Lab

Delivered By / Date:

Received By / Date:

Extracted By / Date:

Analyzed By / Date:

Returned By / Date:

LAB RESULTS ATTACHED

M/S 09/07/12

ENVIRONMENTAL  
EVALUATION & COMPLIANCE  
SECTION

Comments

\* By DERM Lab \*\* By Contract Lab





EPA # FL0002  
FL CERT E46126

# Office of Laboratory Services

## Sample Analysis Record

### Metals

R E R

211 W. Flagler St.  
Miami, FL 33130  
(305) 375-1851

Site Description : CLIFF BERRY INC MI

Blue Card No : 290060      Collected : 08/24/12 14:00  
LIMS ID : AB84224      Received : 08/24/12 15:48  
Sampled By : MONTAM      Matrix : Aqueous

Metals	Conc.	MDL	Unit	DF	Digested	Analyzed	By
1. Zinc by 200.7/6010	0.100	0.004	mg/L		8/29/12	08/29/12	LW
2. Cadmium by 200.7/6010	U	0.002	mg/L		8/29/12	08/29/12	LW
3. Lead by 200.7/6010	U	0.0031	mg/L		8/29/12	08/29/12	LW
4. Nickel by 200.7/6010	0.071	0.010	mg/L		8/29/12	08/29/12	LW
5. Chromium by 200.7/6010	U	0.002	mg/L		8/29/12	08/29/12	LW
6. Copper by 200.7/6010	U	0.003	mg/L		8/29/12	08/29/12	LW
7. Arsenic by 200.7/6010	U	0.004	mg/L		8/29/12	08/29/12	LW
8. Cobalt by 200.7/6010	0.005 I	0.002	mg/L		8/29/12	08/31/12	LW
9. Thallium by 200.7/6010	U	0.0031	mg/L		8/29/12	08/31/12	LW
10. Titanium by 200.7/6010	U	0.0005	mg/L		8/29/12	09/06/12	LW
11. Vanadium by 200.7/6010	0.096	0.001	mg/L		8/29/12	08/31/12	LW
12. Antimony by 200.7/6010	U	0.0038	mg/L		8/29/12	08/31/12	LW
13. Tin by 200.7/6010	U	0.0116	mg/L		8/29/12	09/06/12	LW
14. Silver by 200.7/6010	U	0.005	mg/L		8/29/12	08/31/12	LW

*W*

U = Below MDL MDL = Method Detection Limit I = Between MDL and PQL DF = Dilution Factor All analyses are in compliance with NELAC standards.

Date of Issue  
9/6/2012

Page 1 of 1 Note : Multiply MDL by Dilution Factor ( 1.0, unless noted otherwise. )

All results being reported under this report apply to the samples analyzed.

Yin Chen / QA Officer

If you have any questions please contact the QA Officer at 305-375-1851.



Cliff Berry, Incorporated  
Environmental Services

March 7, 2013

Miami-Dade County  
Regulatory and Economic Resources  
ATT: Allen Cox  
701 NW 1<sup>st</sup> Court \* 7<sup>th</sup> Floor  
Miami, FL 33136-3912

RECEIVED

MAR 13 2013

DERM  
POLLUTION REGULATION  
AND  
ENFORCEMENT DIVISION

**RE: Industrial Waste Pretreatment Facility located at, near, or in the vicinity of 3033  
NW North River drive, Miami Dade County, Florida 33142 (IWP-0108).**

Dear Mr. Cox,

This letter is in response to a warning letter dated February 28, 2013 regarding a vanadium monthly average of 0.090 mg/l on August 24, 2012 when no more than 0.0662 mg/l is permitted. The letter requests explanation of the exceedance and actions taken to ensure future compliance.

The exceedance is related to the timing of the testing regimen for heavy metals and the proportion of industrial waste water received at the facility. When testing is performed infrequently or late in the month the average monthly vanadium may be more difficult to manage and thus the amount of industrial water, a source for heavy metals, may not be properly adjusted to ensure the monthly average is not exceeded. During August 2012 the infrequent sampling and timing of testing late in the month challenged the facility to properly adjust output to meet permit levels.

As noted in the warning letter the exceedance of the monthly average for vanadium did not recur as demonstrated by PERA analysis for the following month.

Subsequent to the PERA warning letter the Cliff Berry Miami facility will complete testing early enough in the month so that it may allow for additional sampling and analysis in the event the facility is approaching the monthly average permit limit. Output of the facility can then be managed to reduce the amount of industrial waste water to remain not only below daily limits but also remain below monthly average limits. Conducting sampling and analysis early in the month will provide the facility flexibility in ensuring compliance with the permit.

Cliff Berry strives on a daily basis to maintain its facility in compliance with all state, county and local rules and regulations. Please contact the undersigned if there are any questions or concerns.

Best regards,

Steve Collins, CHMM  
Manager Health, Safety and Regulatory Affairs



miamidade.gov

Regulatory and Economic Resources  
Environmental Resources Management  
701 NW 1st Court • 7th Floor  
Miami, Florida 33136-3912  
T 305-372-6600 F 305-372-6893

August 5, 2013

CERTIFIED MAIL No. 7010-1870-0000-2684-3395  
RETURN RECEIPT REQUESTED

Mr. Clifford Berry II, President/Owner  
CLIFF BERRY, INC.  
P.O. BOX 13079  
FT. LAUDERDALE, FL 33316

RE: Failure to submit completed Sanitary Sewer Evaluation Survey by required Date for the Private Sanitary Sewers Collection System for CLIFF BERRY INC., located at 3033 NW NORTH RIVER DR . MIAMI, FL 33142 (PSO-0513).

WARNING NOTICE

Dear Mr. Berry II:

A review of Departmental records reveals that the parties have failed to submit a Sanitary Sewer Evaluation Survey (SSES) to this Department, hereafter referred as "correctly completed SSES", that meets the standards as set forth in Chapter 24 of the Miami-Dade County Code. Pursuant to the Code, a correctly completed SSES is/was due to be submitted to this Department by 11/12/2013. Your failure to submit a correctly completed SSES constitutes a violation of Section 24-42.2(1) (a) of said Code and the Specific Condition No. 6 of the Operating Permit No. PSO-0513.

Therefore, pursuant to the authority granted to me by Chapter 24, of the Miami-Dade County Environmental Protection Ordinance, you are hereby ordered to:

Within sixty (60) days of your receipt of this Warning Notice (WN), submit a correctly completed SSES. to:

Department of Regulatory and Economic Resources  
Environmental Permitting Section  
701 NW 1st Court, 7th Floor  
Miami, FL 33136

Be advised that your failure to comply with the order herein may result in the issuance of a Uniform Civil Violation Notice which requires you to correct the violation(s) and which carries a mandatory civil penalty. Additionally, failure to comply, may result in your case being prepared for formal enforcement action in a court of competent jurisdiction pursuant to the provisions of Chapter 24 Miami-Dade County Environmental Protection Ordinance.

If you need additional clarification or copy of the SSES guidelines, please contact Ms. Jacqueline Alcina at 305-372-6926, or at by e-mail at [Jacqueline.alcina@miamidade.gov](mailto:Jacqueline.alcina@miamidade.gov)

Sincerely,

A handwritten signature in black ink, appearing to read "Oscar Aguirre".

Oscar Aguirre, E.I., Engineer 3  
Environmental Resources Management

cc: PSO File 30-0513

(Plan A)



Department of Regulatory & Economic Resources  
Environmental Resources Management  
701 NW 1st Court • Suite 700  
Miami, Florida 33136-3912  
T 305-372-6600 F 305-372-6957

**WARNING NOTICE**

July 16, 2013

Cliff Berry II, Permittee  
Cliff Berry, Inc., Miami Terminal  
P.O. Box 13079 Port Everglades  
Fort Lauderdale, FL 33316

CERTIFIED MAIL No: 70081830000282248986  
RETURN RECEIPT REQUESTED

RE: Industrial Waste Pretreatment facility located at, near, or in the vicinity of 3033 NW North River Drive, Miami-Dade County, Florida  
33316 (IWP-0108)

Dear Mr. Berry:

The Department of Regulatory & Economic Resources, Division of Environmental Resource Management (RER-DERM) is in receipt of Self Monitoring Reports (SMR) for your operation as required by your Industrial Waste Pretreatment (IWP) operating permit no. IWP- 108 (copy enclosed) in accordance with specific condition no. 12. This NOTICE is to inform you that a review of said SMR(s) has identified the following deficiency(ies) which is(are) in violation of the aforementioned permit:

- Failure to submit SMR(s) by applicable due date(s) for the period(s) referenced below.  
Reporting Period(s): \_\_\_\_\_
- Failure to submit analytical results from a certified laboratory.  
Remark(s): \_\_\_\_\_
- Analytical methodology(ies) referenced in report(s) is(are) not approved under 40 CFR 136, Code of Federal Regulations.  
Remark(s): \_\_\_\_\_
- Use of improper/obsolete SMR form(s).  
Remark(s): \_\_\_\_\_
- SMR form(s) not signed by responsible official.  
Remark(s): \_\_\_\_\_
- Failure to provide notification of violation(s) of Pretreatment Standards(s)  
Remark(s): \_\_\_\_\_
- Violation(s) of sanitary sewer limitations and pretreatment standards pursuant to Section 24-42.4 of the Code of Miami-Dade County as summarized below:

Sample Date	Parameter	Result	Permit Limit	Outfall	Sample Date	Parameter	Result	Permit Limit	Outfall
1/31/13	Vanadium	0.19	0.0662	FAC					
4/30/13	Vanadium	0.19	0.0662	FAC					
5/1/13	Vanadium	0.17	0.0662	FAC					

Other: \_\_\_\_\_

Please note that the above constitute(s) a violation of your operating permit and of Sections 24-18 and 24-25 of the Code of Miami-Dade County (the Code). In order to avoid further enforcement action and pursuant to the authority granted to me under Section 24-7 of the Code, I hereby order you to submit, within 10 day(s) of this Notice, information regarding the action(s) undertaken to correct the above referenced deficiency(ies).

Be advised that continued operation in violation of the Code, and/or of an operating permit, shall result in either the issuance of a Uniform Civil Violation Notice (UCVN) pursuant to Chapter 8CC of the Code, requiring corrective action(s) and payment of a civil penalty OR the initiation of formal enforcement action by this Department in accordance with the provisions of Sections 24-29 and 24-30 of the Code.

For further information regarding above, please contact the Pollution Regulation Division at (305) 372-6600.

Sincerely,

Allen T. Cox, Pollution Control Inspector II  
Pollution Regulation Division

Enclosures: Industrial Waste Pretreatment Annual Operating Permit No. IWP-108  
Regulated Pollutants



## FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Southeast District Office  
400 North Congress Avenue, 3<sup>rd</sup> Floor  
West Palm Beach, FL 33401-2913  
561-681-6600

RICK SCOTT  
GOVERNOR

HILARY T. VINYARD JR.  
SECRETARY

November 22, 2013

Mr. Cliff Berry Sr., Director and Registered Agent  
Cliff Berry, Inc.  
P.O. Box 13079  
Fort Lauderdale, Florida 33316

Re: Warning Letter #WL13-0017HW06SED  
Cliff Berry – Port Everglades  
EPA ID No. FLR000083071  
Broward County

Dear Mr. Berry, Sr.:

On **October 11, 2012**, a file review and an investigation was conducted concerning operations performed by personnel employed by the above mentioned facility under the authority of Section 403.091, Florida Statutes (F.S.). During this investigation, possible violations of Chapter 403, F.S., and Chapter 62-730, Florida Administrative Code (F.A.C.) were noted.

At the conclusion of the investigation, Department personnel verbally notified you that potential violations occurred concerning operations performed by your facility personnel and you were asked to provide a detailed description of the events surrounding this incident and what was going to be done to avoid it in the future. The potential violations of hazardous waste generator and hazardous waste transporter standards were: generator violations (failure to obtain an EPA ID number, failure to package per DOT standards, and failure to operate in a way to minimize releases) and transporter violations (failure to properly fill out a manifest, failure to provide proper training to emergency response personnel, and failure to place waste in compatible containers). See the attached inspection report dated October 11, 2012, for specific citations and violation descriptions.

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 403.141, 403.161 and 403.727, Florida Statutes.

Please contact Kathy Winston, at (561) 681-6756 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 you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.





## Florida Department of Environmental Protection

Southeast District  
3301 Gun Club Rd.  
MSC 7210-1  
West Palm Beach, FL 33406

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Jonathan P. Steverson  
Interim Secretary

July 14, 2015

VIA ELECTRONIC MAIL: [rgathright@cliffberryinc.com](mailto:rgathright@cliffberryinc.com)

Richard E Gathright, President and Chief Operating Officer  
Cliff Berry, Inc. – Port Everglades Facility  
P.O. Box 13079  
Fort Lauderdale, Florida 33316

SUBJECT: Department of Environmental Protection v. Cliff Berry, Inc.,  
OGC File No.: # 14-0111, EPA ID No. FLR000083071

Mr. Richard E. Gathright:

The State of Florida Department of Environmental Protection (“Department”) finds that Cliff Berry, Inc. (“Respondent”) was in violation of the standards for a hazardous waste transporter per 40 CFR Part 263. Before sending this letter, the Department requested that the Respondent undertake certain actions to resolve the violations. These actions have since been completed. However, due to the nature of the violations, the Respondent remains subject to civil penalties. The Respondent is also responsible for costs incurred by the Department during the investigation of this matter.

### The Department’s Offer

Based on the violations described above, the Department is seeking \$ 2,130.00 in civil penalties and \$500.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$ 2,630.00. The original civil penalty in this matter included 2 violations of \$2,000.00 or more. The Department has considered the Respondent’s request for an in-kind penalty project. The Department acknowledges the Respondent is a private party proposing an environmental enhancement project as described in the DEP’s Settlement Guidelines for Civil and Administrative Penalties (DEP Directive 923), but Department declines to accept Respondent’s offer or to make a counteroffer for an acceptable environmental enhancement project.

DEP v. Cliff Berry, Inc.  
OGC No. 14-0111  
Page 2 of 5

### **Respondent's Acceptance**

If you wish to accept this offer and fully resolve the enforcement matter pending against the Respondent, please sign this letter and return it to the Florida Department of Environmental Protection – Southeast District at 3301 Gun Club Rd., MSC 7210-1, West Palm Beach, Florida 33406 by **July 9, 2015**. The Department will then countersign it and file it with a designated clerk of the Department. Once the document is filed with the designated clerk, it will constitute a final order of the Department pursuant to Section 120.52(7), F.S. and will be effective unless a request for an administrative hearing is filed by a third party in accordance with Chapter 120, F.S. and the attached Notice of Rights.

By accepting this offer you, Mr. Richard E. Gathright :

- (1) certify that you are authorized and empowered to negotiate, enter into, and accept the terms of this offer in the name and on behalf of Respondent;
- (2) acknowledge and waive Respondent's right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this offer, once final;
- (3) acknowledge and waive Respondent's right to an appeal pursuant to Section 120.68, F.S.; and
- (4) acknowledge that payment of the above amount does not constitute a waiver of the Department's right, if any, to recover emergency response related costs and expenses for this matter.

The Department acknowledges that the Respondent's acceptance of this offer does not constitute an admission of liability for the violation(s) referenced above.

### **Respondent's Performance**

After signing and returning this document to the Department,

(1) Respondent must pay \$2,630.00 in full by **August 1, 2015**.

(2) Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Ecosystem Management and Restoration Trust Fund." Online payments by e-check can be made by going to the DEP Business Portal at:

<http://www.fldepportal.com/go/pay/>

It will take a number of days after this order is final and effective filed with the Clerk of the Department before ability to make online payment is available.

The Department may enforce the terms of this document, once final, and seek to collect monies owed pursuant to Sections 120.69 and 403.121, F.S.



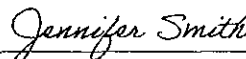
DEP v. Cliff Berry, Inc.  
OGC No. 14-0111  
Page 3 of 5

Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither the Respondent nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, F.S. Once this letter is clerked and becomes a final order of the Department, as explained above, the attached Notice of Rights will apply to parties, other than the Respondent, whose interests will be substantially affected. Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

Please be aware that if the Respondent declines to respond to the Department's offer, the Department will assume that the Respondent is not interested in resolving the matter and will proceed accordingly.

If you have any questions, please contact Kathy Winston at 561-681-6756 or at [Kathy.Winston@dep.state.fl.us](mailto:Kathy.Winston@dep.state.fl.us).

Sincerely,

  
for Jill S. Creech, P.E.  
Southeast District Director

FOR THE RESPONDENT:

I, \_\_\_\_\_ [Type or Print Name], **HEREBY  
ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
[Signature]

Title: \_\_\_\_\_  
[Type or Print]

---

**FOR DEPARTMENT USE ONLY**

DEP v. Cliff Berry, Inc.  
OGC No. 14-0111  
Page 4 of 5

DONE AND ORDERED this \_\_ day of \_\_\_\_\_, 2015, in Palm Beach  
County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

\_\_\_\_\_  
for Jill S. Creech, P.E.  
Southeast District Director

Filed, on this date, pursuant to section 120.52, F.S., with the designated Department  
Clerk, receipt of which is hereby acknowledged.

_____	_____
Clerk	Date
Attachments:	Notice of Rights Copy of Warning Letter dated November 22, 2013

Final clerked copy furnished to:  
Lea Crandall, Agency Clerk ([lea.crandall@dep.state.fl.us](mailto:lea.crandall@dep.state.fl.us))

DEP v. Cliff Berry, Inc.  
OGC No. 14-0111  
Page 5 of 5

### NOTICE OF RIGHTS

Persons who are not parties to this Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Order means that the Department's final action may be different from the position it has taken in the Order.

The petition for administrative hearing must contain all of the following information:

- a) The OGC Number assigned to this Order;
- b) The name, address, and telephone number of each petitioner; 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;
- c) An explanation of how the petitioner's substantial interests will be affected by the Order;
- d) A statement of when and how the petitioner received notice of the Order;
- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Order; and
- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Order.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at the address indicated above. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under Sections 120.569 and 120.57, Florida Statutes. Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.

NOTICE OF POTENTIAL HAZARDOUS WASTE NON-COMPLIANCE – Page 1 of 2

FACILITY NAME <i>Cliff Berry Inc. - Miami Terminal</i>		TYPE OF INSPECTION: CAV: <input type="checkbox"/> CEI: <input checked="" type="checkbox"/> CI: <input type="checkbox"/> OTHER: <input type="checkbox"/>	
ADDRESS <i>3033 NW North River Dr</i>	CITY <i>Miami</i>	STATE <i>FL</i>	ZIP CODE <i>33142</i>
EPA ID NUMBER <i>FLA 058560699</i>	DATE OF INSPECTION <i>4/24/14</i>	PAGE <i>1</i>	OF <i>2</i>
FOLLOW UP CAV INSPECTION WITHIN 120 DAYS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			

A hazardous waste/used oil compliance inspection was made this date, under the authority of Section 403.091, Florida Statutes (F.S.), to determine your facility's compliance with Chapter 403, F.S. and Chapters 62-730 and 62-710, Florida Administrative Code (F.A.C.). Provisions of Title 40 Code of Federal Regulations (C.F.R.) Parts 260 through 268 and 279, which are cited on this form, have been adopted by reference as the state hazardous waste and used oil rules in Chapter 62-730 and 62-710, F.A.C. The following potential items of non-compliance were identified by the inspector(s). *This is not a formal enforcement action and may not be a complete listing of all items of non-compliance which exist at the time of this inspection.*

GENERAL REQUIREMENTS:

- Failure to ensure delivery of HW to proper HW facility § 261.5
- Failure to provide hazardous waste determination § 262.11
- Failure to notify as generator § 262.12
- Failure to use a manifest or reclamation agreement § 262.20
- Failure to provide personnel training § 265.16, 262.34
- Evidence of release(s) of waste § 265.31
- Facility exceeds 90/180 day time limit § 262.34

CONTAINER MANAGEMENT:

- Unlabeled containers § 262.34
- Undated containers § 262.34
- Leaking or bulging containers § 262.34
- Open containers § 265.173
- Inadequate aisle space § 62-730.160

RECORDKEEPING REQUIREMENTS:

- Manifests § 262.40, § 262.44
- Training records § 262.34
- Contingency Plan § 262.34
- Weekly Inspection records § 62-730.160
- Information not posted by phone § 262.34
- Authorities not notified § 262.37

USED OIL VIOLATIONS:

- Failure to label containers § 279.22
- Failure to respond to releases § 279.22
- Failure to document used oil disposal § 279.10

MATERIALS PROVIDED to assist in accomplishing corrective actions

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> DEP Small Quantity Generator Handbook               | <input type="checkbox"/> EPA <i>Managing Used Oil</i>     | <input type="checkbox"/> Mercury Lamp Recyclers |
| <input type="checkbox"/> EPA <i>Understanding the Hazardous Waste Rules</i>  | <input type="checkbox"/> Environmental Yellow Pages       | <input type="checkbox"/> Other _____            |
| <input type="checkbox"/> EPA <i>Notification of Regulated Waste Activity</i> | <input type="checkbox"/> List of HW/Used Oil Transporters | <input type="checkbox"/> Other _____            |
| <input type="checkbox"/> Florida Automotive Recyclers Handbook               | <input type="checkbox"/> Antifreeze Recycling Vendors     | <input type="checkbox"/> Other _____            |

Florida Fact Sheets

- |  |                                       |
|--|---------------------------------------|
| <input type="checkbox"/> Antifreeze for Recycling / Waste Antifreeze     | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Summary of Hazardous Waste Regulations          | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Summary of Used Oil/Used Oil Filter Regulations | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Other: _____                                    | <input type="checkbox"/> Other: _____ |



## DERM Complaint Inspection Worksheet

Inspection Area	EC-1
Inspector	grahar
Date (mm/dd/yyyy)	3/28/2014
Start Time (24 hr. format)	10:20
End Time (24 hr. format)	11:10
Hours Worked	0:50
Mileage	7
County Vehicle Number	23956

### Complaint Information

Complaint #	065317		
Permit #	IWP-108; AP-2466; PSO-513; LWT-104,391.392, 455, 642		
Complainant Name	Enriqueta Gutshall		
Complainant Address	NW 30 AVE & NW 19 TER		
Complainant Phone #	na		
Call back?	No	Call back info (DATE&TIME):	
Source Name	CBI		
Source Address	3033 NW N RIVER DR		
City	Miami		
Nature of Complaint	Facility generating burnt oil odor.		
Additional Complaint Types:*	AIR		

\* Please add NPDES to all relevant complaints

Inspection Type & Reason:	UNS-COM		
Outcome Code:	SAT		
<b>Inspector On Call:</b>	No		
On Site Contact Name	Tina Gutshall		
On Site Contact Title	Resident		
On Site Phone #	na		
Photos Taken:	No	Samples Taken: No	
<b>QUE FOL Inspection (w/in Days)?</b>	No	, Days	<b>QUE FOL to?</b>
Permit Group Notification	Yes	Enforcement Required: No	

Supervisor	Eduardo de Aragon
Review Date	05/09/14
Status	Closed

### Comments

On 03/28/2014, at 10:50. I arrived in the area of NW 19 TER and 33 AVE, to investigate a oil burning odor complaint. I drove around the neighborhood from NW 30 AVE to NW 34 AVE and from NW 17 ST to NW 21 ST. No burnt odor was detected. The winds were gusty and from the N-NE. At 11:00 am, I arrived at 3340 NW 19 TER, the complainants property. Mrs. Gutshall was not home but her daughter, who stated that she was familiar with the odors, answered that she was not perceiving the burnt oil odor at the time. I could not detect the CBI odor at the time. Please close complaint No photos. Aerial photo included to show the location of the complainant's residence in reference to CBI. EdeAragon ok to close



Department of Regulatory and Economic Resources  
Environmental Resources Management  
701 NW 1st Court, 7th Floor  
Miami, Florida 33136-3912  
T 305-372-6677 F 305 372-6630  
miamidade.gov

## INDUSTRIAL WASTE PRETREATMENT PROGRAM INSPECTION REPORT

**Facility Name:** CLIFF BERRY, INC. MIAMI TERMINAL  
**Permit Number:** IWP-108  
**Address:** 3033 NW NORTH RIVER DRV, MIAMI 33142  
**Date:** **Start:** 11/3/2014 2:30:00PM **End:** 11/3/2014 4:10:00PM  
**Inspection Type:** Complaint Response  
Allen Cox  
**Inspector(s):** Inspection  
**Contact(s):** Leroy Arce  
**Comments:** Air odor complaint COM # 66805, no significant odor detected, results: SAT.

### GENERAL FACILITY INFORMATION

Permit information (name and address)	CBI (Cliff Berry Inc. ) 3033 NW River Dr.
Phone # (office, Emergency)	(305) 638-2030 off. / (954) 325-7395
Person Contacted during inspection	Leroy Arce
Total time spent during inspection	1 hr. 40 min.
Facility located in Well field Protection area?	No
If Yes, Specify COI Name	N/A
If yes, Specify COI Area	N/A
Hours of operation/number of shifts?	2 Shifts 6am-8pm
Total number of employees?	30
Photos taken	Yes
Samples taken	No

### Additional Comments:

### General Facility Information

Comments: This complaint inspection was a result of an air complaint called in at 12:10 pm re. odors coming from CBI, COM # 66805 on this date. From the weather site time and date weather.com the wind was coming from the NNW during the time period of 1:00 am until 9:00 am with winds blowing between 5-10 mph. The wind direction switched to the North at 10:00 am and throughout the afternoon switched to the Northeast with winds up to 17 mph.

14:30 I arrived at NW 20th St. & NW 32 Ave. which is South of CBI. There were no odors present initially. Observing flags in then immediate area I noticed that the wind was coming from the NNE with winds blowing at 15 mph and gusts up to 20 mph.

15:00 Looking up US air net .com on my smart phone I saw the wind direction from the East with winds of 17

mph.

15:05 At the same location I noticed an slight acrid odor for about 15-30 seconds intermittently. However this was only a slight odor detected.

15:10 Arrived at NW 19 Terr. & NW 32 Ave. , no odors detected.

15:15 Arrived at Stone Age Antiques 3236 NW So. River Dr., which is across the river and to the South from CBI. The with was blowing from the NNW and there were no odors detected.

15:30 Arrived at CBI, 3033 NW No. River Dr. Initial perimeter drive around not reveal any apparent odors. I met with the Manager Mr. Leroy Arce. I explained to him the Anon. Complaint and he stated that the winds had been blowing pretty stiff on this date. Furthermore he stated that he had shut down his DAF unit last week when a DERM Inspector, Rita Graham, had stopped by and there were odors detected in the scrap metal yards next to the West side of the facility. He stated that the vent stack for the DAF unit had foaming bubbles coming out of the stack and some foam had blown into the secondary containment area to the West. He stated that he shut down the DAF unit at that time and perhaps thought that might be the odor source. He added that CBI was planning on changing out the DAF in the near future to a more modern unit.

We then observed the wind Sock on top of the office bldg. which was showing the wind direction from the NE to ENE with wind strength up to 20 mph. and changing direction and strength fairly frequently.

At the current time there were no odors in the plant.

**Attachments:**

No photos were taken.



Department of Regulatory and Economic Resources  
Environmental Resources Management  
701 NW 1st Court, 7th Floor  
Miami, Florida 33136-3912  
T 305-372-6677 F 305 372-6630  
miamidade.gov

## INDUSTRIAL WASTE PRETREATMENT PROGRAM INSPECTION REPORT

**Facility Name:** CLIFF BERRY, INC. MIAMI TERMINAL  
**Permit Number:** IWP-108  
**Address:** 3033 NW NORTH RIVER DRV, MIAMI 33142  
**Date:** **Start:** 11/4/2014 11:15:00AM **End:** 11/4/2014 12:00:00PM  
**Inspection Type:** Complaint Response  
 Allen Cox  
**Inspector(s):** Inspection  
**Contact(s):** Leroy Arce  
**Comments:** Air odor complaint COM # 66815, no odor detected, results: SAT.

### GENERAL FACILITY INFORMATION

Permit information (name and address)	CBI (Cliff Berry Inc.) 3033 NW North River Dr.
Phone # (office, Emergency)	(305) 638-2030 off. / (954) 325-7395
Person Contacted during inspection	Complainant: Ms. Enrichetta Gutshall
Total time spent during inspection	1 hr.
Facility located in Well field Protection area?	No
If Yes, Specify COI Name	N/A
If yes, Specify COI Area	N/A
Hours of operation/number of shifts?	2 Shifts / 6am - 8pm
Total number of employees?	30
Photos taken	No
Samples taken	No

### Additional Comments:

### General Facility Information

Comments: This Complaint Inspection COM # 66815 was a result of a complaint of odors coming from CBI, (Cliff Berry Industries). The time and date weather.com web site had the wind coming out of the NE at 20 mph. 11:10 On route to the complaint area the Complaint desk called and updated me stating that the complainant called back to complain again and to give her name, Enrichetta Gutshall. 11:15 I arrived at the Complainant's house, 3340 NW 19 Terr. There were no odors detected on site at this time. The wind was out of the NE at 5-10 mph. when I asked Ms. Gutshall if she could detect odors she said no, but that she had throughout the morning. She stated that she cannot open the windows and her neighbors also complained of the odors. I asked if she had called to complain yesterday and she stated yes that was she who

called. She then called her neighbor over, Mr. Ansel Fernandez who lives at 3350 NW 19 Terr. Mr. Fernandez stated that he and his family could not come out of their house into their yard because of the odors. He then asked how to have DERM set up a 24 hr. air monitoring system of CBI so that it wasn't a hit or miss situation with inspectors coming out to detect the presence of odors. I told him that he would need to call up DERM's Air Section and discuss that specific matter with them.

12:05 Arrived at Stone Age Antiques 3236 NW So. River Dr. this site is directly South of CBI across the Miami River. There were no apparent odors at this time.

12:15 I left the area.

**Attachments:**

No photos were taken.

DERM Complaint Inspection Worksheet	
Inspection Area	EC-1
Inspector	GRAHAR
Date (mm/dd/yyyy)	5/17/2014
Start Time (24 hr. format)	15:20
End Time (24 hr. format)	16:30
Hours Worked	1:10
Mileage	11
County Vehicle Number	23956

**Complaint Information**

Complaint #	065702		
Permit #	AP-2466; IWP-108; PSO-513; UT-778		
Complainant Name	Enriqueta Gutshall		
Complainant Address	3340 NW 19 TER		
Complainant Phone #	305-6347244		
Call back?	Yes	5/17/2014	16:08
Source Name	CBI		
Source Address	3033 NW N River DR		
City	UNC		
Nature of Complaint	Poisonous toxins in the air from oil recycling plant at 3033 NW N River DR		
Additional Complaint Types:*	AIR		

\* Please add NPDES to all relevant complaints

Inspection Type & Reason:	UNS-COM		
Outcome Code:	USAT		
<b>Inspector On Call:</b>	Yes		
On Site Contact Name	Ralph		
On Site Contact Title	Technician		
On Site Phone #	na		
Photos Taken:	Yes		Samples Taken: No
<b>QUE FOL Inspection (w/in Days)?</b>	No	, Days	<b>QUE FOL to?</b>
Permit Group Notification	Yes		Enforcement Required: Yes

Supervisor	Eduardo de Aragon
Review Date	07/02/15
Status	Referred

**Comments**

On Saturday 05/17/2014 two calls (11:41 am, 12:05) were received from Enriqueta Gutshall via Signus, in reference to odors from oil processing emissions at CBI. At 12:29 I called CBI Production Manager (954-325-7395) and left him a message stating that two complaints about CBI emission odors had been received. I asked for a call back but none was received. At 15:30 I was in the vicinity of CBI. The wind was gusty, ~ 20 mph from the NE. I drove around the facility past the metal recycler businesses on NW 31 AVE and NW 24 ST, NW 31 AVE and 23 TER and some on NW N River DR. They were all closed for the day and there was no odor associated with the burning of plastic/metals nor welding. I detected a faint odor of rancid waste oil N of CBI on NW 31 AVE and NW 23 TER. On the N side of CBI, next to the tank farm on NW N River DR, I smelled the oil and a perfume, a sweet scent similar to a floral fabric softener.

At 15:40 I arrived at the front gate of CBI. The gates were closed but there was a crew of THE PAVING LADY laying down new asphalt within the compound. I could smell the fresh asphalt but not the waste oil nor the perfume. I spoke to the crew's foreman and he called a CBI employee name Ralph who stated that the odors complaint about were from nearby paint and body shops and or the asphalt. I asked him if the plant was processing waste oil and he said yes. He explained that they had started at ~ 9:00 am the process. They had cooked oil at ~ 12:00 to 14:00 and were now doing the transfer. He stated that they would be working until 19:00. He also added that based on their operation timeline and the complaint, they were not the responsible party.

I left CBI at ~ 16:00 and drove to the complainant's neighborhood. I past Paradise Trailer Park at 16:02 (2750 NW S River DR). No odors were detected along NW S River DR.

At 16:05 I arrived at the complainant's home 3340 NW 19 TER and stood outside for ~ 5 minutes. I then detected the same sweet perfume smell documented at CBI's tank farm. Almost simultaneously I detected the waste oil odor. Both scents waded in intensity but were distinct. When the complainant met me, I asked her to describe the odor, if any, she was smelling at that time. She stated that she could smell a type of perfume and then she stated she could smell the waste oil which she described as a burnt, noxious odor that made her eyes water and burnt her nostrils. Ms. Gutshall stated that she had been working in the garden throughout the day and she had to retrieve into her house several times because of the odor.

**Comments (cont.)**

because of the odor.

While I was talking to Ms. Gutshall, two other neighbors approached us. The owner/resident of 3350 NW 19 TER, Ansell Fernandez, and the resident of 3351 NW 19 TER. Mr. Fernandez described the odor as sweet/perfume and another of burnt waste oil. He stated that he was new to the neighborhood (3 years) and that since he had moved in with his family (wife and two toddlers) he had been smelling the oil which he described as full of toxic metals. He mentioned that he was in the roofing business and described the CBI odor similar to that of burnt tar/oil. The other neighbor also mentioned the odor as always being present. All three individuals stated that the CBI emissions represent a threat to their health and their families.

I left the area at ~ 16:30. As I was leaving, I detected the odors along the cross streets, not the avenues.

At 16:52 and 16:57, I received two more calls from Ms. Gutshall. She stated that the burnt oil odor was stronger at that moment than it had been before.

At 18:00, I called Mike Graham and discussed the incident. I informed him that CBI was now using a deodorizer to mask the emission odors which made it unequivocal that they were the source of the odor complaints and not adjacent businesses. EdeAragon complaint date 05/17/14 report received 07/02/2015.

### DERM Complaint Inspection Worksheet

Inspection Area	EC-1
Inspector	GRAHAR
Date (mm/dd/yyyy)	5/17/2014
Start Time (24 hr. format)	15:20
End Time (24 hr. format)	16:30
Hours Worked	1:10
Mileage	11
County Vehicle Number	23956

#### Complaint Information

Complaint #	065702		
Permit #	AP-2466; IWP-108; PSO-513; UT-778		
Complainant Name	Enriqueta Gutshall		
Complainant Address	3340 NW 19 TER		
Complainant Phone #	305-6347244		
Call back?	Yes	5/17/2014	16:08
Source Name	CBI		
Source Address	3033 NW N River DR		
City	UNC		
Nature of Complaint	Poisonous toxins in the air from oil recycling plant at 3033 NW N River DR		
Additional Complaint Types:*	AIR		

\* Please add NPDES to all relevant complaints

Inspection Type & Reason:	UNS-COM		
Outcome Code:	USAT		
<b>Inspector On Call:</b>	Yes		
On Site Contact Name	Ralph		
On Site Contact Title	Technician		
On Site Phone #	na		
Photos Taken:	Yes		Samples Taken: No
<b>QUE FOL Inspection (w/in Days)?</b>	No	, Days	<b>QUE FOL to?</b>
Permit Group Notification	Yes		Enforcement Required: Yes

Supervisor	Eduardo de Aragon
Review Date	05/21/14
Status	Referred

#### Comments

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**Comments (cont.)**

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At 16:52 and 16:57, I received two more calls from Ms. Gutshall. She stated that the burnt oil odor was stronger at that moment than it had been before.

At 18:00, I called Mike Graham and discussed the incident. I informed him that CBI might be using a deodorizer to mask the emission odors. EdeAragon copy of report sent to Isabel Puente.



**AIR POLLUTION SOURCES - FIELD NOTICE OF VIOLATION**

TO: CLIFF BERRY INC PRESIDENT CLIFF BERRY

ADDRESS: 3033 NW N RIVER DRIVE

SOURCE/LOCATION: OIL PROCESSING / STORAGE TANK AREA

YOU ARE HEREBY NOTIFIED that on 05/17/2014, 3:40pm, the following violation(s) of Chapter 24 of the Miami-Dade County Code, and/or regulations of the Florida Administrative Code, was observed at the referenced location by an official of this Department:

- Failure to obtain appropriate Air Permit
- Uncontrolled fugitive emissions
- Non-compliance with Stage II Vapor Recovery
- Objectionable odor
- Excessive Visible Emissions
- Improper handling, removal of asbestos
- Non-compliance with CFC regulations
- Other

Specifically: WASTE OIL / DEODORIZER ODOR LEAVING PREMISES  
ODOR MOVING ACROSS RIVER IMPACTING NEIGHBORHOOD

In view of the above, and pursuant to the authority granted to me by Sections 24-7 and 24-25, Miami-Dade County Code, I hereby order you to:

- Upon receipt of this NOTICE, **immediately** initiate corrective measures to eliminate and/or Cease and Desist the above-referenced violation(s).
- Within \_\_\_\_\_ days of receipt of this NOTICE, initiate corrective measures to eliminate and/or Cease and Desist the above-referenced violation(s).
- Within \_\_\_\_\_ days of receipt of this NOTICE, contact the DERM Pollution Regulation Division at 305-372-6600 to discuss corrective measures. When contacted, you may be required to submit in writing, the steps which you have taken to ensure that no further violation(s) will occur. Said report may include evidence of equipment repairs, adjustments of servicing performed to correct the violation(s).
- Within \_\_\_\_\_ days of receipt of this NOTICE, submit a completed application for an air construction/operating permit to the DERM Air Quality Management Division located at the above letterhead address.

**Be advised that applying for a DERM Air Permit does not necessarily guarantee the issuance of such Permit, and you may not be allowed to continue operation at this location.**

Failure to comply with the above may result in either the issuance of a Uniform Civil Violation Notice (UCVN), pursuant to Chapter 8-CC of the Miami-Dade County Code, requiring corrective action(s) and payment of a civil penalty or the initiation of a formal enforcement action by DERM, subjecting you to the enforcement and penalty provisions of Sections 24-29 and 24-30 of the Miami-Dade County Code.

Any person aggrieved by any action or decision of the DERM Director may appeal said action or decision to the Environmental Quality Control Board (EQCB) by filing a written notice of appeal along with submittal of the applicable fee, to the Code Coordination and Public Hearings Section of DERM within fifteen (15 ) days of the date of the action or decision by DERM.

PLEASE GOVERN YOURSELF ACCORDINGLY  
 Received by: [Signature] F/CBT  
 Recipient's Signature  
 Print: \_\_\_\_\_  
 Recipient's Name  
 Title: \_\_\_\_\_

Lee N. Hefty, Director  
 Environmental Resources Management  
 Issued / Posted by: [Signature]  
 Inspector's Signature  
 Print: RITA M. GRAYSON  
 Inspector's Name  
 Section/Phone: 305-2972883  
 Date: 05/18/2014

Department of Regulatory and Economic Resources  
Division of Environmental Resources Management (DERM)  
701 NW 1st Court  
Miami, Florida 33136-3912  
T 305-372-6600 F 305-372-6545



com 65727

**AIR POLLUTION SOURCES - FIELD NOTICE OF VIOLATION**

TO: Cliff Berry INC. PRESIDENT CLIFF BERRY  
ADDRESS: 3033 NW N RIVER DR.  
SOURCE/LOCATION: OIL PIPES/WIRE STORAGE TRUCK AREA

YOU ARE HEREBY NOTIFIED that on 05/18/2014, 2:00pm, the following violation(s) of Chapter 24 of the Miami-Dade County Code, and/or regulations of the Florida Administrative Code, was observed at the referenced location by an official of this Department:

- Failure to obtain appropriate Air Permit
- Excessive Visible Emissions
- Uncontrolled fugitive emissions
- Improper handling, removal of asbestos
- Non-compliance with Stage II Vapor Recovery
- Non-compliance with CFC regulations
- Objectionable odor
- Other

Specifically: WASTE OIL/DEODORIZER OIL LEAKING PREMISES TO

In view of the above, and pursuant to the authority granted to me by Sections 24-7 and 24-25, Miami-Dade County Code, I hereby order you to:

- Upon receipt of this NOTICE, **immediately** initiate corrective measures to eliminate and/or Cease and Desist the above-referenced violation(s).
- Within \_\_\_\_ days of receipt of this NOTICE, initiate corrective measures to eliminate and/or Cease and Desist the above-referenced violation(s).
- Within \_\_\_\_ days of receipt of this NOTICE, contact the DERM Pollution Regulation Division at 305-372-6600 to discuss corrective measures. When contacted, you may be required to submit in writing, the steps which you have taken to ensure that no further violation(s) will occur. Said report may include evidence of equipment repairs, adjustments of servicing performed to correct the violation(s).
- Within \_\_\_\_ days of receipt of this NOTICE, submit a completed application for an air construction/operating permit to the DERM Air Quality Management Division located at the above letterhead address.

**Be advised that applying for a DERM Air Permit does not necessarily guarantee the issuance of such Permit, and you may not be allowed to continue operation at this location.**

Failure to comply with the above may result in either the issuance of a Uniform Civil Violation Notice (UCVN), pursuant to Chapter 8-CC of the Miami-Dade County Code, requiring corrective action(s) and payment of a civil penalty or the initiation of a formal enforcement action by DERM, subjecting you to the enforcement and penalty provisions of Sections 24-29 and 24-30 of the Miami-Dade County Code.

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PLEASE GOVERN YOURSELF ACCORDINGLY

Received by: [Signature]  
Recipient's Signature  
Print: \_\_\_\_\_  
Recipient's Name  
Title: \_\_\_\_\_

Lee N. Hefty, Director  
Environmental Resources Management  
Issued/Posted by: [Signature]  
Inspector's Signature  
Print: \_\_\_\_\_  
Inspector's Name

Posted: Y\_\_\_ N\_\_\_ Photographed Y\_\_\_ N\_\_\_  
181\_01-139 8/13

Section/Phone: \_\_\_\_\_  
Date: 05/18/2014



## DERM Complaint Inspection Worksheet

Inspection Area	EC-1
Inspector	GRAHAR
Date (mm/dd/yyyy)	5/18/2014
Start Time (24 hr. format)	12:30
End Time (24 hr. format)	15:05
Hours Worked	2:35
Mileage	40
County Vehicle Number	23956

### Complaint Information

Complaint #	69209
Permit #	AP-2466; IWP-108; PSO-513; UT-778
Complainant Name	Enriqueta Gutshall
Complainant Address	3340 NW N RIVER DR
Complainant Phone #	305-634-7244
Call back?	No <span style="float: right;">Call back info (DATE&amp;TIME):</span>
Source Name	CBI
Source Address	3033 NW N RIVER DR
City	UNC
Nature of Complaint	CBI emissions; using old broken equipment, spewing toxins all over the neighborhood
Additional Complaint Types:*	AIR

\* Please add NPDES to all relevant complaints

Inspection Type & Reason:	UNS-COM
Outcome Code:	USAT
<b>Inspector On Call:</b>	Yes
On Site Contact Name	Mike Sills (CBI); Enriqueta Gutshall
On Site Contact Title	Lead man oil plant; complainant
On Site Phone #	954-763-3390; 305-634-7244
Photos Taken:	Yes <span style="float: right;">Samples Taken: No</span>
QUE FOL Inspection (w/in Days)?	Yes <span style="float: right;">1, Days</span> <span style="float: right;">QUE FOL to? COXA</span>
Permit Group Notification	Yes <span style="float: right;">Enforcement Required: Yes</span>

Supervisor	Eduardo de Aragon
Review Date	
Status	Referred

### Comments

On 05/19/2014, at 12:22, I received a complaint (via Signus) from Ms. Enriqueta Gutshall, about the emissions and odors from the CBI plant on 3033 NW N River DR.

At 13:40 I was at the intersection of NW 31 AVE and NW 24 ST (the metal recycler alley). None of the metal recyclers were open or in operation. The wind was from the NE. I could detect no odors.

At 13:45, I stopped at a cafeteria on NW 31 AVE and NW 23 TER. Patrons indicated that they had detected odors from CBI but by now were used to the "stench".

At 13:55 I was in front of CBI's fuel tank farm on NW N River DR. I could smell the waste oil and the floral potpourri/deodorizer..

At 14:00 I was at the plant's front gate. I spoke to Mr. Mike Sills, who explained that they had started working since 8:00, cooking oil and from 10:00 to 11:00, then processing the water until noon. I informed him of the odor complaints received. I asked Mr. Sills if they, CBI, were using a fragrance/deodorizer to mask the smell and he said yes. I asked how was it been delivered and he was not sure but stated that probably via the tank vents on the roof of each tank.

I informed Mr. Sills that an NOV was going to be issued for the violations of Saturday 5/18/2014 and one for Sunday 5/19/2014. Mr. Soills was also explained that the NOV stated to Cease and Desist emissions which may involve ceasing operations until the problem is corrected.

At 14:23 I left CBI and drove towards the complainant. A faint odor of floral potpourri/deodorizer was detected on NW 34 AVE and Delaware DR.

At 14:29 I arrived at the complainant's home 3340 NW 19 TER. I met with Ms. Gutshall and the resident of 3350 NW 19 TER, Mr. Fernandez. They were explaining the different incidents, when the odor was detected (daily and through-out the day).

**Comments (cont.)**

At 14:40, I detected both odors, the oil and the floral deodorizer. I did not mention it until both residents smelled it and alerted each other.

At 14:50 I left the area and returned to CBI tank farm area.

At 14:59 I detected a very strong floral scent, at ground/breathing zone level, on the sidewalk outside CBI's tank farm. This was the same scent detected at Mrs. Gutshall's home. Underlying this scent was that of the burnt oil/usedoil-stirred up soakage smell with a sulphur component which I have associated with CBI.

I left the area at 15:05.

About the CBI emissions. Ms. Gutshall stated that she had not called.

In summary: two air NOV's were issued to CBI for confirmed odor emissions leaving the premises. CBI is using a floral perfume/deodorizer to mask odors which now makes it unequivocal the source of the odors felt around and at Ms. Gutshall's home. Complaint will be referred.



Carlos Alvarez, Mayor

**Department of Environmental Resources Management**  
Pollution Regulation & Enforcement Division  
701 NW 1st Court, 7th Floor  
Miami, Florida 33136-3912  
T 305-372-6964 F 305-372-6630

miamidade.gov

June 19, 2014

Cliff Berry II, Director  
Cliff Berry, Inc.  
P.O. Box 13079  
Fort Lauderdale, FL 33316

**CERTIFIED MAIL NO. 7009 0080 0000 1048 5633**  
**RETURN RECEIPT REQUESTED**

**RE:** Objectionable odors emanating from Cliff Berry, Inc., facility located at, near or in the vicinity of 3033 NW South River Drive, Miami-Dade County, Florida. AP-2466, IWP-108.

Dear Mr. Berry:

**NOTICE OF VIOLATION AND ORDERS FOR CORRECTIVE ACTION**

Between May 17, 2014 and May 21, 2014, in response to citizen's complaints, representatives of the Division of Environmental Resources Management (DERM) conducted inspections of the subject facility and surrounding area and verified objectionable odors emanating from said facility into the surrounding neighborhoods. As a result, Field Notices of Violation were issued to the facility during the inspection conducted on May 18, 2014. Furthermore, these recent occurrences indicate that a review of the facility's odor control plan is necessary and updated measures be implemented as applicable to control objectionable odors from leaving the boundaries of the subject site.

Be advised that the above operation and conditions constitute violations of facility's DERM permits, specifically AP-2466 and IWP-108 and Chapter 24, Miami-Dade County Environmental Protection Ordinance (MDCEPO). Specifically:

**Section 24-18**, of said Ordinance, inasmuch as no person shall operate a facility in violation of any condition, limitation or restriction which is part of an operating permit.

**Section 24-29**, of said Ordinance, inasmuch as it shall be unlawful for any person to violate any of the provisions of this Chapter, any lawful rules and regulations promulgated under this Chapter, any lawful order of the Director of the Department of Environmental Resources Management or his designee, or any condition, limitation or restriction which is part of an operating permit.

Based on the above and pursuant to the authority granted to me under Chapter 24 Miami-Dade County Environmental Protection Ordinance, I am hereby ordering you to:

1. Upon receipt of this NOTICE, immediately CEASE and DESIST from the unauthorized discharge of odor emissions to the outside environment and immediately implement the necessary actions to correct the above mentioned violation until an evaluation of the facility is complete as required in item # 3 below.
2. Within seven (7) days of receipt of this NOTICE submit to this office in writing, a report detailing the steps you have taken pursuant to the item #1 above, to immediately correct the emission of objectionable odors from the subject facility to the outside air.
3. Within thirty (30) days of receipt of this NOTICE, submit the following for review by this Department:
  - a. A modification to your facility's 2012 Air Quality Monitoring plan which shall describe the long-term solutions to control, abate and prevent objectionable emission from the subject facility. The plan shall be signed and sealed by a Professional Engineer registered in the State of Florida or a Certified Industrial Hygienist.
  - b. A current description of the wastewater treatment processes and associated equipment as well as the air emissions control equipment used at the facility supported by appropriate plans and drawings, if applicable.


Said plan shall be implemented upon receipt of Department concurrence.

Cliff Bery II, Director  
Cliff Berry, Inc.  
Page 2

BE ADVISED THAT FAILURE TO COMPLY WITH THE ABOVE MAY RESULT, AT A MINIMUM, IN CIVIL PENALTIES AND THE PAYMENT OF ALL DEPARTMENT COSTS INCURRED IN THE INVESTIGATION AND SETTLEMENT OF THIS CASE. IN ADDITION, FAILURE TO COMPLY MAY RESULT IN YOUR CASE BEING PREPARED FOR FORMAL ENFORCEMENT ACTION IN A COURT OF COMPETENT JURISDICTION PURSUANT TO THE ENFORCEMENT AND PENALTY PROVISIONS OF SECTION 24-29 AND 24-30, MIAMI-DADE COUNTY ENVIRONMENTAL PROTECTION ORDINANCE.

If you have any questions concerning the above, please contact me at 305-372-6902.

Sincerely,



Sharon Crabtree  
Code Enforcement Officer

SC/lb



Cliff Berry, Incorporated  
Environmental Services

RECEIVED  
JUL 01 2014  
DERM  
CODE ENFORCEMENT SECTION

June 27, 2014

Department of Environmental Resource Management  
Pollution Regulation & Enforcement Division  
c/o Sharon Crabtree, Code Enforcement Officer  
701 NW 1<sup>st</sup> Court, 7<sup>th</sup> Floor  
Miami, FL 33136-3912

RE Objectionable odors emanating from Cliff Berry, Inc., facility located at, near or in the vicinity of 3033 NW South River Drive, Miami-Dade County, Florida. AP-2466, IWP-108.

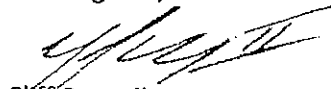
Officer Crabtree,

In response to your letter of June 19, 2014 (received June 27, 2014) regarding the subject issue, Cliff Berry Inc. has determined that a potential cause of the alleged odor could have been repair work being performed on the cooker tank inlet and exhaust pipe lines that are part of the air emissions piping system. The warm air inside the tank, which has an odor, could have vented to the outside atmosphere as a normal consequence of completing the repairs. The repairs included roughing and welding joints and attaching new pipe which necessitated the lines be opened for short periods. The crew also replaced all man-way covers and gaskets in order to improve overall performance of the air emissions system. Potpourri deodorant is customarily applied during cleaning operations and the inspector reported that some vapors consistent with a waste oil/potpourri odor (as noted in the inspection reports) were detectable off site, although this may have been an assumption by the inspector simply due to a citizen complaint and that no actual meter readings or other proof was presented by the inspector at the time.

The system is a closed loop, therefore, once the repairs to the lines were quickly completed, no odors have since been detected from the tank. The pipe lines remain as shown in original drawings previously submitted to Miami-Dade County and air emissions control equipment remains operational. Cliff Berry Inc participates in the air permit process voluntarily as engineering calculations provided to Miami-Dade County show the facility to emit less than the threshold value necessitating a permit. We value the process and look forward to continued participation.

Please accept this letter as meeting the requirements of the NOV, for both notifications listed in paragraphs 1, 2 and 3 and that no subsequent report is necessary. This was a one-time event and subsequently there have no further complaints. Even so, Cliff Berry Inc. conducts bi-monthly air monitoring for total hydrocarbons (THC) using an Industrial Scientific Mx-6 air monitor with PID sensor registering THC in ppm at several locations along the perimeter of the facility. All readings are well within air standards. We will continue to monitor the situation in keeping with our objective to strive daily to ensure compliance with all federal, state and local requirements.

Best regards,

  
Cliff Berry II  
President

**Crabtree, Sharon (RER)**

---

**From:** Crabtree, Sharon (RER)  
**Sent:** Wednesday, July 02, 2014 10:09 AM  
**To:** Wong, Patrick (RER)  
**Cc:** Gordon, Donna (RER)  
**Subject:** RE: Cliff Berry NOV response letter

Donna and I agree and are considering a settlement requirement upon DERM acceptance of the action plan and determination that the facility is back in compliance.

-----Original Message-----

From: Wong, Patrick (RER)  
Sent: Wednesday, July 02, 2014 9:56 AM  
To: Muthiah P.E., Mallika (RER); Gordon, Ray (RER); Garcia, Manuel (RER); Crabtree, Sharon (RER)  
Subject: RE: Cliff Berry NOV response letter

Please see me to discuss CBI's response to the NOV that was issued...bring copy of same.  
Sharon, we'll get back to you on this, but for the record, as a facility that repeatedly generates citizen complaints, CBI is not "voluntarily participating in DERM's permit process" as they attest in their response.

H. Patrick Wong  
Chief, Air Quality Management Division  
Miami-Dade County, Department of Regulatory and Economic Resources, Environmental Resources Management  
701 NW 1 Court, 2nd Floor, Miami, FL33136  
Office: (305) 372-6934 : Fax: (305) 372-6954 [wongp@miamidade.gov](mailto:wongp@miamidade.gov)

-----Original Message-----

From: Crabtree, Sharon (RER)  
Sent: Wednesday, July 02, 2014 9:37 AM  
To: Wong, Patrick (RER); Flagler, Mayra (RER)  
Cc: Gordon, Donna (RER)  
Subject: Cliff Berry NOV response letter

Please review the attached letter and let me know if it meets your requirements for compliance with the NOV.

-----Original Message-----

From: Sharon Crabtree [<mailto:CrabtS@miamidade.gov>]  
Sent: Wednesday, July 02, 2014 9:31 AM  
To: Crabtree, Sharon (RER)  
Subject: Message from "DERC6-136C"

This E-mail was sent from "DERC6-136C" (Aficio MP 5002).

Scan Date: 07.02.2014 09:30:47 (-0400)  
Queries to: [rcscan@miamidade.gov](mailto:rcscan@miamidade.gov)



### AIR POLLUTION SOURCES - FIELD NOTICE OF VIOLATION

TO: Cliff Barry, Inc. Thonon  
ADDRESS: 3533 NW North River Drive, Thonon, FL  
SOURCE/LOCATION: West side of plant, detected odor with not excessive

YOU ARE HEREBY NOTIFIED that on November 6, 2014, the following violation(s) of Chapter 24 of the Miami-Dade County Code, and/or regulations of the Florida Administrative Code, was observed at the referenced location by an official of this Department:

- Failure to obtain appropriate Air Permit
- Uncontrolled fugitive emissions
- Non-compliance with Stage II Vapor Recovery
- Objectionable odor (detected odor with not excessive)
- Excessive Visible Emissions
- Improper handling, removal of asbestos
- Non-compliance with CFC regulations
- Other

Specifically: - response to citizen complaint; odors detected offsite  
3123 NW South River Drive & near intersection of NW 20 St & NW 32 Ave

In view of the above, and pursuant to the authority granted to me by Sections 24-7 and 24-25, Miami-Dade County Code, I hereby order you to:

- Upon receipt of this NOTICE, immediately initiate corrective measures to eliminate and/or Cease and Desist the above-referenced violation(s).
- Within \_\_\_ days of receipt of this NOTICE, initiate corrective measures to eliminate and/or Cease and Desist the above-referenced violation(s).
- Within 5 days of receipt of this NOTICE, contact the DERM Pollution Regulation Division at 305-372-6600 to discuss corrective measures. When contacted, you may be required to submit in writing, the steps which you have taken to ensure that no further violation(s) will occur. Said report may include evidence of equipment repairs, adjustments of servicing performed to correct the violation(s).
- Within \_\_\_ days of receipt of this NOTICE, submit a completed application for an air construction/operating permit to the DERM Air Quality Management Division located at the above letterhead address.

**Be advised that applying for a DERM Air Permit does not necessarily guarantee the issuance of such Permit, and you may not be allowed to continue operation at this location.**

Failure to comply with the above may result in either the issuance of a Uniform Civil Violation Notice (UCVN), pursuant to Chapter 8-CC of the Miami-Dade County Code, requiring corrective action(s) and payment of a civil penalty or the initiation of a formal enforcement action by DERM, subjecting you to the enforcement and penalty provisions of Sections 24-29 and 24-30 of the Miami-Dade County Code.

**No production going on @ the Plant**  
Any person aggrieved by any action or decision of the DERM Director may appeal said action or decision to the Environmental Quality Control Board (EQCB) by filing a written notice of appeal along with submittal of the applicable fee to the Code Coordination and Public Hearings Section of DERM within fifteen (15) days of the date of the action or decision by DERM.

**Inspector refuse to go the area where the odor was detected.**  
PLEASE GOVERN YOURSELF ACCORDINGLY  
Lee N. Hefty, Director  
Environmental Resources Management

Received by: Pedro Stiassn Recipient's Signature  
 Print: Pedro Stiassn Recipient's Name  
 Title: Dept. Plant Manager  
 Posted: Y \_\_\_ N \_\_\_ Photographed Y \_\_\_ N \_\_\_  
 Date: \_\_\_\_\_



Notes for clarification of the content of "Air Pollution Sources – Field Notice of Violation"

issued by inspector Juan Trimble to Cliff Berry, Inc. Miami on November 6, 2014

Source/Location:

"West side of plant; detected downwind, not upwind from plant. specific source not determined."

Objectionable odor, Specifically: "-response to citizen complaint; odors detected offsite at 3163 NW South River Drive & near intersection of NW 20 St & NW 32 Ave"



To whom may it concern,

On November 06, 2014 Juan Trimble from Miami Dade County came to the facility, CBI Miami, in relation to an odor complain.

The production in the plant was off due to maintenance, all four cookers were down and the wastewater plant was also down.

The only process going on at the plant, was cleaning the floors using a degreaser around the new vertical tanks.

We did not have any tankers been unloaded at the time either at the wall or the pit. We were not transferring any oil to any tank or rail car.

The inspector refused to take me to the area where the complain originated, following the advice of his supervisor.

I, Pedro Stiassni, will drive on my own to the area to check if there is any smell near that area.

A handwritten signature in black ink that reads "Pedro Stiassni". The signature is written in a cursive style with a large initial 'P' and a long, sweeping underline.



Department of Regulatory and Economic Resources  
Environmental Resources Management  
701 NW 1st Court, 7th Floor  
Miami, Florida 33136-3912  
T 305-372-6677 F 305 372-6630  
miamidade.gov

## INDUSTRIAL WASTE PRETREATMENT PROGRAM INSPECTION REPORT

**Facility Name:** CLIFF BERRY, INC. MIAMI TERMINAL  
**Permit Number:** IWP-108  
**Address:** 3033 NW NORTH RIVER DRV, MIAMI 33142  
**Date:** **Start:** 11/6/2014 12:10:00 PM  
**End:** 11/6/2014 3:10:00 PM  
**Inspection Type:** Complaint Response Inspection  
**Inspector(s):** Juan Trimble  
**Contact(s):** Mr. Cliff Berry II, Permittee  
**Comments:** Complaint Response Inspection; Outcome: Unsatisfactory

### GENERAL FACILITY INFORMATION

Permit information (name and address)	Cliff Berry, Inc. Miami Terminal, 3033 NW North River Drive
Phone # (office, Emergency)	(305) 638-2030 (office); (954) 348-3838 (mobile)
Person Contacted during inspection	Pedro Stiassni, Deputy Plant Manager
Total time spent during inspection	3 hours; 12:10 pm to 15:10 pm
Facility located in Well field Protection area?	N/A
Hours of operation/number of shifts?	2 Shifts; 6am - 8pm
Total number of employees?	30
Photos taken	Yes
Samples taken	No
Storm water drainage inspected	No
Any changes to General Facility information since prior inspection?	No

Was the facility's Pretreatment system inspected?	No
Was the facility's process area inspected?	Yes
Was the facility SCDP evaluated/reviewed?	No
Were the facility records inspected?	No
Was a COC inspection conducted?	No
Were samples of wastewater collected?	No
Outcome	Unsatisfactory

**INDUSTRIAL PROCESSES INSPECTION**

Is this facility a categorical industry? (if yes comment below)	Yes
Is this facility regulated under production-based effluent limitations? (if yes comment below)	No
Any Significant Changes to facility's Processes reported or observed (if yes comment below)	No
Has inspection revealed any discrepancies with information contained in the Facility's permit?	No
Provide detail of manufacturing process	Centralized Waste Treatment facility for pretreatment (removal) of metals, oils, and organics from liquid wastes, prior to discharge to sewer
Chemical storage inspected? If yes, provide details as requested below	No
Product inventory conducted? If YES is selected, provide details in the comments box below	No
Waste storage inspected? If yes please provide a comment for this inspection.	No
Waste product inventory conducted?	No
Has inspection revealed any discrepancies with information contained in the Facility's current SPCCP	Yes

**GENERAL FACILITY INFORMATION**

This was a complaint response inspection, performed due to a complaint of "strong toxic odors in the air", complaint number 66834, which was reported in the late morning, on the day of this inspection. Upon arrival in the area, at approximately 12:10 pm, wind direction and speed were variable from moment to moment, but predominant wind directions were from the northeast and north at speeds of approximately zero to eight miles per hour. The first objectionable odors were detected on and around the property of 3163 NW South River Drive - a shipping company called E & D Shipping. The detected odors were mildly strong, petroleum based or petroleum like, and irritating to the eyes. Ms. Priscilla Eldridge - security guard at E & D Shipping - stated that she also detected the objectionable odor, as she allowed access at the front guard-house of the property. Additionally, the odor was detected just feet away from the south river bank of the Miami River, on the site of E & D Shipping. The wind sock at the nearby Cliff Berry facility was clearly visible; it confirmed that predominant wind directions were from the north and northeast.

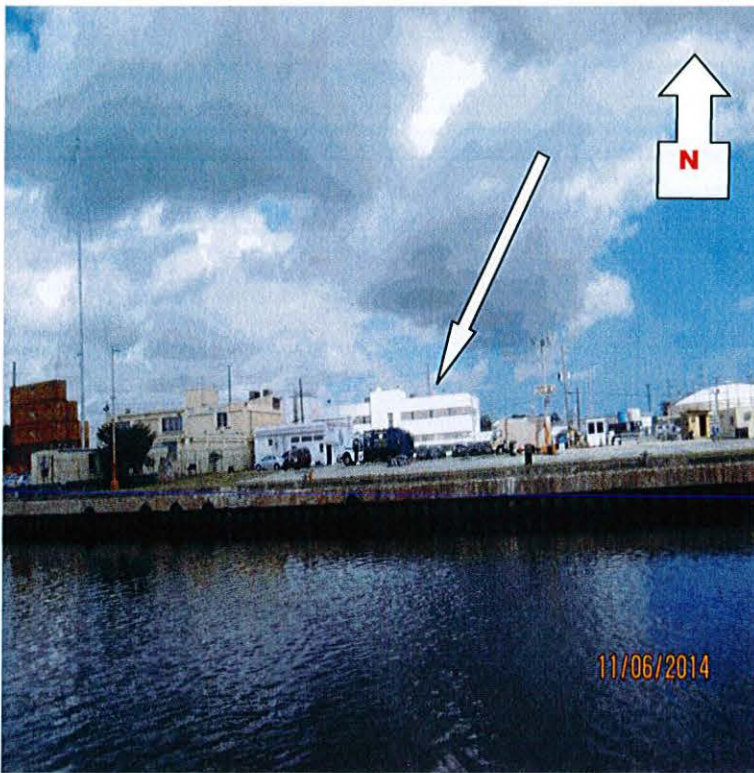
Next, I drove around the commercial and residential areas farther to the south, to investigate if the objectionable odor(s) were more widespread. The same objectionable odor, though slightly less intense, was also detected at 15 and around the intersection of NW 20th Street and NW 32nd Avenue; it was also detected a few blocks to the west, in front of a residential property at 3231 NW 20th Street. Page 68 of 259

Subsequently, the Cliff Berry, Inc. Miami site was circumnavigated. The previously detected odor was also detected in the street (Northwest North River Drive), just in front of the tank farm on the west side of the Cliff Berry site. The odor was not detected on the north side of the Cliff Berry property, but a distinctly different airborne odor was detected near the northeast corner of the Cliff Berry site; more of a "burning" component was detected in this second odor, and apparently, this odor originated from roof work being performed on the roof of Radiant Oil company at 2990 NW 24 Street. From a distance, workers appeared to be tarring the roof of that facility.

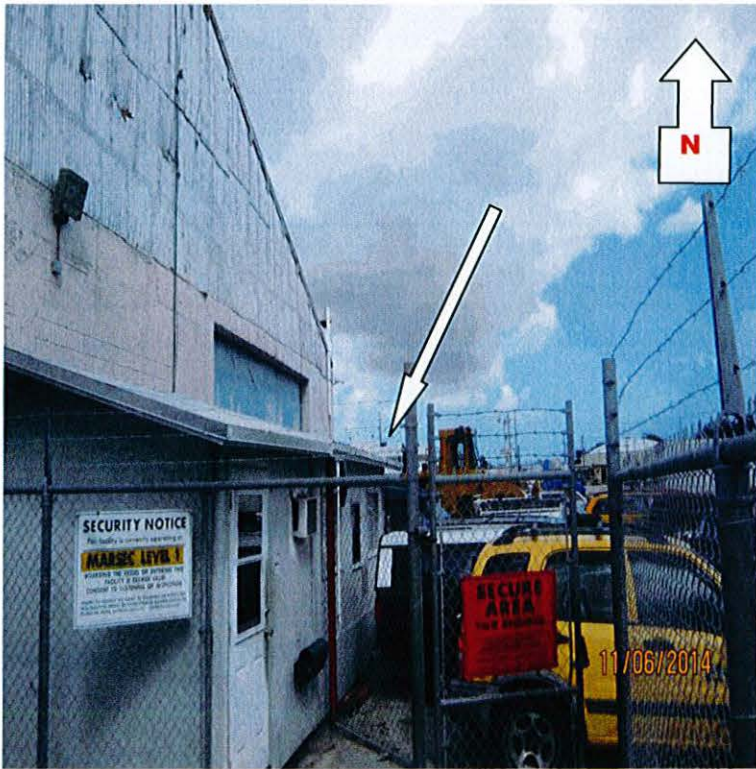
Next, I walked the sidewalk in front (south side) of Cliff Berry, Inc, to more closely investigate any source(s) of odors downwind from that facility. Once again, the most intense odor, characteristic of the odor detected south of the river, was experienced on the sidewalk closest to the west tank farm area, in clear view of the oil separation and recovery system. At this point, the odor seemed to be carried by vapors. Trucks were also observed leaving the off-loading area at this time. Since the characteristic odor was detected downwind and immediately next to the south of Cliff Berry, Inc. site, and it was not detected upwind from the site, an "Air Pollution Sources - Field Notice of Violation was prepared".

### **INDUSTRIAL PROCESS INSPECTION**

After some difficulty in finding a manager for Cliff Berry, the Deputy Plant Manager - Mr. Pedro Stiasni - was meet onsite. Mr. Stiasni was informed that this inspection was being performed in response to an anonymous odor complaint. He reported that the facility's pretreatment system was not in operation, and the "production plant" on the west side of the property was also "off due to maintenance". Mr. Stiasni stated that the four "cooker" tanks had not been in operation since approximately 5:00 am or 6:00 am, on the same morning; this was the main area under maintenance by a technician who was onsite from Fort Lauderdale. Mr. Stiasni accompanied me throughout the west side of the site, including the area where the objectionable odor was most strongly detected on the sidewalk, approximately one hour earlier. In Mr. Stiasni's presence, a similar odor, with much less intensity, was detected on the sidewalk, as if the source of the vapors had cooled to release fewer vapors. The exact source of this odor was not determined. Mr. Stiasni stated that he smelled an odor as well, but he stressed that the predominant odor could only be, and was, a degreaser solution being used to clean a containment area. Another odor of light intensity, detected on the sidewalk with Mr. Stiasni clearly originated from oily residue (stains) in the nearby containment area. Apparently, this residue originated from prior spills of oily liquids into the nearby containment area. Mr. Stiasni agreed that he could also smell the oil like odor, although he stated that most of the liquid in the nearby containment area was rain water. This odor was also of relatively light intensity. This containment area should be kept in cleaner conditions. Procedures for maintaining the containment areas should be revisited, and the facility's Spill Prevention Control and Countermeasure Plan (SPCCP) should be updated accordingly. During the walk-through with Mr. Stiasni, no trucks were observed off-loading wastes onsite, but Mr. Stiasni stated that there were previous off-loads earlier in the day. Mr. Stiasni allowed access to onsite locations on the north side of the tank farm, and no odors were detected in positions upwind from the plant. Since odors were detected offsite and downwind from the plant, and not upwind, the prepared "Air Pollution Sources - Field Notice of Violation" was presented to Mr. Stiasni. The specific source of the objectionable odor was not determined during this inspection. Initially, Mr. Stiasni consulted his supervisor by telephone and refused to sign the notice, primarily because he stated that the production plant and pretreatment system were not in operation. He demanded that I accompany him to offsite locations where the odor was detected, prior to him signing the notice. Mr. Stiasni was informed that the locations were provided on the notice and I would not accompany him. He eventually agreed to sign the notice, but he insisted to provide his own comments on and attached to the notice. Mr. Stiasni's comments essentially stated that no production was taking place and no tankers were being unloaded (during my tour of the facility with him; although, Mr. Stiasni originally confirmed that tankers were unloading before our meeting within the plant). The field notice required immediate cease and desist of emissions of objectionable odors. It also required a Cliff Berry representative to contact the RER Pollution Regulation Division within five days "to discuss corrective measures".



This photo was taken from the site of E & D Shipping at 3163 NW South River Drive. The Cliff Berry facility was visible from the south bank of the Miami River. Objectionable odor was detected at this point. Cliff Berry's wind sock (denoted by the white arrow) indicated winds from the north.



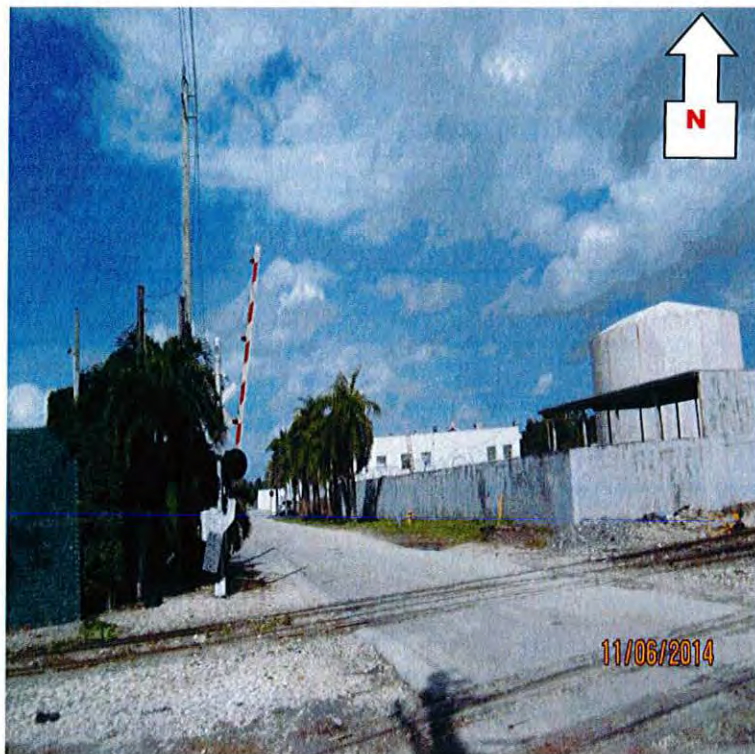
The objectionable odor was also detected at the entrance to E & D Shipping. The Cliff Berry facility is also visible in the background of this photograph.



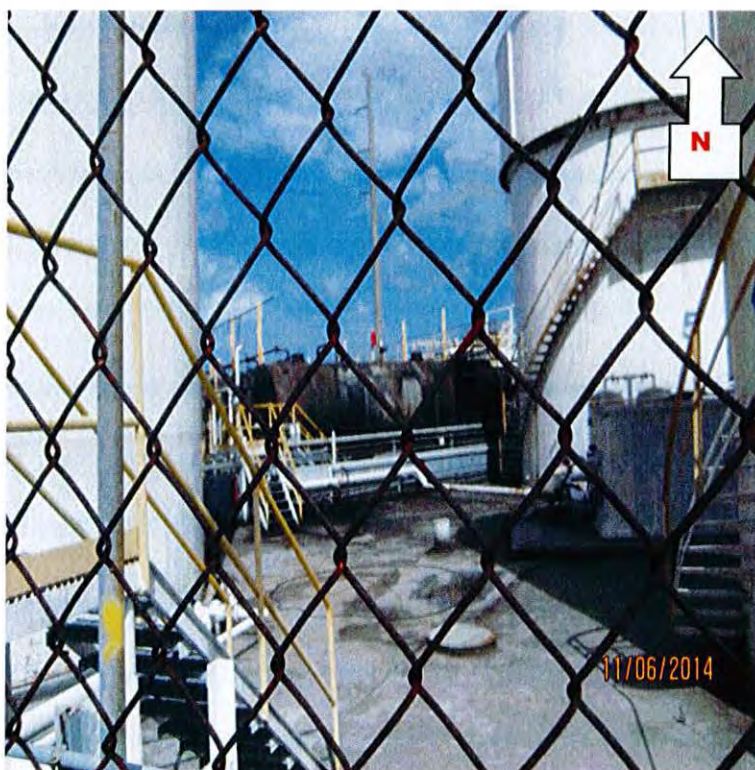
The objectionable odor was also detected at and around the intersection of NW 20th Street and NW 32nd Avenue.



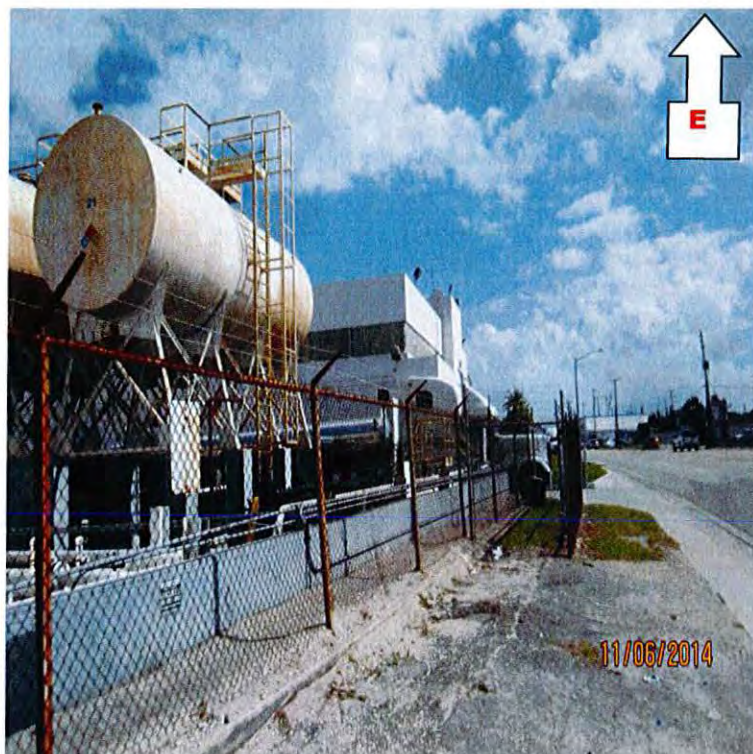
The odor was also detected in front of a residential property at located at 3231 NW 20th Street.



The Cliff Berry facility was circumnavigated. A distinctly different odor was detected near the northeast corner of the Cliff Berry site. Workers were observed working on the roof of a nearby facility; apparently, the additional odor was roof tar.



This photograph, facing northwest, was taken on the sidewalk in front of the facility, at the time and location when and where the most intense odor was detected. The odor was a match to the objectionable odor detected offsite, several blocks to the south and southwest.

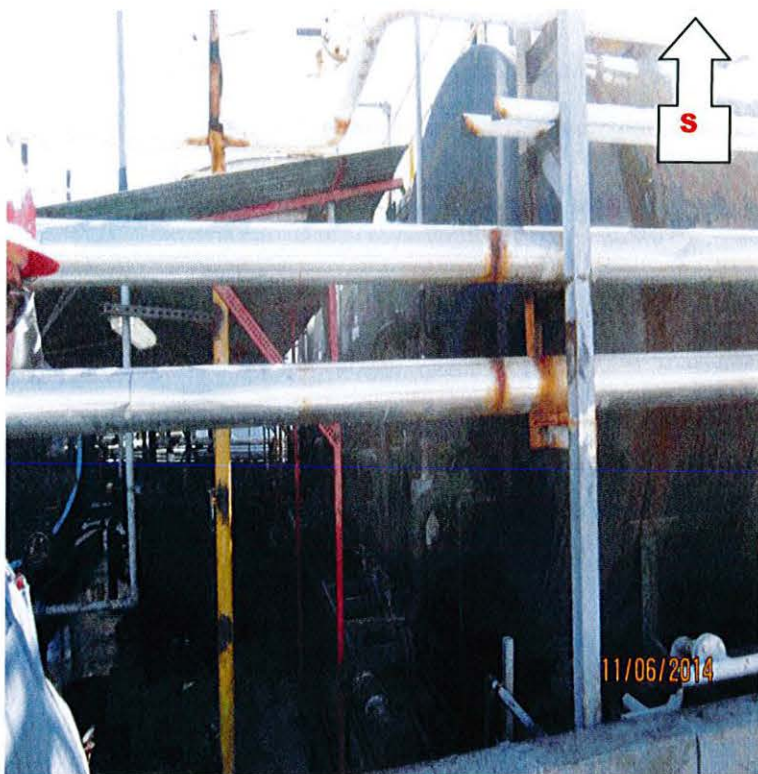


This photograph was taken at nearly the same time and location as the previous photograph. Trucks were leaving the site. The manager later confirmed that off-loading of wastes had taken place, although no such off-loadings took place during my tour of the Cliff Berry site in his presence.

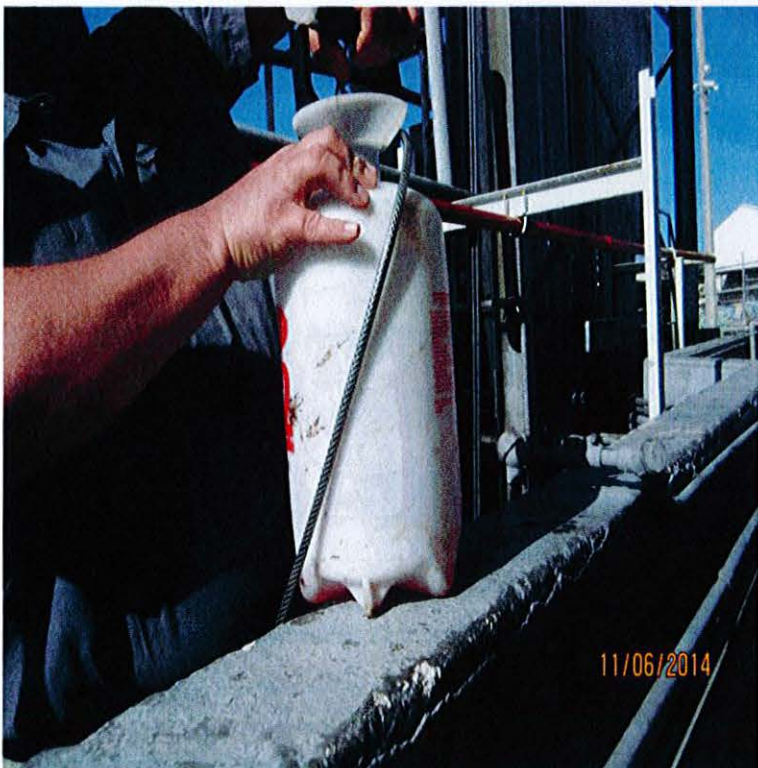


This photograph was taken from a similar location as the previous two, during the inspection of the facility with the manager. A mild oily odor was detected. Apparently, this odor originated from oily stains/residue on the floor of the nearby containment area.

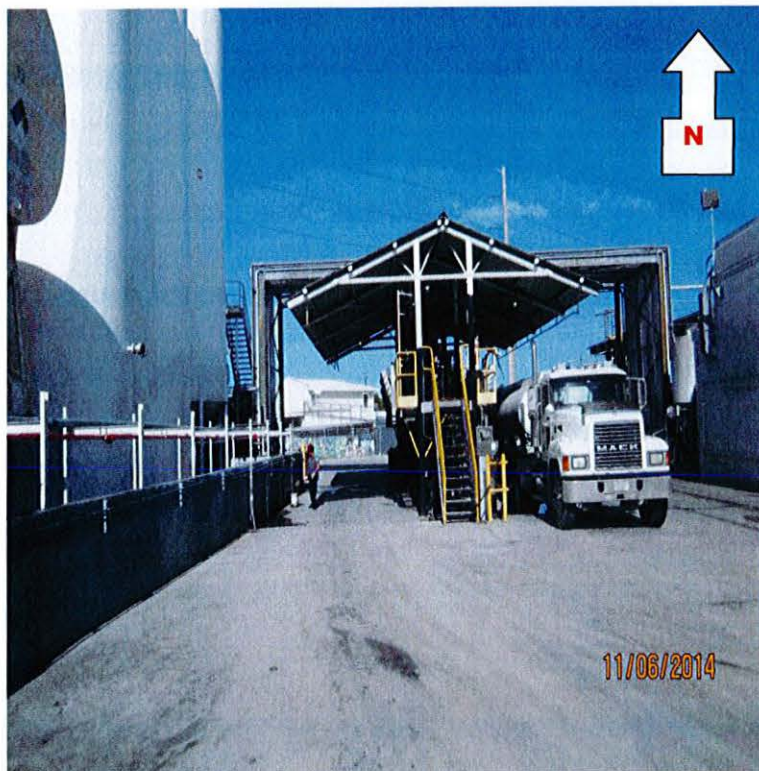




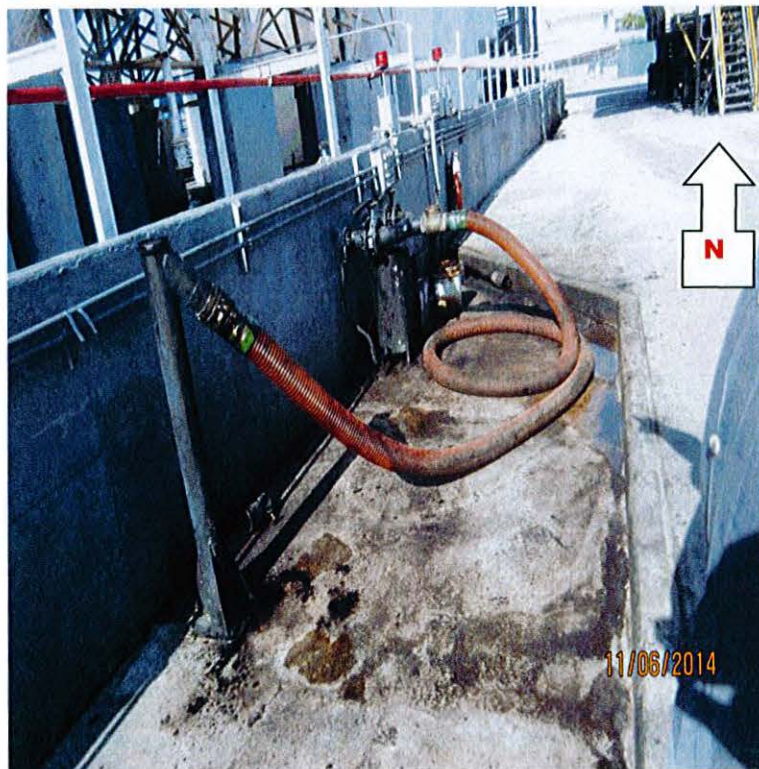
The previous three photographs were taken downwind from the Cliff Berry site. The current photo was taken upwind from the same general area of the site. At this location, no odors were detected.



The manager - Mr. Stiasni - insisted that this degreaser was the only odor detected downwind from the site. When he sprayed the degreaser to demonstrate, no odor was detected.



Mild, inconsistent odors were detected in on/off-loading area. The exact source of the odors was not determined.



The manager described this area as a truck off-loading area. Mild petroleum-like odors were also detected around this area.

## DERM Complaint Inspection Worksheet

Inspection Area	EC-1
Inspector	grahar
Date (mm/dd/yyyy)	3/28/2014
Start Time (24 hr. format)	10:20
End Time (24 hr. format)	11:10
Hours Worked	0:50
Mileage	7
County Vehicle Number	23956

### Complaint Information

Complaint #	065317		
Permit #	IWP-108; AP-2466; PSO-513; LWT-104,391.392, 455, 642		
Complainant Name	Enriqueta Gutshall		
Complainant Address	NW 30 AVE & NW 19 TER		
Complainant Phone #	na		
Call back?	No	Call back info (DATE&TIME):	
Source Name	CBI		
Source Address	3033 NW N RIVER DR		
City	Miami		
Nature of Complaint	Facility generating burnt oil odor.		
Additional Complaint Types:*	AIR		

\* Please add NPDES to all relevant complaints

Inspection Type & Reason:	UNS-COM		
Outcome Code:	SAT		
<b>Inspector On Call:</b>	No		
On Site Contact Name	Tina Gutshall		
On Site Contact Title	Resident		
On Site Phone #	na		
Photos Taken:	No	Samples Taken: No	
<b>QUE FOL Inspection (w/in Days)?</b>	No	, Days	<b>QUE FOL to?</b>
Permit Group Notification	Yes	Enforcement Required: No	

Supervisor	Eduardo de Aragon
Review Date	05/09/14
Status	Closed

### Comments

On 03/28/2014, at 10:50. I arrived in the area of NW 19 TER and 33 AVE, to investigate a oil burning odor complaint. I drove around the neighborhood from NW 30 AVE to NW 34 AVE and from NW 17 ST to NW 21 ST. **No burnt odor was detected.** The winds were gusty and from the N-NE. At 11:00 am, I arrived at 3340 NW 19 TER, the complainants property. Mrs. Gutshall was not home but her daughter, who stated that she was familiar with the odors, answered that she was not perceiving the burnt oil odor at the time. I could not detect the CBI odor at the time. Please close complaint No photos. Aerial photo included to show the location of the complainant's residence in reference to CBI. EdeAragon ok to close

MIAMI-DADE

www.miamidade.gov

Department of Regulatory and Economic Resources  
Division of Environmental Resources Management (DERM)  
701 NW 1st Court - Suite 700  
Miami, Florida 33136-3912  
T 305-372-6600 F 305-372-6893

April 17, 2015

Mr. Cliff Berry II, Permittee  
Cliff Berry, Inc., Miami Terminal  
P.O. Box 13079 Port Everglades  
Fort Lauderdale, FL 33316

CERTIFIED MAIL No: 7013 2630 0001 9386 2107  
RETURN RECEIPT REQUESTED

RE: Permit Violations for Industrial Waste Pretreatment facility located at, near or in the vicinity of Cliff Berry Facility, 3033 NW North River Drive, Miami Dade County, Florida 33142. (Permit No. IWP-108)

### WARNING NOTICE

Dear Mr. Berry II:

During an inspection of your facility, a representative of DERM sampled the outfall(s) listed below to sanitary sewers from your industrial waste pretreatment system. Laboratory analysis of the samples revealed that the parameter(s) listed below is/are in violation of Section 24-42.4, SANITARY SEWER DISCHARGE LIMITATIONS AND PRETREATMENT STANDARDS, Code of Miami-Dade County the Code ecifically:

Sample Date	Parameter	Result	Permit Limit	Outfall	Sample Date	Parameter	Result	Permit Limit	Outfall
10/15/14	Vanadium (Daily)	0.355 mg/L	0.218 mg/L	FAC					
October	Vanadium (Monthly AVG.)	0.181 mg/L	0.066 mg/L	FAC					

Other: October result above represent average of Facility's monthly results and attached result from DERM

Please note that the above constitute(s) a violation of your operating permit and of Sections 24-18 and 24-25 of the Code of Miami-Dade County. In order to avoid further enforcement action and pursuant to the authority granted to me under Section 24-7 of the Code, I hereby order you to submit, with 15 day(s) of this Notice, information regarding the action(s) undertaken to correct the above referenced deficiency(ies).

Failure to comply with the above may result in either the issuance of a Uniform Civil Violation Notice (UCVN), pursuant to Chapter 8CC of Miami-Dade County, requiring corrective action(s) and payment of a civil penalty to the initiation of formal enforcement action by DERM subjecting you to the enforcement and penalty of Section 24-29 and 24-30 of the Code of Miami-Dade County.

Any person aggrieved by any action or decision of the DERM Director may appeal said action or decision to the Environmental Quality Control Board (EQCB) by filing a written notice of appeal along with submittal of the applicable fee, to the Code Coordination and Public Hearings Section of DERM within fifteen (15) days of the date of the action or decision by DERM.

If you have any questions concerning the above, please call the Pollution Regulation Division at 305-372-6600.

Sincerely,  
  
Allen Cox, Inspector II

Enclosures: Sample results document COC# 300477; Regulated Pollutants & Monitoring Requirements



Pace Analytical Services, Inc.  
100 Pace Court  
Columbus, OH 43214  
(614) 220-4100

**ANALYTICAL RESULTS**

Project: 2664-E  
Pace Project No.: 35159706

Sample: 300477 AC31327 Lab ID: 35159706003 Collected: 10/15/14 12:45 Received: 10/16/14 18:15 Matrix: Water

Parameters	Results	Units	PQL	MDL	DF	Prepared	Analyzed	CAS No.	Qual
<b>200.7 MET ICP</b>									
Analytical Method: EPA 200.7 Preparation Method: EPA 200.7									
Antimony	7.1 I	ug/L	15.0	5.0	1	10/20/14 18:55	10/22/14 11:26	7440-36-0	
Arsenic	5.0U	ug/L	10.0	5.0	1	10/20/14 18:55	10/22/14 11:26	7440-38-2	
Cadmium	0.50U	ug/L	1.0	0.50	1	10/20/14 18:55	10/22/14 11:26	7440-43-9	
Chromium	4.1 I	ug/L	5.0	2.5	1	10/20/14 18:55	10/22/14 11:26	7440-47-3	
Cobalt	5.0U	ug/L	10.0	5.0	1	10/20/14 18:55	10/22/14 11:26	7440-48-4	
Copper	9.4	ug/L	5.0	2.5	1	10/20/14 18:55	10/22/14 11:26	7440-50-8	
Lead	5.0U	ug/L	10.0	5.0	1	10/20/14 18:55	10/22/14 11:26	7439-92-1	
Nickel	60.5	ug/L	5.0	2.5	1	10/20/14 18:55	10/22/14 11:26	7440-02-0	
Silver	2.5U	ug/L	5.0	2.5	1	10/20/14 18:55	10/22/14 11:26	7440-22-4	
Tin	25.0U	ug/L	50.0	25.0	1	10/20/14 18:55	10/22/14 11:26	7440-31-5	
Titanium	5.0U	ug/L	10.0	5.0	1	10/20/14 18:55	10/22/14 11:26	7440-32-6	
Vanadium	355	ug/L	10.0	5.0	1	10/20/14 18:55	10/22/14 11:26	7440-62-2	
Zinc	628	ug/L	20.0	10.0	1	10/20/14 18:55	10/22/14 11:26	7440-66-6	
<b>6010 MET ICP</b>									
Analytical Method: EPA 6010 Preparation Method: EPA 3010									
Antimony	5.0U	ug/L	15.0	5.0	1	10/18/14 11:00	10/20/14 16:37	7440-36-0	
Arsenic	5.0U	ug/L	10.0	5.0	1	10/18/14 11:00	10/20/14 16:37	7440-38-2	
Barium	11.6	ug/L	10.0	5.0	1	10/18/14 11:00	10/20/14 16:37	7440-39-3	
Cadmium	0.50U	ug/L	1.0	0.50	1	10/18/14 11:00	10/20/14 16:37	7440-43-9	
Chromium	3.9 I	ug/L	5.0	2.5	1	10/18/14 11:00	10/20/14 16:37	7440-47-3	
Lead	5.0U	ug/L	10.0	5.0	1	10/18/14 11:00	10/20/14 16:37	7439-92-1	
Selenium	7.5U	ug/L	15.0	7.5	1	10/18/14 11:00	10/20/14 16:37	7782-49-2	
Silver	2.5U	ug/L	5.0	2.5	1	10/18/14 11:00	10/20/14 16:37	7440-22-4	
<b>200.8 MET ICPMS</b>									
Analytical Method: EPA 200.8 Preparation Method: EPA 200.8									
Thallium	0.50U	ug/L	1.0	0.50	1	10/20/14 18:55	10/21/14 12:58	7440-28-0	

**REPORT OF LABORATORY ANALYSIS**

This report shall not be reproduced, except in full,  
without the written consent of Pace Analytical Services, Inc..

**INDUSTRIAL WASTE TREATMENT PROGRAM  
REGULATED POLLUTANTS AND MONITORING REQUIREMENTS**

Facility Name: CLIFF BERRY, INC. MIAMI TERMINAL

Permit Number: IWP-108

Permit Period: 06/01/2014 - 05/31/2015

<u>Monitoring Location</u>	<u>Parameter</u>	<u>Unit</u>	<u>Daily Maximum</u>	<u>Daily Minimum</u>	<u>Monthly Average</u>	<u>Sample Type</u>	<u>Monitoring Frequency</u>	<u>Reporting Frequency</u>
FAC	2,4,6-Trichlorophenol	mg/L	0.155	N/A	0.106	Grab	Monthly	Monthly
FAC	Ammonia	mg/L	100	N/A	N/A	Grab	Monthly	Monthly
FAC	Antimony, Total	mg/L	0.249	N/A	0.206	Grab	Monthly	Monthly
FAC	Arsenic, Total	mg/L	0.162	N/A	0.104	Grab	Monthly	Monthly
FAC	Benzene	mg/L	0.2	N/A	N/A	Grab	Monthly	Monthly
FAC	bis(2-ethylhexyl) Phthalate	mg/L	0.215	N/A	0.101	Grab	Monthly	Monthly
FAC	Cadmium, Total	mg/L	0.187	N/A	0.0962	Grab	Monthly	Monthly
FAC	Carbazole	mg/L	0.598	N/A	0.276	Grab	Monthly	Monthly
FAC	Carbon Tetrachloride	mg/L	0.22	N/A	N/A	Grab	Monthly	Monthly
FAC	Chromium, Total	mg/L	0.746	N/A	0.323	Grab	Monthly	Monthly
FAC	cis-1,2-Dichloroethene	mg/L	3.75	N/A	N/A	Grab	Monthly	Monthly
FAC	Cobalt, Total	mg/L	0.192	N/A	0.124	Grab	Monthly	Monthly
FAC	Copper, Total	mg/L	0.5	N/A	0.242	Grab	Monthly	Monthly
FAC	EPA 624 Series	mg/L	5	N/A	N/A	Grab	Monthly	Monthly
FAC	EPA 625 Series	mg/L	5	N/A	N/A	Grab	Monthly	Monthly
FAC	Flow, Total	GPD	210040	N/A	N/A	Measurement	Monthly	Monthly
FAC	Fluoranthene	mg/L	0.0537	N/A	0.0288	Grab	Monthly	Monthly
FAC	Lead, Total	mg/L	0.35	N/A	0.16	Grab	Monthly	Monthly
FAC	Mercury, Total	mg/L	0.00234	N/A	0.000739	Grab	Monthly	Monthly
FAC	n-Decane	mg/L	0.946	N/A	0.437	Grab	Monthly	Monthly
FAC	n-Octadecane	mg/L	0.589	N/A	0.302	Grab	Monthly	Monthly
FAC	Nickel, Total	mg/L	0.39	N/A	1.45	Grab	Monthly	Monthly
FAC	o-Cresol	mg/L	1.92	N/A	0.561	Grab	Monthly	Monthly
FAC	p-Cresol	mg/L	0.698	N/A	0.205	Grab	Monthly	Monthly
FAC	pH	S.U.	11.5	5.5	N/A	Measurement	Monthly	Monthly
FAC	Silver, Total	mg/L	0.12	N/A	0.0351	Grab	Monthly	Monthly
FAC	Tetrachloroethylene	mg/L	0.125	N/A	N/A	Grab	Monthly	Monthly
FAC	Thallium, Total	mg/L	0.0005	N/A	N/A	Grab	Semi-annually	Semi-annually
FAC	Tin, Total	mg/L	0.409	N/A	0.12	Grab	Monthly	Monthly
FAC	Titanium, Total	mg/L	0.0947	N/A	0.0618	Grab	Monthly	Monthly
FAC	Total Cyanide	mg/L	0.5	N/A	N/A	Grab	Monthly	Monthly
FAC	Trichloroethylene	mg/L	0.16	N/A	N/A	Grab	Monthly	Monthly
FAC	TRPH (SGT-HEM)	mg/L	50	N/A	N/A	Grab	Monthly	Monthly
FAC	*TSS	Lbs/Day	145	N/A	N/A	Composite	Monthly	Monthly
FAC	Vanadium, Total	mg/L	0.218	N/A	0.0662	Grab	Monthly	Monthly
FAC	Vinyl Chloride	mg/L	0.08	N/A	N/A	Grab	Monthly	Monthly
FAC	Zinc, Total	mg/L	2.87	N/A	0.641	Grab	Monthly	Monthly

\*BOD / TSS effluent limit is 145 lbs/day at a concentration not to exceed 200 mg/L.

MIAMI-DADE COUNTY, FLORIDA

MIAMI-DADE COUNTY  
EPA # FL00025  
FL CERT # E46126

Department of Regulatory and Economic Resources  
Environmental Resources Management  
Office of Laboratory Services  
MIAMI, FLORIDA 33130-1610  
(305)-375-1851

LABORATORY ANALYSIS RECORD  
ENFORCEMENT

Site: CLIFF BERRY, INC. MI  
Location: 3033 NW NORTH RIVER DR  
Address: \_\_\_\_\_  
Sampler: COXA  
Deliverer: COXA  
Return To: COXA  
C.C.# \_\_\_\_\_  
Phone: 6748  
Permit #: 108  
Date: \_\_\_\_\_  
Time: \_\_\_\_\_

Sample #: 300477  
Date: 10/15/14 Time: 12:45 PM  
Collection Point: \_\_\_\_\_  
Observation/known Hazards: LIFE STA. SAMPLING PORT  
PETROLEUM OIL

15 OCT '14 15:28  
Clock-In Date/Inspector: \_\_\_\_\_  
Sign By Inspector: Allen Cox  
\*Sign By Lab Custodian: Any  
Laboratory ID #: AC31327  
\*Temp. (°C) upon Rec.: 7.3

Return For TCLP / SPLP?  
Clock-In Date/Inspector: \_\_\_\_\_  
Date Requested: \_\_\_\_\_  
\*Laboratory ID # / Fridge #: \_\_\_\_\_  
\*Laboratory ID # / Fridge #: \_\_\_\_\_

Take-Out Date/ RER Lab: \_\_\_\_\_  
\*Returned-Date/ RER Lab: \_\_\_\_\_  
\*Take-Out Date/ RER Lab: \_\_\_\_\_  
\*Returned-Date/ RER Lab: \_\_\_\_\_  
\*Take-Out Date/ RER Lab: \_\_\_\_\_  
\*Sample Disposal Date: \_\_\_\_\_

Regulatory Limits: SDWA \_\_\_ NPDES \_\_\_ RCRA \_\_\_ Chap. 24 \_\_\_ Other \_\_\_  
Matrix: H2O \_\_\_ Soil/Sludge \_\_\_ Product \_\_\_ Layer \_\_\_ Sewage \_\_\_ Other \_\_\_  
Preservation: None \_\_\_ Acid \_\_\_ Base \_\_\_ Thermal: Iced \_\_\_ No Iced \_\_\_  
Sample Bottle: \_\_\_\_\_ Picked-Up Date: \_\_\_\_\_  
Prepared Lot #: 0925114 TM2 By Inspector: 10/15/14  
Split Sample? Yes \_\_\_ No \_\_\_ Consultant/Lab: LORAY MCG / CBI  
Test(s) Run/Method #: \_\_\_\_\_ Test(s) Run/Method #: \_\_\_\_\_  
Tate / metals  
Ag, As, Cd, Cu, Cr, Al, Pb, Sn, Ti, V, Zn, Co, Ni  
Thallium method 200.8  
PQLE MAL ON THIS TEST WORKS TO BE LOSS THAN 0.5 ug/l

Relinquished To: \*\*Contract Lab  
Delivered By / Date: \_\_\_\_\_  
Received By / Date: 10/16/14  
Extracted By / Date: CRT, HEA 10/20/14  
Analyzed By / Date: CRT, HEA 10/20/14, 10/21/14  
Returned By / Date: 10/28/14

RECEIVED  
OCT 31 2014

Comments: ENVIRONMENTAL EVALUATION & COMPLIANCE SECTION



www.miamidade.gov

Department of Regulatory and Economic Resources  
Division of Environmental Resources Management (DERM)  
701 NW 1st Court • Suite 700  
Miami, Florida 33136-3912  
T 305-372-6600 F 305-372-6957

**WARNING NOTICE**

April 17, 2015

Mr. Cliff Berry II, Permittee  
Cliff Berry, Inc. Miami Terminal  
P.O. Box 13079 Port Everglades  
Fort Lauderdale, FL 33316

CERTIFIED MAIL No: 7013 2630 0001 8386 2107  
RETURN RECEIPT REQUESTED

RE: Cliff Berry Inc., an Industrial Waste Pretreatment Facility, located at, near, or in the vicinity of 3033 NW North River Dr., Miami-Dade County, FL 33142, (Permit No. IWP-108)

Dear Mr. Berry,

The Department of Regulatory and Economic Resources, Division of Environmental Resources Management (DERM) is in receipt of Self Monitoring Reports (SMR) for your operation as required by your Industrial Waste Pretreatment (IWP) operating permit no. IWP- 108 (copy enclosed) in accordance with specific condition no. 12. This NOTICE is to inform you that a review of said SMR(s) has identified the following deficiency(ies) which is/are in violation of the aforementioned permit:

Failure to submit SMR(s) by applicable due date(s) for the period(s) referenced below.

Reporting Period(s): Monthly Report for October 2014 due November 15, 2014; received Dec. 24, 2014.

Failure to submit analytical results from a certified laboratory.

Remark(s): \_\_\_\_\_

Analytical methodology(ies) referenced in report(s) is(are) not approved under 40 CFR 136, Code of Federal Regulations.

Remark(s): \_\_\_\_\_

Use of improper/obsolete SMR form(s).

Remark(s): \_\_\_\_\_

SMR form(s) not signed by responsible official.

Remark(s): \_\_\_\_\_

Failure to provide notification of Violation(s) of Pretreatment Standard(s) within 24 hours of becoming aware of the violation.

Remark(s): \_\_\_\_\_

Violation(s) of sanitary sewer limitations and pretreatment standards pursuant to Section 24-42.4 of the Code of Miami-Dade County as summarized below:

Sample Date	Parameter	Result	Permit Limit	Outfall	Sample Date	Parameter	Result	Permit Limit	Outfall

Other: A SMR received late > 45 days constitutes Significant Non-Compliance (SNC) with the Pretreatment Standards, Code of Federal Regulations (40 CFR 403), and makes your facility subject to the Enforcement Provision thereof.

Please note that the above constitute(s) a violation of your operating permit and of Sections 24-18 and 24-25 of the Code of Miami-Dade County (the Code). In order to avoid further enforcement action and pursuant to the authority granted to me under Section 24-7 of the Code, I hereby order you to submit, within 15 day(s) of this Notice, information regarding the action(s) undertaken to correct the above referenced deficiency(ies).

Failure to comply with the above may result in either the issuance of a Uniform Civil Violation Notice (UCVN), pursuant to Chapter 8CC of Miami-Dade County, requiring corrective action(s) and payment of a civil penalty or the initiation of formal enforcement action by DERM subjecting you to the enforcement and penalty provisions of Section 24-29 and 24-30 of the Code of Miami-Dade County. Any person aggrieved by any action or decision of the DERM Directory may appeal said action or decision to the Environmental Quality Control Board (EQCB) by filing a written notice of appeal along with submittal of the applicable fee, to the Code Coordination and Public Hearings Section of DERM within fifteen (15) days of the action or decision by DERM.

For further information regarding above, please contact the Pollution Regulation Division at (305) 372-6600.

Sincerely,

Allen Cox, Inspector II

Enclosures: Industrial Waste Pretreatment Annual operating Permit No. 108, Regulated Pollutants and Monitoring Requirements





Department of Regulatory and Economic Resources  
Division of Environmental Resources Management (DERM)  
701 NW 1st Court - Suite 700  
Miami, Florida 33136-3912  
T 305-372-6600 F 305-372-6893

May 12, 2015

Mr. Cliff Berry II, Permittee  
Cliff Berry, Inc., Miami Terminal  
P.O. Box 13079 Port Everglades  
Fort Lauderdale, FL 33316

CERTIFIED MAIL No: 7013 2630 0001 8386 2176  
RETURN RECEIPT REQUESTED

**RE:** Permit Violations for the Industrial Waste Pretreatment facility located at, near or in the vicinity of Cliff Berry, Inc., Miami Terminal, 3033 NW North River Drive, Miami Dade County, Florida 33142. (Permit No. IWP-108)

## WARNING NOTICE

Dear Mr. Berry II:

During an inspection of your facility, a representative of DERM sampled the outfall(s) listed below to sanitary sewers from your industrial waste pretreatment system. Laboratory analysis of the samples revealed that the parameter(s) listed below is/are in violation of Section 24-42.4, SANITARY SEWER DISCHARGE LIMITATIONS AND PRETREATMENT STANDARDS, Code of Miami-Dade County the Code specifically:

Sample Date	Parameter	Result	Permit Limit	Outfall	Sample Date	Parameter	Result	Permit Limit	Outfall
3/19/15	Benzene (Daily)	0.240 mg/L	0.200 mg/L	FAC					
3/19/15	Vanadium ( Daily)	0.757 mg/L	0.218 mg/L	FAC					
March	Vanadium (Monthly)	0.3835 mg/L	0.0662 mg/L	FAC					
		0.							

Other: March result above represents average of Facility's and DERM results (enclosed COC records)

Please note that the above constitute(s) a violation of your operating permit and of Sections 24-18 and 24-25 of the Code of Miami-Dade County. In order to avoid further enforcement action and pursuant to the authority granted to me under Section 24-7 of the Code, I hereby order you to submit, with 15 day(s) of this Notice, information regarding the action(s) undertaken to correct the above referenced deficiency(ies).

Failure to comply with the above may result in either the issuance of a Uniform Civil Violation Notice (UCVN), pursuant to Chapter 8CC of Miami-Dade County, requiring corrective action(s) and payment of a civil penalty to the initiation of formal enforcement action by DERM subjecting you to the enforcement and penalty of Section 24-29 and 24-30 of the Code of Miami-Dade County.

Any person aggrieved by any action or decision of the DERM Director may appeal said action or decision to the Environmental Quality Control Board (EQCB) by filing a written notice of appeal along with submittal of the applicable fee, to the Code Coordination and Public Hearings Section of DERM within fifteen (15) days of the date of the action or decision by DERM.

If you have any questions concerning the above, please call the Pollution Regulation Division at 305-372-6600.

Sincerely,  
  
Allen Cox, Inspector II

# WARNING NOTICE OF VIOLATION

30-3128-000-0130

Date Issued: 9/20/15

3023 NW N RIVER BL

Mail  Hand Delivery

Miami, FL 33142  
Mailing address, if applicable

Posting

CLIFF BERRY INC

Reference #: 10703771

PO Box 12079

C  O

77. WOODBRIDGE, FL 33206

IF YOU HAVE ALREADY SCHEDULED YOUR ANNUAL BULK WASTE PICKUP, PLEASE DISREGARD THIS WARNING NOTICE

This **WARNING NOTICE** is issued to advise you of the following Public Works and Waste Management Department code violation(s) pursuant to Miami-Dade County—Chapter 15.

- Unauthorized trash on the right-of-way WOOD & BUCKETS (2 BUCKETS)
- Uncontainerized solid waste
- Uncontainerized solid waste at a building or construction site
- Waste container(s) at curbside before or after specified hours of scheduled collection day
- Other (specify) \_\_\_\_\_

BE ADVISED, the above noted violation(s) must be corrected by this date: 10/1/15

**FINES CAN BE LEVIED FOR FAILURE TO COMPLY WITH THIS WARNING NOTICE.** For further information regarding compliance, contact the Public Works and Waste Management Department at 305-514-6700.

Waste Enforcement Officer I: D. JOCKSON Badge Number: 134

Miami-Dade options for full service residential waste customers only:

**Scheduled bulky waste pickup** – Before putting large amounts of furniture, tree cuttings, and other bulky items at the curb, schedule a bulky waste pickup by calling 305-594-1500. Your waste fee includes two pickups of up to 25 cubic yards per fiscal year (October 1–September 30). Tree limbs must be no more than five feet in length. There will be a charge for additional yardage in excess of 50 cubic yards.

**Trash & Recycling Center drop-off** – Available only to residents of Unincorporated Miami-Dade County and cities of Aventura, Pinecrest, Doral, Palmetto Bay, Miami Gardens, Miami Lakes, Sunny Isles, Cutler Bay and Sweetwater. The neighborhood centers provide a do-it-yourself disposal option for household trash, tree and yard cuttings and up to one cubic yard of construction and demolition debris. You can also dispose of up to four standard automobile tires. Centers are open daily from 7:00 a.m. to 5:30 p.m. year round, except for Dr. Martin Luther King Day, Independence Day and Christmas (as observed by Miami-Dade County). (see back)

**Twice weekly garbage and trash collection** – EZ-GO cart and waste can garbage service must have secured lids. Trash, e.g., palm fronds and yard cuttings, must be canned, bagged or bundled in lengths of up to four feet using twine, rope or duct tape. Each item must weight less than 50 lbs. Remember to place the EZ-GO carts/cans/bags/bundles at the curb by 7 a.m. and remove them once your waste has been collected. Rock, dirt, construction debris, free liquids or home chemicals are not collected.

For multi-family and commercial properties, call 305-514-6700 for your service options.



Department of Regulatory and Economic Resources  
Division of Environmental Resources Management (DERM)  
701 NW 1st Court  
Miami, Florida 33136-3912  
T 305-372-6600 F 305-372-6545

### AIR POLLUTION SOURCES - FIELD NOTICE OF VIOLATION

TO: CLIFF BERRY, Inc. MIAMI TERMINAL

ADDRESS: 3033 NW NORTH RIVER DRIVE, MIAMI, FL 33142

SOURCE/LOCATION: RAILROAD SPUR TRACK NE ENTRANCE TO FACILITY

YOU ARE HEREBY NOTIFIED that on 10/22/15 at 3:15 PM, the following violation(s) of Chapter 24 of the Miami-Dade County Code, and/or regulations of the Florida Administrative Code, was observed at the referenced location by an official of this Department:

- Failure to obtain appropriate Air Permit
- Excessive Visible Emissions
- Uncontrolled fugitive emissions
- Improper handling, removal of asbestos
- Non-compliance with Stage II Vapor Recovery
- Non-compliance with CFC regulations
- Objectionable odor
- Other

Specifically: STRONG ODORS WERE OBSERVED AT SOURCE AREA APPROXIMATELY 3236 NW SOUTH RIVER DR THAT WERE TRACED TO CBI

In view of the above, and pursuant to the authority granted to me by Sections 24-7 and 24-25, Miami-Dade County Code, I hereby order you to:

- Upon receipt of this NOTICE, **immediately** initiate corrective measures to eliminate and/or Cease and Desist the above-referenced violation(s).
- Within 1 days of receipt of this NOTICE, initiate corrective measures to eliminate and/or Cease and Desist the above-referenced violation(s).
- Within 15 days of receipt of this NOTICE, contact the DERM Pollution Regulation Division at 305-372-6600 to discuss corrective measures. When contacted, you may be required to submit in writing, the steps which you have taken to ensure that no further violation(s) will occur. Said report may include evidence of equipment repairs, adjustments of servicing performed to correct the violation(s).
- Within \_\_\_\_\_ days of receipt of this NOTICE, submit a completed application for an air construction/operating permit to the DERM Air Quality Management Division located at the above letterhead address.

**Be advised that applying for a DERM Air Permit does not necessarily guarantee the issuance of such Permit, and you may not be allowed to continue operation at this location.**

Failure to comply with the above may result in either the issuance of a Uniform Civil Violation Notice (UCVN), pursuant to Chapter 8-CC of the Miami-Dade County Code, requiring corrective action(s) and payment of a civil penalty or the initiation of a formal enforcement action by DERM, subjecting you to the enforcement and penalty provisions of Sections 24-29 and 24-30 of the Miami-Dade County Code.

Any person aggrieved by any action or decision of the DERM Director may appeal said action or decision to the Environmental Quality Control Board (EQCB) by filing a written notice of appeal along with submittal of the applicable fee, to the Code Coordination and Public Hearings Section of DERM within fifteen (15) days of the date of the action or decision by DERM.

*The odor being omitted is from a broken sewer line under repair which DERM is aware of. We are working diligently to repair.*  
PLEASE GOVERN YOURSELF ACCORDINGLY  
Environmental Resources Management

Received by: [Signature] Recipient's Signature  
 Issued/Posted by: [Signature] Inspector's Signature  
 Print: Leroy Arce Recipient's Name  
 Print: Excellent Every Day Inspector's Name  
 Title: General Manager  
 Section/Phone: \_\_\_\_\_  
 Posted: Y \_\_\_ N \_\_\_ Photographed Y  N \_\_\_  
 Date: OCT 23, 2015



Delivering Excellence Every Day

# WARNING NOTICE OF VIOLATION

30-3128-LOG-0130

Date Issued: 12/17/13

3032 NW N. 100th St

Mail  Hand Delivery

Miami FL 33142

Posting

Cliff B 104 LLC

Reference #: 10708243

P.O. Box 1379

C  O

FL 33116

IF YOU HAVE ALREADY SCHEDULED YOUR REGULAR BULK WASTE PICKUP, PLEASE RESPOND TO THIS WARNING NOTICE

This **WARNING NOTICE** is issued to advise you of the following Public Works and Waste Management Department code violation(s) pursuant to Miami-Dade County – Chapter 15.

- Unauthorized trash on the right-of-way
- Uncontainerized solid waste
- Uncontainerized solid waste at a building or construction site
- Waste container(s) at curbside before or after specified hours of scheduled collection day
- Other (specify) \_\_\_\_\_

BE ADVISED, the above noted violation(s) must be corrected by this date: \_\_\_\_\_

**FINES CAN BE LEVIED FOR FAILURE TO COMPLY WITH THIS WARNING NOTICE.** For further information regarding compliance, contact the Public Works and Waste Management Department at 305-514-6700.

Waste Enforcement Officer I: B. T... Badge Number: \_\_\_\_\_

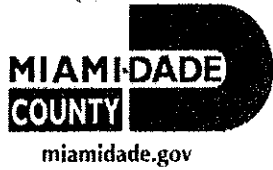
Miami-Dade options for full service residential waste customers only:

**Scheduled bulky waste pickup** – Before putting large amounts of furniture, tree cuttings, and other bulky items at the curb, schedule a bulky waste pickup by calling 305-594-1500. Your waste fee includes two pickups of up to 25 cubic yards per fiscal year (October 1–September 30). Tree limbs must be no more than five feet in length. There will be a charge for additional yardage in excess of 50 cubic yards.

**Trash & Recycling Center drop-off** – Available only to residents of Unincorporated Miami-Dade County and cities of Aventura, Pinecrest, Doral, Palmetto Bay, Miami Gardens, Miami Lakes, Sunny Isles, Cutler Bay and Sweetwater. The neighborhood centers provide a do-it-yourself disposal option for household trash, tree and yard cuttings and up to one cubic yard of construction and demolition debris. You can also dispose of up to four standard automobile tires. Centers are open daily from 7:00 a.m. to 5:30 p.m. year round, except for Dr. Martin Luther King Day, Independence Day and Christmas (as observed by Miami-Dade County). (see back)

**Twice weekly garbage and trash collection** – EZ-GO cart and waste can garbage service must have secured lids. Trash, e.g., palm fronds and yard cuttings, must be canned, bagged or bundled in lengths of up to four feet using twine, rope or duct tape. Each item must weight less than 50 lbs. Remember to place the EZ-GO carts/cans/bags/bundles at the curb by 7 a.m. and remove them once your waste has been collected. Rock, dirt, construction debris, free liquids or home chemicals are not collected.

For multi-family and commercial properties, call 305-514-6700 for your service options.



COM  
Department of Regulatory and Economic Resources  
Division of Environmental Resources Management (DERM)  
701 NW 1st Court  
Miami, Florida 33136-3912  
T 305-372-6600 F 305-372-6545

### AIR POLLUTION SOURCES - FIELD NOTICE OF VIOLATION

TO: Mr. Cliff Berry II - Cliff Berry, Inc  
ADDRESS: PO Box 13079 Fort Lauderdale, Florida  
SOURCE/LOCATION: Cliff Berry, Inc Miami Term and 3033 NW North Bay Road, Miami, FL 33122

YOU ARE HEREBY NOTIFIED that on \_\_\_\_\_, \_\_\_\_\_, the following violation(s) of Chapter 24 of the Miami-Dade County Code, and/or regulations of the Florida Administrative Code, was observed at the referenced location by an official of this Department:

- Failure to obtain appropriate Air Permit
- Excessive Visible Emissions
- Uncontrolled fugitive emissions
- Improper handling, removal of asbestos
- Non-compliance with Stage II Vapor Recovery
- Non-compliance with CFC regulations
- Objectionable odor
- Other

Specifically: Sulfur & motor oil odors noted exterior of the facility, primarily the north & northwest

In view of the above, and pursuant to the authority granted to me by Sections 24-7 and 24-25, Miami-Dade County Code, I hereby order you to:

- Upon receipt of this NOTICE, **immediately** initiate corrective measures to eliminate and/or Cease and Desist the above-referenced violation(s).
- Within \_\_\_\_\_ days of receipt of this NOTICE, initiate corrective measures to eliminate and/or Cease and Desist the above-referenced violation(s).
- Within \_\_\_\_\_ days of receipt of this NOTICE, contact the DERM Pollution Regulation Division at 305-372-6600 to discuss corrective measures. When contacted, you may be required to submit in writing, the steps which you have taken to ensure that no further violation(s) will occur. Said report may include evidence of equipment repairs, adjustments of servicing performed to correct the violation(s).
- Within \_\_\_\_\_ days of receipt of this NOTICE, submit a completed application for an air construction/operating permit to the DERM Air Quality Management Division located at the above letterhead address.

**Be advised that applying for a DERM Air Permit does not necessarily guarantee the issuance of such Permit, and you may not be allowed to continue operation at this location.**

Failure to comply with the above may result in either the issuance of a Uniform Civil Violation Notice (UCVN) pursuant to Chapter 8-CC of the Miami-Dade County Code, requiring corrective action(s) and payment of a civil penalty or the initiation of a formal enforcement action by DERM, subjecting you to the enforcement and penalty provisions of Sections 24-29 and 24-30 of the Miami-Dade County Code.

Any person aggrieved by any action or decision of the DERM Director may appeal said action or decision to the Environmental Quality Control Board (EQCB) by filing a written notice of appeal along with submittal of the applicable fee, to the Code Coordination and Public Hearings Section of DERM within fifteen (15) days of the date of the action or decision by DERM.

PLEASE GOVERN YOURSELF ACCORDINGLY

Received by: [Signature] Recipient's Signature  
 Print: Jessica Santana Recipient's Name  
 Title: Job Manager  
 Posted: Y \_\_\_ N  Photographed Y \_\_\_ N

Lee N. Hefty, Director  
 Environmental Resources Management  
 Issued/Posted by: [Signature] Inspector's Signature  
 Print: Richard I. [Signature] Inspector's Name  
 Section/Phone: \_\_\_\_\_  
 Date: 2/1/02  
 email: rcollins@derm.com



Florida Department of  
Environmental Protection  
Hazardous Waste Inspection Report

**FACILITY INFORMATION:**

**Facility Name:** Cliff Berry Inc - Jacksonville Facility  
**On-Site Inspection Start Date:** 09/01/2015 **On-Site Inspection End Date:** 09/01/2015  
**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:**

CESQG (<100 kg/month)  
Transporter  
Used Oil

**INSPECTION TYPE:**

Routine Inspection for Used Oil Processor facility  
Routine Inspection for Used Oil Generator facility  
Routine Inspection for Used Oil Transfer Facility  
Routine Inspection for Hazardous Waste Transporter facility  
Routine Inspection for CESQG (<100 kg/month) facility

**INSPECTION PARTICIPANTS:**

**Principal Inspector:** Heather M. Hahn, Inspector  
**Other Participants:** Jabe Breland, Inspector; Jon Sandora, Area Manager; Walter Ciewierz, Facility Manager

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

**SIC CODE:** 4213 - Trans. & utilities - trucking, except local

**TYPE OF OWNERSHIP:** Private

**Introduction:**

Cliff Berry, Inc. (CBI) was inspected on September 1, 2015, as unannounced hazardous waste compliance inspection. The Department's Hazardous Waste Section last inspected the facility on April 9, 2013. CBI has been assigned the EPA identification number FLR 000 119 784. Please use this number on all hazardous waste manifests and on all correspondence with the Department's Hazardous Waste Section. Jon Sandora, Area Manager, and Walter Ciewierz, Facility Manager, were available during the inspection.

CBI provides emergency response cleanup for transportation accidents and the clean-up and removal of hazardous and non-hazardous waste from industrial spills. It also performs routine used oil and hazardous waste transportation for its customers.

The Department issued a permit to CBI on December 20, 2012. However, CBI has not been processing used oil at the facility. This permit expires April 14, 2018. The facility is currently operating as a registered used oil transporter and transfer facility. The facility is also a hazardous waste transporter and used oil filter transporter and transfer facility.

**Process Description:**

CBI's current operation consists of an office building, a large storage warehouse, and a used oil

Inspection Date: 09/01/2015

storage area. Waste is not generated or stored in the office building and the storage warehouse. These two areas are used to store boats, pumps, hoses, boom, and other spill cleanup inventory.

#### Used Oil Storage:

The facility has three double-walled used oil storage tanks including one 15,000-gallon tank with two compartments of 10,000 and 5,000-gallon capacities, one 2,000-gallon tank, and one 4,000-gallon tank. Tanks one and two were properly labeled and appeared to be in good condition. Tank number three contained Petroleum Contact Water. The tank was labeled Used Oil [62-740.100(2)(c), FAC]. Per a September 1, 2015, e-mail, the facility re-labeled the tank. Next to the tanks is an area for storing used oil generated from the loading and off-loading of used oil into the tanks. The facility places buckets underneath the hose fittings during off-loading, and any used oil that drips into these buckets is captured and added to a 55-gallon used oil drum. This drum was properly labeled and in secondary containment. There was also one drum of oily rags from the off-loading operations. It was properly labeled.

The facility ships used oil to its Miami facility to be processed and sold as a fuel.

#### Non-Hazardous Waste and Used Oil Filter Storage:

The facility has a semi-trailer on-site to store non-hazardous waste, universal waste, and used oil filters it receives from its customers. The facility keeps a log of what drums are in the trailer and when they were delivered. At the time of the inspection, this trailer was almost full. The drums were properly labeled, closed, and in good condition.

#### Records:

According to the hazardous waste manifests supplied by the facility, CBI is accepting and transporting Small Quantity Generator (SQG) and Large Quantity Generator (LQG) amounts of hazardous waste. A hazardous waste manifest is required to accompany shipments of SQG and LQG hazardous waste. A review of the facility's hazardous waste manifests found them to be in order. At the time of the inspection, the facility did not have any hazardous waste on-site. Shipments of hazardous waste are taken directly to the permitted facility or to Cliff Berry's 10-day transfer facility at Port Canaveral.

A review of the facility's used oil acceptance records found them to be in order. The facility was performing halogen screening as required by Section 62-710.510(1)(g), FAC. The facility mainly picks up oily wastewater from its customers, which it takes directly to Liquid Environmental Solutions (LES) or Water Recovery Inc. (WRI) for processing.

CBI routinely performs training through its corporate headquarters for its used oil transportation activities. The facility's contingency plan was reviewed and was in order.

The facility displayed its current used oil transportation registration at the facility. The facility has submitted its certificate of liability insurance for its used oil and hazardous waste transportation activities. It has also completed its annual reporting for its used oil activities. All records reviewed were found to be in order.

### New Potential Violations and Areas of Concern:

#### Violations

Type:	Violation
Rule:	62-740.100(2)(c)
Explanation:	The facility labeled a 4,000-gallon tank of Petroleum Contact Water with the words "Used Oil," instead of the words "Petroleum Contact Water."

**Corrective Action:** In a September 1, 2015, e-mail, the facility provided documentation that it had returned to compliance.

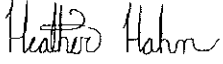
---



**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. The above noted potential items of non-compliance were identified by the inspector(s).

This is not a formal enforcement action and may not be a complete listing of all items of non-compliance discovered during the inspection.

<u>Heather M. Hahn</u>	<u>Inspector</u>	
<b>PRINCIPAL INSPECTOR NAME</b>	<b>PRINCIPAL INSPECTOR TITLE</b>	
<u></u>	<u>FDEP</u>	<u>11/12/2015</u>
<b>PRINCIPAL INSPECTOR SIGNATURE</b>	<b>ORGANIZATION</b>	<b>DATE</b>

**Supervisor:** Pam Fellabaum **Inspection Approval Date:** 11/12/2015

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.

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Jonathan P. Steverson  
Secretary



## Florida Department of Environmental Protection

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

November 13, 2015

Mr. Walter Ciewierz, Facility Manager  
Cliff Berry Inc. - Jacksonville Facility  
1518 Tallyrand Avenue  
Jacksonville, Florida 32206  
[wciecwierz@cliffberryinc.com](mailto:wciecwierz@cliffberryinc.com)

**Re: Cliff Berry Inc. - Jacksonville Facility**  
**EPA/DEP ID: FLR 000 119 784**  
**Duval County – Hazardous Waste**

Dear Mr. Ciewierz:

Department personnel conducted a compliance inspection of the above-referenced facility on September 1, 2015. Based on the information provided during and following the inspection, the facility was determined to be in compliance with the Department's hazardous waste rules and regulations. A copy of the inspection report is enclosed for your records. Non-compliance identified in the inspection report has been corrected.

The Department appreciates your efforts to maintain this facility in compliance with state and federal rules. Should you have any questions or comments, please contact Heather Hahn at (904) 256-1675 or via e-mail at [heather.hahn@dep.state.fl.us](mailto:heather.hahn@dep.state.fl.us).

Sincerely,

A handwritten signature in black ink that reads "Matthew Kershner".

Matthew Kershner  
Environmental Manager  
Compliance Assurance Program

MK/hh/tl

Enclosure

MID H6-16



# WARNING NOTICE OF VIOLATION

30-3128-000-0130

Date Issued: 11/4/2016

3033 NW N. RIVER DR

Mail  Hand Delivery

MIAMI, FL 33142

Posting

Mailing address, if applicable

Reference #: 20709259

Cliff Berry INC

C  O

PO BOX 13079

7. LAUDERDALE, FL 33316

IF YOU HAVE ALREADY SCHEDULED YOUR ANNUAL BULK WASTE PICKUP, PLEASE DISREGARD THIS WARNING NOTICE

This **WARNING NOTICE** is issued to advise you of the following Public Works and Waste Management Department code violation(s) pursuant to Miami-Dade County—Chapter 15.

- Unauthorized trash on the right-of-way *CUSTOMER (ELECTRICAL WORK)*
- Uncontainerized solid waste
- Uncontainerized solid waste at a building or construction site
- Waste container(s) at curbside before or after specified hours of scheduled collection day
- Other (specify) \_\_\_\_\_

BE ADVISED, the above noted violation(s) must be corrected by this date: ~~11/16~~ 11/16

**FINES CAN BE LEVIED FOR FAILURE TO COMPLY WITH THIS WARNING NOTICE.** For further information regarding compliance, contact the Public Works and Waste Management Department at 305-514-6700. *LF*

Waste Enforcement Officer I: D. Jackson Badge Number: 924

**Miami-Dade options for full service residential waste customers only:**

**Scheduled bulky waste pickup** – Before putting large amounts of furniture, tree cuttings, and other bulky items at the curb, schedule a bulky waste pickup by calling 305-594-1500. Your waste fee includes two pickups of up to 25 cubic yards per fiscal year (October 1–September 30). Tree limbs must be no more than five feet in length. There will be a charge for additional yardage in excess of 50 cubic yards.

**Trash & Recycling Center drop-off** – Available only to residents of Unincorporated Miami-Dade County and cities of Aventura, Pinecrest, Doral, Palmetto Bay, Miami Gardens, Miami Lakes, Sunny Isles, Cutler Bay and Sweetwater. The neighborhood centers provide a do-it-yourself disposal option for household trash, tree and yard cuttings and up to one cubic yard of construction and demolition debris. You can also dispose of up to four standard automobile tires. Centers are open daily from 7:00 a.m. to 5:30 p.m. year round, except for Dr. Martin Luther King Day, Independence Day and Christmas (as observed by Miami-Dade County). (see back)

**Twice weekly garbage and trash collection** – EZ-GO cart and waste can garbage service must have secured lids. Trash, e.g., palm fronds and yard cuttings, must be canned, bagged or bundled in lengths of up to four feet using twine, rope or duct tape. Each item must weight less than 50 lbs. Remember to place the EZ-GO carts/cans/bags/bundles at the curb by 7 a.m. and remove them once your waste has been collected. Rock, dirt, construction debris, free liquids or home chemicals are not collected.

**For multi-family and commercial properties, call 305-514-6700 for your service options.**

NOTICE OF POTENTIAL HAZARDOUS WASTE NON-COMPLIANCE -- Page 2 of 259

FACILITY NAME <i>Cliff Berry - Miami Terminal</i>		TYPE OF INSPECTION:			
ADDRESS <i>3033 NW North River Dr. Miami</i>		CAV: <input type="checkbox"/>	CEL: <input checked="" type="checkbox"/>	CI: <input type="checkbox"/>	OTHER: <input type="checkbox"/>
CITY <i>Miami</i>		STATE <i>FL</i>		ZIP CODE	
EPA ID NUMBER <i>FLA058960699</i>	DATE OF INSPECTION		PAGE	OF <i>2</i>	
FOLLOW UP CAV INSPECTION WITHIN 120 DAYS: <input type="checkbox"/> YES <input type="checkbox"/> NO					

A hazardous waste/used oil compliance inspection was made this date, under the authority of Section 403.091, Florida Statutes (F.S.), to determine your facility's compliance with Chapter 403, F.S. and Chapters 62-730 and 62-710, Florida Administrative Code (F.A.C.). Provisions of Title 40 Code of Federal Regulations (C.F.R.) Parts 260 through 268 and 279, which are cited on this form, have been adopted by reference as the state hazardous waste and used oil rules in Chapter 62-730 and 62-710, F.A.C. The following potential items of non-compliance were identified by the inspector(s). **This is not a formal enforcement action and may not be a complete listing of all items of non-compliance which exist at the time of this inspection.**

GENERAL REQUIREMENTS:

- Failure to ensure delivery of HW to proper HW facility § 261.5
- Failure to provide hazardous waste determination § 262.11
- Failure to notify as generator § 262.12
- Failure to use a manifest or reclamation agreement § 262.20
- Failure to provide personnel training § 265.16, 262.34
- Evidence of release(s) of waste § 265.31
- Facility exceeds 90/180 day time limit § 262.34

CONTAINER MANAGEMENT:

- Unlabeled containers § 262.34
- Undated containers § 262.34
- Leaking or bulging containers § 262.34
- Open containers § 265.173
- Inadequate aisle space § 62-730.160

USED OIL VIOLATIONS:

- Failure to label containers § 279.22
- Failure to respond to releases § 279.22
- Failure to document used oil disposal § 279.10

RECORDKEEPING REQUIREMENTS:

- Manifests § 262.40, § 262.44
- Training records § 262.34
- Contingency Plan § 262.34
- Weekly Inspection records § 62-730.160
- Information not posted by phone § 262.34
- Authorities not notified § 262.37

MATERIALS PROVIDED to assist in accomplishing corrective actions

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> DEP Small Quantity Generator Handbook               | <input type="checkbox"/> EPA <i>Managing Used Oil</i>     | <input type="checkbox"/> Mercury Lamp Recyclers |
| <input type="checkbox"/> EPA <i>Understanding the Hazardous Waste Rules</i>  | <input type="checkbox"/> Environmental Yellow Pages       | <input type="checkbox"/> Other _____            |
| <input type="checkbox"/> EPA <i>Notification of Regulated Waste Activity</i> | <input type="checkbox"/> List of HW/Used Oil Transporters | <input type="checkbox"/> Other _____            |
| <input type="checkbox"/> Florida Automotive Recyclers Handbook               | <input type="checkbox"/> Antifreeze Recycling Vendors     | <input type="checkbox"/> Other _____            |

Florida Fact Sheets

- |  |                                       |
|--|---------------------------------------|
| <input type="checkbox"/> Antifreeze for Recycling / Waste Antifreeze     | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Summary of Hazardous Waste Regulations          | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Summary of Used Oil/Used Oil Filter Regulations | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Other: _____                                    | <input type="checkbox"/> Other: _____ |

HAZARDOUS WASTE INSPECTION EXIT INTERVIEW SUMMARY, NOTICE OF POTENTIAL VIOLATIONS  
Page 2 of 2

ITEMS REQUESTED OR RECOMMENDATIONS BY THE "INSPECTOR":

1) The Department would like to remind the owner/operator when you label something as hazardous waste it is considered hazardous waste.

OWNER/OPERATOR COMMENTS:

The owner/operator is hereby requested to submit in writing, within \_\_ days of this inspection, 1) a description of all corrective actions taken, 2) a schedule for completion of corrective actions to be taken and 3) a description of efforts to prevent recurrence of the above items to the person signing as "INSPECTOR", Florida Department of Environmental Protection, 400 North Congress Avenue, Suite 200, West Palm Beach, FL 33401. The actions taken within \_\_ days of this notice will be considered in determining whether enforcement, including the assessment of penalties, should be initiated.

IF YOU HAVE QUESTIONS, contact: Kathy Winston at (561) 681-6600.

"INSPECTOR" (signature): [Signature] Date: 7/13/16

**The undersigned person hereby acknowledges that he/she received a copy of this notice and has read and understands the same.**

SIGNATURE: <u>Kelly Brandenberg</u>	PRINTED NAME: <u>Kelly Brandenberg</u>
TITLE: <u>Agent for CB1</u>	DATE: <u>7/13/16</u>



Department of Regulatory and Economic Resources  
Division of Environmental Resources Management (DERM)  
701 NW 1st Court • Suite 700  
Miami, Florida 33136-3912  
T 305-372-6600 F 305-372-6957

### WARNING NOTICE

November 29, 2016

Mr. Cliff Berry II, Permittee  
Cliff Berry, Inc., Miami Terminal  
P.O. Box 13079 Port Everglades  
Fort Lauderdale, FL 33316

CERTIFIED MAIL No. 7015 1520 0002 5921 1445  
RETURN RECEIPT REQUESTED

RE: Permit Violation at Cliff Berry Inc., an Industrial Waste Pretreatment Facility, located at, near, or in the vicinity of 3033 NW North River Drive, Miami-Dade County, FL 33142, (IWP-108)

Dear Mr. Berry II,

The Department of Regulatory and Economic Resources, Division of Environmental Resources Management (DERM) is in receipt of Self Monitoring Reports (SMR) for your operation as required by your Industrial Waste Pretreatment (IWP) operating permit no. IWP- 108 (copy enclosed) in accordance with specific condition no. 15. This NOTICE is to inform you that a review of said SMR(s) has identified the following deficiency(ies) which is/are in violation of the aforementioned permit:

- Failure to submit SMR(s) by applicable due date(s) for the period(s) referenced below.  
Reporting Period(s): \_\_\_\_\_
- Failure to submit analytical results from a certified laboratory.  
Remark(s): \_\_\_\_\_
- Analytical methodology(ies) referenced in report(s) is(are) not approved under 40 CFR 136, Code of Federal Regulations.  
Remark(s): \_\_\_\_\_
- Use of improper/obsolete SMR form(s).  
Remark(s): \_\_\_\_\_
- SMR form(s) not signed by responsible official.  
Remark(s): \_\_\_\_\_
- Failure to provide notification of Violation(s) of Pretreatment Standard(s) within 24 hours of becoming aware of the violation.  
Remark(s): \_\_\_\_\_
- Violation(s) of sanitary sewer limitations and pretreatment standards pursuant to Section 24-42.4 of the Code of Miami-Dade County as summarized below:

Sample Date	Parameter	Result	Permit Limit	Outfall	Sample Date	Parameter	Result	Permit Limit	Outfall
8/9/16	Nickel	0.56 mg/L	0.390 mg/L	FAC					

Other: \_\_\_\_\_

Please note that the above constitute(s) a violation of your operating permit and of Sections 24-18 and 24-25 of the Code of Miami-Dade County (the Code). In order to avoid further enforcement action and pursuant to the authority granted to me under Section 24-7 of the Code, I hereby order you to submit, within 15 day(s) of this Notice, information regarding the action(s) undertaken to correct the above referenced deficiency(ies).

Failure to comply with the above may result in either the issuance of a Uniform Civil Violation Notice (UCVN), pursuant to Chapter 8CC of Miami-Dade County, requiring corrective action(s) and payment of a civil penalty or the initiation of formal enforcement action by DERM subjecting you to the enforcement and penalty provisions of Section 24-29 and 24-30 of the Code of Miami-Dade County. Any person aggrieved by any action or decision of the DERM Directory may appeal said action or decision to the Environmental Quality Control Board (EQCB) by filing a written notice of appeal along with submittal of the applicable fee, to the Code Coordination and Public Hearings Section of DERM within fifteen (15) days of the action or decision by DERM.

For further information regarding above, please contact the Pollution Regulation Division at (305) 372-6600.

Sincerely,

*Allen Cox*  
Allen Cox



Carlos A. Gimenez, Mayor

Department of Regulatory and Economic Resources  
Environmental Resources Management  
701 NW 1st Court, 4th Floor  
Miami, Florida 33136-3912  
T 305-372-6700 F 305-372-6982

miamidade.gov

September 9, 2016  
CERTIFIED MAIL NO. 7014 1200 0002 0825 9801  
RETURN RECEIPT REQUESTED

Mr. Cliff Berry  
P.O. Box 13079  
Port Everglades Station  
Fort Lauderdale, FL 33316

Re: Notice of Required Testing Report (NORTR) Addendum dated July 21, 2016 and prepared by Cliff Berry, Inc. for the Notice of Violation dated December 9, 2015 for the Cliff Berry, Inc. Miami facility (IWP-108/File-N/A) located at, near, or in the vicinity of 3033 NW North River Drive, Miami, Miami-Dade County, Florida.

Dear Mr. Berry:

The Department of Regulatory and Economic Resources-Division of Environmental Resources Management (DERM) has reviewed the analytical results received April 18, 2016 and July 22, 2016 for the above-referenced site. Based on the information provided in the NORTR and NORTR Addendum dated April 14, 2016 and July 21 2016, respectively, no further remedial action is required by the Department at this time. This approval pertains only to that area of this site addressed in the above-referenced report and does not relieve responsibility for any other areas of this site that may be found to be contaminated. If subsequent evidence indicates that undiscovered contamination remains from a previous discharge or if a new discharge has occurred, then further action will be required to address the contamination.

You are required to properly abandon all monitoring wells, except compliance wells required by DERM for release detection, within 60 days of receipt of this letter. The monitoring wells must be abandoned in accordance with the requirements of Rule 62-532.500(4), F.A.C. Any monitoring wells remaining are the responsibility of the property owner(s) and must be equipped with tight-sealing, locking caps and maintained to prevent any direct discharge to the groundwater of Miami-Dade County.

If you have any questions concerning the above, please contact Janet Gattorno (lorenj@miamidade.gov) of the Environmental Monitoring and Evaluation Section at (305) 372-6700.

Sincerely,

A handwritten signature in black ink, appearing to read "Wilbur Mayorga", written over a circular stamp or seal.

Wilbur Mayorga, P.E., Chief  
Environmental Monitoring & Restoration Division

ig  
ec: Robert C. Summers, P.G. – Cliff Berry, Inc. ([rsummers@cliffberryinc.com](mailto:rsummers@cliffberryinc.com))

*Delivering Excellence Every Day*

## DERM Complaint Inspection Worksheet

Inspection Area	EC-1
Inspector	BERNAN
Date (mm/dd/yyyy)	11/26/2016
Start Time (24 hr. format)	11:23
End Time (24 hr. format)	11:30
Hours Worked	0:07
Mileage	
County Vehicle Number	1572016

### Complaint Information

Complaint #	COM-71769					
Permit #						
Complainant Name	Anon					
Complainant Address						
Complainant Phone #						
Call back?	No	Call back info (DATE&TIME):				
Source Name	CB&I					
Source Address	3033 NW N RIVER DR					
City	UNC					
Nature of Complaint	CBI emmissions					
Additional Complaint Types:*	AIR					

\* Please add NPDES to all relevant complaints

Inspection Type & Reason:	UNS-COM		
Outcome Code:	SAT	NPDES?	No
<b>Inspector On Call:</b>	Yes		
On Site Contact Name	N/A		
On Site Contact Title			
On Site Phone #			
Photos Taken:	Yes		
<b>QUE FOL Inspection (w/in Days)?</b>	No	0, Days	<b>QUE FOL to?</b>
Permit Group Notification	No		Enforcement Required: No

Supervisor	Eduardo de Aragon
Review Date	12/21/16
Status	Closed

### Comments

On November 26, 2016 at 11:23 AM I arrived at 3033 NW N RIVER DR in response to a complaint regarding air emissions. I arrived on site and there was no one at the office. I rang the bell several time and called the number posted by the door, with no answer. I did not observe any smoke/emissions from the facility, there were no strong odors. **No notices were issued.** Case was referred to the appropriate group for a routine inspection during regular business hours. EdeAragon ok to close copy sent to Isabel Puentes





Regulatory and Economic Resources  
Environmental Resources Management  
701 NW 1st Court • 7th Floor  
Miami, Florida 33136-3912  
T 305-372-6600 F 305-372-6893

miamidade.gov

September 13, 2016

Mr. Cliff Berry II  
CLIFF BERRY, INC. (CBI)  
PO BOX 13079 PORT EVERGLADES  
FT. LAUDERDALE, FL, 33054

CERTIFIED MAIL NO.: 7015 1520 0002 5914 9243  
RETURN RECEIPT REQUESTED

Re: Response to Significant Non-Compliance (SNC) Dispute letter dated August 18, 2016 from Cliff Berry Inc. Miami Terminal, an Industrial Waste Pretreatment facility located at, near, or in the vicinity of 3033 NW North River Dr., Miami, FL 33142 (IWP-108).

Dear Mr. Berry II:

The Industrial Waste Pretreatment (IWP) Program of the Department of Regulatory and Economic Resources--Division of Environmental Resources Management (DERM) hereby acknowledges receipt of the referenced submittal via electronic mail on August 22, 2016. Based on the review of said submittal, the IWP Program will take into consideration the additional samples collected on March 20-31, 2015 and submitted to the department on August 8, 2016. As a result of this additional data, Cliff Berry Inc. is no longer found to be in Significant Non-Compliance in accordance with the Code of Federal Regulations, 40 CFR 403 and of Chapter 24, Miami-Dade County Code for the permit year June 2015 through May 2016.

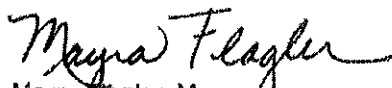
In addition to the above, several items of concern were mentioned in CBI's letter and are addressed below for further clarification:

1. The Records Management Program of DERM processes all documents received by the department for inclusion in the electronic database. This process requires two levels of QA check and a review of CBI's March submittal (on April 15<sup>th</sup>) found that the original paper submittal and the electronic record were identical. It is highly unlikely that a selective portion of the paper submittal, such as analysis of 12 additional sampling events, would have been lost or misplaced in its entirety.
2. The IWP Program is not currently approved by EPA and FDEP to receive electronic documents in lieu of paper documents. Consequently, all self-monitoring reports (SMR) from our permitted facilities must be received in paper format signed by an authorized representative. However, CBI may wish to send an email with a scanned copy of the report to the site inspector and respective supervisor, as a secondary means of notification.
3. A review of the notes taken at the meeting held in DERM's offices on July 16, 2015 indicates that most of the discussion involved the Vanadium issues and was not driven to other objectives or agendas by DERM personnel. It is not unusual to use a meeting opportunity to bring up or discuss other issues that a facility may be facing, but it was clearly not the topic of the meeting.
4. The EPA and FDEP are aware that the County, as the Control Authority, has established the permit year cycle to calculate SNC and not the calendar year since the inception of the pretreatment program in 1983. This method will continue to be used in all future SNC determinations.

Based on the above, DERM recommends that all future SMR submittals include sampling collection dates on the cover letter associated with a particular submittal and that all pages of the report be numbered using the suggested format such as "Page 1 of 20". Please be reminded that the Monitoring Requirements of your IWP permit require that you submit all analyses performed during a specific month if performed in excess of that required by the permit (refer to item #8 of the Monitoring Requirements). As indicated earlier, CBI may follow up with an email containing a scanned copy of the full report to the inspector and supervisor. Through the implementation of the suggested changes, the reviewer will be able to quickly identify any inconsistencies in the report and address, as needed.

We trust that this addresses the concerns raised in your letter and feel free to contact me or Vicky Puig at 305-372-6600 should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Mayra Flagler". The signature is written in a cursive, flowing style.

Mayra Flagler, Manager  
DERM Delegated Programs

cc: Kelly Brandenburg, CBI  
Vicky Puig, Allen Cox-DERM

**OSHA** English | Spanish

Find it in OSHA



A TO Z INDEX

ABOUT OSHA ▾ WORKERS ▾ EMPLOYERS ▾ REGULATIONS ▾ ENFORCEMENT ▾ TOPICS ▾ NEWS & PUBLICATIONS ▾ DATA ▾ TRAINING ▾

## Establishment Search Results

Establishment	Date Range	Office	State
Cliff Berry	01/01/2012 to 03/28/2017	all	all

*Please note that inspections which are known to be incomplete will have the identifying Activity Nr shown in italic. Information for these open cases is especially dynamic, e.g., violations may be added or deleted.*

Sort By: **Date** | Name | Office | State

Return to Search ↻

Results 1 - 1 of 1

By Date

Get Detail Select All Reset

	#	Activity	Opened	RID	St	Type	Sc	SIC	NAICS	Vio	Establishment Name
<input type="checkbox"/>	1	990534.015	08/18/2014	0418800	FL	Complaint	Partial		541330		Cliff Berry Inc.

UNITED STATES  
DEPARTMENT OF LABOR

Occupational Safety and Health Administration  
200 Constitution Ave., NW,  
Washington, DC 20210  
☎ 800-321-6742 (OSHA)  
TTY  
www.OSHA.gov

**FEDERAL GOVERNMENT**

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MIAMI DADE COUNTY, FLORIDA  
PERMITTING, ENVIRONMENT AND REGULATORY AFFAIRS  
PRETREATMENT FACILITY INSPECTION REPORT

SOURCE NAME: CLIFF BERRY, INC. - MIAMI TERMINAL  
ADDRESS: 3033 NW NORTH RIVER DRIVE  
PRETREATMENT CATEGORY: CENTRALIZED WASTEWATER TREATMENT FACILITY  
PHONE: 954-325-7395  
INSPECTORS: MIKE MONTANO  
DATE(s): 3/19/12 TIME: 3:00pm  
REASON: Complaint #60146 Request:      Routine:      Sample:      Other:       
TYPE: Prescheduled:       Unscheduled: X Demand     

This inspection was conducted as a response to complaint #60146, received by DERM of a toxic substance in the air. I arrived at the complainants address on 3/19/12 at 3:00pm to verify if there was an odor present. I spoke with the complainant and she said that she smelled the bad odor on 3/15, 3/16 and over the weekend. She stated that on 3/15, Ray Gordon from the air section came by the house and was monitoring with an instrument. She added the next door neighbor at 3350 NW 19 Terr. smelled it in her back yard on 3/15 through 3/17. I stayed for about 20 minutes and didn't smell anything. At this time I left with all the windows rolled down.

At approximately 3:30pm, I arrived in the area of CBI and drove west on NW North River Dr. to 26<sup>th</sup> Street. I turned east on 26<sup>th</sup> St. to NW 31<sup>st</sup> Avenue. I continued past 31<sup>st</sup> avenue to 30<sup>th</sup> avenue. Turned right on 30<sup>th</sup> to 22<sup>nd</sup> Street and left to 27<sup>th</sup> Ave. I did not smell any bad odors.

I left the area at 3:45pm.

FIELD NOTICE ISSUED Y/N   N   STATUS: SATISFACTORY  
DURATION   0.75Hrs.   TOTAL TIME EXPENDED:   1.25 Hrs.

16-Mar-2012

Page 1

Metropolitan Dade County, Florida  
Department of Environmental Resources Management

Complaint Form

**2012031608395032**

**COM- 060146**

Complaint Id: 2012-0316-0839-5032 Date Received: 03/15/2012 Time: 05:25 AM  
Priority: 2 [1 = Low, 9 = High] Taken By: CEREZR  
Status: O [O = Open, C = Closed] Status Date: 03/16/2012 Referral Flag: I  
Referral Institution:  
Complaint Type(s): AIR

**Complainant Information \*\*\*\*\***

Name: ENRICHETTA GUTSHALL Phone: (305) 634-7244  
Address:  
City/State/Zip: , -  
Call Back? N Date: \_\_\_\_\_ Time: \_\_\_\_\_

**Source Information \*\*\*\*\***

Name: CBI EMISSIONS Phone: (305) -  
Full Address: 3033 NW NORTH RIVER DR ( ) [ ] -  
Intersection: &  
Address Description: 3033 NW N. RIVER DR.  
Location ID Address: ~ ~ ~ ~ ~ ( ~ ) [ ~ ]  
Location ID Description:  
City: UNC Township: 53 Range: 41 Section: 28 Area: IA-6  
Assigned To: MONTAM

**Work Groups Notified \*\*\*\*\***

**Complaint Description \*\*\*\*\***

CBI emissions, releasing poisonous toxins into the air.

Mar 19	10:53 AM		Partly sunny. Mild.	76 °F	10 mph	↙	58%	30.17 "Hg	10 mi
Mar 19	11:53 AM		Scattered clouds. Warm.	80 °F	8 mph	↙	47%	30.18 "Hg	10 mi
Mar 19	12:53 PM		Partly sunny. Warm.	79 °F	12 mph	←	54%	30.16 "Hg	10 mi
Mar 19	1:53 PM		Partly sunny. Warm.	79 °F	13 mph	←	54%	30.14 "Hg	10 mi
Mar 19	2:53 PM		Scattered clouds. Warm.	80 °F	14 mph	←	49%	30.11 "Hg	10 mi
Mar 19	3:53 PM		Partly sunny. Warm.	80 °F	14 mph	←	49%	30.09 "Hg	10 mi
Mar 19	4:53 PM		Scattered clouds. Warm.	79 °F	13 mph	←	47%	30.08 "Hg	10 mi
Mar 19	5:53 PM		Scattered clouds. Warm.	77 °F	13 mph	↙	48%	30.07 "Hg	10 mi
Mar 19	6:53 PM		Broken clouds. Mild.	76 °F	12 mph	←	50%	30.08 "Hg	10 mi
Mar 19	7:53 PM		Passing clouds. Mild.	74 °F	8 mph	↙	57%	30.09 "Hg	10 mi
Mar 19	8:53 PM		Passing clouds. Mild.	74 °F	9 mph	←	60%	30.11 "Hg	10 mi
Mar 19	9:53 PM		Passing clouds. Mild.	74 °F	12 mph	←	64%	30.13 "Hg	10 mi
Mar 19	10:53 PM		Passing clouds. Mild.	74 °F	10 mph	←	67%	30.12 "Hg	10 mi
Mar 19	11:53 PM		Passing clouds. Mild.	74 °F	10 mph	←	64%	30.11 "Hg	10 mi

 [Weather on Mar 20](#)

Weather

## Time Zone Calculators for Miami

■ [Current local time in Miami](#)

OK-1PG

IWP-108

MIAMI DADE COUNTY, FLORIDA  
PERMITTING, ENVIRONMENT AND REGULATORY AFFAIRS  
PRETREATMENT FACILITY INSPECTION REPORT

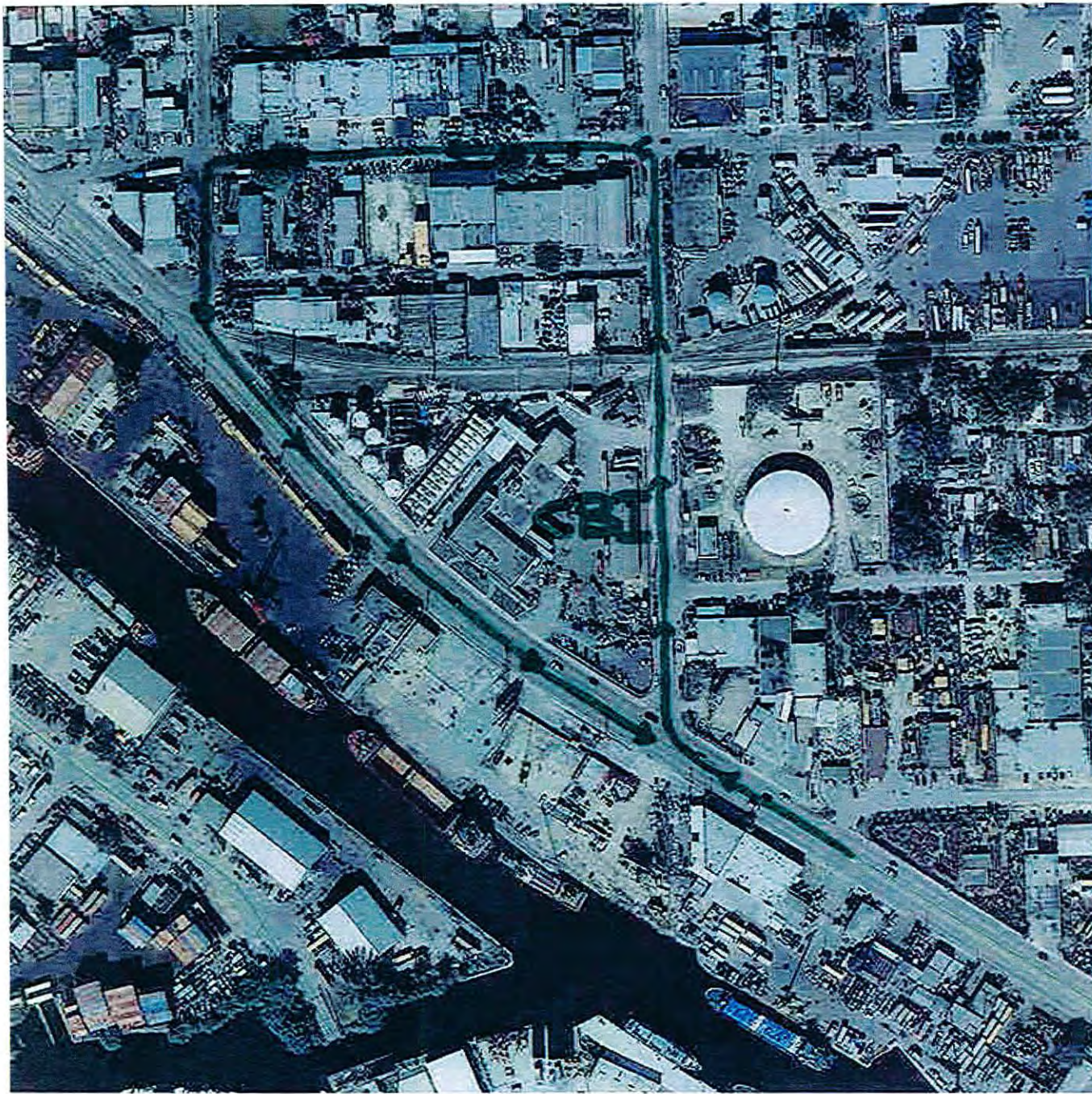
SOURCE NAME: CLIFF BERRY, INC.- MIAMI TERMINAL  
ADDRESS: 3033 NW NORTH RIVER DRIVE  
PRETREATMENT CATEGORY: CENTRALIZED WASTEWATER TREATMENT FACILITY  
PHONE: 954-325-7395  
INSPECTORS: MIKE MONTANO  
DATE(s): 1/30/12 TIME: 1:15pm  
REASON: Complaint  Request:  Routine:  Sample:  Other:   
TYPE: Prescheduled:  Unsheduled:  Demand

On January 30, 2012, at approximately 9:30am, I received a call from Mayra Flagler regarding a complaint (#59807) that was received by the after hours service. The complaint was in reference to a type of recycling oil release due to broken equipment at the Cliff Berry, Inc. facility. After receiving a confirmation call back from Mayra at about 12:45pm, I went by the Cliff Berry facility and arrived at the site at approximately 1:15pm. I approached the facility from the east and drove west along NW North River Dr. I turned north on NW 30<sup>th</sup> avenue and went around the site and then west on NW 24<sup>st</sup> St. I turned back on to North River Dr. and drove east past the facility and did not note any signs of spills or stains indicative of an oil release.

Subsequently, a complaint (#59823) was received on 1/30/12 at 4:40pm, at the complaint desk of bad odors coming from the Cliff Berry, Inc. facility between 11am to 1pm. The complainant stated the odors were again noted after 3 pm. I did not note any bad odors at the time I responded, which corresponds to the approximate times of bad odors identified by complainant.

I left the area at 1:30pm.  
*(1/29/12)*  
Follow up to complaint # 59807 and also  
response to complaint # 59823 (1/30/12) - inspection  
of fac. conducted on 1/30/12 coincides with  
time when odor was active according to complainant

FIELD NOTICE ISSUED Y/N N STATUS: SATISFACTORY 1PG  
DURATION 0.25Hr. TOTAL TIME EXPENDED: 0.75 Hrs.



Highways  
Major Streets  
Canvas  
33  
57



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SCALE: 1 inch = 232.58 Feet



Miami, Florida, U.S.A. historic weather for the past week

WIND DIRECTION  
176

	AM		Mild.		mph					
Jan 30	9:53 AM		Scattered clouds. Mild.	74 °F	17	←	57%	30.29 "Hg	10 mi	
Jan 30	10:53 AM		Scattered clouds. Mild.	76 °F	17	↙	52%	30.30 "Hg	10 mi	
Jan 30	11:53 AM		Scattered clouds. Mild.	74 °F	17	←	56%	30.29 "Hg	10 mi	}
Jan 30	12:53 PM		Broken clouds. Mild.	75 °F	20	↙	54%	30.27 "Hg	10 mi	
Jan 30	1:53 PM		Broken clouds. Warm.	77 °F	17	↙	50%	30.25 "Hg	10 mi	
Jan 30	2:53 PM		Broken clouds. Mild.	76 °F	14	↙	50%	30.24 "Hg	10 mi	
Jan 30	3:53 PM		Broken clouds. Mild.	75 °F	14	←	52%	30.24 "Hg	10 mi	
Jan 30	4:53 PM		Scattered clouds. Mild.	74 °F	14	↙	52%	30.25 "Hg	10 mi	
Jan 30	5:53 PM		Partly sunny. Mild.	73 °F	12	↙	57%	30.25 "Hg	10 mi	
Jan 30	6:53 PM		Passing clouds. Mild.	72 °F	14	↙	61%	30.26 "Hg	10 mi	
Jan 30	7:53 PM		Partly cloudy. Mild.	72 °F	13	↙	61%	30.27 "Hg	10 mi	
Jan 30	8:53 PM		Mostly cloudy. Mild.	72 °F	13	↙	61%	30.28 "Hg	10 mi	
Jan 30	9:53 PM		Overcast. Mild.	72 °F	13	←	66%	30.28 "Hg	10 mi	
Jan 30	10:53 PM		Overcast. Mild.	72 °F	13	←	66%	30.28 "Hg	10 mi	
Jan 30	11:53 PM		Overcast. Mild.	72 °F	14	←	66%	30.27 "Hg	10 mi	

1-Feb-2012

Page 1

Metropolitan Dade County, Florida  
Department of Environmental Resources Management

Complaint Form

**2012012918413540**

**COM- 059807**

Complaint Id: 2012-0129-1841-3540 Date Received: 01/29/2012 Time: 01:11 PM  
Priority: 2 [1 = Low, 9 = High] Taken By: STINEJ  
Status: R [O = Open, C = Closed] Status Date: 01/29/2012 Referral Flag: I  
Referral Institution:  
Complaint Type(s): SPILLS

Complainant Information \*\*\*\*\*

Name: ENRICHETTA GUTSHALL Phone: (305) 634-7244  
Address:  
City/State/Zip: , -  
Call Back? N Date: \_\_\_\_\_ Time: \_\_\_\_\_

Source Information \*\*\*\*\*

Name: CBI Phone: (305) -  
Full Address: 3333 NW NORTH RIVER DR ( ) [ ] -  
Intersection: &  
Address Description: 3333 N RIVER DR  
Location ID Address: 3333 N RIVER DR ( ) [ ]  
Location ID Description:  
City: UNC Township: 53 Range: 41 Section: 28 Area: IA-6  
Assigned To:

Complaint Description \*\*\*\*\*

Releasing oil recycling with broken equipment. Not see toxin in air.  
Joe Mardy know about it.  
\*\*\* Referred to Isabel Puente\*\*

**Montano, Michael (PERA)**

---

**From:** Flagler, Mayra (PERA)  
**Sent:** Monday, January 30, 2012 2:40 PM  
**To:** Montano, Michael (PERA)  
**Subject:** FW: IntelliForm For (494) 2012-01-29 01:11PM

**Mayra Flagler**, Delegated Programs Manager  
**Miami-Dade County Permitting, Environment and Regulatory Affairs**

Overtown Transit Village  
701 NW 1st Court, 7th floor, Miami, Florida 33136  
(305) 372-6807

[www.miamidade.gov/pera](http://www.miamidade.gov/pera)

*"Delivering Excellence Every Day"*

Please consider the environment before printing this email.



*Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. Email messages are covered under such laws and thus subject to disclosure.*

---

**From:** Markeset, Karl (PERA)  
**Sent:** Monday, January 30, 2012 9:02 AM  
**To:** Flagler, Mayra (PERA)  
**Subject:** FW: IntelliForm For (494) 2012-01-29 01:11PM

Beautiful way to start the week right?

K

---

**Karl E. Markeset, Manager**  
**Miami Dade County Permitting, Environment and Regulatory Affairs**

Overtown Transit Village  
701 NW 1 Court, 7th Floor, Miami,  
Florida 33136  
Phone: 305-372-6600, Press Option #6

[www.miamidade.gov/pera](http://www.miamidade.gov/pera)

*"Delivering Excellence Every Day"*

Please consider the environment before printing this email.

*Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.*

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**From:** signius.miami@signius.com [mailto:signius.miami@signius.com]  
**Sent:** Sunday, January 29, 2012 1:12 PM **COMPLAINT # 59807**  
**To:** Markeset, Karl (PERA); Environmental Complaints (PERA); Graham, Mike (PERA); Flevaris, Claudia (PERA)  
**Subject:** IntelliForm For (494) 2012-01-29 01:11PM

CALL O/C FOR ANY OF THE FOLLOWING:

ANY KIND OF ACCIDENT (CAR, BOAT, PLANE, TRUCK ANY VEHICLE) RESULTING IN A FUEL/PETROLEUM/GASOLINE SPILL/CHEMICAL RELEASE THAT IMPACTS THE GROUND OR WATER OR AIR OR DRAINS. OR A CALL FROM ELECTED OFFICIALS OR ANY OTHER GOVERNMENT AGENCY OF ANY TYPE (FIRE, POLICE, COMMISSIONERS OFC, FLORIDA DEPT OF ENVIRONMENTAL PROTECTIONS, EPA, ETC), ANY PROBLEM/COMPLAINT AT ANY

AIRPORT IN MIAMI-DADE (SPILL, CRASH, ODOR CONCERN ETC.) REFER TO MASTERCARD FOR  
O/C!!

Y  
In a few words, please describe the nature of this call.  
RELEASING OIL RECYCLING WITH BROKEN EQUIPMENT

IF CALLER STATE A LIFE THREATENING SITUATION SUCH AS; AN ONGOING  
FIRE, RELEASE OF GAS OR CHEMICAL/PESTICIDE/PETROLEUM ODOR, ETC, ADVISE  
TO CALL 911!

IF CALL IS RE: RECYCLING, ABANDONED/OVERGROWN LOTS, NOISE, DEAD  
ANIMALS IN RIGHT OF WAY, MOSQUITOES, CANALS W/TRASH OVERGROWN  
VEGETATION OR ALGAE OR DOES NOT INVOLVE IMPACT TO GROUNDS,  
GROUNDWATER, AIR, WATERWAY, OCEAN, BAY OR LAKE, ADVISE TO CALL 311!  
OPERATOR: IS THIS CALL RE:ANY OF THE REASONS ABOVE?

N  
Ok, can you see the source of the problem? NOT SEE TOXIN IN AIR

Is it happening now? Y

If not happening now, when does it happen?

When did you first notice the problem?  
EARLIER

Where is the problem taking place (Address if available)?  
3333 NORTH RIVER DRIVE

Is it a home, business, condo bldg etc? NO

As best as you can, tell me where on the property this is  
occurring?  
JOE MARDY KNOW ABOUT IT

Do you have a phone number for the organization or individual  
that is causing the problem or number for the property owner?  
N

Ok, can you provide any other information that can help us  
identify and contact the responsible party, such as a vehicle  
tag or business logo?  
ENRICHETTA GUTSHALL 3056347244

We're almost done, please provide your phone number so a DERM  
representative can call you back if they need more information  
and so we can let you know how your problem was handled.  
3056347244

I will pass on the information to a DERM Inspector. Thank you  
for calling the Department of Environmental Resources  
Management.

OPERATOR: CHOOSE CALL DISPOSITION! CALL TRANSFERRED TO O/C

Thank you for calling the Department of Environmental Resources  
Management.

>>>>>>>> END OF FORM <<<<<<<<<<



# COMPLAINT INTAKE FORM

07571

Date 1/30/12

Time: 4:40 AM  PM

### COMPLAINANT INFORMATION

Name: Enrichetta Gotschall ANON  Call Back? Y  N  Phone: (305) 634-7241

Complainant Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### SOURCE INFORMATION

Responsible Party: Cliff Berry Inc. Phone: (\_\_\_\_\_) \_\_\_\_\_  
(company, property owner, etc.)

Address: 3033 NW North River Dr.  
\_\_\_\_\_  
\_\_\_\_\_

Nature of Complaint: \*Refer to Scripts for Guidance

Air Emissions from Responsible party creating bad odors starting from 11 AM to 1 PM and then recurring after 3 PM  
\* M. Montano inspected the site on 1/30/12 and reported no odors

1. Are there impacts to open-ground/water-body/storm-drains(s) or air quality? Y  N
2. Is this related to a previous complaint? Y  N  If yes, state complaint ID # 58995
3. Is this happening right now? Y  N  How often does this occur? Daily

PEN Complaint Type(s) \_\_\_\_\_ Priority #: 1  2  3  4

Inspection Area: DA - C Section-Township-Range: 53-41-28

Assigned to Insp.: M. Montano Area Supervisor: M. Gelin

Inspector Notified? Y  N  If yes, time notified: 8:15 AM  PM  Supervisor Notified? Y  N

Assign to On-Call Inspector? Y  N  If yes, state time: \_\_\_\_\_ AM  PM

Authorization to notify On-Call provided by: \_\_\_\_\_

Date Entered In PEN: 1/31/12 Complaint #: 59823 Entered by: M. Rein  
Signature

1-Feb-2012

Page 1

Metropolitan Dade County, Florida  
Department of Environmental Resources Management

Complaint Form

**2012013108101235**

**COM- 059823**

Complaint Id: 2012-0131-0810-1235 Date Received: 01/30/2012 Time: 04:40 PM  
Priority: 2 [1 = Low, 9 = High] Taken By: REIDM  
Status: C [O = Open, C = Closed] Status Date: 01/31/2012 Referral Flag: I  
Referral Institution:  
Complaint Type(s): AIR

Complainant Information \*\*\*\*\*

Name: ENRICHETTA GUTTSHALL Phone: (305) 634-7244  
Address:  
City/State/Zip: , -  
Call Back? N Date: \_\_\_\_\_ Time: \_\_\_\_\_

Source Information \*\*\*\*\*

Name: CLIFF BERRY INC. Phone: (305) -  
Full Address: 3033 NW NORTH RIVER DR ( ) [ ] -  
Intersection: &  
Address Description: 3033 NW NORTH RIVER DRIVE  
Location ID Address: 3033 NW NORTH RIVER DR ( ) [ ]  
Location ID Description:  
City: UNC Township: 53 Range: 41 Section: 28 Area: IA-6  
Assigned To: MONTAM

Work Groups Notified \*\*\*\*\*

Complaint Description \*\*\*\*\*

AIR EMISSION FROM CBI CAUSING BAD ODORS FROM 11-1 PM AND AGAIN AFTER  
3 PM. \*\*INSPECTOR MIKE MONTANO PERFORMED AN INSPECTION AT THE SAME  
TIME THE ODORS WERE REPORTED AND DID NOT NOTE ANY ODORS/VIOLATIONS.  
THE INSPECTOR, AREA SUPERVISOR, AND IWP SUPERVISOR WILL BE NOTIFIED.

# AIR QUALITY MANAGEMENT DIVISION

## Inspection Report

**Facility:** Cliff Berry Inc

**Inspection Date:** March 5, 2012

**Reason:** Complaint

**Inspector:** Ray Gordon

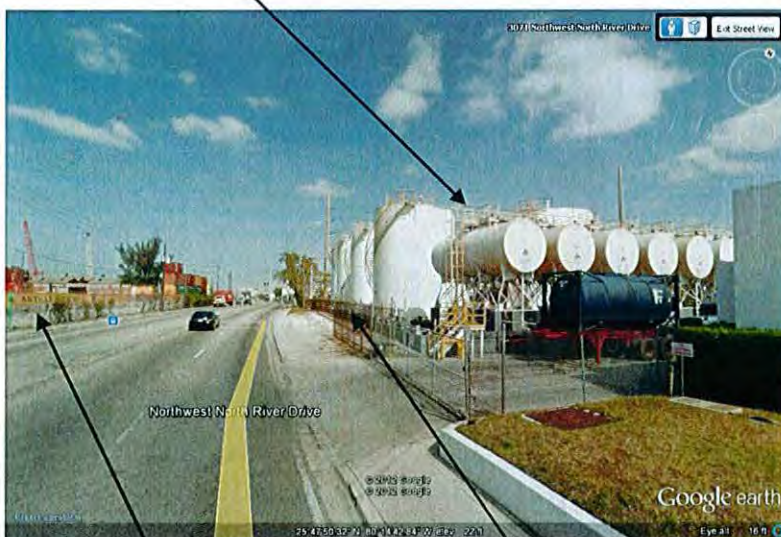
On March 5, 2012 I conducted an inspection at Cliff Berry Inc and surrounding areas to determine if there were any odors from the facility in the neighborhood. This inspection was carried out pursuant to a complaint from Ms. Enrichetta Gutshall who resides at 3340 NW 19 ter.

I arrived at Ms. Gutshall's residence at approximately 4:30 pm. I did not detect any objectionable odors at this time. Ms. Gutshall told me that the odors started at approximately 12:00 noon that day and lasted until 4:00 pm. A Total hydrocarbon measurement (THC) was done using a multi Rae meter. The reading was zero.

At the request of Ms. Gutshall I also spoke with the neighbor across the street Ms. Pat Bridis, (telephone 305-634-2829) who informed me that she had also smelt the odors earlier in the day

I then drove to Cliff Berry inc. located at 3033 NW North River Drive. I arrived there at approximately 5:00pm. I detected some odor which seemed to be coming from the facility at the North West corner of the facility next to the fence. The THC reading at the time was zero. **No odor was detected across the street on the south side of North River Drive.**

Cliff Berry Facility



No Odor here

Odors along Fence

## AIR QUALITY MANAGEMENT DIVISION

### Inspection Report

**Facility:** Cliff Berry Inc

**Inspection Date:** March 15, 2012

**Reason:** Complaint

**Inspector:** Ray Gordon

On March 15, 2012, along with Frank Delgado I responded to a complaint of odors from Cliff Berry Inc. (CBI) affecting the neighborhood of 3340 NW 19 Terrace. The complaint was called in by Ms Enrichetta Gutshall resides at 3340 NW 19 ter.

We arrived at Ms. Gutshall's residence at approximately 1:40 pm. At this time we did not detect any objectionable odors. In talking with Ms. Gutshall she told us that the odors were occurring in the morning but it stopped at midday. A Total hydrocarbon measurement (THC) was done using a multi Rae meter. The reading was zero.

We spoke with a neighbor, Mille who lives at 3380 NW 19 Terrace, and she said she has never been experienced any odors in the area.

After leaving this area we went to Stone Age Antiques located at 3236 NW S River Drive. Here we with one of the workers Mr. Michael Harris, who stated that there were some odors earlier in the day but it had dissipated.

Next we visited Mr. Cliff Berry inc. located at 3033 NW North River Drive. We arrived there at approximately 2:00 pm. and spoke with the Manager Mr. Leroy Arce who informed us that the water treatment plant was in operation but they were not cooking at the time. There were two trucks off loading at the time. Mr. Arce also mentioned that there are other facilities to the north of CBI that could be the source of the odors. During a walk around of CBI we detected some odor by the northwest corner of the facility next to the fence. The THC reading at the time was zero. No odor was detected across the street on the south side of North River Drive. We then drove around the area north of CBI, but we did not find any facilities that could be the source of odors.

The wind at the time of the investigation was easterly @ 10 mph



Truck off loading



## AIR QUALITY MANAGEMENT DIVISION

### Inspection Report

**Facility:** Cliff Berry Inc

**Inspection Date:** March 16, 2012

**Reason:** Complaint

**Inspector:** Maruful Malik

On March 16, 2012 I conducted an inspection at Cliff Berry Inc and surrounding areas to determine if there were any odors from the facility in the neighborhood. This inspection was carried out pursuant to a complaint from Ms. Enrichetta Gutshall who resides at 3340 NW 19 ter and a request from Isabel Puente.

I arrived at GlassTech at approximately 1:15 pm but due to heavy and intermittent rain I was not able to take any hydrocarbon reading. However, as soon as rain slowed down, I drove to Cliff Berry inc. located at 3033 NW North River Drive at 2:15 pm and met Leroy Arce, the manager of the facility. I detected mild odor which seemed to be coming from the NW corner of the facility next to the fence surrounded by storage tanks. A total hydrocarbon measurement (THC) was done using multi Rae meter. The reading was fluctuating between 0.2 to 0.5. The wind was blowing from the North East. Mr. Arce mentioned that the trucks have been loading all morning.

I then drove to Stone Age Antiques located at 3236 NW South River Drive at approximately 2:45 pm and did not detect any objectionable odors at this time. The multi Rae meter reading was below 0.3.

I then drove to Glass-Tech and did not detect any objectionable odors.

I arrived at Ms. Gutshall's residence at approximately 3:00pm. The fence gate was locked and no one appeared to be at home. I did not detect any objectionable odor at this time. Several THC readings were taken in front of her house and across the street and in the neighborhood. All the readings were negligible.



THC readings were taken here



In front of Ms.Gutshall house



THC readings were taken here



Several readings were taken in the neighborhood



## AIR QUALITY MANAGEMENT DIVISION

### Odor Monitoring Report

**Facility:** Cliff Berry Inc and Vicinity

**Inspection Date:** March 12 through March 22, 2012

**Reason:** Complaint

**Monitoring Conducted By:** Ray Gordon, Special Projects Administrator

Between March 12 and March 22 2012, Staff from the Air Quality Management Division conducted measurements of total hydrocarbon (THC) concentration at six different sites in the vicinity of Cliff Berry Inc., located at 3033 NW N. River Dr. This monitoring was carried out pursuant to numerous complaints from Ms. Enrichetta Gutshall who resides at 3340 NW 19 Terrace, of odors from Cliff Berry Inc.

The monitoring sites were numbered 1 through 6 (see attached map) and located as follows:

1. Cliff Berry 3033 NW N. River Dr. (Along fence at the north west corner of the facility)
2. Stone Age Antiques 3236 NW S. River Dr.(At the entrance to the facility)
3. NW 20 St. between 31 & 32 Ave.
4. NW 19 Terrace between 31 & 32 Ave.
5. NW 20 St between 33 & 34 Ave.
6. Vicinity of 3340 NW 19 Terrace (In proximity of complainant's house)

Each site was sampled over a period of seven days at different times during the day. Sampling was done using a Mini Rae 2000 Photoionization Detector (PID) calibrated to measure total hydrocarbons (THC) zero ppm and above. The wind direction and speed for each day was obtained from online data. The inspection sampling results are summarized in table 1.

Site # 1.Slight odors were detected at this site on all seven occasions. THC concentrations measured at this site ranged from 0.0 parts per million (ppm) to 1.30 ppm. The odors were concentrated along the fence on the south west side of the facility. It should be noted that on some occasions trucks were being off loaded and sometimes not, however odors were detected at this location on all visits to the facility.



Cliff Berry Facility    Odors detected here along fence

Site # 2. Slight odors were detected at this site on two occasions when the wind was from the north or north easterly directions. The odor was similar to that detected along the fence at Cliff Berry Inc. All the measurements taken at this location indicated zero THC. During a visit staff met with Mr. Michael Harris of Stone Age Antiques and he stated that the odors are strong on some occasions, but usually only lasted for a short time.

Site # 3. No odors were detected at this site and all the THC measurements were zero.

Site # 4. No odors were detected at this site and all the THC measurements were zero.

Site # 5. No odors were detected at this site and all the THC measurements were zero.

Site # 6. No odors were detected at this site during all seven occasions and all the THC measurements at this location were zero. This site is located on NW 19<sup>th</sup> Terrace in close proximity to the complainant's residence. Two neighbors were interviewed: Millie (last name n/a) who resides at 3380 NW 19 Terrace stated that she has never detected any odors, while Mr. Ansel Hernandez of 3350 NW 19 Terrace advised that there were odors on some occasions when the wind was from the north .

Pursuant to these results it can be concluded that slight odors can be detected at the Cliff Berry property line. Concentrations of total hydrocarbons (THC) measured were very low or zero at all of the locations monitored. During the monitoring period PERA personnel did not observe any odors in the vicinity of the complainant's house. Canvassing of the area by PERA personnel did not find any other facilities in the area that was producing any objectionable odors during these inspections.

# Cliff Berry Odor Complaints (AP-2466; IWP-108)

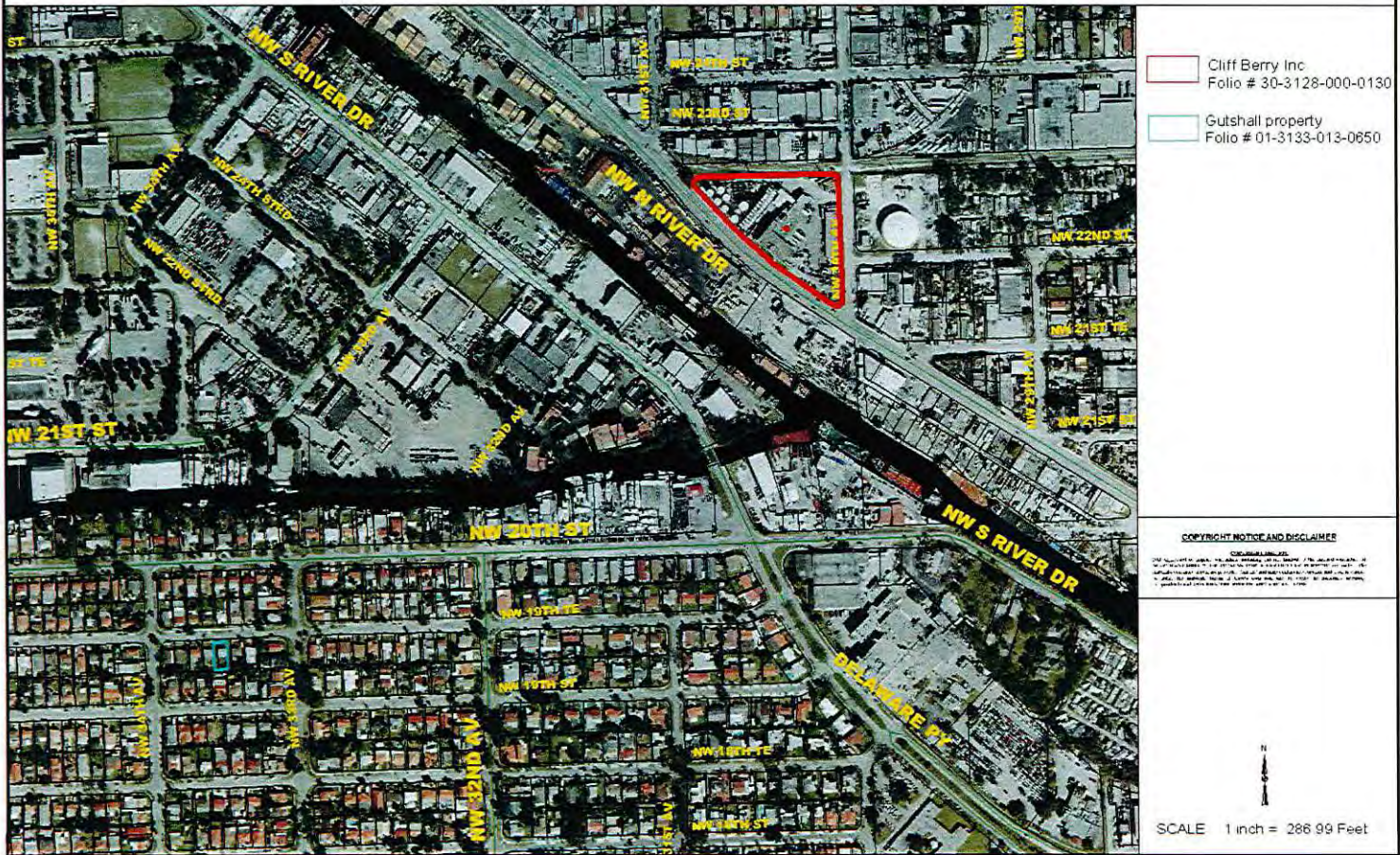


TABLE 1 THC MONITORING DATA CLIFF BERRY

Location	Date	Time	Wind speed & Direction	Odor Detected Y/N	THC Reading in PPM	Comments
1	3/12/12	10:25 am	E 15 MPH	Y	0.00	
2	3/12/12	10:30 am	E 15 MPH	N	0.00	
3	3/12/12	10:35 am	E 15 MPH	N	0.00	
4	3/12/12	10:50 am	E 15 MPH	N	0.00	
5	3/12/12	10:40 am	E 15 MPH	N	0.00	
6	3/12/12	10:45 am	E 15 MPH	N	0.00	

Location	Date	Time	Wind speed & Direction	Odor Detected Y/N	THC Reading in PPM	Comments
1	03/13/2012	3:40 pm	E 10 MPH	Y	0.20	Truck being off loaded
2	03/13/2012	3:30 pm	E 10 MPH	N	0.00	Near stone age antiques
3	03/13/2012	3:10 pm	E 10 MPH	N	0.00	
4	03/13/2012	3:25 pm	E 10 MPH	N	0.00	
5	03/13/2012	3:15 pm	E 10 MPH	N	0.00	
6	03/13/2012	3:20 pm	E 10 MPH	N	0.00	

Location	Date	Time	Wind speed & Direction	Odor Detected Y/N	THC Reading in PPM	Comments
1	3/14/2012	2:55 pm	N 10 MPH	Y	0.80	Truck off loading, spoke with Carlos (supervisor) nothing unusual at the time
2	3/14/2012	3:15 pm	N 10 MPH	Y	0.00	
3	3/14/2012	3:20 pm	N 10 MPH	N	0.00	
4	3/14/2012	3:40 pm	N 10 MPH	N	0.00	
5	3/14/2012	3:25 pm	N 10 MPH	N	0.00	
6	3/14/2012	3:35 pm	N 10 MPH	N	0.00	

Location	Date	Time	Wind speed & Direction	Odor Detected Y/N	THC Reading in PPM	Comments
1	3/15/12	2:10 pm	NE 10-12 MPH	Y	0.90	Contacted Leroy Arce, Burner not in operation, Truck offloading
2	3/15/12	1:55pm	NE 10-12 MPH	Y	0.00	
3	3/15/12	1:50 pm	NE 10-12 MPH	N	0.00	
4	3/15/12	1:45 pm	NE 10-12 MPH	N	0.00	
5	3/15/12	1:35 pm	NE 10-12 MPH	N	0.00	
6	3/15/12	1:40 pm	NE 10-12 MPH	N	0.00	

Location	Date	Time	Wind speed & Direction	Odor Detected Y/N	THC Reading in PPM	Comments
1	03/20/2012	1:55 pm	E 12 MPH	Y	1.10	
2	03/20/2012	2:20 pm	12:00 AM	N	0.00	
3	03/20/2012	2:25 pm	E 12 MPH	N	0.00	
4	03/20/2012	2:45 pm	E 12 MPH	N	0.00	
5	03/20/2012	2:30 pm	E 12 MPH	N	0.00	
6	03/20/2012	2:40 pm	E 12 MPH	N	0.00	During this monitoring session I talked with Mr. Ansel Fernandez who resides at 3350 NW 19 terrace. Mr. Hernandez stated that he does smell the odors when the wind is from the North

Location	Date	Time	Wind speed & Direction	Odor Detected Y/N	THC Reading in PPM	Comments
1	3/22/12	2:00 pm	ESE 14 MPH	Y	1.30	
2	3/22/12	2:25 pm	ESE 14 MPH	N	0.00	
3	3/22/12	2:30 pm	ESE 14 MPH	N	0.00	
4	3/22/12	2:50 pm	ESE 14 MPH	N	0.00	
5	3/22/12	2:35 pm	ESE 14 MPH	N	0.00	
6	3/22/12	2:45 pm	ESE 14 MPH	N	0.00	



## DERM Complaint Inspection Worksheet

Inspection Area	CA-1
Inspector	grahar
Date (mm/dd/yyyy)	8/4/2012
Start Time (24 hr. format)	15:12
End Time (24 hr. format)	15:45
Hours Worked	0:33
Mileage	8
County Vehicle Number	23956

### Complaint Information

Complaint #	061108					
Permit #	multiple					
Complainant Name	Enriqueta Gutshall					
Complainant Address	na					
Complainant Phone #	305-634-7244					
Call back?	No	Call back info (DATE&TIME):				
Source Name	CBI					
Source Address	3033 NW North River Dr					
City	UNC					
Nature of Complaint	Toxic odors from CBI					
Additional Complaint Types:*	AIR					

\* Please add NPDES to all relevant complaints

Inspection Type & Reason:	UNS-COM		
Outcome Code:	SAT	Notice Given:	(for Water Rest & NPDES)
<b>Inspector On Call:</b>	Yes		
On Site Contact Name	Armando JR		
On Site Contact Title	employee		
On Site Phone #	na		
Photos Taken:	Yes	Samples Taken:	No
<b>QUE FOL Inspection (w/in Days)?</b>	No	, Days	<b>QUE FOL to</b>
Permit Group Notification	Yes	Enforcement Required:	No

Supervisor	Eduardo de Aragon
Review Date	08/06/12
Status	Closed

**Comments** *Note: Use CTRL-A to select all text*

No odor was detected outside the facility, in its surroundings nor in the neighborhood leading to facility. As per employee on site, CBI was not operating at this time.

Air Section will be notified.  
EdeA ok to close copy to R Gordon.

21-Sep-2012

Page 1

Metropolitan Dade County, Florida  
Department of Environmental Resources Management

Inspection Results Report

Schedule ID SING-LE - - Inspection ID 2012-0920-1426-3644  
Source PER Source ID 2007-0731-1213-3136  
Inspection Description  
AP-2466 : CLIFF BERRY, INC. MIAMI TERMINAL  
Address Description 3033 NW NORTH RIVER DR  
Date Requested 09/20/2012 Assigned To GORDOR Date Assigned 09/20/2012  
Inspection Date 09/12/2012 And Time 12:40PM Type UNS Reason Code COMP  
Outcome Code SAT Made By: Inspector DELGAF Work Group AP  
At the time of the inspection, was the inspector on call? N [Yes, No]

Field Information \*\*\*\*\*

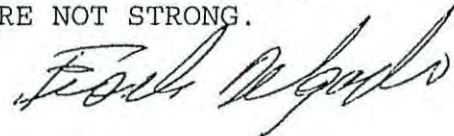
Person Contacted LEROY ARCE  
Title GENERAL MANAGER Phone (305) 638-0520  
Photos Taken N [Y/N] Water [Public/Well] Soakage Pits 0 [#]  
OW Separator [Y/N] Septic Tank [Y/N] Storm Drains 0 [#]  
VE Readings N [Y/N] Sewer [Y/N/Available] Floor Drains 0 [#]  
Stack Test N [Y/N] Samples Taken N [Y/N] Monitoring Wells 0 [#]  
French Drains [Y/N] Vent Pipes 0 [#] Vent Pipe Type

Financial \*\*\*\*\*

Fee Code NC Amount 0.00  
Cost Center Number 000000 Hours Worked 0.00

Results \*\*\*\*\*

ON SEPTEMBER 12, 2012 AT 12:40 P.M., I VISITED THIS FACILITY TO INVESTIGATE AN ODOR COMPLAINT RECEIVED IN THE OFFICE BY THE RER POLLUTION REGULATION DIVISION. ON SITE I MET LEROY ARCE, THE FACILITY'S GENERAL MANAGER. WE WALKED THRU THE FACILITY AND ON THE SIDEWALK ALONG NW 20TH STREET; I DID NOT DETECT ANY OBJECTIONABLE ODORS INSIDE THE FACILITY BUT I DETECTED SOME ODORS WHEN WE WALKED ALONG THE SIDEWALK NEXT TO THE PLANT. THE FACILITY WAS OPERATIONAL AT THE TIME OF THE INSPECTION, A TRUCK WAS IN THE PROCESS OF UNLOADING OILY WASTE IN THE FACILITY. THE WIND WAS BLOWING FROM THE NORTHWEST AS SHOWN BY THE WIND SOCK ON TOP OF THE FACILITY'S ROOF. AFTER I LEFT THE FACILITY I DROVE AROUND THE NEIGHBORHOOD LOCATED NEAR NW 30 AVENUE AND NW 19 STREET. I DID NOT DETECT ANY OBJECTIONABLE ODORS IN THE AREA. I PROCEEDED TO STONE AGE ANTIQUES LOCATED AT 3236 N.W. SOUTH RIVER DRIVE AND DETECTED THE SAME ODORS DETECTED ON THE SIDEWALK ON NW 20 STREET. THE ODORS WERE NOT STRONG.



## AIR QUALITY MANAGEMENT DIVISION

### Odor Monitoring Report

Facility: Cliff Berry Inc and Vicinity

Inspection Date: November 30, 2012

Reason: Compliant

Inspector: Maruful Malik

On November 30, 2012 I conducted an inspection at Cliff Berry Inc and surrounding areas to determine if there were any odors from the facility in the neighborhood. This inspection was carried out pursuant to a complaint from Ms. Enrichetta who resides at 3340 NW 19 terraces.

I arrived at Cliff Berry Inc. located at 3033 NW North River Drive at approximately 11:10 am and did not detect any objectionable odor. A total hydrocarbon measurement (THC) was done using Multi Rae 2000 Photoionization Detector (PID) along the fence surrounded by storage tanks. The reading was fluctuating between 0.0 to 0.4 registered occasionally.

I then drove to Glass-Tech at 11:40 am and did not detect any objectionable odors.

Afterward, I visited to Stone Age Antiques located at 3236 NW South River Drive at approximately 11:55 am and did not detect any objectionable odors. The Multi Rae reading was below 0.2.

It was a cloudy day with drizzling during my visit to the above facilities.

Maruful Malik

16-Oct-2012

Page 1

Metropolitan Dade County, Florida  
Department of Environmental Resources Management

Inspection Results Report

Schedule ID SING-LE - - Inspection ID 2012-1015-1456-5561  
Source PER Source ID 2007-0731-1213-3136  
Inspection Description  
AP-2466 : CLIFF BERRY, INC. MIAMI TERMINAL  
Address Description 3033 NW NORTH RIVER DR  
Date Requested 10/15/2012 Assigned To GORDOR Date Assigned 10/15/2012  
Inspection Date 10/12/2012 And Time 10:12AM Type UNS Reason Code COMP  
Outcome Code SAT Made By: Inspector DELGAF Work Group AP  
At the time of the inspection, was the inspector on call? N [Yes, No]

Field Information \*\*\*\*\*

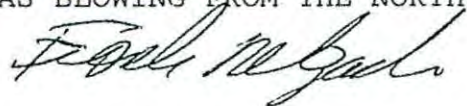
Person Contacted LEROY ARCE  
Title GENERAL MANAGER Phone ( ) -  
Photos Taken Y [Y/N] Water [Public/Well] Soakage Pits 0 [#]  
OW Separator [Y/N] Septic Tank [Y/N] Storm Drains 0 [#]  
VE Readings N [Y/N] Sewer [Y/N/Available] Floor Drains 0 [#]  
Stack Test N [Y/N] Samples Taken N [Y/N] Monitoring Wells 0 [#]  
French Drains [Y/N] Vent Pipes 0 [#] Vent Pipe Type

Financial \*\*\*\*\*

Fee Code NC Amount 0.00  
Cost Center Number 000000 Hours Worked 0.00

Results \*\*\*\*\*

ON OCTOBER 12, 2012 AT 10:12 A.M., MARUFUL MALIK AND I VISITED THIS FACILITY TO INVESTIGATE AN ODOR COMPLAINT. FIRST WE DROVE AROUND THE NEIGHBORHOOD LOCATED NEAR NW 30 AVENUE AND NW 19 STREET TO FIND OUT IF THERE WERE ANY OBJECTIONABLE ODORS AND TO TAKE PID READINGS. BELOW ARE THE RESULTS OF THE PID READINGS:  
1-NW 30 AVE AND NW 19 ST- 0PPM.  
2-NW 31 AVE AND NW 19 ST- 0PPM.  
3-NW 32 AVE AND NW 19 ST- 0PPM.  
4-NW 33 AVE AND NW 19 ST- 0PPM.  
WE ALSO WENT TO STONE AGE ANTIQUES LOCATED AT 3236 NW SOUTH RIVER DRIVE AND ALSO TOOK A PID READING WHICH WAS 0PPM. NO ODORS WERE DETECTED ANYWHERE.  
WE PROCEEDED TO CLIFF BERRY AND WE MET LEROY ARCE, THE FACILITY'S GENERAL MANAGER. THEY WERE IN THE PROCESS OF UNLOADING A TRUCK. WE DID NOT DETECT ANY ODORS AROUND THE FACILITY AND WE TOOK A PID READING IN FRONT OF THE FACILITY BY NW 20 STREET; THE RESULTS WERE 0PPM. THE WIND WAS BLOWING FROM THE NORTHWEST AROUND 25 MILES PER HOUR.



ATTACHMENT N

COMMITMENT TO ENVIRONMENTAL PROTECTION, MAINTENANCE AND ENHANCEMENT IN THE PORT



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ENVIROS

Warning Notice - WRN15-0055

Warning Notice - Details | Location | Documents

Warning Notice #: WRN15-0055  
 Warning Type: Citation Warning  
 Respondent Name: Cliff Berry, Inc.  
 Status: Complied  
 Violation Date: Jul 29, 2014  
 Completed Date: Mar 2, 2015

Facility: [Cliff Berry, Inc. - Port Everglades Facility](#)

Issuing Officer: Greg Whitaker  
 Issuing Officer Phone: (954) 519-1229  
 Division: Pollution Prevention  
 Division Section: Technical Review Team,

Violations

Code Section Number	Section Excerpt Name	Excerpt Text	Violation Description	Corrective Action
27-27(a)(8)	General violations and prohibitions.	"(a) Violations: It shall be a violation of this chapter for any person: ... (8) To fail to prepare or submit a report or document required by a license or this chapter."	Failing to submit "as-built" or "record" construction drawings as required by Storage Tank License No. ST-05251-11-01, Storage Tank Modification No. TM-000802184-012 and Broward County Code (BCC) Section 27-306(c).	Respondent shall submit the appropriate as-built construction drawings signed and sealed by a professional engineer registered in the State of Florida in accordance with the applicable provisions of the Broward County Local Amendments to the Florida Fire Prevention Code, the Florida Building Code, the most current version of Chapters 62-252, 62-761, and 62-762, F.A.C., and the BCC.

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Environmental Protection and Growth Management Department  
**POLLUTION PREVENTION DIVISION**  
One North University Drive, Suite 102, Plantation, FL 33324  
954-519-1260 · FAX 954-519-1494

## CITATION WARNING NOTICE

Page 1 of 2

### CITATION WARNING NOTICE NUMBER: WRN15-0055

Pursuant to Chapter 27 of the Broward County Code of Ordinances ("Code" or "BCC"), the Environmental Protection and Growth Management Department (Department) has the authority and duty to control and regulate activities and facilities which adversely affect the air, water, soil and other natural resources of Broward County.

The Natural Resource Enforcement Officer identified below certifies that he/she has just grounds to believe that on or about July 29, 2014, at the location below, the following Respondent(s) was/were in violation of the sections of the Broward County Code identified in each count:

**Location:** 3400 SE 9TH AVE  
Dania Beach, FL 33316

**COUNT 1: Respondent: Cliff Berry, Inc.**

#### Violated Section 27-27(a)(8), BCC, which states:

"(a) Violations: It shall be a violation of this chapter for any person: ... (8) To fail to prepare or submit a report or document required by a license or this chapter."

**By:** Failing to submit "as-built" or "record" construction drawings as required by Storage Tank License No. ST-05251-11-01, Storage Tank Modification No. TM-000802184-012 and Broward County Code (BCC) Section 27-306(c).

#### Corrective Action:

Respondent shall submit the appropriate as-built construction drawings signed and sealed by a professional engineer registered in the State of Florida in accordance with the applicable provisions of the Broward County Local Amendments to the Florida Fire Prevention Code, the Florida Building Code, the most current version of Chapters 62-252, 62-761, and 62-762, F.A.C., and the BCC.

**Correct within 30 day(s) of service of this notice.**

**CITATION WARNING NOTICE NUMBER: WRN15-0055**

**Page 2 of 2**

Accordingly, the Respondent(s) is/are hereby advised to correct and respond to the aforesaid allegation(s) within the time period identified in each count above, or by advising the Department of any circumstances which it believes make this/these allegation(s) inapplicable.

Failure to respond to this Citation Warning may result in the issuance of a Citation. The maximum civil penalty which may be levied pursuant to a Citation shall not exceed \$500.00 per violation.

Issued By: Greg Whitaker

Phone: (954) 519-1229 FAX: (954) 765-4804 Email: gwhitaker@broward.org

Issued Date: 02/12/2015

**Registered Agent/Mailed To:**

Cliff Berry, Sr.

(for Cliff Berry, Inc.)

851 Eller Dr.

Fort Lauderdale, FL 33316

RRR: 7008 1140 0003 8554 9748





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ENVIROS

Warning Notice - WRN16-0021

Warning Notice - Details | Location | Documents

Warning Notice #: WRN16-0021  
 Warning Type: Citation Warning  
 Respondent Name: Cliff Berry Associates, Inc.  
 Status: Complied  
 Violation Date: Dec 14, 2015  
 Completed Date: Mar 1, 2016  
 Facility: [Cliff Berry, Inc. - Port Everglades Facility](#)  
 Issuing Officer: Cynthia Fernandez  
 Issuing Officer Phone: (954) 519-1459  
 Division: Pollution Prevention  
 Division Section: Licensing & Compliance

Violations

Code Section Number	Section Excerpt Name	Excerpt Text	Violation Description	Corrective Action
27-175(h)	Air Quality: Unconfined Emissions of Particulate Matter	"... No person shall cause, let, permit, suffer, or allow the emissions of particulate matter, from any source whatsoever, including but not limited to vehicular movement, transportation of materials, construction, alteration, demolition or wrecking, or industrial related activities such as loading, unloading, storing, handling, surface coating, or surface preparation without taking reasonable precautions to prevent such emission, as described in Subsection 27-177(b) of this article."	Causing, letting, permitting, suffering or allowing the emissions of particulate matter from sandblasting operations at Port Everglades facility without taking reasonable precautions to prevent such emissions.	Respondent, Cliff Berry, Inc., must immediately take reasonable precautions to prevent unconfined emissions of particulate matter. Within fifteen (15) days of service of this notice, respondent shall provide to the Pollution Prevention Division its plan to control unconfined emissions of particulate matters during sandblasting operations.

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**POLLUTION PREVENTION DIVISION**  
1 North University Drive, Box 102, Plantation, Florida 33324  
954-519-1260 · FAX 954-519-1494

## CITATION WARNING NOTICE

Page 1 of 2

**CITATION WARNING NOTICE NUMBER: WRN16-0021**

Pursuant to Chapter 27 of the Broward County Code of Ordinances ("Code" or "BCC"), the Environmental Protection and Growth Management Department (Department) has the authority and duty to control and regulate activities and facilities which adversely affect the air, water, soil and other natural resources of Broward County.

The Natural Resource Enforcement Officer identified below certifies that he/she has just grounds to believe that on or about December 14, 2015, at the location below, the following Respondent(s) was/were in violation of the sections of the Broward County Code identified in each count:

**Location:** 3400 SE 9TH AVE  
Dania Beach, FL 33316

**COUNT 1: Respondent: Cliff Berry Associates, Inc.**

### **Violated Section 27-175(h), BCC, which states:**

"... No person shall cause, let, permit, suffer, or allow the emissions of particulate matter, from any source whatsoever, including but not limited to vehicular movement, transportation of materials, construction, alteration, demolition or wrecking, or industrial related activities such as loading, unloading, storing, handling, surface coating, or surface preparation without taking reasonable precautions to prevent such emission, as described in Subsection 27-177(b) of this article."

**By:** Causing, letting, permitting, suffering or allowing the emissions of particulate matter from sandblasting operations at Port Everglades facility without taking reasonable precautions to prevent such emissions.

### **Corrective Action:**

Respondent, Cliff Berry, Inc., must immediately take reasonable precautions to prevent unconfined emissions of particulate matter. Within fifteen (15) days of service of this notice, respondent shall provide to the Pollution Prevention Division its plan to control unconfined emissions of particulate matters during sandblasting operations.

**Correct within 15 day(s) of service of this notice.**

**CITATION WARNING NOTICE NUMBER: WRN16-0021**

**Page 2 of 2**

Accordingly, the Respondent(s) is/are hereby advised to correct and respond to the aforesaid allegation(s) within the time period identified in each count above, or by advising the Department of any circumstances which it believes make this/these allegation(s) inapplicable.

Failure to respond to this Citation Warning may result in the issuance of a Citation. The maximum civil penalty which may be levied pursuant to a Citation shall not exceed \$500.00 per violation.

Issued By: Cynthia Fernandez

Phone: (954) 519-1459 FAX: (954) 519-1495 Email: cfernandez@broward.org

Issued Date: 02/03/2016

**Registered Agent/Mailed To:**

Cliff Berry, Sr

(for Cliff Berry Associates, Inc.)

851 Eller Dr

Fort Lauderdale, FL 33316

RRR: 7008 1140 0003 8554 8956

*Cliff Berry Associates, Inc.*

February 23, 2016

Broward County  
Environmental Protection and Growth Management Department  
Pollution Prevention Division  
1 North University Drive, Box 102  
Plantation, FL 33324

RE: Citation Warning Notice: WRN16-0021

Dear Ms. Fernandez,

Cliff Berry Associates, Inc. (CBA) received citation warning notice WRN16-0021 on February 11, 2016 regarding a violation to Section 27-175(h), BBC, concerning an emission of particulate matter related to sandblasting operations at the Port Everglades facility. Pursuant to the warning notice, CBA has come up with a two part solution that will prevent such future emissions. First, CBA will remove all sand from ground level and install a silt fence around the perimeter of the work area. Second, CBA will install and secure a canvas structure to allow sandblasting operations to occur within the enclosure. We believe this is a reasonable precaution to prevent the emission of particulate matter.

Sincerely,



Cliff Berry, Sr.  
Director

RRR: 7015 0640 0002 1214 3291

3/1/16  
④



Florida Department of Environmental Protection  
Twin Towers Office Bldg. 2600 Blair Stone Road. Tallahassee, Florida 32399-  
Division of Waste Management  
Bureau of Petroleum Storage Systems

Storage Tank Facility Installation Site Inspection Report

**Facility Information:**

Facility ID: 8630152 County: MIAMI-DADE Inspection Date: 09/25/2015  
Facility Type: D -Bulk Storage Facility  
Facility Name: CLIFF BERRY INC-MIAMI TERMINAL # Of Inspected ASTs: 18  
3033 NW NORTH RIVER DR USTs: 0  
MIAMI, FL 33142 Mineral Acid Tanks: 0  
Latitude: 25° 47' 51.3034"  
Longitude: 80° 14' 42.2679"  
LL Method: DPHO

**Inspection Result:**

Result : Minor Out of Compliance  
Description: Facility is Minor Out of Compliance.

**Financial Responsibility**

Financial Responsibility: INSURANCE  
Insurance Carrier: AIG

**Signatures:**

TKDERM - MIAMI - DADE DEPT OF REGULATORY & ECON RESOURCES

**Storage Tank Program Office**

(305) 372-6807

**Storage Tank Program Office Phone Number**

Alejandro G De Zayas  
INSPECTOR NAME

Kelly Brandenburg  
REPRESENTATIVE NAME

INSPECTOR SIGNATURE

REPRESENTATIVE SIGNATURE

Owners of UST facilities are reminded that the Federal Energy Policy Act of 2005 requires Operator Training at all facilities by August 8, 2012. For further information please visit:  
[http://www.dep.state.fl.us/waste/categories/tanks/pages/op\\_train.htm](http://www.dep.state.fl.us/waste/categories/tanks/pages/op_train.htm)

Reviewed Records

Record Category	Record Type	From Date	To Date	Reviewed Record Comment
Two Years	Certificate of Financial Responsibility	12/31/2014	12/31/2015	AIG Ins.
Life Time	Written Release Detection Response Level Info	09/25/2015	09/25/2015	SPCC

Outstanding Violations

Type: Violation  
 Significance: Minor  
 Rule: 62-762.701(1)(a)1.d., 62-762.701(1)(a)1.c., 62-762.701(1)(a)1.b., 62-762.701(1)(a)1.a.  
 Violation Text: Not repaired component which has or could cause a discharge or release.  
 Explanation: An operational or structural problem that could potentially result in a discharge or release. Metal tanks, and piping with signs of corrosion.  
 Corrective Action: Properly address the observed signs of corrosion on all impacted tanks and their associated piping.

Violation Comments

06/12/2014

ASTs are still rusted.

07/07/2015

Tanks 1 thru 7 have been painted and re-coated currently corrosion free. But horizontal AST's 13 thru 21 are still impacted by corrosion, discoloration was observed on outer wall. See pictures attach

Violation Photos

Added Date 05/25/2011

Top area impacted by corrosion



Added Date 05/25/2011

Bottom part of the tank impacted by corrosion



Added Date 05/25/2011

Out-of-service tanks also impacted by corrosion



Added Date 06/12/2014

Piping rusted.



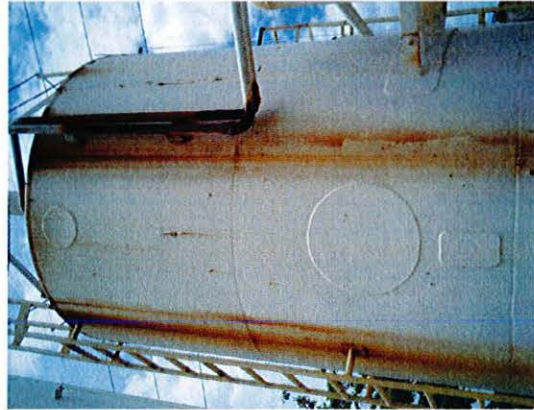
Added Date 06/12/2014

Rust.



Added Date 06/12/2014

Rust.



Added Date 06/12/2014

Rust.



Added Date 02/06/2015

Corroded Tanks



Added Date 02/06/2015

Added Date 02/06/2015

Still corroded piping

Piping still corroded



Added Date 02/06/2015

Added Date 02/06/2015

Piping and base of tank still corroded

Piping still corroded

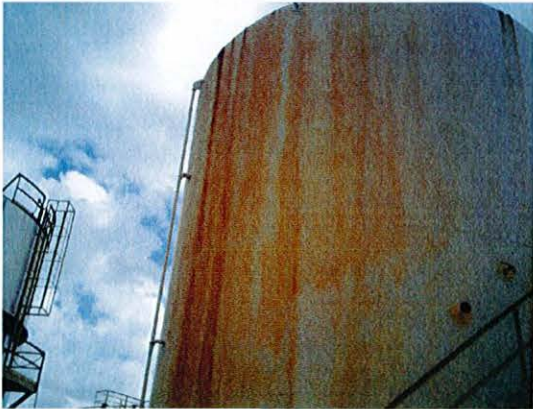


Added Date 02/06/2015

Added Date 02/06/2015

Tank still corroded

Tank still corroded







Florida Department of Environmental Protection  
Twin Towers Office Bldg. 2600 Blair Stone Road. Tallahassee, Florida 32399-2400  
Division of Waste Management  
Bureau of Petroleum Storage Systems

Storage Tank Facility Re-Inspection Site Inspection Report

**Facility Information:**

Facility ID: 8630152 County: MIAMI-DADE Inspection Date: 07/07/2015  
Facility Type: D -Bulk Storage Facility  
Facility Name: CLIFF BERRY INC-MIAMI TERMINAL # Of Inspected ASTs: 21  
3033 NW NORTH RIVER DR USTs: 0  
MIAMI, FL 33142 Mineral Acid Tanks: 0  
Latitude: 25° 47' 51.3034"  
Longitude: 80° 14' 42.2679"  
LL Method: DPHO

**Inspection Result:**

Result : Minor Out of Compliance  
Description: Facility is Minor Out of Compliance.

**Financial Responsibility**

Financial Responsibility: INSURANCE  
Insurance Carrier: AIG

**Signatures:**

TKDERM - MIAMI - DADE DEPT OF REGULATORY & ECON RESOURCES

**Storage Tank Program Office**

(305) 372-6807

**Storage Tank Program Office Phone Number**

Carlos E. Fernandez-Bango

**INSPECTOR NAME**

**INSPECTOR SIGNATURE**

Leroy Arce

**REPRESENTATIVE NAME**

**REPRESENTATIVE SIGNATURE**

Owners of UST facilities are reminded that the Federal Energy Policy Act of 2005 requires Operator Training at all facilities by August 8, 2012. For further information please visit:  
[http://www.dep.state.fl.us/waste/categories/tanks/pages/op\\_train.htm](http://www.dep.state.fl.us/waste/categories/tanks/pages/op_train.htm)

**Outstanding Violations**

Type: Violation  
 Significance Name: Minor  
 Rule: 62-762.701(1)(a)1.d., 62-762.701(1)(a)1.c., 62-762.701(1)(a)1.b., 62-762.701(1)(a)1.a.  
 Violation Text: Not repaired component which has or could cause a discharge or release.  
 Explanation: An operational or structural problem that could potentially result in a discharge or release. Metal tanks, and piping with signs of corrosion.  
 Corrective Action: Properly address the observed signs of corrosion on all impacted tanks and their associated piping.

**Violation Comments**

07/07/2015

Tanks 1 thru 7 have been painted and re-coated currently corrosion free. But horizontal AST's 13 thru 21 are still impacted by corrosion, discoloration was observed on outer wall. See pictures attach

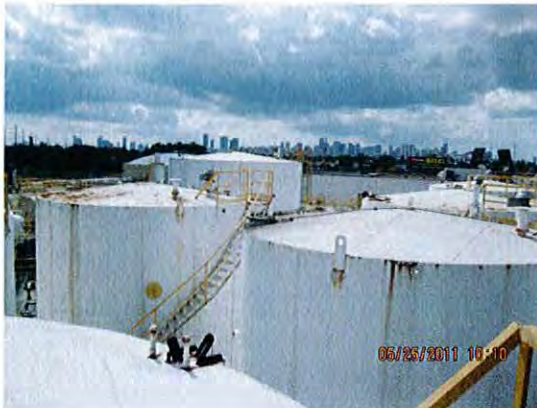
06/12/2014

ASTs are still rusted.

**Violation Photos**

Added Date 05/25/2011

Top area impacted by corrosion



Added Date 05/25/2011

Bottom part of the tank impacted by corrosion





Florida Department of Environmental Protection  
Twin Towers Office Bldg. 2600 Blair Stone Road. Tallahassee, Florida 32399-2400

Division of Waste Management  
Bureau of Petroleum Storage Systems

Storage Tank Facility Re-Inspection Site Inspection Report

**Facility Information:**

Facility ID: 8630152 County: MIAMI-DADE Inspection Date: 02/06/2015  
Facility Type: D -Bulk Storage Facility  
Facility Name: CLIFF BERRY INC-MIAMI TERMINAL # Of Inspected ASTs: 21  
3033 NW NORTH RIVER DR USTs: 0  
MIAMI, FL 33142 Mineral Acid Tanks: 0  
Latitude: 25° 47' 51.3034"  
Longitude: 80° 14' 42.2679"  
LL Method: DPHO

**Inspection Result:**

Result : Minor Out of Compliance  
Description: Facility is Minor Out of Compliance.

**Financial Responsibility**

Financial Responsibility: INSURANCE  
Insurance Carrier: AIG  
Effective Date: 12/31/2014 Expiration Date: 12/31/2015

**Signatures:**

TKDERM - MIAMI - DADE DEPT OF REGULATORY & ECON RESOURCES

**Storage Tank Program Office**

(305) 372-6807

**Storage Tank Program Office Phone Number**

Christopher S Runte  
INSPECTOR NAME

Leroy Arce  
REPRESENTATIVE NAME

INSPECTOR SIGNATURE

REPRESENTATIVE SIGNATURE

Owners of UST facilities are reminded that the Federal Energy Policy Act of 2005 requires Operator Training at all facilities by August 8, 2012. For further information please visit:  
[http://www.dep.state.fl.us/waste/categories/tanks/pages/op\\_train.htm](http://www.dep.state.fl.us/waste/categories/tanks/pages/op_train.htm)

---

**Outstanding Violations**

---

Type: Violation  
Significance Name: Minor  
Rule: 62-762.641(2)(e)  
Violation Text: Problems found during visual inspections not noted.  
Explanation: Visual inspections. Any visual inspection of the storage tank system or its secondary containment that reveals signs of corrosion, cracks, structural damage, leakage, or other similar problems shall be noted. Repairs shall be made in accordance with the requirements of Rule 62-762.701, F.A.C.  
Corrective Action: Properly address the observed signs of corrosion on all impacted tanks and their associated piping, and properly log the repairs made.

---

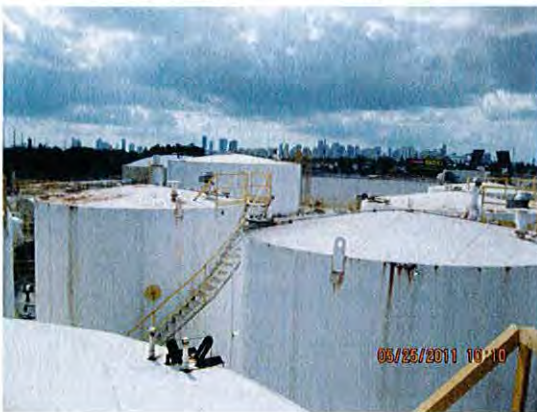
Type: Violation  
Significance Name: Minor  
Rule: 62-762.701(1)(a)1.d., 62-762.701(1)(a)1.c., 62-762.701(1)(a)1.b., 62-762.701(1)(a)1.a.  
Violation Text: Not repaired component which has or could cause a discharge or release.  
Explanation: An operational or structural problem that could potentially result in a discharge or release. Metal tanks, and piping with signs of corrosion.  
Corrective Action: Properly address the observed signs of corrosion on all impacted tanks and their associated piping.

**Violation Comments**

06/12/2014  
ASTs are still rusted.

**Violation Photos**

Added Date 05/25/2011  
Top area impacted by corrosion



Added Date 05/25/2011  
Bottom part of the tank impacted by corrosion



Added Date 05/25/2011

Out-of-service tanks also impacted by corrosion



Added Date 06/12/2014

Piping rusted.



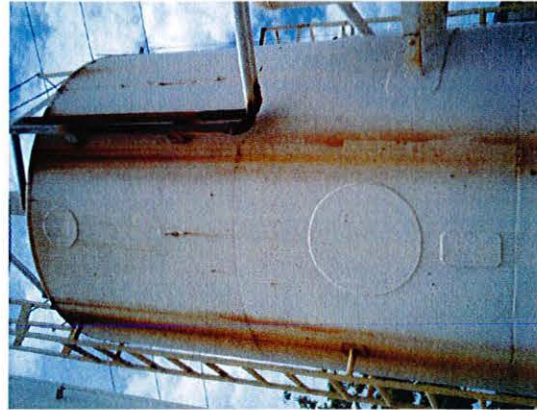
Added Date 06/12/2014

Rust.



Added Date 06/12/2014

Rust.



Added Date 06/12/2014

Rust.



Added Date 02/06/2015

Corroded Tanks



Added Date 02/06/2015

Still corroded piping



Added Date 02/06/2015

Piping still corroded



Added Date 02/06/2015

Piping and base of tank still corroded



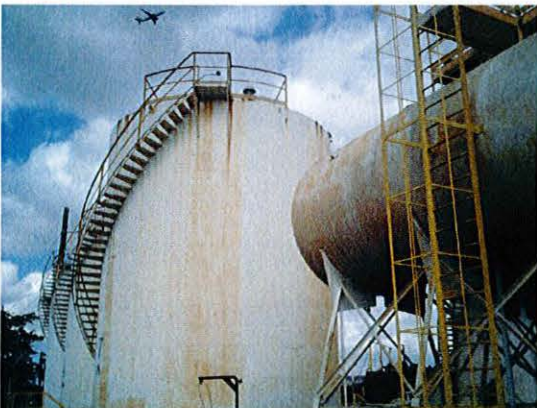
Added Date 02/06/2015

Piping still corroded



Added Date 02/06/2015

Tank still corroded



Added Date 02/06/2015

Tank still corroded

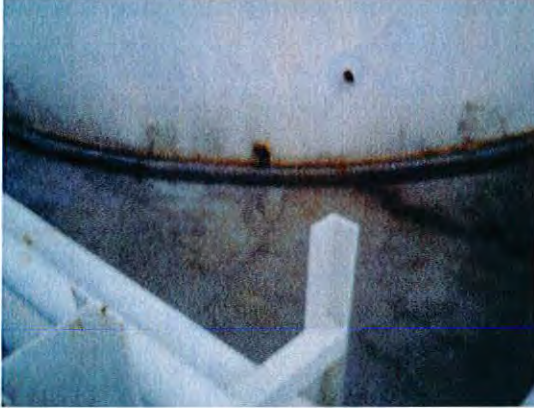


Added Date 02/06/2015

Added Date 02/06/2015

Base of tank still corroded

Tanks still corroded



Added Date 02/06/2015

Base of tank still corroded



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### Inspection Comments

02/06/2015

Onsite with Ciprian Hosu inspector 1 and Leroy Arce General Manager 305-638-0520 to correct the violations noted on the annual inspection performed on 05/25/2011. All previous CH.62-761 violations noted during the annual compliance inspection have not been corrected. An Uniform Civil Violation Notice (UCVN) was issued onsite. Pictures were taken.



Florida Department of  
Environmental Protection  
Hazardous Waste Inspection Report

Not disclosed  
EXHIBIT 5  
Page 144 of 259  
consent action  
needed.

**FACILITY INFORMATION:**

**Facility Name:** Cliff Berry Inc - Miami Terminal  
**On-Site Inspection Start Date:** 04/28/2014 **On-Site Inspection End Date:** 04/28/2014  
**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:**

CESQG (<100 kg/month)  
Transporter  
Transfer Facility  
Used Oil

**INSPECTION TYPE:**

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

**INSPECTION PARTICIPANTS:**

**Principal Inspector:** Kathy R. Winston, Inspector  
**Other Participants:** Leroy Arce, General Manager; Bridjette Bucell, Environmental Specialist

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

**SIC CODE:** 4953 - Trans. & utilities - refuse systems

**TYPE OF OWNERSHIP:** Private

**Introduction:**

CBI Miami is located in an industrial area near the Miami River in Miami, Florida. CBI Miami is located on an approximately 3.39-acre parcel of land owned by Cliff Berry, Inc., and is served by City of Miami water and sewer. The facility is authorized to process used oil, oily wastewater, petroleum contact water, oily solid waste, and used oil filters under their active permits #77628-HO-006 and #77628-SO-007. The facility is also registered as a Hazardous Waste Transporter and Transfer Facility (less than 10-day storage), and a Large Quantity Handler of Universal Waste batteries, mercury lamps and devices, and a Small Quantity Handler of pharmaceutical waste. The facility's most recent Used Oil Processing permit was issued on July 26, 2013 and will expire on February 12, 2018. In addition, CBI Miami is a Conditionally Exempt Small Quantity Generator (CESQG) of hazardous waste. The facility employs 17 people, and operates Monday through Friday from 6am to 9pm.



Inspection Date: 04/23/2014

## Compliance History

The two most recent inspections conducted by the Department were on December 6, 2012 and October 27, 2011, respectively. There was also a follow-up inspection on November 7, 2011, that was associated with the October 27, 2011 inspection. During the December 6, 2012 inspection, only minor violations were noted and the facility returned to compliance without enforcement on February 27, 2013. The October 27, 2011 inspection resulted in enforcement and a Consent Order, which was executed on February 5, 2013, resolved the matter.

### Process Description:

During the inspection, the inspector was escorted by facility personnel through the bulk offloading/pit area; the tank farm and used oil processing area; the wastewater pre-treatment plant; the facility laboratory; the container offloading and solid waste bulking area (covered dock); the nonhazardous waste and hazardous waste 10-day storage areas; the used oil filter processing building; and the oily waste roll-off storage area. The inspector also observed the loading station where processed used oil is loaded into trucks.

#### Used Oil Processing Area

No issues were noted in this area.

#### Oily Waste Roll-off Storage Area

No issues were noted in this area.

#### East Warehouse Area

At this time, this building is being used for used oil filter consolidation and miscellaneous storage. Also, there are still some tanks and machinery left in the building from the experimental biofuel manufacturing operation. The facility is working on selling or incorporating into their operations any of these items that are salvageable.

#### Solid Waste Bulking Area

No issues were noted in this area.

#### Hazardous Waste Transfer Area

No issues were noted in this area.

### Record Review

The facility's Contingency Plan did not include the home addresses of the primary or secondary emergency coordinators. The secondary emergency coordinator's name in the Contingency Plan was incorrect. Also, the facility couldn't prove that the most recent version of the Contingency Plan had been distributed to the appropriate local authorities. All other records appeared to be in order: the general facility inspection log, weekly container inspection logs, manifests, acceptance and delivery logs for both hazardous waste and used oil, training records, and the permit; which included the waste analysis plan and the closure plan.

### New Potential Violations and Areas of Concern:

#### Violations

Type:	Violation
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Inspection Date: 04/28/2014

Rule: 279.52(b)(2)

Question Number: 28.340

Question: Does the plan include the following?

Explanation: The secondary emergency coordinator's name in the Contingency Plan is incorrect. Also, the home addresses for both the primary and secondary emergency coordinators are not provided in the above mentioned document.

Corrective Action: Please update the Contingency Plan to include the name of the new secondary emergency coordinator and the home addresses for both the primary and secondary emergency coordinators.

---

Type: Violation

Rule: 279.52(b)(3)

Question Number: 28.360

Question: Has the plan been distributed to the:

Explanation: The facility couldn't prove distribution of the most recent version of the Contingency Plan to the appropriate local authorities.

Corrective Action: Make the requested changes to the Contingency Plan and then distribute the revised version of this document to the appropriate local authorities. Please provide the Department proof of distribution.

---

**Conclusion:**

An exit interview was conducted at the conclusion of the inspection which addressed the potential violations listed above. The facility was not in compliance at the time of the inspection and was given 14 days to return to compliance.

inspection Date: 04/28/2014

**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. The above noted potential items of non-compliance were identified by the inspector(s).

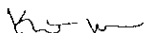
This is not a formal enforcement action and may not be a complete listing of all items of non-compliance discovered during the inspection.

Kathy R. Winston

Inspector

**PRINCIPAL INSPECTOR NAME**

**PRINCIPAL INSPECTOR TITLE**



6/16/2014

**PRINCIPAL INSPECTOR SIGNATURE**

**DATE**

**Supervisor:** Karen Kantor

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.



Florida Department of Environmental Protection  
Twin Towers Office Bldg. 2600 Blair Stone Road. Tallahassee, Florida 32399-2400  
Division of Waste Management  
Bureau of Petroleum Storage Systems

Storage Tank Facility Annual Compliance Site Inspection Report

**Facility Information:**

Facility ID: 8630152 County: MIAMI-DADE Inspection Date: 06/12/2014  
Facility Type: D -Bulk Storage Facility  
Facility Name: CLIFF BERRY INC-MIAMI TERMINAL # Of Inspected ASTs: 21  
3033 NW NORTH RIVER DR USTs: 0  
MIAMI, FL 33142 Mineral Acid Tanks: 0  
Latitude: 25° 47' 51.3034"  
Longitude: 80° 14' 42.2679"  
LL Method: DPHO

**Inspection Result:**

Result : Minor Out of Compliance  
Description: Facility is Minor Out of Compliance.

**Financial Responsibility**

Financial Responsibility: INSURANCE  
Insurance Carrier: AIG  
Effective Date: 12/31/2013 Expiration Date: 12/31/2014

**Signatures:**

TKDERM - MIAMI - DADE DEPT OF REGULATORY & ECON RESOURCES

**Storage Tank Program Office**

(305) 372-6807

**Storage Tank Program Office Phone Number**

Christopher S Runte  
INSPECTOR NAME

Leroy Arce  
REPRESENTATIVE NAME

*Christopher S Runte*

*Leroy Arce*

INSPECTOR SIGNATURE

REPRESENTATIVE SIGNATURE

Owners of UST facilities are reminded that the Federal Energy Policy Act of 2005 requires Operator Training at all facilities by August 8, 2012. For further information please visit:  
[http://www.dep.state.fl.us/waste/categories/tanks/pages/op\\_train.htm](http://www.dep.state.fl.us/waste/categories/tanks/pages/op_train.htm)

Reviewed Records

Record Category	Record Type	From Date	To Date	Reviewed Record Comment
Two Years	Monthly Maint. Visual Examinations and Results	11/01/2012	06/11/2014	Conducted by the facility.
Two Years	Certificate of Financial Responsibility	12/31/2013	12/31/2014	AIG
Life Time	Written Release Detection Response Level Info	06/12/2014	06/12/2014	SPCC

Outstanding Violations

Type: Violation  
 Significance Name: Minor  
 Rule: 62-762.701(1)(a)1.d., 62-762.701(1)(a)1.c., 62-762.701(1)(a)1.b., 62-762.701(1)(a)1.a.  
 Violation Text: Not repaired component which has or could cause a discharge or release.  
 Explanation: An operational or structural problem that could potentially result in a discharge or release. Metal tanks, and piping with signs of corrosion.  
 Corrective Action: Properly address the observed signs of corrosion on all impacted tanks and their associated piping.

Violation Comments

06/12/2014  
 ASTs are still rusted.

Violation Photos

Added Date 05/25/2011  
 Top area impacted by corrosion



Added Date 05/25/2011  
 Bottom part of the tank impacted by corrosion



Added Date 05/25/2011

Out-of-service tanks also impacted by corrosion



Added Date 06/12/2014

Piping rusted.



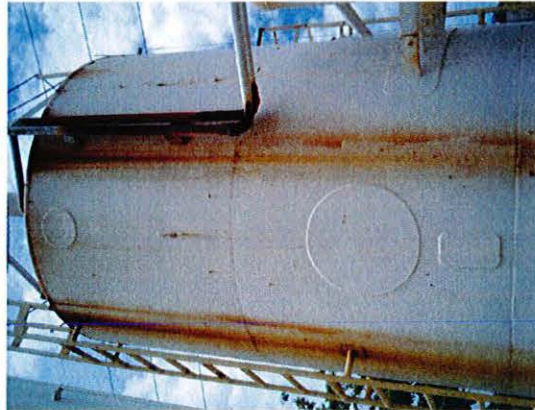
Added Date 06/12/2014

Rust.



Added Date 06/12/2014

Rust.



Added Date 06/12/2014

Rust.



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Type: Violation

Significance Name: Minor

Rule: 62-762.641(2)(e)

Violation Text: Problems found during visual inspections not noted.

Explanation: Visual inspections. Any visual inspection of the storage tank system or its secondary containment that reveals signs of corrosion, cracks, structural damage, leakage, or other similar problems shall be noted. Repairs shall be made in accordance with the requirements of Rule 62-762.701, F.A.C.

Corrective Action: Properly address the observed signs of corrosion on all impacted tanks and their associated piping, and properly log the repairs made.

---

### Inspection Comments

06/12/2014

On site with Leroy Arce General Manager 305 638-0520 for an annual compliance inspection of 21 single walled steel ASTs used for fueling or waste oil storage. Seven tanks are field erected. All tanks are in secondary containment. Facility processes waste oil.

The registration information was verified and no changes are needed. There are six new modern welding vertical ASTs onsite. They are still being installed. A registration form will be needed to reflect the new tanks. A final installation inspection needs to be scheduled 48 hours in advance with DERM at 305-372-6600.

Registration placard is current and properly posted on site.

Monthly visual inspection logs are current.

The tanks appear to be in ok to poor condition with visible signs of corrosion (superficial rust stains), no weathering, cracking or blistering noted. No petroleum staining was observed on the exterior or the concrete pads around the tanks. (NCLI already issued for the violation)

The aboveground steel piping appears to be in poor condition with visible signs of corrosion (superficial rust stains) (NCLI already issued for the violation), no signs of leaks or petroleum staining were noted.

As per Mr. Arce the facility is started to pressure wash, treat and then paint all product piping, the horizontal tanks and the vapor recovery tanks within 14 days. A contract is being finalized within the next few weeks to have the field erected tanks treated and repainted. Mr. Arce stated he will forward me a copy of the contract. I will attach a copy of the contract to FIRST upon receipt.

The fill port spill containment bucket was dry.  
The fill port had a locked cap with a tight seal.

The fuel level is monitored through the flag fuel gauge.

A site diagram is attached to FIRST and pictures were taken.

06/12/2014

A NCLI was previously issued for the open violations therefore a new one will not be issued for enforcement reasons.

### Inspection Photos

Added Date 06/12/2014

Horizontal ASTs (9)



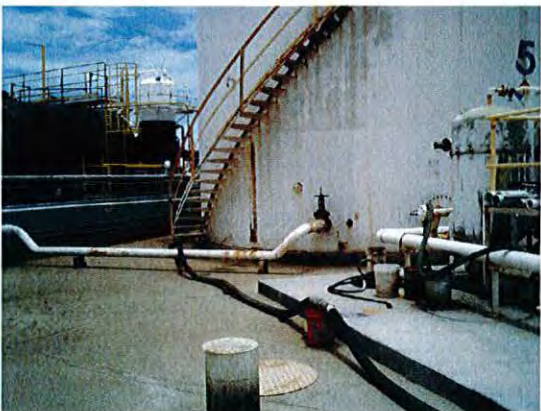
Added Date 06/12/2014

Filling station.



Added Date 06/12/2014

Field erected ASTs.



Added Date 06/12/2014

Piping run (rust)



Added Date 06/12/2014

Fuel gauge.







Florida Department of  
Environmental Protection  
Hazardous Waste Inspection Report

Not disclosed

EXHIBIT 5  
Page 153 of 259

**FACILITY INFORMATION:**

**Facility Name:** Cliff Berry Inc - Port Everglades Facility  
**On-Site Inspection Start Date:** 04/17/2014 **On-Site Inspection End Date:** 04/17/2014  
**ME ID#:** 57109 **EPA ID#:** FLR000083071  
**Facility Street Address:** 3400 SE 9th Ave, Fort Lauderdale, Florida 33316  
**Contact Mailing Address:** PO Box 13079, Fort Lauderdale, Florida 33316-0100  
**County Name:** Broward **Contact Phone:** (954) 763-3390

**NOTIFIED AS:**

CESQG (<100 kg/month)  
Transporter  
Used Oil

**INSPECTION TYPE:**

Routine Inspection for CESQG (<100 kg/month) facility  
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 Used Oil Transfer Facility

**INSPECTION PARTICIPANTS:**

**Principal Inspector:** Kathy R. Winston, Inspector  
**Other Participants:** Steve Collins, Manager of Health, Safety, & Regulatory Affairs

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

**SIC CODE:** 4953 - Trans. & utilities - refuse systems

**TYPE OF OWNERSHIP:** Private

**Introduction:**

A routine hazardous waste and used oil compliance inspection was conducted at Cliff Berry Inc. (CBI) on April 17, 2014. The facility is a permitted used oil processing facility, and is located on an approximately 8.11 acre parcel of land leased from Cliff Berry Family Limited Partnership (landlord.) The facility is serviced by city water and septic tank, and employs approximately 60 to 65 people.

The facility is authorized to process used oil, oily wastewater, used oil filters, and solid waste materials under permit numbers 192423-HO-005 and 192423-SO-006. These permits will expire on April 22, 2017. The permits allows for drum storage in 0.16 acres of the facility's new maintenance/truck wash building, as well as, a 75 feet by 95 feet rolloff/solidification area. Also included, in these new permits, is the addition of five new 12,000 gallon steel tanks to the existing tank farm for storage of Used Oil/Water. However, the facility can't begin to use these tanks until as-builts are submitted and approved by the Department.

The last inspection of this facility was on July 30, 2012. There was only one violation and two areas of concern that needed to be addressed and the facility returned to compliance on August 30, 2012.

Inspection Date: 04/17/2014

**Process Description:**

The area of the tank farm is 13,640 square feet and consists of two (2) 24,500 gallon tanks, six (6) 30,000 gallon tanks, one (1) 15,500 gallon tank, one (1) 593,570 gallon tank, and one (1) 17,700 gallon tank. All tanks are located within a secondary containment unit.

The new maintenance/truck washing building has eight bays. Three are setup for minor servicing of the facility's vehicles; most of the major repair work is handled by Kenworth. There is an aqueous parts washer in this area, as well as, a used oil tank. The inspector checked all aerosols used in the shop and didn't find any that contained chlorinated solvents. However; the inspector suggested that the facility might consider performing a waste determination on the sludge from the aqueous parts washer. Oily rags are purchased from an outside vendor, dried in a flammable can and then sent to the landfill. As soon as the solid waste consolidation begins, these rags will be placed in the rolloff along with the solids from the truck wash and oily solid wastes that CBI will be taking from its' customers.

The operations taking place in the other five bays of the maintenance/truck wash building are as follows. Three of the bays are only being used for storage of supplies and equipment. The final two bays are where the truck wash is located and where the solid waste consolidation will be taking place. There is also an oily water collection tank in this area, which is receiving any liquids from the sloped containment area for the truck wash. Once this tank is full, the oily water will be pumped into a tanker and sent to Miami for treatment. The solids that accumulate in the truck wash area will be placed in the solid waste consolidation rolloff and taken to a landfill, when the rolloff is full.

The facility's representatives and the inspectors then proceeded to the tank farm area and it was noted that the pads that would hold the five additional tanks were already present in the secondary containment surrounding the tank farm. The secondary containment for the tank farm didn't have any areas where cracks in the concrete or damage to the epoxy were evident and it was predominantly free of precipitation (it had rained earlier that day and there were some small puddles in several areas inside the containment.)

**Record Review**

All other required records were available and appeared to be in order including; training records, acceptance and delivery logs, the Contingency Plan (September 2013), general facility inspection logs, the waste analysis plan, and the closure plan.

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

Type: Violation

Rule: 279.52(b)(3)

Question Number: 28.360

Question: Has the plan been distributed to the:

Explanation: When the inspector visited the company's facility in Miami, the following week, they were unable to produce documentation for distribution of the most recent version of the Contingency Plan to local authorities. At that point, the inspector realized that this particular information had never been produced for the Port Everglades facility.

Corrective Action: Please provide documentation that the most recent version of the facility's Contingency Plan has been distributed to local authorities.

Inspection Date: 04/17/2014

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**Conclusion:**

The exit interview left at the end of this inspection indicated that the facility was in compliance. However; when the inspector went to the company's Miami facility, a week later, she observed that the facility couldn't provide documentation that the most recent version of the Contingency Plan had been distributed to the appropriate local authorities. At this point, the inspector realized she had never seen the distribution documentation for the Port Everglades facility; therefore, a request was made for this information to be provided.

**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. The above noted potential items of non-compliance were identified by the inspector(s).

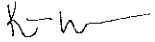
This is not a formal enforcement action and may not be a complete listing of all items of non-compliance discovered during the inspection.

Kathy R. Winston

Inspector

**PRINCIPAL INSPECTOR NAME**

**PRINCIPAL INSPECTOR TITLE**



7/22/2014

**PRINCIPAL INSPECTOR SIGNATURE**

**DATE**

**Supervisor:** Karen Kantor

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.



Florida Department of  
Environmental Protection  
Hazardous Waste Inspection Report

**FACILITY INFORMATION:**

**Facility Name:** Cliff Berry Inc - Miami Terminal  
**On-Site Inspection Start Date:** 12/06/2012 **On-Site Inspection End Date:** 12/06/2012  
**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:**

CESQG (<100 kg/month)  
Transporter  
Transfer Facility  
Used Oil

**INSPECTION TYPE:**

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

**INSPECTION PARTICIPANTS:**

**Principal Inspector:** Kathy R. Winston, Inspector  
**Other Participants:** Roger Carman, Environmental Specialist; Leroy Arce, Facility Manager; Zach Davis, HW Manager

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

**SIC CODE:** 4953 - Trans. & utilities - refuse systems

**TYPE OF OWNERSHIP:** Private, Private

**Introduction:**

CBI Miami is located in an industrial area near the Miami River in Miami, Florida. CBI Miami is located on an approximately 3.39-acre parcel of land owned by Cliff Berry, Inc., and is served by City of Miami water and sewer. The facility is authorized to process used oil, oily wastewater, petroleum contact water, oily solid waste, and used oil filters under their active permits #77628-HO-004 and #77628-SO-005. The facility is also registered as a Hazardous Waste Transporter and Transfer Facility (less than 10-day storage), and a Large Quantity Handler of Universal Waste batteries, mercury lamps and devices, and a Small Quantity Handler of pharmaceutical waste. The Used Oil Processing permit was set to expire on February 12, 2013; however, a permit renewal has been received and a Request for Additional Information was sent to the facility on January 15, 2013. In addition, CBI Miami is a Conditionally Exempt Small Quantity Generator (CESQG) of hazardous waste. The facility employs 14 people, and operates Monday through Friday from 6am to 9pm.

Compliance History

Inspection Date: 12/06/2012

The two most recent inspections conducted by the Department were on October 27, 2011 and December 10, 2009. There was also a follow-up inspection on November 7, 2011 that was associated with the October 27, 2011 inspection. Both of these original inspections resulted in enforcement and Consent Orders were executed for the two inspections on February 5, 2013 and June 9, 2010, respectively.

During the inspection, the inspector was escorted by facility personnel through the bulk offloading/pit area; the tank farm and used oil processing area; the wastewater pre-treatment plant; the facility laboratory; the container offloading and solid waste bulking area (covered dock); the nonhazardous waste and hazardous waste 10-day storage areas; the used oil filter processing building; and the oily waste roll-off storage area. The inspector also observed the loading station where processed used oil is loaded into trucks.

### Process Description:

The two main waste streams managed at the facility are used oil and oily wastewater. The oily wastewater treated at the facility consists of bilge water from cruise ships, and wastewaters and petroleum contaminated water from facilities such as car wash facilities and fuel distribution centers.

#### Used Oil Processing Area

No issues were noted in this area.

#### Oily Waste Roll-off Storage Area

No issues were noted in this area.

#### East Warehouse Area

The biofuel manufacturing operation that had been going on in this building during the last inspection has ceased. At this time, the building is being used for storage and the facility is slowly dismantling the machinery to sell whatever is salvageable. No issues were noted in this area.

#### Solid Waste Bulking Area

On the end of the dock, near the in use solids rolloff, were two open 55-gallon blue poly drums that appeared to have a small amount of whitish, yellow slurry remaining in the bottom of each drum. One of these two drums had a "Hazardous Waste" label on it. Also located in the same area was a red five-gallon bucket which was approximately one quarter full of a yellowish liquid. Facility representatives were unsure of the contents of these containers.

#### Hazardous Waste Transfer Area

During the inspection of the hazardous waste transfer area (HWTA), the inspector noted that there were incompatible wastes stored next to each other with no observable means of segregation. In particular, there was a drum whose label indicated it was from Classic Brass, which held D002, D010 wastes and this was next to a drum that was indicated to be from 950 Building LLC, whose contents was indicated to be F002 wastes. Also, the drum from 950 Building LLC, had a small hole near the top which had apparently been leaking. This made the incompatibility issue even more relevant. Despite the fact that there was sufficient aisle space to be able to inspect the drums in the HWTA; none of the labels on the drums were facing towards the aisle making it impossible to observe them without impediment. Another issue associated with the HWTA was that the eyewash directly outside the fence surrounding the HWTA was blocked by several overpack drums.

After observing the HWTA, the facility representatives escorted the inspectors to an area they called an "overflow area." There didn't appear to be any hazardous waste stored here but the inspectors

Inspection Date: 12/01/2017

did note a drum that was labeled as "apple juice"; however, it had white crystals around the top of the drum and it had apparently spilled over onto the floor. The inspectors inquired as to what it was and there was some speculation but no conclusion; therefore, the inspector asked that they address the spill immediately and determine what it was and dispose of it accordingly.

**Record Review**

The facility was not maintaining a general facility inspection log that met the requirements of 40 CFR 279.52. Nor was the facility performing weekly container inspection logs of the containers stored in the hazardous waste transfer facility area. While reviewing the facility's permit to see if their waste analysis plan was adequate; the inspector noted that the permit limits the facility to only handling non-hazardous solids (oily waste) that are CERCLA generated wastes. The inspector reminded the facility to address this error during the permit renewal process going on simultaneously with this inspection. All other records appeared to be in order; i.e., Contingency Plan, Closure Plan, acceptance and delivery logs for both used oil and hazardous waste, training records, and manifests.

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

**Violations**

Type: Violation  
 Rule: 262.11  
 Question Number: 7.1  
 Question: Did the facility conduct a waste determination on all wastes generated?  
 Explanation: On the end of the dock, near the solids rolloff, were two open 55-gallon blue poly drums that appeared to have some sort of whitish, yellowish slurry at the bottom. One of these two drums had a hazardous waste label on it. Also, in this same area, was a red 5-gallon bucket about one quarter full with a yellowish liquid. Also, in what is designated as the overflow area, was a green 55-gallon drum whose label indicated it was apple juice concentrate. However, it appeared that a white crystal-like material had formed at the top, around the ring, and on the floor around this container.  
 Corrective Action: Please identify what was in these containers and inform the Department of their ultimate deposition.

Type: Violation  
 Rule: 265.177(c)  
 Question Number: 1.790  
 Question: Are containers holding incompatible wastes kept apart by physical barrier or sufficient distance?  
 Explanation: In the hazardous waste transfer facility area were two drums stored next to each other which were not compatible. The information on the drums indicated the generators were Classic Brass (D002 & D010) and 950 Building LLC (F002). Also, the drum from 950 Building LLC appeared to have small hole that was leaking located near the top of the drum; making the issue of incompatibility even more relevant.  
 Corrective Action: Please send pictures showing the leak in the drum from 950 Building LLC has been addressed and that some sort of system for separation of incompatibles has been established in this area.

---

Type: Violation  
Rule: 265.33  
Question Number: 1.660  
Question: Is the emergency equipment properly inspected and maintained?  
Explanation: The eye wash that was directly outside the caged hazardous waste transfer facility area was blocked by several overpack drums.  
Corrective Action: Please send picture showing access to eye wash area has been addressed.

---

Type: Violation  
Rule: 62-730.171(2)(a)  
Question Number: 1.270  
Question: Does the facility have completed inspection logs?  
Explanation: The facility has a general facility inspection log; however, it doesn't include all items that are required to be addressed in the inspection plan, i.e. security, emergency response equipment, & decontamination equipment.  
Corrective Action: Please see 40 CFR Part 279.52 to see what elements of the general facility inspection log are not addressed in your current inspections. Also, check your permit to see how often these items should be inspected. Fill out a complete log for a month and send a copy to the Department.

---

### Areas of Concern

Type: Area Of Concern  
Rule: 265.174  
Question Number: 1.760  
Question: Are each of the containers inspected at least weekly?  
Explanation: The facility was not maintaining weekly container inspection logs for the containers in the hazardous waste transfer facility area.  
Corrective Action: Please provide the Department with two weeks worth of completed weekly container inspection logs for the containers in the hazardous waste transfer facility area.

---

Type: Area Of Concern  
Rule: 265.35  
Question Number: 1.520  
Question: Is there sufficient aisle space to allow unobstructed movement of personnel and equipment? (e.g., adequate aisle space in between barrels to check for leakage, corrosion and proper labeling, etc.)  
Explanation: In the hazardous waste transfer facility area, there were several containers, where; despite adequate aisle space, the labels were not turned in such a way as to make them readable.



Inspection Date: 12/06/2012

Corrective Action: The Department requests that the facility send a picture showing all the drums in the hazardous waste transfer facility area facing outward and readable from the required aisle space.

---

Type: Area Of Concern

Rule: 279.55(b)

Question Number: 28.400

Question: Does the processor have a written analysis plan to describing whether used oil stored at the facility has a total halogen content above or below 1,000 ppm and whether the facility's used oil fuel meets the used oil specification?

Explanation: In the facility's permit, as part of its' waste analysis plan, it refers to how they handle their non-hazardous solids and it indicates that the facility can only handle CERLA generated waste.

Corrective Action: This is just a Department reminder to make sure this language gets changed in the facility's upcoming permit renewal.

---

**Conclusion:**

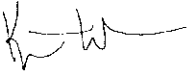
CBI Miami appeared to be out of compliance with hazardous waste and used oil rules and regulations. The facility was given 35 days to return to compliance.

Inspection Date: 12/06/2012

**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. The above noted potential items of non-compliance were identified by the inspector(s).

This is not a formal enforcement action and may not be a complete listing of all items of non-compliance discovered during the inspection.

Kathy R. Winston <hr/> <b>PRINCIPAL INSPECTOR NAME</b>	Inspector <hr/> <b>PRINCIPAL INSPECTOR TITLE</b>
 <hr/> <b>PRINCIPAL INSPECTOR SIGNATURE</b>	12/10/2012 <hr/> <b>DATE</b>

**Supervisor:**     Karen Kantor    

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.



Florida Department of  
Environmental Protection  
Hazardous Waste Inspection Report

**FACILITY INFORMATION:**

**Facility Name:** Cliff Berry Inc - Port Everglades Facility  
**On-Site Inspection Start Date:** 10/11/2012 **On-Site Inspection End Date:** 10/11/2012  
**ME ID#:** 57109 **EPA ID#:** FLR000083071  
**Facility Street Address:** 3400 SE 9th Ave, Fort Lauderdale, Florida 33316  
**Contact Mailing Address:** PO Box 13079, Fort Lauderdale, Florida 33316-0100  
**County Name:** Broward **Contact Phone:** (954) 763-3390

**NOTIFIED AS:**

CESQG (<100 kg/month)  
Transporter  
Used Oil

**INSPECTION TYPE:**

File Review Inspection for Hazardous Waste Transporter facility  
File Review Inspection for Used Oil Processor facility  
File Review Inspection for CESQG (<100 kg/month) facility

**INSPECTION PARTICIPANTS:**

**Principal Inspector:** Kathy R. Winston, Inspector  
**Other Participants:** Steve Collins, EHS officer; Greg Whitaker, Environmental Specialist

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

**SIC CODE:** 4953 - Trans. & utilities - refuse systems

**TYPE OF OWNERSHIP:** Private

**Introduction:**

The facility is a permitted used oil processing facility, and is located on an approximately 8.11 acre parcel of land leased from Cliff Berry Family Limited Partnership (landlord). The facility is serviced by city water and septic tank, and employs approximately 60 to 65 people.

The facility is authorized to process used oil, oily wastewater, and used oil filters under permit number 192423-HO-004, which was modified on May 6, 2008 and was scheduled to expire April 22, 2012. However, the facility submitted a renewal application on February 20, 2012 and is currently responding to a Notice of Deficiencies issued by the Department after review of that application. Cliff Berry, Inc. (CBI) is also requesting modifications to the permit at this time including the addition of five new 12,000 gallon steel tanks to the existing tank farm for storage of Used Oil/Water. They are also requesting permission to begin bulking solid waste in one of the bays of the new maintenance/truck wash building.

Besides being a used oil processor and marketer, CBI is also a registered used oil transporter, used oil transfer facility, used oil filter transporter, used oil filter transfer facility, universal waste transporter, a Conditionally Exempt Small Quantity Generator and, most pertinent to this file review, a Hazardous Waste Transporter.

The last inspection at this facility was on July 30, 2012. The inspectors found only minor violations and the facility return to compliance without enforcement.

Inspection Date: 10/11/2012

**Process Description:**

This inspection was initiated by a referral from the Southwest District (SWD) office in Tampa. One of their inspectors had performed an inspection on September 19, 2012 at of EQ of Florida, Inc. (EQ) and upon arrival noted that EQ was trying to address an issue with seven drums that had arrived on site improperly packaged. As indicated on documents provided by EQ, the packaging and transporting had been performed by Cliff Berry, Inc. (CBI) and the shipment had been in transit for five days. Also, the employees that were involved in the transport and packaging were based out of CBI's Port Everglades facility. They had placed plastic bottles of a product call Renalin 100 Cold Sterilant (used for cleaning dialysis machines) into metal drums. The three liter bottles, which were supposed to be shipped in an upright position per its' MSDS, had reacted with the metal drums and had started to corrode the drums. One of the seven containers was actually producing visible vapors. Due to compatibility issues this product should never have been shipped in metal drums; as it was highly corrosive. Also, it appeared that, the containers were placed loosely in the drums without enough absorbent around them to keep them upright.

The SWD forwarded all the information they had obtained from EQ to the office in West Palm Beach as CBI Port Everglades is located in the Southeast District (SED). On October 11, 2012, the SED began an investigation to find out who was involved in this situation and what could have been done to prevent it. Going off the paperwork received from SWD, the first place the inspectors visited was NP, who was indicated by the manifest to be the generator of this waste. However; when a search was performed on the address found on the documents (10696 SW 79th Ave., Miami, FL 33376), there was no facility that matched that name existing at that address. Then a yellowpages.com search was done for a facility called NP in Miami and this address came up: 5000 NW 75th Ave., Ste 121, Miami, FL 33155. Armed with this information, the inspectors decided to start their investigation with NP. Upon checking the database, it appeared that NP had never notified with the Department as a generator of hazardous waste and had never been inspected by the state.

As it turned out, NP had nothing to do with this shipment; however, NP was interested in the outcome of the Department's investigation as there company name was being used on official document that didn't originate from their site. The inspectors promised to get back with the NP representative and provide them with whatever information their investigation revealed.

At that point, the inspectors went to a facility called Proline Cargo USA (PCUSA.) The inspectors went there because on the manifest where NP had been indicated as the generation site; someone had crossed NP out and handwritten PCUSA in and had included PCUSA's address. Discussions with one of the facility's owners at PCUSA indicated that the facility that had actually ordered the equipment and sterilizers to be shipped to Columbia was Novismed Corp (NMC.) PCUSA was a freight forwarding company that containerized products ordered by NMC for shipment from the Port of Miami.

Per PCUSA's normal protocol, they had summonsed Customs to come check the load as part of receiving a dangerous goods certification for the export of this product. However; while examining the load, both the facility representative from PCUSA and the Customs agent noted that on one corner of the pallet several of the boxes appeared to be wet indicating that the contents of these boxes had begun to leak. Seeing this as a serious hazmat situation, PCUSA placed a called to Mr. Martinez Sr., the owner of NMC, requesting that he retain an emergency response contractor to come and properly package, what had now become a hazardous waste, for shipment to a designated facility for proper disposal.

Mr. Martinez retained CBI - Port Everglades to come down to PCUSA and properly package the shipment to be forwarded to EQ. Mr. Martinez Sr. did provide CBI with the MSDS for the product and it was indicated on the work order he provided the Department that CBI was aware of the issues with the leaking boxes before they arrived on site. Although the PCUSA representative was unfamiliar with these types of operations, it appeared to her that CBI proceeded with caution and seemed to be following the types of protocols that would need to be met to properly eliminate any risk involved with transporting this chemical safely to its' destination.

After discussing the situation with PCUSA, the inspectors proceed to the proper address for NMC

Inspection Date: 10/11/2012

provide by PCUSA. Up until that point, there had been confusion as to the actual address of NMC; as the manifest indicated a mailing address in Tallahassee and a physical address in Miami, neither of which was correct.

Upon arriving at the correct address, the inspector discovered another business there that provided computer consulting and was owned by Mr. Martinez's son. Mr. Martinez Sr. was not at the office at that time; however, his son placed a call to his father and then handed the phone over to one of the inspectors. The inspector proceeded to ask Mr. Martinez Sr. basically the same questions that were asked of PCUSA to ensure that their stories matched and they did. It was apparent to the inspector, at that point, that the responsibility for the situation that was found at EQ rest strictly on the shoulders of CBI.

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

**Violations**

Type: Violation  
 Rule: 262.12(a)  
 Explanation: Cliff Berry Inc. picked up waste in excess of 1000 kgs from a generator where the facility should of obtained a temporary EPA ID number. CBI indicated on the manifest that the facility was a CESQG  
 Corrective Action: At this point, there is no corrective action that can be performed as the shipment has already reached its' end designation.

Type: Violation  
 Rule: 263.30  
 Question Number: 1.160  
 Question: Is there evidence of discharge of hazardous waste?  
 Explanation: CBI improperly packaged hazardous waste and when the shipment was received at its' end designation, the corrosive liquids they had packaged were corroding the drums and one of the seven drums was producing vapors.  
 Corrective Action: There is no corrective action that can be performed at this time; as the designation facility handled the issue and repackaged the waste for proper disposal.

Type: Violation  
 Rule: 263.20  
 Question Number: 1.40  
 Question: Do the manifests contain at least:  
 Explanation: Cliff Berry picked up waste from a generator located in Miami and took the waste to their transfer facility in Miami. Six days later the waste arrived at the designated facility; however, the manifest doesn't indicate a second transporter or that CBI was the second transporter.  
 Corrective Action: This error can be addressed when CBI corrects the error in the manifest concerning the facility's mailing address. After these corrections are made, the

## Cliff Berry Inc - Port Everglades Facility Inspection Report

Inspection Date: 10/11/2012

please be sure to supply the Department and any involved parties with the corrected manifest. Also, supply the Department with a copy of the transporter's acceptance and delivery logs showing this waste's arrival and departure from the Miami Terminal transfer facility.

---

Type:	Violation
Rule:	263.20
Question Number:	1.40
Question:	Do the manifests contain at least:
Explanation:	Cliff Berry Inc. filled out a manifest for waste it picked up using the wrong name for the generator and the wrong mailing address.
Corrective Action:	Please reissue the manifest with the name Novismed Corp. instead of Novis Pharmaceuticals and correct the mailing address to the registered address found in the State of Florida's Division of Corporations for this company. Redistribute this manifest to all involved parties.

---

**Conclusion:**

Once the inspector returned to the office, a call was placed to CBI and the inspector spoke with one of the company's EHS officers. They verified that the name of the driver and chemist involved in this incident were indeed employees of CBI. Then the inspector asked whether CBI was aware of the situation that had occurred at EQ and the representative acknowledged that he was. He explained that EQ contacted them when the load arrived because EQ intended to send another bill to CBI to cover their extra cost for manhours and disposal. The Department expressed to the representative that we considered this a serious situation and asked CBI to provide a detailed description of the events surrounding this incident and what was going to be done to avoid it in the future.

On October 16, 2012, the Department received a two paragraph correspondence from CBI dated October 12, 2012. The letter stated that CBI had been hired by Mr. Martinez, the owner of NMC, to package expired oxidizing corrosive liquids for transport to EQ. However, upon arriving on site, they discovered that one of the boxes had been leaking. At this point, they called in extra help and proceeded to soak up the leaked material with Oil Dri, which was then shoveled into a drum. They indicated that even the cardboard that had become wet was packaged in that drum. They then packaged up the rest of the bottles as lab packs and took the drums to the CBI Miami terminal. There the drums were stored until they were loaded onto a truck the following Wednesday for delivery to EQ the next day. After their discussion with CBI, the Department examined the manifest again and realized that CBI didn't indicate a second transporter on the manifest that was received by EQ.

CBI expressed that there was still an ongoing investigation related to this matter. They were attempting to determine if any safety procedures were violated or if they needed to adjust their internal procedures for handling similar situations in the future. The Department has not received any additional communications from CBI concerning the matter.

Refer to the October 11, 2012 inspection (file review) reports for NP and NMC for information on this matter.

Cliff Berry Inc - Port Everglades Facility Inspection Report

Inspection Date: 10/11/2012

**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. The above noted potential items of non-compliance were identified by the inspector(s).

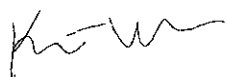
This is not a formal enforcement action and may not be a complete listing of all items of non-compliance discovered during the inspection.

Kathy R. Winston

PRINCIPAL INSPECTOR NAME

Inspector

PRINCIPAL INSPECTOR TITLE



PRINCIPAL INSPECTOR SIGNATURE

2/7/2013

DATE

**Supervisor:** Karen Kantor

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.



Florida Department of  
Environmental Protection  
Hazardous Waste Inspection Report

**FACILITY INFORMATION:**

Facility Name: Cliff Berry Inc - Port Everglades Facility  
On-Site Inspection Start Date: 07/30/2012 On-Site Inspection End Date: 07/30/2012  
ME ID#: 57109 EPA ID#: FLR000083071  
Facility Street Address: 3400 SE 9th Ave, Fort Lauderdale, Florida 33316  
Contact Mailing Address: PO Box 13079, Fort Lauderdale, Florida 33316-0100  
County Name: Broward Contact Phone: (954) 763-3390

**NOTIFIED AS:**

CESQG (<100 kg/month)  
Transporter  
Used Oil

**INSPECTION TYPE:**

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

**INSPECTION PARTICIPANTS:**

Principal Inspector: Kathy R. Winston, Inspector  
Other Participants: Greg Whitaker, Environmental Specialist; Larry Doyle, VP; Daniel Forehand, Operations Manager

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

**SIC CODE:** 4953 - Trans. & utilities - refuse systems

**TYPE OF OWNERSHIP:** Private

**Introduction:**

A routine hazardous waste and used oil compliance inspection was conducted at Cliff Berry Inc. (CBI) on July 30, 2012. The facility is a permitted used oil processing facility, and is located on an approximately 8.11 acre parcel of land leased from Cliff Berry Family Limited Partnership (landlord). The facility is serviced by city water and septic tank, and employs approximately 60 to 65 people.

The facility is authorized to process used oil, oily wastewater, and used oil filters under permit number 192423-HO-004, which was modified on May 6, 2008 and was scheduled to expire April 22, 2012. However; the facility submitted a renewal application on February 20, 2012 and is currently responding to a Notice of Deficiencies issued by the Department after review of that application. CBI is also requesting modifications to the permit at this time including the addition of five new 12,000 gallon steel tanks to the existing tank farm for storage of Used Oil/Water. They are also requesting permission to begin bulking solid waste in one of the bays of the new maintenance/truck wash building.

The last inspection of this facility was on February 22, 2011. There were no issues at the physical



Inspection Date: 07/30/2012

plant itself; however, due to the absence of certain employees on the day of the inspection, CBI was unable to produce the acceptance and delivery records for the facility. General facility inspection logs were unavailable for review and there were also several issues with the Contingency Plan and training records for one of their drivers. The facility resolved all violations and return to compliance without enforcement on May 24, 2011.

### Process Description:

The area of the tank farm is 13,640 square feet and consists of two (2) 24,500 gallon tanks, three (6) 30,000 gallon tanks, one (1) 15,500 gallon tank, one (1) 593,570 gallon tank, and one (1) 17,700 gallon tank. All tanks are located within a secondary containment unit.

The new maintenance/truck washing building has eight bays. Three are setup for minor service of the facility's vehicles; most of the major repair work is handled by Kenworth. There is an aqueous parts washer in this area, as well as, a used oil tank. The inspector noted that the eye wash in this area was not functioning. The mechanic explained that a valve that would allow water to flow to eye wash had been shut off because of a leaking seal; however, he would be sure to address the issue promptly. The inspector checked all aerosols used in the shop and didn't find any that contained chlorinated solvents. Oily rags are purchased from an outside vendor, dried in a flammable can and then sent to the landfill. As soon as the solid waste consolidation begins, these rags will be place in the rolloff along with the solids from the truck wash and oily solid wastes that CBI will be taking from its' customers.

The operations taking place in the other five bays of the maintenance/truck wash building are as follows. Three of the bays are only being used for storage of supplies and equipment. The final two bays are where the truck wash is located and where the solid waste consolidation will be taking place. There is also an oily water collection tank in this area, which is receiving any liquids from the sloped containment area for the truck wash. Once this tank is full, the oily water will be pumped into a tanker and send to Miami for treatment. The solids that accumulate in the truck wash area will be placed in the solid waste consolidation rolloff and taken to a landfill, when the rolloff is full.

The facility's representatives and the inspectors then proceeded to the tank farm area and it was noted that the pads that would hold the five additional tanks were already present in the secondary containment surrounding the tank farm. The secondary containment for the tank farm didn't have any areas where cracks in the concrete or damage to the epoxy were evident and it was free of precipitation.

While out examining the tank farm, the inspectors noticed a blue poly drum that appeared to be hooked up to some sort of high pressure hose and nozzle. They inquired as to its content and were told it was a degreaser used to wash trucks while they are on the tank pad loading/unloading area; which slopes to a sump that is connected to O/W separator. At that point, the inspectors requested a copy of the MSDS for this product. The MSDS was provided before the end of the inspection and the product was identified as a latex based concrete additive that could be used again when the facility installed their new tanks. Across from the tank farm containment and sitting on bare ground, was a white metal drum, which appeared to have been out in the elements for an extended period of time. The inspector inquired as to the contents of the container and was told it is a latex based additive for concrete that the facility plans to use again when they install their new tanks. Also out in the yard area, next to a red frac tank were seven empty drums. Four of the drums were lying on their sides; however, three were standing upright and were not closed, which would allow rainwater to collect inside them and possible cause discharges. All theses drums were going to be scrapped; therefore, one of the facility's representatives got a heavy equipment operator to start putting them in a rolloff that was designated for scrap metal. The inspector made a comment about the general condition of the yard; as there was old equipment, boats and vehicles scattered throughout the area.

### Record Review

All required records were available and appeared to be in order including; training records,

## Cliff Berry Inc - Port Everglades Facility Inspection Report

Inspection Date: 07/30/2012

acceptance and delivery logs, the Contingency Plan, general facility inspection logs, the waste analysis plan, and the closure plan.

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

Type: Violation  
 Rule: 265.33  
 Question Number: 1.660  
 Question: Is the emergency equipment properly inspected and maintained?  
 Explanation: The eyewash in the truck washing bay of the new building was not working because the valve had been shut off due to a leak in a feeder valve.  
 Corrective Action: Please repair the leaking valve and provide supporting documentation of repair; i.e. invoices and pictures.

---

**Areas of Concern**

Type: Area Of Concern  
 Rule: 262.11  
 Question Number: 7.1  
 Question: Did the facility conduct a waste determination on all wastes generated?  
 Explanation: There was a white metal drum across from the tank farm containment and sitting on bare ground with unknown contents.  
 Corrective Action: The contents were identified before inspectors left site and it was product that CBI could use in the construction of their new tanks.

---

Type: Area Of Concern  
 Rule: 279.54(b)  
 Question Number: 28.170  
 Question: Are containers and tanks in good condition and not leaking?  
 Explanation: Next to the old red frac tank and across from the containment area, were seven metal drums in poor condition. They appear to be emptied; however, three of them were upright and had the potential to collect rainwater which could mix with the original contents and cause discharges, if not addressed.  
 Corrective Action: CBI indicated they were going for scrap metal; therefore, the Department asked that they be crushed and sent for recycling. Please provide the Department pictures showing the area cleaned up and the crushed drums in the rolloff designated for scrap metal.

---

Cliff Berry Inc - Port Everglades Facility Inspection Report

Inspection Date: 07/30/2012

**Conclusion:**

The facility was not in compliance at the time of the inspection and was given 14 days to return to compliance.

Cliff Berry Inc - Port Everglades Facility Inspection Report

Inspection Date: 07/30/2012

**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. The above noted potential items of non-compliance were identified by the inspector(s).

This is not a formal enforcement action and may not be a complete listing of all items of non-compliance discovered during the inspection.

Kathy R. Winston  
\_\_\_\_\_  
**PRINCIPAL INSPECTOR NAME**

Inspector  
\_\_\_\_\_  
**PRINCIPAL INSPECTOR TITLE**

  
\_\_\_\_\_  
**PRINCIPAL INSPECTOR SIGNATURE**

7/30/2012  
\_\_\_\_\_  
**DATE**

**Supervisor:** Karen Kantor

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.

U.S. Department of  
Homeland Security

United States  
Coast Guard



RECEIVED BY  
PORT EVERGLADES DEPT.  
BUSINESS ADMINISTRATION  
Commandant  
United States Coast Guard  
2017 APR 18 PM 3:42

2703 Martin Luther King Jr Ave SE  
Stop 7501  
Washington, DC 20593-7501  
Staff Symbol: CG-INV-3  
Phone: (202) 372-1283  
Fax: (202) 372-8354  
Email: Ternia.r.pipkins@uscg.mil

5720  
FOIA 2017-CGFO-01027  
April 4, 2017

Ms. Angela Osorno-Belleme  
Port Everglades Department  
1850 Eller Dr., Suite 603  
Ft. Lauderdale, FL 33316-4201

Dear Ms. Osorno-Belleme:

This letter is in response to your Freedom of Information Act (FOIA) request of February 22, 2017, to the U.S. Coast Guard for any environmental infraction, fines, penalties, and resolutions associated with Lank Oil or Cliff Berry, Inc. occurring between January 1, 2012 and February 22, 2017. This office received your request on March 15, 2017.

Per your email correspondence on March 30, 2017 with Ms. Ternia Pipkins of my staff, it is our understanding that you do not request the following information: name of persons who are third parties or witnesses, names of junior Coast Guard personnel, tax identification numbers and banking information.

We are granting your request under the FOIA, Title 5 U.S.C. § 552, as amended, and DHS' implementing regulations, 6 CFR Chapter I and Part 5. After carefully reviewing the responsive documents Guard for any environmental infraction, fines, penalties, and resolutions associated with Lank Oil or Cliff Berry, Inc. occurring between January 1, 2012 and February 22, 2017, I determined that they are appropriate for public release.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below \$14 minimum, there is no charge.

We have enclosed all of the available information requested in your letter of February 22, 2017 as amended by the email correspondence referenced above. If this does not reflect your

5720  
FOIA 2017-CGFO-01027  
April 4, 2017

understanding, please advise me in writing within twenty days from the receipt of this letter. You may send an email to [efoia@uscg.mil](mailto:efoia@uscg.mil), call 202-475-3522, or you may contact our FOIA Public Liaison in the same manner.

Sincerely,



D. PATTERSON  
Chief, Data Administration Division  
U.S. Coast Guard  
By direction

Enclosure: (1) Marine Information for Safety and Law Enforcement printouts  
(2) Enforcement Activities 422208, 47104558, and 5176571  
(3) (26) pages

Copy: CG-DCO Directorate FOIA Coordinator



Supervisor  
United States Coast Guard  
Marine Safety Detachment

9235 Grouper Road  
Cape Canaveral, FL, 32920  
Phone: (321) 784-  
Fax: (321) 564-6794

16460  
January 17, 2012  
MSD 12-003/4222028

Cliff Berry Incorporated  
Attn:   
5855 Industrial Dr.  
Cocoa, FL 32927

Subject: WARNING IN LIEU OF CIVIL PENALTY

Dear Mr. :

Coast Guard personnel from my office responded to the Cruise Terminal 2 pier to conduct a pollution discharge investigation on January 05, 2012 and discovered the following violation:

Violation Cite: 33 USC§ 1321(b)(3)

To wit: A vacuum truck owned/operated by Cliff Berry Incorporated had a failure of a hydraulic line which discharged approximately two gallons of hydraulic oil into the Port Canaveral Harbor (a U.S. navigable waterway), which created sheen.

It was determined that justice will be best served by issuing a warning rather than pursuing a monetary penalty for the conduct as set forth above. You are advised that this warning will become a matter of Coast Guard record and will be considered for any future enforcement actions against your company. You may accept or decline this warning by indicating your choice below. Sign and date below and return a copy to the address above within 30 days of receipt. Failure to return a signed copy will result in the Coast Guard considering this warning accepted. Should you choose to decline this warning, civil penalty proceedings will be initiated in accordance with 33 CFR 1.07.

Should you have any questions, please contact this office at (321)784-

Sincerely,

Lieutenant, U.S. Coast Guard  
By direction

\*\*\*\*\*

I hereby accept / decline the above-mentioned warning.

Date

U.S. Department of  
Homeland Security



United States  
Coast Guard

Supervisor  
United States Coast Guard  
Marine Safety Detachment

9235 Grouper Rd  
Cape Canaveral, FL 32920  
Phone: 321-784-  
FAX: 321-784-6794

16465

Date: 05 JAN 12



Cliff Berry Inc.  
5855 Industrial Dr.  
Cocoa FL 32927

**SUBJ: NOTICE OF FEDERAL INTEREST**

On or about 05 JAN 12 0745 an oil pollution incident occurred or threatened to occur at CT-2 pier. You may be financially responsible for that incident. Under federal statutes, the United States Government may take appropriate action to minimize or mitigate damage to the public health or welfare that is threatened or that may be caused by this incident.

Under the Oil Pollution Act of 1990, the responsible party is liable for, among other things; removal costs and damages resulting from this incident. The failure or refusal of the responsible party to provide all reasonable cooperation and assistance requested by the Federal On-Scene Coordinator (FOSC) will eliminate any defense or entitlement to limited liability, which otherwise might be available under the Act.

You are advised that your failure to properly carry out the removal of the discharge as directed by the FOSC or to comply with any administrative orders necessary to protect the public health and welfare, may subject you to additional penalties. For such failure, owners, operators, or persons in charge of the vessel or facility from which the oil is discharged are subject under the Federal Water Pollution Control Act (FWPCA), as amended, to a civil penalty of up to \$32,500 per day of violation or up to 3 times the costs incurred by the Oil Spill Liability Trust Fund. Should you require further information concerning this matter, please contact MST3 [Redacted] at the above address and telephone number.

As long as the FOSC determines that you are taking adequate measures in this matter, Federal removal action will usually be limited to monitoring the progress of your actions and providing guidance as necessary. Under the FWPCA, as amended, your response actions will be taken into account in determining the amount of any penalty assessed as a result of the discharge.

Since [Redacted]

MST3

Signature of FOSC Representative)

[Handwritten signature]

Received and Acknowledged:

Witness (es):



Activity # 4222028

UNITED STATES OF AMERICA		DEPARTMENT OF HOMELAND SECURITY	
UNITED STATES COAST GUARD			
Charged Party CLIFF BERRY, INC		Enforcement Activity # 4222028	Originating Unit MSD PrtCanvrl
<b>Enforcement Summary</b>		Violation Location	
		Waterway Name: Port Canaveral Harbor: Port Canav	
		Violation Date 05 Jan 2012	

Summary of Current Violation(s)		
Law/Reg	Description	Recommended Penalty
33 USC § 1321(b)(3)	Discharge of oil or a hazardous substance into the navigable waters of the United States, adjoining shoreline, or contiguous zone.	\$0

Narrative Overview of the Activity
<p>05Jan12: MSD Port Canaveral received a notification of a discharge of oil at Cruise Terminal #2 in the vicinity of the M/V VICTORY 1. Reporting party indicated that a discharge had occurred on the dock by Cliff Berry, Inc (CBI), a USCG regulated mobile bulk liquid transfer facility.</p> <p>Qualified USCG Pollution Responders were immediately deployed to determine if the source of discharge was secured, gauge the environmental impact of the waterway, and if containment/collection procedures had been initiated.</p> <p>While conducting the preliminary investigation it was determined that a rigid hydraulic hose utilized for the cooling system of the vacuum truck had failed and discharged approximately 10 gallons of hydraulic fluid onto the dock. The source of discharge was immediately secured, but an expansion joint in between the two concrete pier structures was not adequately sealed and the hydraulic oil began to seep into the waterway, approximately two-three gallons were discharged into the waterway. CBI transfer personnel immediately deployed absorbent pads and sausage booms in an attempt to contain the discharged product, but most of the product was un-recoverable.</p> <p>A vacuum truck owned/operated by CBI had a failure of a hydraulic line which discharged approximately two-three gallons of hydraulic oil into the Port Canaveral harbor (a U.S. navigable waterway) creating sheen.</p>

Charged Party's Particulars			
Name CLIFF BERRY, INC		Capacity in which Charged owner	ID N/A
Street 5855 Industrial Drive			
City Cocoa	State FL	Zip 32927	Country US
Phone (Dispatcher) 321-639-4199		Fax	

Involved Subjects		
Vessel Name VICTORY I	Primary VIN 538911	Role Moored/Anchored in Vicinity of

Activity # 4222028

		Primary Subject
Facility Name Cliff Berry Inc.	ID SYS-100062187	Role Acknowledged Spill/Discharge Source
Facility Name CPA Cruise Terminal 02	ID SYS-100062446	Role Site of Incident
Waterway Name Port Canaveral Harbor	Local Name Middle Basin and Trident Basin and Port	Description Canaveral Harbor

Other Involved Parties (besides Charged Party)	
Name <b>CLIFF BERRY, INC</b>	
Role Subject of Investigation	ID N/A
Name [REDACTED]	
Role Witness	

Past Violation(s) History
No prior violations

Activity # 4222028

1st Charge	
Law or Regulation Cite	33 USC § 1321(b)(3)
Description	Discharge of oil or a hazardous substance into the navigable waters of the United States, adjoining shoreline, or contiguous zone.
Statutory Authority	33 USC 1321
Max Penalty	\$17816
Recommended Penalty:	\$0
Date of the Violation	05 Jan 2012
Location	Waterway Name: Port Canaveral Harbor: Port Canav

## Details of the Violation

### Jurisdictional Elements

PARTY: Owner, Operator, Person in Charge

PLACE: Navigable waters of the US, adjoining shoreline, waters of the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974.

1. CLIFF BERRY, INC is charged as the owner of Cliff Berry Inc..

Exhibit Label: CG-01

Evidence Desc: MISLE Notification #509606 for report of incident received by NRC Notification.

Exhibit Label: CG-02

Evidence Desc: Witness statement provided by Petty Officer [REDACTED] USCG, attesting that Cliff Berry Inc did discharge approximately 2-3 gallons of hydraulic oil in the Port Canaveral harbor (a U. S. navigable waterway) creating sheen.

Exhibit Label: CG-04

Evidence Desc: Photographs depicting the source, responsible party, and path of discharge of hydraulic oil into a U.S. navigable waterway creating sheen.

2. Port Canaveral Harbor is a navigable water, adjoining shoreline, or waters of the contiguous zone of the United States; or in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974.

Exhibit Label: CG-01

Evidence Desc: MISLE Notification #509606 for report of incident received by NRC Notification.

Activity # 4222028

Exhibit Label: CG-02

Evidence Desc: Witness statement provided by Petty Officer [REDACTED] USCG, attesting that Cliff Berry Inc did discharge approximately 2-3 gallons of hydraulic oil in the Port Canaveral harbor (a U. S. navigable waterway) creating sheen.

Exhibit Label: CG-03

Evidence Desc: Photograph depicting sheen in the Port Canaveral harbor (a U.S. navigable waterway).

**Factual Elements**

1. There was a discharge of oil or hazardous substance.
2. From a known source.
3. With a known responsible party.
4. Into or upon the navigable waters of the United States.
5. For oil: created a sheen, sludge, film or emulsion; for haz substance: exceeding the RQ.

1. There was a discharge of oil from the failure of a hydraulic line.

Exhibit Label: CG-01

Evidence Desc: MISLE Notification #509606 for report of incident received by NRC Notification.

Exhibit Label: CG-02

Evidence Desc: Witness statement provided by Petty Officer [REDACTED] USCG, attesting that Cliff Berry Inc did discharge approximately 2-3 gallons of hydraulic oil in the Port Canaveral harbor (a U. S. navigable waterway) creating sheen.

Exhibit Label: CG-03

Evidence Desc: Photograph depicting sheen in the Port Canaveral harbor (a U.S. navigable waterway).

Exhibit Label: CG-04

Evidence Desc: Photographs depicting the source, responsible party, and path of discharge of hydraulic oil into a U.S. navigable waterway creating sheen.

Activity # 4222028

2. The source of the discharge was Cliff Berry Inc..

Exhibit Label: CG-01

Evidence Desc: MISLE Notification #509606 for report of incident received by NRC Notification.

Exhibit Label: CG-02

Evidence Desc: Witness statement provided by Petty Officer [REDACTED] USCG, attesting that Cliff Berry Inc did discharge approximately 2-3 gallons of hydraulic oil in the Port Canaveral harbor (a U. S. navigable waterway) creating sheen.

Exhibit Label: CG-04

Evidence Desc: Photographs depicting the source, responsible party, and path of discharge of hydraulic oil into a U.S. navigable waterway creating sheen.

3. CLIFF BERRY, INC was the responsible party.

Exhibit Label: CG-01

Evidence Desc: MISLE Notification #509606 for report of incident received by NRC Notification.

Exhibit Label: CG-02

Evidence Desc: Witness statement provided by Petty Officer [REDACTED] USCG, attesting that Cliff Berry Inc did discharge approximately 2-3 gallons of hydraulic oil in the Port Canaveral harbor (a U. S. navigable waterway) creating sheen.

Exhibit Label: CG-04

Evidence Desc: Photographs depicting the source, responsible party, and path of discharge of hydraulic oil into a U.S. navigable waterway creating sheen.

4. Port Canaveral Harbor is a navigable water, adjoining shoreline, or contiguous zone of the United States.

Exhibit Label: CG-01

Evidence Desc: MISLE Notification #509606 for report of incident received by NRC Notification.

Exhibit Label: CG-02

Evidence Desc: Witness statement provided by Petty Officer [REDACTED] USCG, attesting that Cliff Berry Inc did discharge approximately 2-3 gallons of hydraulic oil in the Port Canaveral harbor (a U. S. navigable waterway) creating sheen.

Activity # 4222028

**The Coast Guard has introduced the following exhibits:**

1. Exhibit Label: CG-01

Evidence Desc: MISLE Notification #509606 for report of incident received by NRC Notification.

Exhibit Desc:

2. Exhibit Label: CG-02

Evidence Desc: Witness statement provided by Petty Officer [REDACTED] USCG, attesting that Cliff Berry Inc did discharge approximately 2-3 gallons of hydraulic oil in the Port Canaveral harbor (a U. S. navigable waterway) creating sheen.

Exhibit Desc:

3. Exhibit Label: CG-03

Evidence Desc: Photograph depicting sheen in the Port Canaveral harbor (a U.S. navigable waterway).

Exhibit Desc:

4. Exhibit Label: CG-04

Evidence Desc: Photographs depicting the source, responsible party, and path of discharge of hydraulic oil into a U.S. navigable waterway creating sheen.

Exhibit Desc:

5. Exhibit Label: CG-05

Evidence Desc: Copy of the return receipt dated 23Jan12 attesting that CBI has received the LOW.

Exhibit Desc: Copy of the return receipt dated 23Jan12 attesting that CBI has received the LOW.

Activity # 5176571

UNITED STATES OF AMERICA		DEPARTMENT OF HOMELAND SECURITY	
UNITED STATES COAST GUARD			
Charged Party CLIFF BERRY, INC		Enforcement Activity # 5176571	Originating Unit SEC Charlstrn
<b>Enforcement Summary</b>		Violation Location SCSPA Passenger Terminal	
		Violation Date 06 Jul 2015	

Summary of Current Violation(s)		
Law/Reg	Description	Recommended Penalty
33 CFR 154.1025	Handling, storing or transporting oil without submitting response plan.	\$0

Narrative Overview of the Activity
<p>On 06JJUL15 Cliff Berry, Inc. was observed transferring oily liquid from the PV CARNIVAL FANTASY. When conducting a safety spot check the Petty Officers conducting the inspection became aware that Cliff Berry, Inc. was operating with an expired response plan. At the conclusion of the inspection a CG-835 was issued to Cliff Berry, Inc.'s PIC stating that they were not allowed to do over the water transfers to vessel with a capacity of 250 barrels or more.</p> <p>//SI/ [REDACTED] MST3//</p>

Charged Party's Particulars			
Name CLIFF BERRY, INC		Capacity in which Charged owner	Tax ID [REDACTED]
Street P.O Box 13079 Port Everglades			
City Ft Lauderdale	State FL	Zip 33316	Country US
Phone (Contractor) 772-215-0752		Fax	

Involved Subjects		
Vessel Name CARNIVAL FANTASY	Primary VIN 8700773	Role Source Vessel for Cargo Transfer
Facility Name SCSPA Passenger Terminal	ID CHAMS018	Role Cargo Transfer Location
Facility Name SCSPA Passenger Terminal	ID SYS-100062538	Role Cargo Transfer Location
Waterway Name COOPER RIVER	Local Name MM 5.8-9	Description COOPER R, SC

Activity # 5176571

Other Involved Parties (besides Charged Party)	
Name <b>CLIFF BERRY INC</b>	
Role Subject of Investigation	IPN/COFR # IP86003488

Past Violation(s) History				
Law/Reg	Description	Violation Date (Activity #)	Finding	Penalty
33 CFR 154.735	Failure to ensure safety requirements required under 154.735 are met at the facility.	20 Jul 2004 (2139420)	Default	\$1500
33 CFR 154.735	Failure to ensure safety requirements required under 154.735 are met at the facility.	18 Jun 2004 (2110649)	Default	\$1500



Activity # 5176571

1st Charge	
Law or Regulation Cite	33 CFR 154.1025
Description	Handling, storing or transporting oil without submitting response plan.
Statutory Authority	33 USC 1321(j)(5)
Max Penalty	\$17816
Recommended Penalty:	\$0
Date of the Violation	06 Jul 2015
Location	SCSPA Passenger Terminal

### Details of the Violation

#### Jurisdictional Elements

1. CLIFF BERRY, INC is charged as the owner of Cliff Berry, Inc..

Exhibit Label: CG-01

Evidence Desc: Coast Guard CG-835 deficiency.

Exhibit Label: CG-04

Evidence Desc: Expired facility response plan letter.

Exhibit Label: CG-05

Evidence Desc: Witness statement MST3 [REDACTED]

2. SCSPA Passenger Terminal is the location where Cliff Berry, Inc was found in violation of 33 CFR 154.1025(b).

Exhibit Label: CG-02

Evidence Desc: Fuel transfer documentation, documentation of inspection.

Exhibit Label: CG-03

Evidence Desc: Pictures of mobile facility conducting oily water transfer.

Exhibit Label: CG-04

Evidence Desc: Expired facility response plan letter.

Activity # 5176571  
Exhibit Label: CG-05

Evidence Desc: Witness statement MST3 [REDACTED]

**Factual Elements**

1. Cliff Berry, Inc. is a mobile facility based out of Fort Lauderdale, Florida. It has been legally transferring oil product in the Charleston, SC area of operation since May of 2010.

Exhibit Label: CG-01

Evidence Desc: Coast Guard CG-835 deficiency.

Exhibit Label: CG-04

Evidence Desc: Expired facility response plan letter.

2. Cliff Berry, Inc had been operating under an approved Facility Response Plan until May of 2015 when the response plan reached its 5 year expiration date.

Exhibit Label: CG-04

Evidence Desc: Expired facility response plan letter.

3. Cliff Berry, Inc was observed transferring oily liquid over the water from a vessel with a capacity of more than 250 barrels in violation of 33 CFR 154.1025(b).

Exhibit Label: CG-01

Evidence Desc: Coast Guard CG-835 deficiency.

Exhibit Label: CG-02

Evidence Desc: Fuel transfer documentation, documentation of inspection.

Exhibit Label: CG-03

Evidence Desc: Pictures of mobile facility conducting oily water transfer.

Exhibit Label: CG-04

Evidence Desc: Expired facility response plan letter.

Activity # 5176571

Activity # 5176571

**The Coast Guard has introduced the following exhibits:**

1. Exhibit Label: CG-01

Evidence Desc: Coast Guard CG-835 deficiency.

Exhibit Desc: Coast Guard CG-835.

2. Exhibit Label: CG-02

Evidence Desc: Fuel transfer documentation, documentation of inspection.

Exhibit Desc: Fuel transfer documentation.

3. Exhibit Label: CG-03

Evidence Desc: Pictures of mobile facility conducting oily water transfer.

Exhibit Desc: Photograph of mobile facility conducting transfer operations.

4. Exhibit Label: CG-04

Evidence Desc: Expired facility response plan letter.

Exhibit Desc: Expired facility response plan approval letter.

5. Exhibit Label: CG-05

Evidence Desc: Witness statement MST3 [REDACTED]

Exhibit Desc: Witness Statement from MST3 [REDACTED]

U.S. Department of  
Homeland Security



United States  
Coast Guard

Commander  
United States Coast Guard  
Sector Charleston

1050 Register Street  
N. Charleston, SC 29405  
Phone: (843) 740- [redacted]  
Fax: (843) 740-7066

16611  
July 20, 2015

Cliff Berry Inc.  
Attn. [redacted]  
Post Office Box 13079  
Fort Lauderdale, Florida 33316

Subject: WARNING IN LIEU OF CIVIL PENALTY

Dear Mr. [redacted]

Coast Guard personnel from my office visited your mobile facility, Cliff Berry Inc., on July 06, 2015, and discovered the following violations:

Violation Cite: 33CFR 154.1025(b)

To Wit: Your mobile facility conducted an over the water transfer of oily water from a vessel without an approved Facility Response Plan.

It was determined that justice will be best served by issuing you a warning rather than pursuing a monetary penalty for your conduct as set forth above. You are advised that this warning will become a matter of Coast Guard record and will be considered for any future enforcement actions against you. You may accept or decline this warning by indicating your choice below. Sign and date below and return a copy to the address above within 30 days of receipt. Failure to return a signed copy will result in the Coast Guard considering this warning accepted. Should you choose to decline this warning, civil penalty proceedings will be initiated against you in accordance with 33 CFR 1.07. You may contact me at the number above with any questions.

Sincerely,

[redacted signature]

H. A. HARTLEY  
Commander, U. S. Coast Guard  
Chief, Prevention Department  
By direction

\*\*\*\*\*

I hereby accept / decline the above-mentioned warning.

\_\_\_\_\_  
Name (print and signature)

\_\_\_\_\_  
Date

U.S. Department of  
Homeland Security

Captain of the Port  
United States Coast Guard  
Sector Charleston

1050 Register Street  
N. Charleston, SC 29405  
Phone: (843) 740-██████  
Fax: (843) 740-7066

United States  
Coast Guard

16611  
July 6, 2015

Cliff Berry Inc.  
Attn. ██████████  
Post Office Box 13079  
Fort Lauderdale, Florida 33316

Subject: WARNING IN LIEU OF CIVIL PENALTY

Dear Mr ████████,

U.S. Coast Guard personnel from my office visited your mobile facility, Cliff Berry Inc., on July 06, 2015, and discovered the following violations:

Violation Cite: 33CFR 154.1025(b)

To Wit: Your mobile facility conducted an over the water transfer of oily water from a vessel without an approved Facility Response Plan.

It was determined that justice will be best served by issuing you a warning rather than pursuing a monetary penalty for your conduct as set forth above. You are advised that this warning will become a matter of Coast Guard record and will be considered for any future enforcement actions against you. You may accept or decline this warning by indicating your choice below. Sign and date below and return a copy to the address above within 30 days of receipt. Failure to return a signed copy will result in the Coast Guard considering this warning accepted. Should you choose to decline this warning, civil penalty proceedings will be initiated against you in accordance with 33 CFR 1.07. You may contact me at the number above with any questions.

Sincerely,

H. A. Hartley  
Commander, U. S. Coast Guard  
Chief, Prevention Department  
By direction

\*\*\*\*\*

I hereby accept / decline (circle one) the above-mentioned warning.

\_\_\_\_\_  
Printed Name, Title, and Signature

\_\_\_\_\_  
Date



Commander  
United States Coast Guard  
Sector Charleston

1050 Register Street  
N. Charleston, SC 29405  
Phone: (843) 740-  
Fax: (843) 740-7066

16611  
July 20, 2015

Cliff Berry Inc.  
Attn.   
Post Office Box 13079  
Fort Lauderdale, Florida 33316

Subject: WARNING IN LIEU OF CIVIL PENALTY

Dear Mr.

Coast Guard personnel from my office visited your mobile facility, Cliff Berry Inc., on July 06, 2015, and discovered the following violations:

Violation Cite: 33CFR 154.1025(b)

To Wit: Your mobile facility conducted an over the water transfer of oily water from a vessel without an approved Facility Response Plan.

It was determined that justice will be best served by issuing you a warning rather than pursuing a monetary penalty for your conduct as set forth above. You are advised that this warning will become a matter of Coast Guard record and will be considered for any future enforcement actions against you. You may accept or decline this warning by indicating your choice below. Sign and date below and return a copy to the address above within 30 days of receipt. Failure to return a signed copy will result in the Coast Guard considering this warning accepted. Should you choose to decline this warning, civil penalty proceedings will be initiated against you in accordance with 33 CFR 1.07. You may contact me at the number above with any questions.

Sincerely,

H. A. HARTLEY  
Commander, U. S. Coast Guard  
Chief, Prevention Department  
By direction

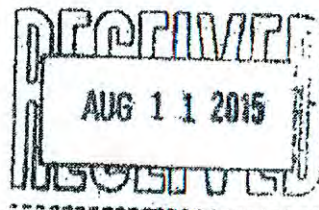
\*\*\*\*\*

I hereby accept / decline the above-mentioned warning.

Name (print and signature)

Date

7/30/15



U.S. Department of  
Homeland Security

United States  
Coast Guard



Commandant  
United States Coast Guard  
RECEIVED BY  
PORT EVERGLADES DEPT.  
BUSINESS ADMINISTRATION  
2017 MAR 22 PM 5:06

2703 Martin Luther King Jr Ave SE  
Stop 7501  
Washington, DC 20593-7501  
Staff Symbol: CG-INV-3  
Phone: (202) 372-1283  
Fax: (202) 372-8367  
Email: Ternia.R.Pipkins@uscg.mil

5720  
FOIA 17-CGFO-01027  
March 15, 2017

Ms. Angela Osorno-Belleme  
Port Everglades Department  
Business Administration Division  
1850 Eller Dr., Suite 603  
Ft. Lauderdale, FL 33316-4201

Dear Ms. Osorno-Belleme:

This acknowledges receipt of your February 22, 2017, Freedom of Information Act (FOIA) request to the U.S. Coast Guard (USCG), for any environmental infractions, fines, penalties, or resolutions associated with Lank Oil and Cliff Berry, Inc. from January 1, 2012 through February 22, 2017. Your request was received in this office on March 15, 2017.

Due to the increasing number of FOIA requests received by this office and a recent Marine Information System for Safety and Law Enforcement (MISLE) database system upgrade, we have encountered a delay in processing your request. Per Section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, the Coast Guard processes FOIA requests according to their order of receipt. Although the Coast Guard's goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10-day extension of this time period. If your request seeks numerous documents that will necessitate a thorough and wide-ranging search, The Coast Guard will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. § 552(a)(6)(B). We will make every effort to comply with your request in a timely manner; however, there are currently many open requests ahead of yours.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to commercial requestors; i.e., you will be charged 10-cents per page for duplication and for search and review time at the per quarter-hour rate (\$4.00, \$7.00, \$10.25) of the searcher and reviewer. You will be contacted before any further fees are accrued.

Your request has been assigned reference number **FOIA 2017-CGFO-01027**. Please refer to this identifier in any future correspondence. You may contact this office at the above telephone number.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Natterson".

D. NATTERSON  
Chief, Data Administration Division  
U.S. Coast Guard  
By direction



**Commitment to Environmental Protection, Maintenance, and Enhancement of the Port**

CBI's Safety Vision: Finish each day injury and incident free

Cliff Berry, Inc. (CBI) is committed to conducting business in a manner that protects the environment, the health and safety of our employees, customers, contractors and the public. To ensure that environmental, health and safety management is integrated into all our our business activities, Cliff Berry, Inc. will:

- Advise each manager, supervisor, employee and contractor of his or her responsibilities and regularly measured performance.
- Comply fully with all applicable laws and regulations.
- Design and operate facilities using the practices necessary to protect human health and the environment.
- Assess risks before starting a new activity.
- Provide training to protect our employees and the environment.

CBI always identifies hazards and mitigation techniques addressed through site specific Job Hazard Analysis or JHAs. The JHA / (alternately titled Job Safety Analysis) JSA is a separate section that addresses each site task and / or operation identified by the Project Manager in the scope of work, the associated hazards and the methods of hazard prevention or mitigation. The JHA is one of the most critical elements of the safety plan for accident prevention. The plan reflects lessons learned from previous operations or safety advice provided by the manufacturer. In general, the JHA addresses:

- operation / scope of work element associated hazards of each task or operation method to prevent accident for the associated hazard.
- Specific SOPs that provide detailed instructions
- Required site / hazard specific training for employees assigned to the site
- Personal Protective Clothing Equipment Requirements are described for each separate task that has been identified in the JHA / Activity

**Available Training**

Cliff Berry, Inc. provides OSHA, EPA, and DOT required training as well as supplementary training to make compliance easier for the environmental, health, and safety professional. We provide complete, easy to understand training at our Ft. Lauderdale location or at your location depending on class size. Class sizes are limited, so one should register by contacting customer service at [training@cliffberryinc.com](mailto:training@cliffberryinc.com) or simply call 800.899.7745.

**40-Hour Hazardous Waste Operations and Emergency Response (HAZWOPER) Training**

This course is applicable to personnel that is involved in cleanup activities at waste sites, including Superfund sites, RCRA corrective action sites, or voluntary cleanups involving hazardous substances. Candidates must have 40 hours of initial classroom instruction. Satisfy your training requirements with this comprehensive training course covering how to perform emergency response activities including: hazard recognition, spill control and containment. Waste site activities including site characterization, waste handling and decontamination. This training course fulfills the 40 Hour HAZWOPER OSHA training

requirements of 29 CFR 1910.120 (e) (3) (i) including operations at sites covered by the Resource Conservation and Recovery Act and at controlled hazardous waste sites.

### **8 Hour HAZWOPER Refresher Training**

The Hazardous Waste Operations and Emergency Response (HAZWOPER) rule regulates emergency response to hazardous substances. Section 1910.120 (e) (8) of the rule requires employees to obtain refresher training annually to keep their 40-Hour OSHA HAZWOPER training current. All emergency response employees, with exception of skilled support personnel, are required to have annual refresher training of sufficient duration and content to maintain their competencies. This 8-hour refresher course satisfies the annual training requirements. Proof of prior certification must be submitted prior to course registration.

### **8 Hour HAZWOPER Supervisor Training**

This comprehensive training course is designed for supervisors responsible for employees working at hazardous waste sites. This training course meets the training requirements of 29 CFR 1910.120 (e) (4). During this training course, the student will learn how to develop a company's health and safety program, personal protective equipment program, spill containment program, and health hazard monitoring procedures and techniques. Training will include a combination of classroom instruction, group interaction and hands-on demonstration. Current proof of certification from a 40 Hour Hazardous Waste Operations and Emergency Response training course is required.

### **Hazardous Materials Handling Certification for DOT 49 CFR Transportation Regulations**

The Department of Transportation Docket HM-126F (49 CFR 172.700) makes training mandatory for almost anyone who manages or handles hazardous materials, regardless of the amount. This includes employees who select or fill hazardous materials packages, label containers, fill out shipping papers, load or unload vehicles, move hazardous materials, or operate transportation vehicles. This training course meets the requirements of 49 CFR dockets HM-181 (E) (G), HM-126, HM-215B and HM207D.

### **Confined Space Entry**

The Confined Space Entry course is designed to keep entrants or those working around confined spaces safe. Are your employees working in or around tanks, trenches, pipelines or marine vessels? If so, they may be working in spaces that OSHA considers "confined" spaces because those spaces can limit their ability to move freely in and out and are not designed for continuous occupancy. These spaces are large enough to enter but employees sometimes do not recognize the hazards associated with entry. Confined spaces might include tanks, tankers, rail cars, storage containers, silos, pits, underground vaults, pipelines, barges, boilers, exhaust stacks and marine vessel tanks. To each confined space the question expands to whether your employees are exposed or have the potential to be exposed to a hazardous atmosphere, or does the space present a configuration or engulfment hazard that could trap or asphyxiate an entrant, or does the space have any other recognizable hazards. If so, the space is a permit-required confined space requiring additional scrutiny and safety protocols, equipment or procedures. Employees satisfactorily completing the Confined Space Entry course will meet the requirements of OSHA standard 29 CFR 146 and will be able to identify confined spaces and permit-required confined spaces, and apply atmospheric monitoring, engineering and administrative controls, and PPE selection principles to work safely & compliantly in confined spaces.

ATTACHMENT O

ABILITY TO PROMOTE AND DEVELOP GROWTH IN PORT EVERGLADES

**Depth and Breadth of Relevant Service Competencies to Promote and Develop Growth in Port Everglades**

Since 1958, Cliff Berry Inc. has been providing comprehensive **industrial cleaning, environmental services, and emergency response services** for local, national, and international customers by combining technical expertise and insightful problem solving proficiency. We assist our customers in developing value added programs that are cost effective and minimize risk to the environment. CBI offers more than just equipment and technological knowhow; we offer a turn-key solution prioritized by on-time performance and precise safety protocol. As we plan and refine our 5 year growth strategy, we are continuously reminded of our past and the next milestone about to mark its way into our history. CBI's professional staff is comprised of 130+ **full time** employees that are ready to respond to the needs of the customer, whether that be a planned service or an emergency outage. CBI has strategically located facilities in Jacksonville, Miami, Fort Lauderdale, Fort Myers, Tampa, Fort Pierce, Orlando, and Cape Canaveral. Each facility is staffed with **full time** CBI employees; including Managers (CHMM and Geologist), Supervisors, Chemists, Drivers, Technicians and Administrative Staff.

CBI is equipped with state of the art industrial cleaning equipment from a fully insured, licensed and permitted fleet of wet and dry vacuum trucks, hydroblasters, heavy trucks, vans, dump trucks, pumps, hose and an extensive line of supplies to perform any industrial cleaning job required. In addition to having the proper equipment to handle industrial cleaning, CBI ensures constant communication between top management and field supervisors to assure our customers of a precise remedial approach. CBI is a leader with experience, recognition, and a outstanding reputation in turnkey environmental services. Our customer centric approach when responding to our client's needs, gives our clients peace of mind during a critical situation.

In addition to being a leader in industrial cleaning, CBI is a registered Oil Spill Removal Organization (OSRO) with more than twenty vessels and associated booming and oil skimmer response equipment. Our inventory includes over 85,000 linear feet of contractor spill boom strategically positioned throughout Florida for immediate deployment. In addition to our OSRO status, CBI also services the land-based emergency response customers with spill cleanup, labpacking, remediation and waste management services. This response capability will ensure a speedy response to Port Everglades' and the Port's Clients' potential needs. Upon receiving the call, CBI can mobilize its highly trained, in-house personnel to quickly and professionally respond to the situation.

CBI Field personnel are 40 hour OSHA certified, confined space entry trained and receive extensive training in the use and maintenance of safety equipment as well as specialized equipment associated with industrial cleaning, vac truck operations, hydroblasting, waste packaging, and chemical cleaning. By combining technical expertise and problem solving skills, we assist our customers in developing proven programs that are designed to meet their specific needs with minimized cost and risk. CBI offers more than just equipment and technological knowhow; we offer a turn-key solution prioritized by safety and superior customer service. Below is a chart of full time personnel, categorized into departments that show how CBI plans to self-perform the services required of this contract. With several full time personnel in each facility, CBI plans to utilize this group of people for the daily work

requirements, then continue to cascade personnel and resources into the Port area from the other seven locations.

Location	Managers	Supervisors	Field Chemists	Drivers	Technicians	Admin Support
Miami	1	4	2	3	10	1
Ft. Lauderdale	8	6	2	15	8	7
Ft. Pierce	1	2	1	3	2	1
Ft. Myers	0	1	0	1	1	0
Tampa	1	2	1	6	3	1
Canaveral	1	2	1	6	3	2
Orlando	0	1	1	2	1	1
Jacksonville	1	2	1	4	2	1

With respect to the pursuit of this franchise, CBI has not entered into any teaming arrangements as we are fully capable of performing the scope of work with our own resources. In the event a large service request that requires subcontracting specialty equipment or additional personnel, CBI is able to partner with other franchise holders, all of which undergo an extensive vetting process to ensure quality goods and services are always provided. CBI has the funding and excellent credit to be able to contract with virtually any subcontractor or supplier as long as that company meets CBI's requirements for financial standing, quality, price, responsiveness, control and safety.

**Financial Standing & Business Status** - All subcontractors and suppliers must submit a W-9 Form, which allows CBI to check the firm's financial standing. The vendors are also asked to submit business size, ownership, years in business, references, licenses and insurance, safety and other pertinent data as part of an internal qualification process. Subcontractors must provide all small business certifications and insurance certifications for CBI protocol. The subcontractors' products and services are then approved for use. A quality control measure is set in place to ensure that all goods and services provided are of the highest quality and safety.

**Quality of Work** – CBI checks the references, visits the place of business, meets with the principals of the company and takes other measures to determine if the vendor is capable of meeting the quality of work and service deliverables we demand of our vendor pool. The measurables include prompt/accurate invoicing, timeliness of service, strength of supervision (service companies), condition of equipment, and attitude.

**Competitive Pricing** – CBI does not emphasize low pricing as a condition of being established within our subcontractor and supplier pool. We require competitive pricing and base our decisions on the overall value of the rendered service or material supply.

**Responsiveness** – Given the nature of our business, we often tax our vendor network with out of the ordinary requests. In particular the ability to have a 24/7 service capability. Subsequently those firms who are able to perform under these constraints are favored to those firms that cannot.

ATTACHMENT P

BROWARD COUNTY WASTE TRANSPORTER LICENSE



## WASTE TRANSPORTER LICENSE

**APPLICANT:**

Cliff Berry, Inc.  
Attention: Cliff Berry II, Director / CEO  
PO Box 13079  
Fort Lauderdale, FL 33316

License Number: WT-16-0147

This license is issued under the provisions of Chapter 27 of the Broward County Code of Ordinances hereinafter called the Code. The above-named applicant, hereinafter called Licensee, is hereby authorized to perform the work or operate the facility shown on the approved drawings, plans, documents, and specifications submitted by Licensee and made a part hereof and described specifically below. If no objection to this license is received within 14 days, you will be deemed to have accepted it and all the attached terms and conditions.

ALL GENERAL CONDITIONS and SPECIFIC CONDITIONS, as attached, are considered to constitute the requirements of this license. The Licensee is required to fully comply with all these conditions. Any failure to comply with conditions or requirements as set forth may result in revocation or suspension of this license and may subject the Licensee to enforcement action in accordance with the provisions of Article 1, Division 4 of the Code.

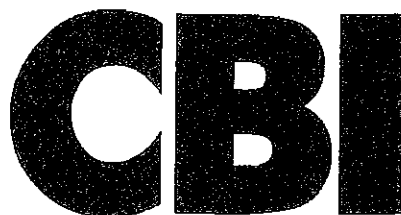
**Nature of Business:**

- Sludge Hauling*
  - Sewage from Vessels
- Discarded Hazardous Material Hauling*
  - Used Oil
  - RCRA Hazardous Waste
  - Nonhazardous Industrial Waste (Solid)
  - Nonhazardous Industrial Waste (Liquid)
  - Contaminated Soils
- Biomedical Waste Hauling*

**Prepared By:** Didier Dupuy  
**Application Received:** 12/28/2016  
**Date of Issue:** 01/05/2017  
**Renewal App. Due:** 12/30/2018  
**Expiration Date:** 02/28/2019

  
 Environmental Licensing and Building Permitting Division

**Cliff Berry, Inc.**  
Environmental Services



# **MOBILE TRANSFER FACILITY SECTOR MIAMI**

Revised May 1, 2015

## **FACILITY RESPONSE PLAN**

This Facility Response Plan meets the requirements of 33 CFR 154



**Cliff Berry, Inc.**  
Environmental Services

## **Section 1:**

### **33 CFR 154.1035 (a) Introduction and Plan Content**

Introduction:

Cliff Berry, Inc. (CBI) conducts marine related used oil and oily water collection services within the: USCG Jacksonville, St. Petersburg, Miami, Charleston and Savannah Sectors. CBI corporate headquarters is located in Fort Lauderdale. CBI has terminals located in Miami, Fort Lauderdale, Fort Pierce, Cocoa, Jacksonville, and Tampa.

This Facility Response Plan (FRP) is for operations conducted in Sector Miami. The purpose of this manual is to meet the requirements of the Code of Federal Regulations Title 33 Section 154.1017 (a). CBI is designated by the COTP as a substantial harm facility under Section 154.1015 (b) (2). This FRP meets the requirements of Sections 154.1030, 154.1035, 154.1040, 154.1045.

#### **MANAGEMENT STAFF**

**Qualified Individual:** Cliff Berry, II

**Alternate Qualified Individual:** Steve Collins

**South Florida Area Manager:** Jon Hines

**Fort Pierce Area Manager:** Paul Meding

**CBI 24 hour Emergency Contact Phone Number – 1-800-899-7745**

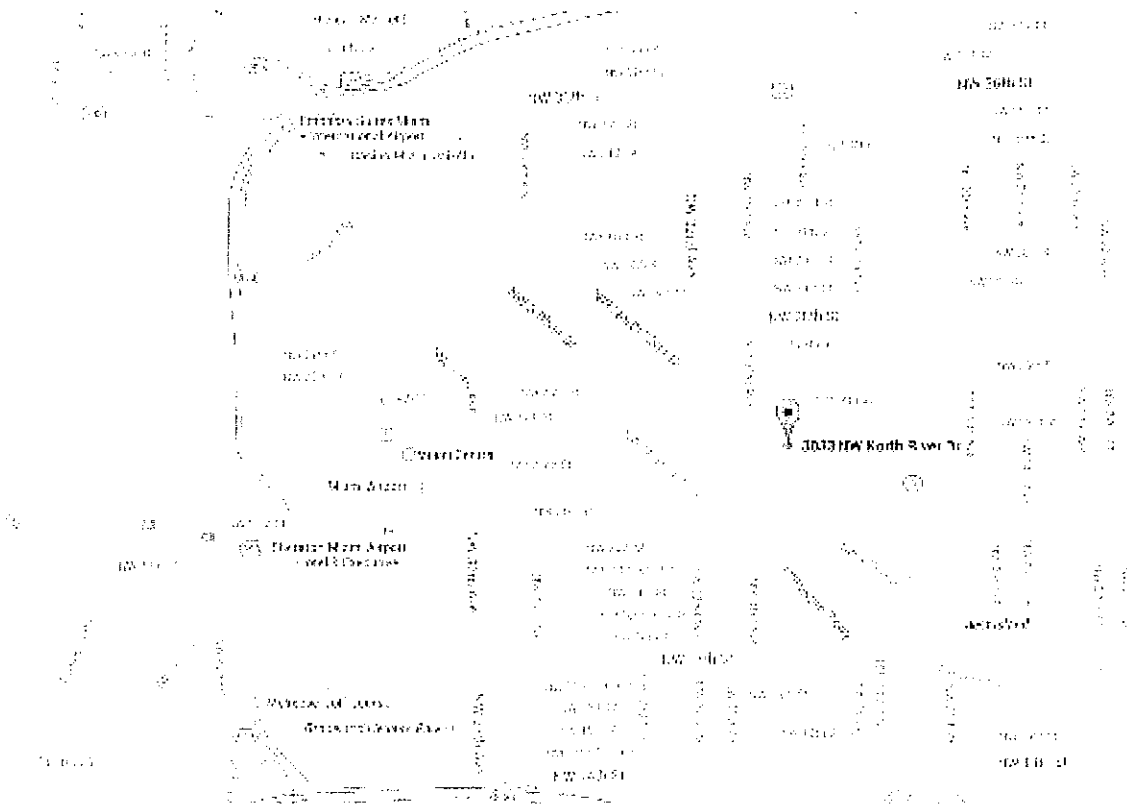
**Cliff Berry, Inc.**  
Environmental Services

**33CFR 154.1035 (a) (1) & (2)** – name, address, phones numbers of the facilities located in the Sector Miami area.

The street address and phone numbers of our Miami facility is:

Cliff Berry, Inc.  
3033 NW North River Drive      305-638-2030      800-899-7745  
Miami, FL 33142

Latitude:                      25° 47' 50.05" North  
Longitude                      80° 14' 40.78" West







**Cliff Berry, Inc.**  
Environmental Services

**33CFR 154.1035 (a) (3)** – Facilities owner and operators contact information:

**CBI facilities owner:**

Cliff Berry, Inc  
851 Eller Drive  
P.O. Box 13079  
Fort Lauderdale, Florida 33316

Cliff Berry, II	CEO
Steve Collins	Director, ESOH
Jon Hines	South Florida Area Manager
Paul Meding	Fort Pierce Area Manager

Phone numbers: 954-763-3390 (24 hrs)  
800-899-7745 (24 hrs)

e-mail: [csdept@cliffberryinc.com](mailto:csdept@cliffberryinc.com)  
[compliance@cliffberryinc.com](mailto:compliance@cliffberryinc.com)  
[cb2@cliffberryinc.com](mailto:cb2@cliffberryinc.com)  
[scollins@cliffberryinc.com](mailto:scollins@cliffberryinc.com)  
[jhines@cliffberryinc.com](mailto:jhines@cliffberryinc.com)  
[pmeding@cliffberryinc.com](mailto:pmeding@cliffberryinc.com)

**33CFR 154.1035 (a) (4)** – Table of Contents

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1035 (b) (4) 41-END Fish and Wildlife Sensitive Environments

33CFR 154.1035 (a) (6) – record of changes on plan updates:

**RECORD OF CHANGES**

Change #	Date of Change	Change Content	Change Made By:
1.	June 11, 2015	Qualified Individuals	K. Brandenburg
2.	July 15, 2015	Qualified Individuals	K. Brandenburg
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			



## Section 2:

### 33 CFR 154.1035 (b) Emergency Response Action Plan

#### 33CFR 154.1035 (b) (1) - Notification Procedures:

**Initial notification must not be delayed pending collection of all information**

When reporting a spill, the PIC should be prepared to report the following information. Use of form 1 (pg.10) is recommended to assist in coordinating the collection of information pertinent to the spill. Notification calls should be made in the order listed below. (note: first call should be to 911 in the case of fire or medical emergency)

#### **Report The Following Information:**

1. Name, Address and Phone Number of Person Reporting the Incident
2. Exact Location of the Spill.
3. Name, Mailing Address and Telephone Number of the Responsible Party.
4. Date and Time the Spill Occurred.
5. Name of the Material Spilled.
6. Estimated Quantity Spilled Into Coastal Waters
7. Source of Spilled Material.
8. Cause of the Spill (if known).
9. Containment and Clean-up actions taken.

#### 33CFR 154.1035 (b) (1) (A) – Response personnel, spill management team, OSRO

OSRO - Cliff Berry Inc 24-Hour Master Oil Spill Response Number: 1-800-899-7745

Qualified Individual: Cliff Berry, II.                      Alt Qualified Individual: Steve Collins

#### CBI OIL SPILL EMERGENCY TELEPHONE NUMBERS

<b>Cliff Berry, II</b>	(H) 954-524-3994	<b>Steve Collins</b>	(H) 954-594-3873
<b>QI</b>	(M) 954-325-7392	<b>Alt QI</b>	(M) 954-594-3873
<b>CBI</b>	(24hr) 800-899-7745		
<b>Operations</b>	(24hr) 954-763-3390		

Spill Management Team

In the event that is necessary to activate the Spill Management team, roles shall be filled as follows:

Command and Control:	Cliff Berry, II	Company QI
	Steve Collins	Company Alternate QI
Public information		Project Manager
Safety:		Steve Collins
Liaison with government agencies:		Kelly Brandenburg
Spill Operations:	So. Florida Area Manager	Jon Hines
Spill Operations:	Ft. Pierce Area Manager	Paul Meding
Planning:		Project Manager
Logistics support:		Project Manager
Finance:	Company Controller	Valerie Grove
Disposal:	Waste Coordinator	Daniel Forehand

**Notes:**

1. Exact names of roles filled by project managers will be determined by Operations.
2. In the event there is a time delay in the arrival of the QI and Alternate QI, Operations shall assume Command and Control of entire response until arrival of QI.
3. Cliff Berry, Inc. holds an OSRO Classification (0048) for Sectors Miami, Tampa, and Jacksonville.

**33CFR 154.1035 (b) (1) (B) -**

The following numbers should be utilized when reporting a spill impacting the navigable waters.

<b>Local Police/Fire/Medical</b>	<b>911</b>
<b>National Response Center</b>	<b>800-424-8802</b> <b>202-267-2675</b>
<b>State Warning Point</b>	<b>800-320-0519</b>
<b>Sector Miami 24 hour #</b>	<b>305-535-4300</b>

**33CFR 154.1035 (b) (1) (ii)– Notification Procedures and form:**

Initial notification must not be delayed pending collection of all information

FIGURE 1.—INFORMATION ON DISCHARGE \*  
(Involved Parties)

(A) Reporting party		(B) Suspected responsible party	
Name		Name	
Phone(s)		Phone(s)	
Company		Company	
Position		Organization Type:	
Address		Private citizen	
Address		Private enterprise	
		Public utility	
		Local government	
		State government	
		Federal government	
City		City	
State		State	
Zip		Zip	

\* It is not necessary to wait for all information before calling NRC, National Response Center—1-800-424-8802.

Were materials Discharged (Y/N)?

Calling for Responsible Party (Y/N)

**Incident Description**

Source and/or Cause of Incident

Date . . . Time  
Cause

Incident Address/Location      Nearest City  
Distance from City

Storage Tank Container Type—Above ground (Y/N)      Below ground (Y/N)      Unknown

**Facility Capacity**

Tank Capacity  
Latitude Degrees  
Longitude Degrees  
Mile Past or River Mile

**Materials**

Discharge Unit of Quantity	Measure	Discharged Material	Quantity in Water

**Response Action**

Actions Taken to Correct or Mitigate Incident

**Impact**

Number of Injuries	Number of Fatalities
Were there Evacuations (Y/N/U)?	Number Evacuated
Was there any Damage (Y/N/U)?	Damage in Dollars

**Additional Information**

Any information about the incident not recorded elsewhere in the report

**Caller Notifications**

USCG	EPA	State	Other

**33CFR 154.1035 (b) (2)** – Spill mitigation procedures

**33CFR 154.1035 (b) (2) (i)** typical volume of product involved in a transfer is 6,000 gallons. A 20,000 gallon portable Frac tank is occasionally used during emergency situations as temporary storage.

Products Transferred: Groups I - IV

Sewage  
Industrial Water  
NO. 6 Oil – Heavy Fuel Oil  
NO. 2 Oil – Diesel Fuel  
Jet A Kerosene  
Gasoline  
Oily water

- (i) (A) Average most probable discharge is 200 gallons
- (i) (B) Maximum most probable discharge is 2,000 gallons
- (i) (C) Worst-case discharge is 20,000 gallons

**33CFR 154.1035 (b) (2) (ii)** - Spill mitigation prioritized procedures

For all discharges listed above CBI will provide the cleanup and waste disposal services itself. CBI shall provide all labor, supervision, equipment, and machinery (fully maintained and operational), material, small tools, consumable supplies, safety equipment and personnel protection, transportation, temporary facilities, and all other items of expense required to perform and complete emergency cleanup, waste transfer, and disposal.

CBI holds an OSRO classification by the United States Coast Guard (0048) for River/Canal and Inland operating environments as: level MM through W3 and MM respectfully. Accordingly, CBI has access to and the ability to deploy all the materials required for spill clean-up.

Facility personnel responsible for performing prioritized specified procedures and actions to be taken in the event of a discharge are listed in following subsections.

**33CFR 154.1035 (b) (2) (ii)** – Spill mitigation scenarios

**(A) Failure of Manifold and Mechanical Loading Arm, Other Transfer Equipment, or Hoses.**

- \* Upon discovery of any transfer equipment failure, the PIC will do the following:
  - a. Immediately notify vessel to shut down all transfer operations.
  - b. Shut down all shore side pumps and close all manifold valves.
  - c. Notify facility management of situation (if not already aware).

- \* If a spill occurs, facility management will do the following:
  - a. Put into action the facility's Operations Manual. This includes notifying all appropriate agencies and notifying identified responders and contracted cleanup personnel.
  - b. Assess situation and, if needed, deploy any spill containment equipment on-site.
  - c. Continuously monitor situation and react to changing conditions.

**(B) Tank Overfill**

- \* Upon discovery of a tank overfill, the operator will do the following:
  - a. Immediately secure the source of the flow of product to the tank. If the source is from a vessel transfer, the vessel would be ordered to shut down the transfer. If the source is an internal transfer, the pump providing the flow would be secured.
  - b. Close the tank valve. If product is in dike area, close closest valve to tank. No personnel should enter dike area if product is present without proper monitoring equipment.
  - c. Notify facility management of situation (if not already aware).

- \* If a spill occurs, facility management will do the following:
  - a. Put into action the facility's Operations Manual. This includes notifying all appropriate agencies and notifying identified responders and contracted cleanup personnel.
  - b. Assess situation and, if needed, deploy any spill containment equipment on-site.
  - c. Continuously monitor situation and react to changing conditions.

**(C) Tank Failure**

- \* Upon discovery of a tank failure, the operator will do the following:
  - a. Secure the flow of any product to the tank, if applicable.
  - b. Notify facility management of situation (if not already aware).
  - c. Transfer any product remaining in the tank to another storage area.
- \* If a spill occurs, facility management will do the following:
  - a. Put into action the facility's Operations Manual. This includes notifying all appropriate agencies and notifying identified responders and contracted cleanup personnel.
  - b. Assess situation and, if needed, deploy any spill containment equipment on-site.
  - c. Continuously monitor situation and react to changing conditions.

**(D) Piping Rupture**

- \* Upon discovery of a piping rupture, the operator will do the following:

- a. Secure flow through the pipeline by securing pumps or closing supply valves, as appropriate.
- b. If possible, re-route any flow upstream from the rupture.
- c. Notify facility management of situation (if not already aware).
- d. Provide temporary containment equipment at point of rupture until designated cleanup contractors arrive.

\* Facility management will do the following:

- a. Put into action the facility's Operations Manual. This includes notifying all appropriate agencies and notifying identified responders and contracted cleanup personnel.
- b. Assess situation and, if needed, deploy any spill containment equipment on-site.
- c. Continuously monitor situation and react to changing conditions.
- d. When deemed safe, initiate repair of pipeline.

#### **(E) Piping Leak**

\* Upon discovery of an explosion or fire, facility personnel will do the following:

- a. Secure flow through the pipeline by securing pumps or closing supply valves, as appropriate.
- b. Notify facility management of situation (if not already aware).
- c. If possible, re-route any flow upstream from the leak.
- d. Provide temporary containment equipment at point of leak until designated cleanup contractors arrive.

\* Facility management will do the following:

- a. Put into action the facility's Operations Manual. This includes notifying all appropriate agencies and notifying identified responders and contracted cleanup personnel.
- b. Assess situation and, if needed, deploy any spill containment equipment on-site.
- c. Continuously monitor situation and react to changing conditions.

#### **(F) Explosion Or Fire**

\* Upon discovery of an explosion or fire, facility personnel will do the following:

- a. Report explosion or fire to the necessary authorities. (call 911)
- b. Evacuate all personnel to a safe distance if necessary.
- c. If product is flowing into affected area, secure flow.

\* If a spill occurs, facility management will do the following (after conferring with appropriate fire fighting officials):

- a. Put into action the facility's Operations Manual. This includes notifying all appropriate agencies and notifying identified responders and contracted cleanup personnel.
- b. Assess situation and, if necessary, deploy any spill containment equipment on-site.
- c. Continuously monitor situation and react to changing conditions.

**(G) Equipment Failure**

\* Upon discovery of any equipment failure, facility personnel will do the following:

- a. Secure any flow of product associated with equipment to prevent possible spills, if applicable.
- b. Secure any valves associated with the equipment which can aid in preventing possible spills.
- c. Notify facility management of situation (if not already aware).

\* If a spill occurs, facility management will do the following:

- a. Put into action the facility's Operations Manual. This includes notifying all appropriate agencies and notifying identified responders and contracted cleanup personnel.
- b. Assess situation and, if needed, deploy any spill containment equipment on-site.
- c. Continuously monitor situation and react to changing conditions.

**33CFR 154.1035 (b) (2) (iii)** - Equipment list and personnel responsibilities for average most probable discharge.

Equipment lists for the local facilities is located in appendices. The local facility equipment and personnel is adequate to mitigate an average most probable discharge.

**33CFR 154.1035 (b) (3) (i)** - Facility's response Activities

- A. Stay At The Site Until Help Arrives.
- B. Call 911 for FIRE, MEDICAL or POLICE assistance.
- C. Contact Emergency Response Team.
- D. Dike off or Boom liquids from entering sewers, storm sewers or waterways.  
Follow Emergency Plan for further containment.

### Facility Response Plan:

This Emergency Response Plan is not all inclusive, but designed to provide a guide for appropriate actions in the event of a spill. The most important thing to remember is to remain calm and try to get the situation under control as soon as possible.

- A. Examine your own condition first. If you or anyone with you is injured, call for medical assistance.
- B. Assess the extent of rupture or damage to the vehicle or hoses. CLOSE OFF any valves, hatches or hose connections; secure out flow.
- C. Evaluate the degree of contamination to the environment and estimate the number of gallons spilled.
- D. If possible, pump liquid back into the tank, even if the tank is ruptured. This will recycle the spilled oil to the truck's tank rather than spreading it onto the ground.
- E. Do your best to Dike Ahead of the Spill to prevent oil from entering storm sewers and/or waterways.
- F. Figure 1, 33 CFR154.1035. Along with the emergency information guidelines listed in this manual, Figure 1 may be used to collect and report information on the discharge of product into the navigable waters of the United States.
- G. **Initial notification must not be delayed pending collection of all information**



### **SPILLS ON WATER:**

Call for appropriate lengths of Booms and Sweeps to contain the spill. Until additional help arrives, use any materials available (such as tree branches, extension hoses or floatable materials) to prevent the spread of the oil. Skim oil into the truck if possible. Determine the direction of water flow and set booms to dam the oil until help arrives.

### **SPILLS ON PAVEMENT:**

Call for Booms and Pads in quantities appropriate for the spill. Use booms to contain the spill by wiping them in a circular motion. Use the truck's pump with skimmer to remove oil. If spill is too large for booms: A) call for sand and contain spreading of the oil by using sand to circle the spill. B) call for vac truck, steamer and backhoe. Remove oil-soaked sand onto plastic tarps and cover sand with additional tarps to prevent rain from spreading the oil. Steam or power wash ground to remove residue.

### **SPILLS ON SOIL:**

Call for Earth Moving Equip. (Loader, Backhoe, Dump truck) and Sand. Determine direction of oil flow and excavate an area for the oil to flow into. Contain spill area with a sand berm. Pump liquid oils to the truck. Prepare a plastic tarp and sand berm on an area of clean ground. Remove oil-soaked soil to a tarp while making sure that the soil is contained by the tarp and berm. Have backhoe remove soil one foot below the surface or until visually clean. Call for additional assistance to remove the soil for treatment.

### **REMOVING OIL-SOAKED SORBENT MATERIAL:**

Place all used absorbent material in double, heavy-gauge plastic bags. The Project Manager will have these bags picked up and disposed of at an appropriate facility. Do not make bags (filled with contaminated soil) heavier than approximately 40 lbs. each.

**33CFR 154.1035 (b) (3) (ii)** – (154.1026)

Responsibilities and authority of the Q.I. and alternate.

**CLEANUP ORGANIZATION**  
**Qualified Individuals**

The QUALIFIED INDIVIDUALS listed in the notification portion of this plan have unconditional authority from Cliff Berry, Inc to implement the facility response plan, activate and contract with the necessary oil spill removal organizations, act as liaison and communicate directly with the predesignated Federal On-Scene Coordinator and obligate, either directly or through prearranged contracts, any funds required to carry out all necessary or directed oil spill response activities. These individuals are available on a 24-hour basis and are able to arrive at the facility within a reasonable amount of time. These individuals are familiar with the implementation of the facility response plan and have been trained in their responsibilities under the plan.

- Exact names of roles filled by project managers will be determined by Operations.
- In the event there is a time delay in the arrival of the QI and Alternate QI, Operations shall assume Command and Control of entire response until arrival of QI.
- Cliff Berry, Inc. holds an OSRO Classification (0048) for COTP Miami, Tampa, and Jacksonville Zones.

**33CFR 154.1035 (b) (3) (iii)** – organizational structure:

Cliff Berry, II – CEO

Steve Collins - Director, ESOH

Jon Hines – South Florida Area Manager

Paul Meding – Are Manager (Fort Pierce/Canaveral)

**33CFR 154.1035 (b) (3) (iv)** - OSRO and spill management team capabilities:  
(also covers the requirement of subsection (A) (1) and (A) (2) of this part.)

For all discharges listed above CBI will provide the cleanup and waste disposal services itself. CBI shall provide all labor, supervision, equipment, and machinery (fully maintained and operational), material, small tools, consumable supplies, safety equipment and personnel protection, transportation, temporary facilities, and all other items of expense required to perform and complete emergency cleanup, waste transfer, and disposal.

When doing transfer activities in the COTP Miami Zone, emergency response equipment from other CBI sites is locally available and will be utilized along with CBI resources to mitigate any harmful effects of a product release.

CBI holds an OSRO classification by the United States Coast Guard (0048) for River/Canal and Inland operating environments as: level MM through W3 and MM respectfully. Accordingly, CBI has access to and the ability to deploy all the materials required for spill clean-up.

**33CFR 154.1035 (b) (3) (iv) (B)** – Spill management team job description:

## **ROLES AND RESPONSIBILITIES OF THE ON-SITE RESPONSE TEAM**

### **INCIDENT COMMANDER**

The Incident Commander is responsible for conducting an initial assessment of the incident and taking all steps necessary to ensure the safety of the personnel, property, and the environment. He/she will identify and control the source of the spill (if possible), and coordinate all control and cleanup activities.

#### **Duties and Responsibilities**

In accordance with applicable federal, state and local laws and regulations he/she shall:

- 1) If there is a fire or a threat of a fire, immediately call the Local Fire Department at **911** and evacuate the area.
- 2) Determine if any personnel have been injured.
- 3) Determine the source of the discharge. If possible, secure the source of the spill. NOTE: OSHA requires that personnel responding to a spill may not secure the source of discharge without a minimum of a 24-hour spill response training course.
- 4) Determine the type of material or product discharged.
- 5) Determine the approximate size and/or quantity of the discharge.
- 6) Determine the potential for environmental damages resulting from the discharge.
- 7) Identify (if necessary) Team Leaders and assign team members. Identify their duties and specific areas of responsibility.
- 8) Coordinate and supervise all operations through the established chain of Command.
- 9) Ensure that all activities are carried out in accordance with all federal, state, and local regulations.
- 10) Assume the role of Media Coordinator and follow the established procedure for information flow.
- 11) Request the assistance of local contractors, cooperatives, or other company facilities.
- 12) **Document All Actions.**

## LOGISTICS FOREMAN

The Logistics Foreman is responsible for managing personnel, equipment, and supplies required to respond to the spill. All secondary notifications both internal and external are the sole responsibility of the Logistics Foreman. His/her primary function is that of coordinator for support logistics. Constant communication with the Incident Commander is required for smooth and efficient operations. This individual shall be assigned by the Incident Commander or the position may be included in the Incident Commander's duties, depending upon the personnel available.

### Duties and Responsibilities

Under the direction of the Incident Commander and in accordance with established Oil Spill Contingency Planning he/she shall:

- 1) Maintain a full accounting of all activities including men, equipment, and materials.
- 2) Account for personnel.
- 3) If requested by the Incident Commander, notify and activate additional assistance through local contractors, cooperatives, or other company facilities.
- 4) Perform all internal notifications.
- 5) Perform all external notifications.
- 6) Assist in the initial incident briefing.
- 7) Complete the Oil Spill Incident Summary Report.
- 8) Procurement of any additional supplies, equipment, or personnel as required for adequate response to the spill.
- 9) If required, perform the duties of the Incident Commander.
- 10) **Document All Actions.**

## OPERATIONS FOREMAN

The Operations Foreman is responsible for supervising the development of tactical response plans, the deployment of response equipment, and operation of all response equipment. He/she shall coordinate with any additional response groups during the spill cleanup effort and will be responsible for carrying out the activities of either the Shore or Marine Crews. Given that this is a facility with a small staff, the Operations Foreman must perform the duties of the Marine or Shore Crews. In the event of a moderate or greater spill the Operations Foreman would then resume the role of Operations Foreman only. Constant communication with the Incident Commander is required to keep him/her informed as to the status of the response cleanup operations. This individual shall be assigned by the Incident Commander or the position may be included in the Incident Commander's duties depending upon the personnel available.

### Duties and Responsibilities

Under the direction of the Incident Commander and in accordance with established Oil Spill Contingency Planning, he/she shall:

- 1) Obtain an initial briefing from the Incident Commander.
- 2) Develop (a) tactical strategy(s) for the deployment of onsite equipment.
- 3) In the event of a moderate or greater size spill, provide the Marine Crew with an on-site safety briefing.
- 4) In the event of a moderate or greater size spill, monitor the Marine Crew and ensure that Safe Boating Procedures are followed.
- 5) Provide the Marine Crew with directions on boom placement, current, and tide information.
- 6) Maintain radio communications with the Marine Crew at all times.
- 7) Provide the Shore Crew with directions on boom deployment procedures, boom quantities, and response trailer positioning.
- 8) Monitor and ensure that Shore Crews are following Vehicle Safety Procedures.
- 9) Maintain radio communications with the Shore Crew at all times.
- 10) Route all requests for additional support through the Incident Commander.
- 11) If required, perform the duties of the Incident Commander.
- 12) **Document All Actions.**

### MARINE CREW

The Marine Crew is responsible for deploying containment boom, product recovery devices, and/or waste storage devices as directed by the Operations Foreman. Boat operation, boom placement, and monitoring are primary responsibilities. This crew may only be comprised of one individual during a small quantity spill. This "Marine Crew" guideline is designed for a "moderate" or "major" spill where the response effort would require large numbers of personnel. This crew shall be assigned by the Incident Commander or the position may be included in the Incident Commander's duties, depending upon the personnel available.

### Duties and Responsibilities

Under the direction of the Operations Foreman and in accordance with established Oil Spill Contingency Planning, Crew Members shall:

- 1) Obtain a safety briefing from the Operations Foreman.
- 2) Deploy the boat to be used for boom deployment and/or other activities.
- 3) Follow all Boat and Water Safety Procedures.
- 4) Deploy the boom as instructed by the Operations Foreman.
- 5) Maintain radio contact with the Operations Foreman at all times.
- 6) **Document All Actions.**

## SHORE CREW

The Shore Crew is responsible for carrying out shore-side activities pertaining to containment (boom deployment) and cleanup as directed by the Operations Foreman. The crew shall be assigned by the Incident Commander or the position may be included in the Incident Commander's duties, depending upon the personnel available.

### Duties and Responsibilities

Under the direction of the Operations Foreman and in accordance with established Oil Spill Contingency Planning, Crew Members shall:

- 1) Obtain a safety briefing from the Operations Foreman.
- 2) Activate any vehicles and/or other response equipment required for spill containment.
- 3) Assist in deploying the response boat if required.
- 4) Follow all vehicle and equipment safety requirements.
- 5) Maintain radio contact with the Operations Foreman at all times.
- 6) **Document All Actions.**

**33CFR 154.1035 (b) (4)** - Fish and Wildlife Sensitive Environments

CBI maintains a copy of the Area Contingency Plan (ACP) for each of the COTP Zones in Florida at our office at 851 Eller Drive, Ft Lauderdale, FL 33316 and all facility locations. Annexes of the specific COTP Area Contingency Plans identify areas of economic importance and environmental sensitivity, which could be potentially impacted. Additionally, they provide the stated response strategy the COTP intends to use and expects spill clean-up organizations to follow. Cliff Berry, Inc uses the Area Contingency Plan during its response to spills. As such, the ACP sensitive area maps (as well as supporting materials) will be utilized by our response personnel in the event of a release and response effort.

See appendices for ACP sensitive area information that meets the requirements of 1035 (b) (4) and related subsections. Procedures contained in EPA regulations 40 CFR 112, appendix C, attachment C-III has been substituted for the distances listed in paragraph A.

**33CFR 154.1035 (b) (5)** - Disposal Plan

CBI routinely transports and disposes of oil and oil contaminated debris according to Federal, state and local requirements. Although CBI can use a number of licensed disposal facilities in Florida, the waste would typically be disposed at our CBI Miami Facility.

## Section 3:

### 33 CFR 154.1035 (c) Training and Exercises

#### (1) – Training Procedures:

All personnel acting on behalf of CBI and specifically as a "Person in Charge," undergo a comprehensive training program, including OSHA 29 CFR 1910.120 (40 hour course), consisting of the following:

1. Safety training; including first aid and procedures for notification in case of an accident, procedures in the usage and maintenance of personal protective gear; including the fit test of an assigned respirator and proper methods of handling hazardous materials.
2. Fire extinguishing procedures
3. Portable radio communication procedures
4. Hose connections and maintenance procedures.
5. Site safety procedures; including policy on health and safety, tail gate safety meetings and communication requirements.
6. Vehicle maintenance procedures and records.
7. Federal and State transportation requirements.
8. Hazardous waste management regulations; including manifesting products and chain of custody requirements.
9. Emergency response and spill containment procedures.

All training records are located at CBI Port Everglades office at 851 Eller Drive, Ft Lauderdale, FL 33316. All records are maintained for a minimum of 3 years.

#### (2) – Volunteer Training

CBI would not utilize volunteers to engage in spill cleanup operations as the resources within the company combined with the industry partners are more than sufficient for cleanup operations.

#### (3) – Exercise Procedures

Cliff Berry Inc. is an active participant of the USCG PREP Program. This is an unsupervised program; all records of completed drills are located at the CBI Pt Everglades office at 851 Eller Drive, Ft Lauderdale, FL 33316. All records are maintained for a minimum of 3 years. These drills are designed so that all components of the response plan are exercised at least once every three years. Both announced and unannounced drills are to be performed in the following frequencies:

1. Qualified Individual notification drills will be conducted quarterly.
2. Facility equipment deployment drills will be conducted semiannually. The unannounced drill may be credited toward one of the semiannual drills.
3. Spill management team table top drills will be conducted annually. In a 3 year period at least one of these includes a worst case discharge scenario.



## Section 4:

### 33 CFR 154.1035 (d) - Plan review and update procedures

The Facility Response Plan is reviewed at least annually by the Facility Manager and updates or changes are noted in the Record of Changes log and submitted to the COTP on a cover letter describing the changes. The Facility Manager will submit the FRP to the appropriate U.S.C.G. office for review and approval at least every five years. All approved updates will be included in the working FRP and all plan holders will be notified of updates.

In the event of a discharge, a post discharge review and incident report will be completed by the Facility Manager. The report will be submitted to the CBI Corporate office for management review and evaluation of the effectiveness of the FRP. If discrepancies are identified, changes to the plan will be implemented, noted in the Record of Changes, and a report submitted to the appropriate U.S.C.G authority.

## Section 5: 33 CFR 154.1035 (e) Appendices

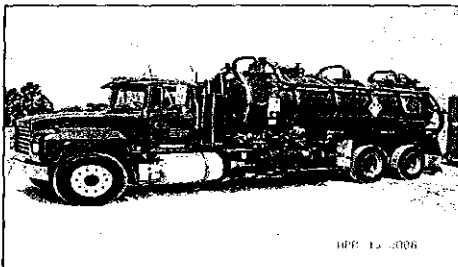
### Appendix 1

#### 33 CFR 154.1035 (e) (1) - Facility Specific Information

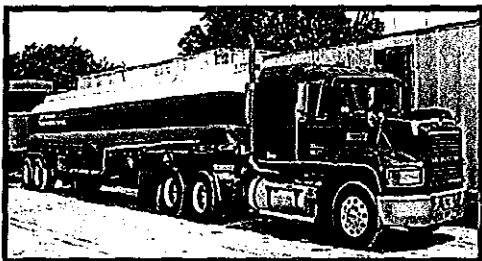
##### (i) - Physical description of mobile facility

CBI has three vehicle types in its fleet, which may be used in mobile transfers. They are: vacuum trucks, semi-tractor trailers and frac tanks. The vac trucks use onboard vacuum pumps to draw oils and oily wastes into their tanks, the semi-trailer tankers / frac tanks receive oils and oily wastes when pumped from the vessel. A photo of each type is provided below. Also included is an instruction sheet showing the proper operation controls for the vacuum trucks. **The tankers have sorbents, related spill gear multiple fire extinguishers and a first aid kit.**

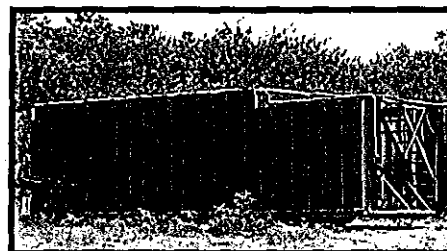
The drip and discharge collection system employed by Cliff Berry, Inc. Mobile Transfer Facilities consists of 5-gallon buckets arranged to collect drips or discharges should they occur. If collected, residue is vacuumed up using the vac truck's hoses.



Vacuum Truck



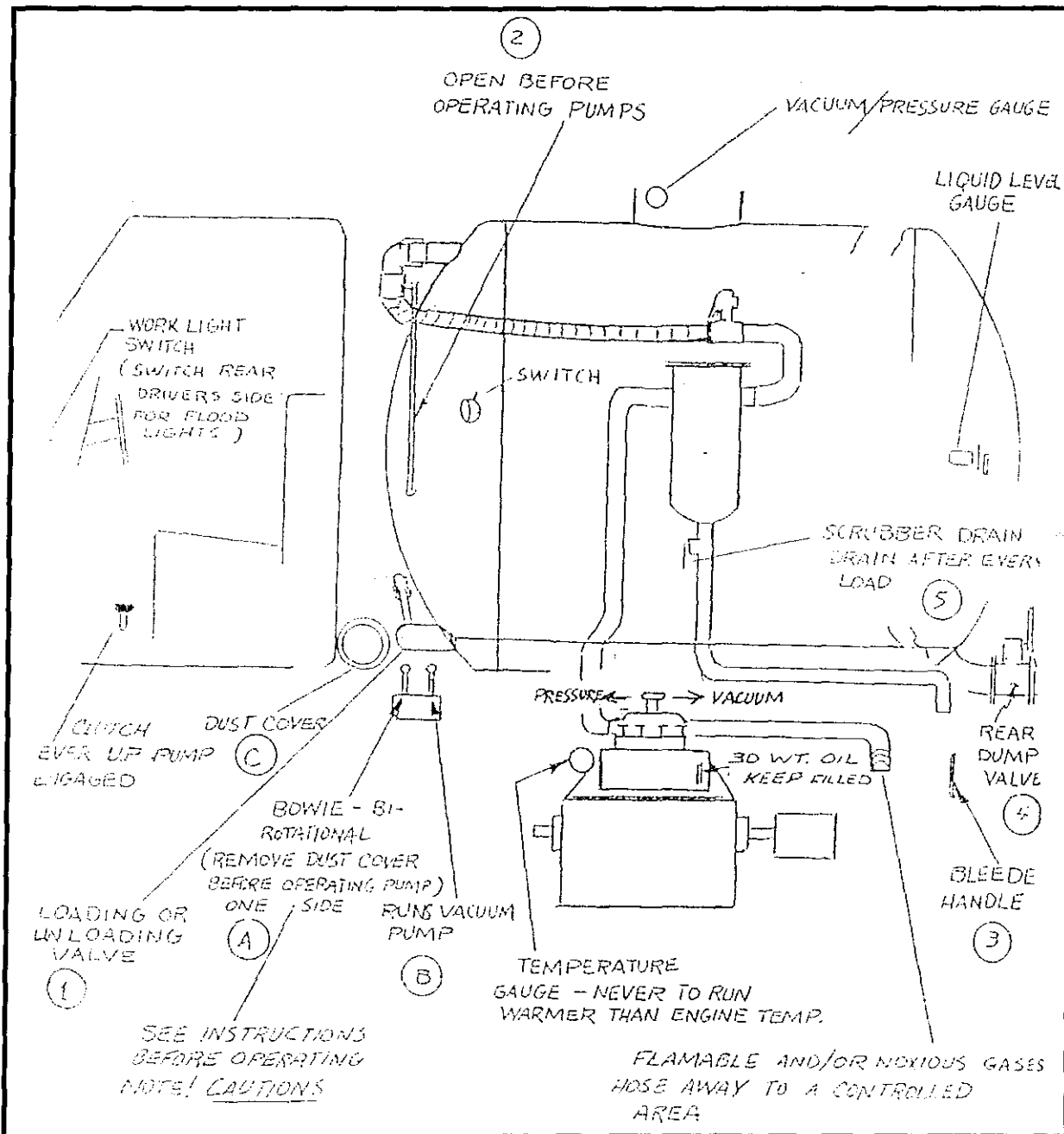
Semi-Tractor Trailer



Frac Tank

Facility Specific Information (continued)

Vacuum unit instruction sheet



**33 CFR 154.1035 (e) (1) (continued)**

**(ii) - Number of Vessels Serviced Simultaneously:**

Each mobile facility is assigned to only one vessel during the duration of the transfer. Transfers from more than one vessel are not conducted simultaneously. The only exception being the use of the mobile transfer facility during an emergency response to an oil spill. In this case, while under the direction of the cognizant COTP or his representative, there may be occasions where it is deemed appropriate to transfer from more than one vessel if doing so would mitigate the harmful effects of a pollution incident upon the environment. All transfers involving a vessel are from the vessel to the mobile facility. (Removal operations)

CBI's Mobile transfer facilities are set up and capable of servicing a wide range of vessels. The vessels serviced range from small yachts and coastal freighters to large passenger cruise liners and container vessels.

**(iii) - Shut off valves**

The emergency shutdown on the vacuum trucks consists of the following:

1. A quick close-off valve or belly valve on the back of each truck.
2. A shut-off valve securing the pump system.
3. On pump trucks, there is an emergency shut-off valve on each side of the truck.
4. On frac tanks, quick closing ball valves are positioned at each connection

**33 CFR 154.1035 (e) (1) (continued)**

**(iv) - Information on material handled**

**Products Transferred: (Groups I – IV)**

Sewage  
Industrial Water  
NO. 6 Oil – Heavy Fuel Oil  
NO. 2 Oil – Diesel Fuel  
Jet A Kerosene  
Gasoline  
Oily water

**Sewage**

- A. The generic or chemical name: Sewage
- B. A description of the appearance and odor: dark liquid with strong odor of feces
- C. The physical and chemical characteristics: human waste, biological breakdown products and toilet rinse water
- D. The hazards involved in handling, including discharges: sewage may contain Bloodborne pathogens including Hepatitis B, Hepatitis C and HIV virus.
- E. Firefighting procedures and effective extinguishing agents: none required as this material is non-flammable

**Industrial water**

- A. The generic or chemical name: industrial water
- B. A description of the appearance and odor: light or dark liquid with mild non-descriptive or acrid chemical odor
- C. The physical and chemical characteristics: wash water that may possess a pH 2 – 12.5 characteristic. Typical sources are boiler or heat exchanger wash waters possessing acidic properties (pH 2 to 7) or vessel grey water (from sinks and showers) possessing alkali properties (pH 7 – 12.5). These wash waters are nonhazardous per EPA.
- D. The hazards involved in handling, including discharges: exposure to sensitive tissue may cause conditions ranging from mild irritation to chemical degradation depending on concentration and exposure time.
- E. Firefighting procedures and effective extinguishing agents: none required as this material is non-flammable

## NO. 6 Oil – Heavy Fuel Oil

- A. The generic or chemical name: Number 6 Oil – Heavy Fuel Oil
- B. A description of the appearance and odor: dark liquid with strong petroleum and rotten egg odors
- C. The physical and chemical characteristics: heavy lubricating oil containing petroleum distillates. Poorly refined oil that mirrors crude oil in many of its characteristics and properties; thick and barely pourable at room temperature
- D. The hazards involved in handling, including discharges: exposure to sensitive tissue may cause conditions ranging from mild irritation to chemical degradation depending on concentration and exposure time. Discharge to water creates a thick oil slick that sticks to marine life, vegetation and rock outcroppings. Challenging to remove from the environment; physical removal with pumps and oil spill removal equipment will be effective on free floating material, however, power washing or thinning with diesel or the use of surfactants may be required to remove once adhered to marine life, vegetation or soils. Dispersants may require extended time and agitation in order to obtain the desired result.
- E. Firefighting procedures and effective extinguishing agents: the material is classified as an OSHA Combustible with a Flash Point of 140F; a Class B fire may ignite if the material is heated above the Flash Point however a fire is unlikely if spilled into the environment as at normal temperatures and pressures the material does not produce an ignitable vapor.

## NO. 2 Oil – Diesel Fuel

- A. The generic or chemical name: Diesel fuel
- B. A description of the appearance and odor: light tan liquid with a strong petroleum odor
- C. The physical and chemical characteristics: fuel oil containing petroleum distillates. A refined oil; thin and pourable at room temperature
- D. The hazards involved in handling, including discharges: exposure to sensitive tissue may cause irritation depending on concentration and exposure time. Discharge to water creates a thin fast-spreading oil slick that harms marine life and discolors vegetation. Physical removal with pumps and oil spill removal equipment will be effective on free floating material and is readily removed from marine life using mild soap. Vegetation or soil exposure is typically conducted as a remediation. Dispersants should be fast-working to obtain the desired result. Large spills may produce strong petroleum odors and irritate the skin therefore Level C personal protective equipment including an oil vapor cartridge is recommended.
- E. Firefighting procedures and effective extinguishing agents: the material is classified as an OSHA Combustible with a Flash Point of 125F; a Class B fire may ignite if the material is heated above the Flash Point however a fire is unlikely if spilled into the environment. At normal temperatures and pressures the material does not produce an ignitable vapor.

## Jet A - Kerosene

- A. The generic or chemical name: Jet A - Kerosene
- B. A description of the appearance and odor: light tan or clear liquid with a strong petroleum odor
- C. The physical and chemical characteristics: fuel oil containing petroleum distillates. A refined oil; thin and pourable at room temperature
- D. The hazards involved in handling, including discharges: exposure to sensitive tissue may cause irritation depending on concentration and exposure time. Discharge to water creates a thin fast-spreading oil slick that harms marine life and discolors vegetation. Physical removal with pumps and oil spill removal equipment will be effective on free floating material and is readily removed from marine life using mild soap. Vegetation or soil exposure is typically conducted as a remediation. Dispersants should be fast-working to obtain the desired result. Large spills may produce strong petroleum odors and irritate the skin therefore Level C personal protective equipment including an oil vapor cartridge is recommended.
- E. Firefighting procedures and effective extinguishing agents: the material is classified as an OSHA Flammable with a Flash Point of 100F; a Class B fire may ignite if the material is heated above the Flash Point; a fire is possible if spilled into the environment onto hot surfaces or working equipment as the material may produce an ignitable vapor.

## Gasoline

- A. The generic or chemical name: Gasoline
- B. A description of the appearance and odor: a clear liquid with a very strong sometimes stifling petroleum odor
- C. The physical and chemical characteristics: fuel oil containing petroleum distillates. A refined oil; thin and easily pourable at room temperature
- D. The hazards involved in handling, including discharges: exposure to sensitive tissue may cause irritation depending on concentration and exposure time. Discharge to water creates a thin fast-spreading oil slick that harms marine life and discolors vegetation. In warm climates this material may vaporize into the air and off water and soil surfaces to some extent. Physical removal with pumps and oil spill removal equipment will be effective on free floating material and is readily removed from marine life using rinse water and mild soap. Vegetation or soil exposure is typically conducted as a remediation if it persists. Dispersants should be fast-working to obtain the desired result. Large spills may produce strong petroleum odors and irritate the skin therefore Level C personal protective equipment including an oil vapor cartridge is recommended.
- E. Firefighting procedures and effective extinguishing agents: the material is classified as an OSHA Flammable with a Flash Point of -45F (minus 45F); a Class B fire will likely ignite if the material is heated above the Flash Point; a fire is possible if spilled into the environment onto hot surfaces or working equipment as the material is very likely to produce an ignitable vapor.

## Oily water

- A. The generic or chemical name: oily water
- B. A description of the appearance and odor: light or dark liquid with a mild petroleum and rotten egg odor
- C. The physical and chemical characteristics: water and oil mixture with typically low oil concentration
- D. The hazards involved in handling, including discharges: exposure to sensitive tissue may cause irritation depending on concentration and exposure time. Discharge to water creates a thin fast-spreading oil slick that may harm marine life and discolor vegetation. Physical removal with pumps and oil spill removal equipment will be effective on free floating material and is readily removed from marine life using rinse water and mild soap. Vegetation or soil exposure is typically conducted as a remediation. Dispersants should be fast-working to obtain the desired result. Large or small spills typically do not produce conditions requiring more than Level D personal protective equipment.
- E. Firefighting procedures and effective extinguishing agents: the material is not classified for flammability; a Class B fire is unlikely; if spilled into the environment at normal temperatures and pressures the material does not produce an ignitable vapor.



## Appendix 2

### 33 CFR 154.1035 (e) (2) - List of Contacts:

Cliff Berry, Inc  
851 Eller Drive  
P.O. Box 13079  
Port Everglades Station  
Fort Lauderdale, Florida 33316

<b>Cliff Berry, II</b>	(H) 954-524-3994	<b>Steve Collins</b>	(H) 954-594-3873
<b>QI</b>	(M) 954-325-7392	<b>Alt QI</b>	(M) 954-594-3873

e-mail: [csdept@cliffberryinc.com](mailto:csdept@cliffberryinc.com)  
[compliance@cliffberryinc.com](mailto:compliance@cliffberryinc.com)  
[cb2@cliffberryinc.com](mailto:cb2@cliffberryinc.com)  
[scollins@cliffberryinc.com](mailto:scollins@cliffberryinc.com)  
[jhines@cliffberryinc.com](mailto:jhines@cliffberryinc.com)  
[pmeding@cliffberryinc.com](mailto:pmeding@cliffberryinc.com)

OSRO - Cliff Berry Inc

### CBI OIL SPILL EMERGENCY TELEPHONE NUMBERS

24-Hour Master Oil Spill Response Number: 1-800-899-7745

Operations (24hr) 800-899-7745  
(24hr) 954-763-3390

The following numbers should be utilized when reporting a spill into or upon the navigable waters.

Local Police/Fire/Medical	911
National Response Center	800-424-8802 202-267-2675
State Warning Point	800-320-0519
Sector Miami 24 hour #	305-535-3300

## Appendix 3

### 33 CFR 154.1035 (e) (3) - Equipment List and Records

CBI has access to and the ability to deploy all the materials required for spill clean-up. Pursuant to 33 CFR 154.1035 (e)(3)(iii), It is not necessary to list response equipment from oil spill removal organization(s) when the organization has been classified by the Coast Guard and their capacity has been determined to equal or exceed the response capability needed by the facility. CBI holds an OSRO classification by the United States Coast Guard (0048) for the River/Canal and Inland operating environments as: level MM through W3 and MM respectfully.

If required during a response, a detailed listing of all major equipment is located in the CBI OSRO application handbook located at the Headquarter Office on 851 Eller Drive, Fort Lauderdale, FL 33316 and is available at request.

## Appendix 4

### 33 CFR 154.1035 (e) (4) - Communication plan

#### Description of the Communications System:

Cliff Berry, Inc. Mobile Transfer Facilities and response personnel are equipped with cellular telephones. They are capable of communicating by phone, text messaging, and e-mail. These units also have internet access and GPS capability.

Response personnel typically would communicate from the site to the local CBI office or CBI corporate office. CBI offices are fully capable of communicating with all regulatory agencies and other parties listed in this plan.

Communications with the vessel's PIC are done orally.

## Appendix 5

### 33 CFR 154.1035 (e) (5) - Site Specific Safety and Health Plan

Instructions on use may be found in the CBI Corporate Health & Safety Plan.

Page 1 of 2

**CBI**

**Cliff Berry, Inc. Environmental Services**

#### Site Safety Plan - Short Form

CLIENT: _____	JOB LOCATION: _____
ADDRESS: _____	UNDERGROUND CLEARANCE #: _____
CLIENT CONTACT NAME: _____	CBI JOB #: _____
CLIENT CONTACT PHONE #: _____	CBI LOCATION: _____
DATE: _____	CBI PHONE #: _____
DAY                      DATE	H & S REP.: _____

DESCRIPTION OF WORK: \_\_\_\_\_

**EMERGENCY TELEPHONE NUMBERS**

FIRE: \_\_\_\_\_ POLICE: \_\_\_\_\_ AMBULANCE/RESCUE: \_\_\_\_\_  
 HOSPITAL NAME & LOCATION: \_\_\_\_\_

**HAZARDOUS**

- |   |  |   |  |   |
|---|--|---|--|---|
| <input type="checkbox"/> TOXIC: _____       | <input type="checkbox"/> EXTREME COLD/HEAT | <input type="checkbox"/> SOIL EXCAVATION    | <input type="checkbox"/> VEHICLE TRAFFIC | <input type="checkbox"/> HOTSPY/WATER BLAST |
| <input type="checkbox"/> CORROSIVE: _____   | <input type="checkbox"/> DRAINS/SUMPS      | <input type="checkbox"/> TANK EXCAVATION    | <input type="checkbox"/> HOT WORK        | <input type="checkbox"/> ELEVATED WORK AREA |
| <input type="checkbox"/> FLAMMABLE: _____   | <input type="checkbox"/> SHARP OBJECTS     | <input type="checkbox"/> UNDERGROUND/       | <input type="checkbox"/> VACTOR/GUZZLER  | <input type="checkbox"/> LIVE ELECTRICAL    |
| <input type="checkbox"/> COMBUSTIBLE: _____ | <input type="checkbox"/> DRILLING IN SOIL  | <input type="checkbox"/> OVERHEAD UTILITIES | <input type="checkbox"/> LADDERS         | <input type="checkbox"/> CIRCUITS           |
| <input type="checkbox"/> REACTIVE: _____    | <input type="checkbox"/> LIGHTING          | <input type="checkbox"/> TRENCHING          | <input type="checkbox"/> NOISE           | <input type="checkbox"/> PNEUMATIC TOOLS    |
| <input type="checkbox"/> PATH WASTE         | <input type="checkbox"/> SLIPS/TRIPS/FALLS | <input type="checkbox"/> FLOOR HOLES        | <input type="checkbox"/> LIFTING         | <input type="checkbox"/> DRUM HANDLING      |
| <input type="checkbox"/> ASBESTOS           | <input type="checkbox"/> ABRASIVE BLASTING | <input type="checkbox"/> WORKING ON OR NEAR | <input type="checkbox"/> WATER           |   |

**PERSONAL SAFETY**

- |   |   |  |   |  |
|---|---|--|---|--|
| <input type="checkbox"/> SUPPLIED AIR RESP.     | <input type="checkbox"/> PROTECTIVE COVERALLS | <input type="checkbox"/> OVERBOOTS                         | <input type="checkbox"/> SAFETY GLASSES   | <input type="checkbox"/> HARD HATS       |
| <input type="checkbox"/> SAR WITH EGRESS BOTTLE | TYPE: _____                                   | <input type="checkbox"/> OUTER GLOVES                      | <input type="checkbox"/> CHEMICAL GOGGLES | <input type="checkbox"/> EYE WASH        |
| <input type="checkbox"/> SCBA                   | <input type="checkbox"/> FULLY ENCAPSULATING  | TYPE: _____  | <input type="checkbox"/> FACE SHIELD      | <input type="checkbox"/> SAFETY SHOWER   |
| <input type="checkbox"/> AIR PURIFYING RESP.    | SUIT  | <input type="checkbox"/> INNER GLOVES                      | <input type="checkbox"/> LIFEBELT/LANYARD | <input type="checkbox"/> FIRST-AID KIT   |
| CARTRIDGE: _____                                | <input type="checkbox"/> FLASH SUIT           | TYPE: _____  | <input type="checkbox"/> COMMUNICATIONS   | <input type="checkbox"/> VENTILATION     |
| <input type="checkbox"/> BARRIER CREAM          | <input type="checkbox"/> HEARING PROTECTION   | <input type="checkbox"/> REFLECTIVE VESTS                  | <input type="checkbox"/> PFD'S            | <input type="checkbox"/> EXCAVATION PLAN |
| <input type="checkbox"/> WORK AREA DESIGNATED   | <input type="checkbox"/> NOMEX COVERALLS      | <input type="checkbox"/> PROPERLY SLOPED EXCAVATION/TRENCH |   |  |

**FIRE SAFETY**

- |   |   |   |  |
|---|---|---|--|
| <input type="checkbox"/> ALARM BOX IN AREA              | <input type="checkbox"/> EQUIP. GROUNDED & BONDED | <input type="checkbox"/> ELIMINATE IGNITION SOURCES | <input type="checkbox"/> HOT WORK PERMIT         |
| LOCATION: _____   | <input type="checkbox"/> NON-SPARKING TOOLS       | <input type="checkbox"/> EXPLOSION PROOF EQUIPMENT  | <input type="checkbox"/> FIRE BLANKET            |
| <input type="checkbox"/> WATER HOSE RUNNING             |   |   | <input type="checkbox"/> SMORING AREA DESIGNATED |
| <input type="checkbox"/> FIRE EXTINGUISHERS TYPE: _____ |   |   | LOCATION: _____                                  |
| <input type="checkbox"/> FIRE HOSE LAID OUT             |   |   | <input type="checkbox"/> AREA KEPT WET           |

**ISOLATE EQUIPMENT**

- |   |  |   |   |
|---|--|---|---|
| <input type="checkbox"/> ESTABLISH EXCLUSION ZONE | <input type="checkbox"/> POST WORK SIGNS   | <b>ELECTRICAL SAFETY</b>                    | <input type="checkbox"/> NON-CONDUCTIVE TOOLS |
| <input type="checkbox"/> STOP TRANSFERS           | <input type="checkbox"/> CAUTION TAPE AREA | <input type="checkbox"/> LOCKOUT/TAGOUT     | <input type="checkbox"/> LOCKOUT/TAGOUT       |
| <input type="checkbox"/> DISCONNECT & BLANK       | <input type="checkbox"/> LOCKOUT/TAGOUT    | <input type="checkbox"/> EQUIPMENT GROUNDED | <input type="checkbox"/> GFCI                 |

**CLIFF BERRY, INC. PERSONNEL - PRINT NAME & SIGNATURE**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

AIR MONITORING TYPE OF METER \_\_\_\_\_ DATE LAST CALIBRATED \_\_\_\_\_  
 AIR MONITORING LOG ON 2nd SHEET

SUBSTANCE	LEVELS B MAX.	ACTION LEVELS LEVEL C MAX.	LEVEL D. MAX.

FORMAN'S COMMENTS/MINUTES OF SAFETY MEETING: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

HEALTH & SAFETY COMMENTS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

FORMAN'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

HEALTH & SAFETY SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_



## Appendix 6

### 33 CFR 154.1035 (e) (6) - List of acronyms and definitions

ACP –	Area Contingency Plan
COTP –	Captain of the Port
CFR -	Code of Federal Regulations
CBI –	Cliff Berry Inc
FRP –	Facility Response Plan
GPS –	Global Positioning System
PIC –	Person in Charge
MSD –	Marine Safety Detachment
PREP –	Preparedness for Response Exercise Program
QI –	Qualified Individual
USCG –	United States Coast Guard

## Appendix 7

### Sector Miami telephone list




**Seventh District**

Brickell Plaza Federal Building

909 SE 1st Avenue

Miami, FL 33131-3050

305-415-6670

Logo	Sector/Unit Name	Contact Point	Phone Number
	<b>Sector Miami (07-37110)*</b> 100 MacArthur Causeway Miami Beach, FL 33139-5101	Emergency:	305-535-4472/4473
		Primary:	305-535-8700
		Response:	305-535-4302
		Incident Management:	305-535-4531
		Enforcement:	305-535-4312
		Prevention:	305-535-8709
		Inspections:	305-535-8732
		Investigations:	305-535-8750
		Waterways:	305-535-8724
		Preparedness/Planning:	305-535-8715
Fax:	305-535-8761		

## Appendix 8

### 33 CFR 154.1035 (b) (4) - Fish and Wildlife Sensitive Environments

- A. Environmental Sensitivity Index: East Florida (EFL) and South Florida (SFL). This identifies all fish and wildlife sensitive environments potentially impacted in the area of operations.
- B. Shoreline Habitat Descriptions. This describes the various types of shoreline habitats, predicted oil behavior, and appropriate response considerations.
- C. Calculation of the Planning Distance. (40CFR 112, appendix C, attachment III) This describes formulas used to determine distances from the point of discharge to the potential site of impact on moving and still waters.
- D. Guidelines for Interpreting ESI Maps and map legend.
- E. Environmental Sensitivity Index Maps. We use the ACP sensitive areas and response criteria. We also utilize the updated sensitive area maps located at: <http://ocean.floridamarine.org/ACP/MIAACP/Maps.html> a sampling of which is included in the areas in which we conduct transfer operations, found in Appendix 8 of this Plan.



U.S. Department of  
Homeland Security

United States  
Coast Guard



Commander  
United States Coast Guard  
Sector Miami

100 MacArthur Causeway  
Miami Beach, FL 33139-5101  
Staff symbol: sp  
Phone: (786) 777-0775  
Fax: (786) 777-0791

16619/ 15-0447  
May 19, 2015

MISLE#: 5128460  
FIN#: MIAMOB07

**FACILITY RESPONSE PLAN APPROVAL LETTER**

Cliff Berry Inc.  
Attn: Kelly Brandenburg  
P.O. Box 13079 Port Everglades Station  
Fort Lauderdale, FL 33316

Dear Kelly Brandenburg,

My staff has determined that the Cliff Berry Inc. Facility Response Plan meets Title 33 Code of Federal Regulations Part 154 (33 CFR 154) and it is hereby approved. **This approval is valid until May 19, 2020.**

You are required to resubmit an updated plan every five years in accordance with 33 CFR 154.1030 and 33 CFR 154.1060. If you make any changes outlined in 33 CFR 154.1065(b), such as changing the types of oil handled or your OSRO, you must submit revisions to this office within 30 days. Finally, you must notify this office if you make revisions to personnel and telephone number lists included in the response plan.

Please refer to the facility identification number MIAMOB07 in any future correspondence. If you have any questions, please contact the Sector Miami Prevention Department, Facilities and Containers Branch at (786) 777-0775.

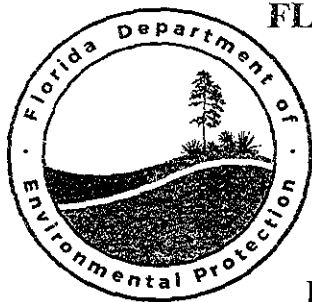
Sincerely,

A handwritten signature in black ink, appearing to read "T. M. Howard".

T. M. HOWARD  
Commander, U. S. Coast Guard  
Captain of the Port, Miami  
By direction

ATTACHMENT S

TERMINAL FACILITY DISCHARGE PREVENTION AND RESPONSE CERTIFICATE



**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**

SOUTHEAST DISTRICT OFFICE  
3301 Gun Club Road, MSC 7210-1  
West Palm Beach, Florida 33406  
(561)681-6600

**TERMINAL FACILITY  
DISCHARGE PREVENTION AND RESPONSE CERTIFICATE**

---

Issued to: **Cliff Berry, Inc. – Port Everglades**

County: Broward County

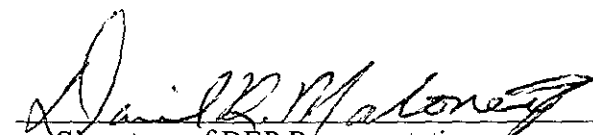
Address: 3400 SE 9<sup>th</sup> Ave.

Date: February 16, 2017

Fort Lauderdale, FL 33316

This Discharge Prevention and Response Certifies that the holder has demonstrated to the Department satisfactory pollutant discharge Containment and cleanup capabilities to Section 376.065, Florida Statutes.

Issued By:

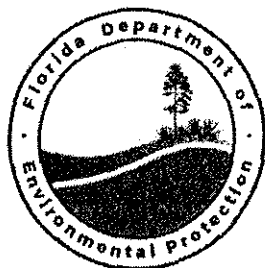
  
Signature of DEP Representative

Expires: Twelve (12) months after the date of issuance.

DEP Facility ID #: 06-9808092

ATTACHMENT T

USED OIL COLLECTOR, TRANSPORTER AND RECYCLER CERTIFICATES



## Florida Department of Environmental Protection

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

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Jonathan P. Steverson  
Secretary

---

February 23, 2016

Kelly Brandenburg  
Cliff Berry Inc - Jacksonville Facility  
PO Box 13079

Fort Lauderdale, FL 33316 0100

### BE IT KNOWN THAT

Cliff Berry Inc - Jacksonville Facility  
1518 Talleyrand Ave

Jacksonville, FL 32206 5436

### IS HEREBY REGISTERED AS A USED OIL

Transporter for Hire, Transfer Facility, Processor, Filter Transporter, Filter Transfer Facility

pursuant to Chapter 62-710, Florida Administrative Code (F.A.C)  
The Department of Environmental Protection hereby issues  
Registration Number **FLR000119784** on **February 23, 2016**  
Transporter Type: **Large For-Hire Transporter**

**This registration will expire on 06/30/2017**

This certificate documents receipt of your annual registration and annual report. It shall be displayed in a prominent place at your facility. This certificate and your on-line payment receipt are your receipts.

ATTACHMENT U

IDENTIFICATION CERTIFICATE FROM USEPA



# Department of Environmental Protection

EXHIBIT 5  
Page 247 of 259

Section Y  
Back-up

Jeb Bush  
Governor

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Colleen M. Castille  
Secretary

04/12/2006

William Parkes, Manager Reg Affairs  
Cliff Berry Inc - Port Everglades Facility  
PO Box 13079  
Fort Lauderdale, FL 33316-0100

DEP/EPA ID: **FLR000083071**  
LOCATION: **3400 Se 9th Ave , Dania Beach.**

Based on information supplied by you, we have processed and accepted your request for the facility identified with the above DEP/EPA identification number. The status of your facility remains:

### **HW Transporter Non-handler Used Oil Handler**

Please notify us in writing if there is any change in your operations which would affect your status. For further assistance, please call the Hazardous Waste Notification Coordinator at (850)245-8707.

Sincerely,

Michael X. Redig  
Environmental Manager  
Hazardous Waste Regulation Section

ME ID: 57109

FLORIDA

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
TALLAHASSEE, FLORIDA 32399-2400

"More Protection, Less Process"

Printed on recycled paper.



Lawton Chiles  
Governor

# Florida Department of Environmental Protection

EXHIBIT 5  
Page 248 of 259

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Virginia B. Wetherell  
Secretary

05-12-94

WILLIAM PARKES, MIAMI TERM MGR  
CLIFF BERRY INC MIAMI TERMINAL  
PO BOX 13079 PORT EVERGLADES  
FORT LAUDERDALE FL 33316

RE: Facility ID # FLD058560699  
LOC: 3033 NW N RIVER DR  
MIAMI

Based on information supplied by you, we have processed and accepted at the state level your request for the facility identified with the above ID number to receive the following name change under RCRA:

FROM: UNOCAL CHEMICAL DIV

TO: CLIFF BERRY INC MIAMI TERMINAL

The status of your facility:

Transporter.

will remain unchanged.

We are advising EPA of this change. Please notify us if there is any further change in your operations which would affect your status.

Sincerely,

Michael X. Redig  
Environmental Supervisor II  
Hazardous Waste Management Section

cc: Dave Gray - EPA/Region IV  
DER/West Palm Beach  
GMS-ID # 5013P81287

THIS LETTER IS INTENDED TO NOTIFY YOU OF YOUR EPA ID NUMBER. THIS LETTER IS NOT AN APPROVAL TO TRANSPORT HAZARDOUS WASTE OR OPERATE A HAZARDOUS WASTE TREATMENT, STORAGE OR DISPOSAL FACILITY. PLEASE CONTACT THE DEPARTMENT FOR COMPLETE REQUIREMENTS.





# Department of Environmental Protection

Lawton Chiles  
Governor

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Virginia B. Wechereil  
Secretary

02-20-96

WILLIAM PARKES, MIAMI TERM MGR  
CLIFF BERRY INC MIAMI TERMINAL  
PO BOX 13079 PORT EVERGLADES  
FORT LAUDERDALE FL 33316

RE: Facility ID # FLD058560699  
LOC: 3033 NW N RIVER DR  
MIAMI

Based on information supplied by you, we have processed and accepted at the state level your request for the facility identified with the above ID number to receive the following status change under RCRA:

Your facility status has been changed to the following:

Generator.

We are advising EPA of this change. Please notify us if there is any further change in your operations which would affect your status.

Sincerely,

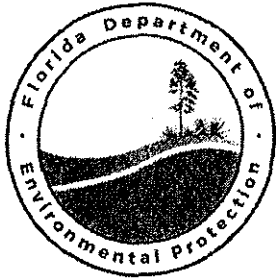
Michael X. Redig  
Environmental Supervisor II  
Hazardous Waste Management Section

cc: Dave Gray - EPA/Region IV  
DER/West Palm Beach  
GMS-ID # 5013P81287

THIS LETTER IS INTENDED TO NOTIFY YOU OF YOUR EPA ID NUMBER. THIS LETTER IS NOT AN APPROVAL TO TRANSPORT HAZARDOUS WASTE OR OPERATE A HAZARDOUS WASTE TREATMENT, STORAGE OR DISPOSAL FACILITY. PLEASE CONTACT THE DEPARTMENT FOR COMPLETE REQUIREMENTS.

ATTACHMENT V

APPROVED DISCHARGE CLEANUP ORGANIZATION FDEP



## Florida Department of Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Jonathan P. Steverson  
Interim Secretary

6/21/2016

Cliff Berry, Inc.  
Mr. Cliff Berry Sr.  
851 Eller Drive  
Fort Lauderdale, FL 33316

RE: Renewal of Certificate for Discharge Cleanup Organization

Dear Mr. Berry:

You are currently listed as an Approved Discharge Cleanup Organization (DCO) for the State of Florida. We are extending the expiration date of your DCO Certificate to **June 30, 2017**. Please notify this office of any significant changes in your capabilities as a DCO, as well as, changes in addresses, phone numbers, or contacts.

Retain a copy of this letter with your most current DCO certificate as evidence of your certification status. If you have any questions, or wish to provide updates, please contact Mr. Shane Gibbs at (850) 245-2872 or via email at [Shane.Gibbs@dep.state.fl.us](mailto:Shane.Gibbs@dep.state.fl.us). You may also contact your District Emergency Response Manager to address any questions or issues regarding this program.

Sincerely,

A handwritten signature in black ink, appearing to read "John Johnson".

John Johnson, Director  
Office of Emergency Response

ATTACHMENT W

OTHER PERMITS



Received 6/10/16

Regulatory and Economic Resources  
 Environmental Resources Management  
 701 NW 1st Court • 7th Floor  
 Miami, Florida 33136-3912  
 T 305-372-6600 F 305-372-6893

miamidade.gov

Permit No: IWP-000108-2016/2017 (P)-GEN\_SHELL1  
 Permit Issued To: CLIFF BERRY, INC. MIAMI TERMINAL  
 Facility Location: 3033 NW NORTH RIVER DR  
 MIAMI, FL 33142-

Contact Name/Address:  
 Attn: Cliff Berry II  
 CLIFF BERRY, INC.  
 PO BOX 13079 PORT EVERGLADES  
 FT LAUDERDALE, FL 33316-

## INDUSTRIAL WASTE PRETREATMENT ANNUAL OPERATING PERMIT

### DESCRIPTION OF FACILITY/EQUIPMENT

This document, issued under the provisions of Chapter 24, Miami-Dade County Environmental Protection Ordinance, shall be valid from 01-JUN-2016 through 30-JUN-2017. The above named permittee, is hereby authorized to operate the pollution control facility at the above location. The pollution control facility consists of the following equipment, processes and/or operations:

A 210,040 GPD Pretreatment System for a Centralized Waste Treatment facility regulated under 40 CFR 437 (b), for metals, oils and organic wastewaters with the following:

[A] SECONDARY CONTAINMENT for 1) Twenty-six (26) AG Tanks for storing used oils, oily water, finished products and clean water; 2) containment stormwater discharging through a vertical tube coalescer to existing french drain; 3) Pretreatment System and drums in holding area, inside building; 4) Concrete truck ramp with 9 in. curb for collection of spills in receiving tank area; 5) Roll-Off storage area.

[B] PRETREATMENT SYSTEM with two parallel trains sharing three 5000 gal. receiving tanks with partial treatment and horizontal decant/holding tanks, as needed: 1) a. A 200 gpm vertical tube coalescer unit; b. Two 350 gal Flash Mix tanks with flocculant, coagulant and pH feeds; c. A 50 gpm DAF unit, 8' diameter, with an air absorption tank; d. Sludge system with a 600 gal. sludge tank, BP plate and frame filter press. 2) a. A 2000 gal. O/W Separator with a 200 gal. Oil collection hopper; b. A 3900 gal. three stage DAF chemical conditioning tanks with pH adjustments and polymer feed from a 50 gal. polymer tank, c. A 150 gpm DAF unit with a 450 gal. pressure recycle tank; d. A 1200 gal. effluent wetwell and a 1300 gal. pH adjustment tank; e. Sludge System with a 300 gal. flotation holding tank, two 3000 gal. sludge holding tanks feeding to an Alar Rotary Drum Vacuum Filter with fly ash feed for bulking. 3) Polishing System including: a. Air Stripping system (500 gpm) with a Shallow Tray Air Stripper, b. A 500 gal. holding tank, injected with Chlorine Dioxide, discharging to horizontal tanks #13 & 14, and two 100 gpm Carbon Filters in series, c. Chlorine Dioxide generator system. 4) Adjustable rate flow controllers with meters to record influent and effluent rates.

[C] STANDBY POLISHING SYSTEM with 1) a 105 GPM oil/water separator equipped with a vertical tube coalescer, 2) Two 80 gpm carbon filters. Effluent from separator discharges to sanitary sewers or to carbon filters.

[D] OIL SEPARATION/ RECOVERY SYSTEM with 1) A 126,000 gal. Vertical used oil storage tank (Tank#1); 2) Four 25,000 gal. horizontal oil heating tank (Tanks #22, 23, 24, 25); 3) Oil Heater with a 10, 000 gal. Oil supply tank; 4) Four heat exchangers in series, an 8' diameter vapor recovery tank, a 6' diameter vapor distillation tower with a 6' diameter distillation water tank, a 6' diameter vapor clean oil tank and ancillary pumps and piping; 5) Two cooling towers for the distillation system.

[E] SAMPLING POINTS at the lift station wet well. Flow meter for the discharge from pump station to sanitary sewer.

This facility is subject to conditions listed below and in the following pages (if any) of this permit.

Lee N. Hefty, Assistant Director  
 Department of Regulatory and Economic Resources,  
 Environmental Resources Management

SPECIFIC CONDITIONS

1. Operations to be conducted in accordance with the Spill Prevention Control Countermeasure (SPCC) Plan as submitted and approved by this Department.
2. The permittee shall be responsible for immediate notification of oil or hazardous materials discharges. Agencies to be contacted include the U.S. Environmental Protection Agency (EPA), Region IV at (404) 881-4062 or the National Response Center at (800) 424-8802, and DERM at (305) 372-6789.
3. The secondary containment structures of the permitted facility must be inspected daily. Stormwater drainage valves must only be opened to discharge rain water and remain closed at all other times to avoid a by-pass of the containment system. Any leaks and/or failures of the containment system must be immediately reported to the Department at (305) 372-6789.
4. The permittee shall test for total cyanide (EPA method 335.4) in all incoming metal bearing wastes to comply with 40 CFR 437.4(b)(3), Code of Federal Regulations, prior to treatment and/or commingling with other in-plant wastes. Sampling records of all tests shall be maintained on-site and made available to Department personnel upon request.
5. Permittee must submit, by the 15th day of December, proof of calibration for the flowmeter conducted by a factory authorized representative.
6. The permittee must provide to the Department a periodic certification statement by June 15th of every year as required by 40 CFR 437.41(b), Code of Federal Regulations. Said certification statement and supporting documentation must be retained on-site in accordance with the provisions of 40 CFR 437.41(c).
7. The wastewater effluent sampling point(s) must be clearly marked and labeled at the facility.
8. Federal and State pretreatment standards as promulgated under Section 307 of the Clean Water Act and Chapter 62-625, Florida Administrative Code (FAC) are incorporated into this permit, specifically 40 CFR 437.47(b). Your facility must comply with these regulations in addition to the County regulations.
9. The equipment, processes and operations must be properly maintained and operated in accordance with the approved plans, design and processes. If at any time these facilities are found to be performing inadequately, the permittee must provide improvements to the operating techniques and/or additional equipment to operate in compliance with the applicable regulations.
10. The permittee must notify the Department in advance at least sixty (60) days prior to the projected implementation date of any substantial change in the volume (10% or more) or character of pollutants in its discharge.
11. The permittee shall notify the Department immediately of any incident that results in a discharge that could cause problems to the sewer collection and/or treatment system, including any slug loadings pursuant to 40 CFR 403.8(f)(2)(vi), Code of Federal Regulations. A written report must be submitted within five (5) days of the incident that includes the following minimum information: (a) time, date, duration and description of the incident; (b) summary of agencies and individuals contacted in response to the incident; (c) a description of the volume/quantity and types of materials and/or wastes involved in the discharge; (d) description of clean-up, treatment and/or disposal procedures implemented in response to the incident; (e) List of measures and/or corrective actions to be implemented by the permittee to prevent a similar incident from recurring.
12. If a Slug Discharge Control Plan (SDCP) is required for the subject facility pursuant to the provisions of 40 CFR 403.8(f)(2)(vi), Code of Federal Regulations, the permittee shall maintain the physical controls and follow the procedures identified in the most recent version of the SDCP approved by the Department. The Department may consider a failure by the permittee to comply with the approved SDCP to be Significant Non-Compliance with this permit pursuant to 40 CFR 403.8(f)(2)(viii)(H).
13. Pursuant to the provisions of 40 CFR 403.8(f)(2)(vi), the permittee shall immediately notify the Department of any changes at the facility affecting the potential for a slug discharge.
14. Pursuant to Section 24-20 of the Code of Miami Dade County, abnormal occurrences at the facility, with the exception of slug discharges as defined in Section 24-42.4(1)(j) of the Code, shall be reported to this Department (305-372-6955) no later than four (4) hours after the occurrence and a written report submitted within fourteen (14) days describing the nature of the incident and the steps taken to prevent future occurrences.
15. A Self Monitoring Report of Operations (SMR) shall be submitted to the Department in accordance



miamidade.gov

Permit No: IWP-000108-2016/2017 (P)  
Permit Issued To: CLIFF BERRY, INC. MIAMI TERMINAL

with the MONITORING REQUIREMENTS, REGULATED POLLUTANTS and MONITORING PROGRAM instructions specified elsewhere in this permit. The SMR shall be submitted on or before the 15th day of the month following the applicable reporting period along with the Industrial Waste Self Monitoring Report Form provided by the Department and hereby attached to this permit. All correspondence must be forwarded to: Department of Regulatory and Economic Resources, Environmental Evaluations Section -7th Floor, 701 NW 1st Court, Miami, FL, 33136. Note that analytical results submitted with the SMR shall not exceed the limits specified in the REGULATED POLLUTANTS section of this permit.

16. Self Monitoring Reports submitted to the Department shall be signed by a responsible official or duly authorized representative designated by the permittee in the most recent "Responsible Official and Duly Authorized Representative Signatory Identification" form provided to and approved by the Department. The permittee shall report changes of Responsible Official(s) or Duly Authorized Representative(s) designation(s) by submitting an updated version of the form to the Department within thirty (30) of the change becoming effective or with the next Self Monitoring Report, whichever occurs first. The permittee shall contact the Industrial Waste Pretreatment Program coordinator at (305) 372-6600 or visit <http://www.miamidade.gov/permits/library/forms/signatory-identification.pdf> to obtain the latest version of the form for submittal purposes. The submittal of a Self Monitoring Report that is not signed by a Responsible Official or Duly Authorized representative approved by the Department and/or failure to comply with the provisions for the submittal of an updated form as indicated herein constitutes a violation of 40 CFR 403.12(1).
17. All wastes from facility operations shall be stored or disposed of in compliance with County, State and Federal regulations.
18. All above ground tanks and storage areas for hazardous and/or industrial materials and wastes (if allowed) must have secondary containment. Design and construction must have Departmental approval.
19. No bypasses of treatment facilities are allowed except as outlined in the General Conditions and as permitted under Section 24-42.5 of the Code of Miami-Dade County and in accordance with Federal Regulations.
20. Hazardous Waste, as defined in Section 24-5 of the Code of Miami-Dade County, shall not be discharged to the public sanitary sewer system.
21. Hazardous waste, sludge and other industrial wastes and/or wastewater must be transported by Department approved transporters. Copies of manifests and/or receipts of all hazardous waste, sludge, industrial waste and/or wastewater disposed of must be included with the Self Monitoring Report of Operations. Analytical data must be submitted to the Department for all wastewater that is disposed of locally. Failure to gain approval from the Department, for disposal, may result in rejection of your wastewater at the disposal facility.
22. No violations of Water Quality Standards or Cleanup Target Levels (CTLs), as provided in Sections 24-42(3) and 24-44 of the Code of Miami Dade County, shall occur as a result of the facility operations. Violations of said Standards or CTLs may result in orders for immediate corrective action, possible modification to the operation, revocation of this operating permit and/or closure of the facility.
23. Upon closure of this facility, the permittee is responsible for the implementation of a closure plan in accordance with the enclosed closure guidelines.

#### GENERAL CONDITIONS

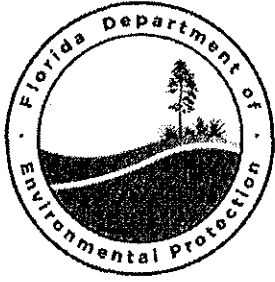
24. The applicant, by acceptance of this document, agrees to operate and maintain the subject operation so as to comply with the requirements of Chapter 24 of the Code of Miami-Dade County.
25. If for any reason, the applicant does not comply with or will be unable to comply with any

condition or limitation specified on this document the applicant shall immediately notify and provide the department with the following information: (a) a description of and cause of non-compliance; and (b) the period of non-compliance including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps taken to reduce, eliminate, and prevent recurrence of the non-compliance. The applicant shall be responsible for any and all damages which may result and may be subject to enforcement action by the department for penalties or revocation of this document.

26. As provided in Section 24-15 of the Code of Miami-Dade County, the prior written approval of the Department shall be obtained for any alteration to this facility.
27. The issuance of this document does not convey any vested rights or any exclusive privileges. Nor 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. Nor does it relieve the applicant from liability for harm or injury to human health or welfare or property.
28. This document is required to be posted in a conspicuous location at the facility site during the entire period of operation.
29. This document is not transferable. Upon sale or legal transfer of the property or facility covered by this document, the applicant shall notify the department within thirty(30) days. The new owner must apply for a permit within thirty (30) days. The applicant shall be liable for any non-compliance of the source until the transferee applies for and receives a transfer of this document.
30. The applicant, by acceptance of this document, specifically agrees to allow access to the named source at reasonable times by department personnel presenting credentials for the purposes of inspection and testing to determine compliance with this document and department rules.
31. This document does not indicate a waiver of or approval of any other department permit that may be required for other aspects of this facility.
32. This document does not constitute an approval by the Department or certification that the applicant is in compliance with applicable laws, ordinances, rules or regulations. The applicant acknowledges that separate enforcement actions may be initiated by the Department and that this document does not constitute compliance with orders issued in conjunction with enforcement actions for correction of violations.
33. Failure to comply with any condition of this document, or the requirements of Chapter 24, Code of Miami-Dade County may subject the applicant to the penalty provisions of said Chapter including civil penalties up to \$25,000 per day per offense and/or criminal penalties of \$500 per day or not less than \$1000 per day for violations of Section 24-42.4, Sanitary Sewer Discharge Limitations and Pretreatment Standards and/or sixty (60) days in jail.



Rick Scott  
Governor



## Florida Department of Environmental Protection

BBob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-240

Carlos Lopez-Cantera  
Lt. Governor

Jonathan P. Steverson  
Secretary

### PERMITTEE:

Cliff Berry, Inc.  
Post Office Box 13079  
Fort Lauderdale, Florida 33316

I.D. Number: FLD 058 560 699  
Used Oil Permit Number: 77628-HO-008  
Solid Waste Permit Number: 77628-SO-007  
Date of Issue: August 19, 2015  
Expiration Date: February 12, 2018  
County: Miami-Dade  
Lat/Long: 25°47'48"N / 80°14'42"W  
Project: Used Oil and Material Processing Facility

Attention:  
Ms. Kelly Brandenburg  
Manager Regulatory Affairs and Special Projects

This is a permit issued under the provisions of Section 403 of the Florida Statutes (F.S.), Chapters 62-4, 62-160, 62-701, 62-710, 62-730, 62-740, 62-762 and 62-780 of the Florida Administrative Code (F.A.C.), and 40 Code of Federal Regulations (CFR) Part 279. The above named Permittee is hereby authorized to perform the work or operate the facility shown on the application dated December 12, 2012 and revised or supplemented by submissions dated January 15, 2013, March 12, 2013, April 30, 2013, May 01, 2013, May 08, 2013, May 31, 2013, June 27, 2013 and permit application for major modification dated June 24, 2015, subsequent revisions dated July 10, 2015, July 15, 2015 and July 21, 2015 that are incorporated herein and collectively referred to as the "permit application." The permit application also includes any approved closure cost estimates and financial assurance dated May 31, 2013, and approved drawing(s), plans, and other details for six (6) new vertical tanks documents dated August 12, 2012, and details for four (4) new vertical tanks documents dated July 10, 2015 attached hereto or on file with the Department and made a part hereto. The facility is specifically authorized and 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. 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 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. 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.

The Facility currently consists of thirty five (35) tanks including four (4) new tanks added as part of these permit modifications. All current tanks and piping are located within secondary containment. Sixteen (16) tanks are dedicated to used oil (UO), nine (9) tanks are dedicated to oily water (OW), one (1) tank is dedicated to petroleum contact water (PCW), two (2) tanks are dedicated to clean water (CW), one (1) tank is dedicated to diesel fuel (DF), two (2) tanks are dedicated to finished product (FP), one (1) tank is dedicated to mixing products, two (2) tanks are dedicated to oily waste water, and one (1) tank dedicated to distillate. The facility also consists of container and drum storage areas, an oil filter processing system, a waste water pretreatment system and a loading and

unloading area. The facility is authorized to store and use a total of 674,690 gallons of used oil in the aboveground storage tanks and related appurtenances currently in use at the facility. Details for specific tanks are listed in Attachment B of this permit. The maximum number of drums of oily wastes awaiting processing on site at any one time shall not exceed 1,750 55-gallon drums.

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 one (1) 20-cubic yard roll-off container and shipped to a permitted, lined solid waste landfill for disposal.

The addition of six (6) new vertical tanks; two (2) tanks (10A, 10B) with a capacity of 44,000 gallons each of clean water, two (2) tanks (11A, 11B) with a capacity of 50,000 gallons each of finished product, and two (2) tanks (12A, 12B) with a capacity of 50,000 gallons each of used oil are going to be used for storage. These tanks were registered in 2013 and requested to be installed in 2013, but the facility just installed these tanks in 2015. These tanks are located just north of the currently existing Tank 13.

The addition of four (4) more new vertical tanks; three (3) tanks (27, 28, and 29) with a capacity of 29,000 gallons each, and one (1) tank with a capacity of 29,000 gallons of distillate will be used for storage. The used oil tanks will be located in between tanks 5 and 6 and tank 30 is going to be located just northwest of the currently existing tank 4.

The Permittee shall submit as-built drawings for all ten (10) tanks, the constructed new tanks within 30 days of completion of construction. Each drawing shall be certified and dated by a Professional Engineer registered in Florida. The tanks cannot be used for permitted activities until the as-built drawings have been accepted by the Department.

In addition to the activities regulated under this permit, the facility is also a ten (10) days or less Hazardous Waste Transfer Station.

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

1. Used Oil Processing Facility Permit Application dated June 23, 1997.
2. SPCC Plan revised dated January 2002.
3. Used Oil Processing Facility Permit Renewal Application dated November 20, 2002.
4. Additional information dated December 10, 2002.
5. Used Oil Processing Facility Permit Renewal Application dated December 07, 2007.
6. Additional information dated January 25, 2008 in response to Notice of Deficiency.
7. Used Oil Processing Facility Permit Renewal Application dated December 12, 2012.
8. SPCC Plan revised dated January 15, 2013.
9. Used Oil Processing Facility Permit Renewal NOD responses dated March 12, 2013, SPCC revised April 30, May 1, May 9, 2013, May 8, 2013, May 31, 2013, and June 27, 2013.

10. Revised Closure Cost Estimates dated May 31, 2013, Financial Assurance approval letter dated June 28, 2013, and Final Financial Assurance Letter of Credit dated July 27, 2015 and FDEP received dated July 28, 2015.
11. Used Oil Processing Facility Permit Major Modifications dated June 24, 2015 and additional information dated July 10, 2015, July 15, 2015, and July 21, 2015.