

## PORT EVERGLADES FRANCHISE APPLICATION

An application will not be deemed complete and ready for processing until all required documents and fees are received.

A separate application must be filed for each type of franchise applied for.

FRANCHISE TYPE

CHECK ONE

☐

STEAMSHIP AGENT

☐

STEVEDORE

☐

CARGO HANDLER

☐

TUGBOAT & TOWING

☐

VESSEL BUNKERING

☐

VESSEL OILY WASTE REMOVAL

☒

VESSEL SANITARY WASTE WATER REMOVAL

☐

MARINE TERMINAL SECURITY

☐

MARINE TERMINAL SECURITY

FIREARMS CARRYING SECURITY PERSONNEL

NON-FIREARMS CARRYING SECURITY PERSONNEL

**Note: Applicant is the legal entity applying for the franchise. If the Applicant is granted the franchise, it will be the named franchisee. All information contained in this application shall apply only to the Applicant, and not to any parent, affiliate, or subsidiary entities.**

Applicant's

Name Cliff Berry, Inc. (CBI)

(Name as it appears on the certificate of incorporation, charter, or other legal documentation as applicable, evidencing the legal formation of the Applicant)

Applicant's Business Address 851 Eller Drive, Fort Lauderdale, FL 33316

Number /

Street

City/State/Zip

Phone # (954) 763-3390

E-mail address compliance @ cliffberryinc.com

Fax #: (954) 763-8375

**Name of the person authorized to bind the Applicant (This person's signature must appear on Page 13.)**

Name Cliff Berry, II.

Title Chief Executive Officer

Business Address 851 Eller Drive, Fort Lauderdale, FL 33316

Number /

Street

City/State/Zip

Phone # (954) 763-3390

E-mail address cb2 @ cliffberryinc.com

Fax #: (954) 763-8375

Provide the Name and Contact Information of Applicant's Representative to whom questions about this application are to be directed (if different from the person authorized to bind the Applicant):

Representative's Name Kelly Brandenburg

Representative's Title Regulatory Compliance

Representative's Business Address 851 Eller Drive, Fort Lauderdale, FL 33316

Number /

Street

City/State/Zip

Representative's Phone # (954) 763-3390

Representative's E-mail address compliance @ cliffberryinc.com

Representative's Fax #: (954) 763-8375

PLEASE COMPLETE THIS APPLICATION AND LABEL ALL REQUIRED BACKUP DOCUMENTATION TO CLEARLY IDENTIFY THE SECTION OF THE APPLICATION TO WHICH THE DOCUMENTATION APPLIES (I.E., SECTION A, B, C, etc.).

**Section A**

1. List the name(s) of Applicant's officers including CEO, COO, CFO, director(s), member(s), partner(s), shareholder(s), principal(s), employee(s), agents, and local representative(s) active in the management of the Applicant.

**Officers:**

Title CEO  
First Name Cliff Middle Name \_\_\_\_\_  
Last Name Berry, II.  
Business Street Address 851 Eller Drive  
City, State, Zip Code Fort Lauderdale, FL 33316  
Phone Number (954) 763-3390 Fax Number (954) 763-8375  
Email Address cb2 @cliffberryinc.com

Title CEO  
First Name Ira Middle Name \_\_\_\_\_  
Last Name Nassi  
Business Street Address 851 Eller Drive  
City, State, Zip Code Fort Lauderdale, FL 33316  
Phone Number (954) 763-3390 Fax Number (954) 763-8375  
Email Address inassi @cliffberryinc.com

Title Area Manager  
First Name Jon Middle Name \_\_\_\_\_  
Last Name Hines  
Business Street Address 851 Eller Drive  
City, State, Zip Code Fort Lauderdale, FL 33316  
Phone Number (954) 763-3390 Fax Number (954) 763-8375  
Email Address jhines @cliffberryinc.com

Title \_\_\_\_\_  
First Name \_\_\_\_\_ Middle Name \_\_\_\_\_  
Last Name \_\_\_\_\_  
Business Street Address \_\_\_\_\_  
City, State, Zip Code \_\_\_\_\_  
Phone Number ( ) \_\_\_\_\_ Fax Number ( ) \_\_\_\_\_  
Email Address \_\_\_\_\_ @ \_\_\_\_\_

Attach additional sheets if necessary.

2. RESUMES: Provide a resume for each officer, director, member, partner, shareholder, principal, employee, agent, and local representative(s) active in the management of the Applicant, as listed above.

**Section B**

1. Place checkmark to describe the Applicant:  
( ) Sole Proprietorship (X) Corporation ( ) Partnership ( ) Joint Venture ( ) Limited Liability Company
2. Provide copies of the documents filed at the time the Applicant was formed including Articles of Incorporation (if a corporation); Articles of Organization (if an LLC); or Certificate of Limited Partnership or Limited Liability Limited Partnership (if a partnership). If the Applicant was not formed in the State of Florida, provide a copy of the documents demonstrating that the Applicant is authorized to conduct business in the State of Florida.

**Section C**

1. Has there been any change in the ownership of the Applicant within the last five (5) years? (e.g., any transfer of interest to another party)  
Yes\_\_\_ No X If "Yes," please provide details in the space provided. Attach additional sheets if necessary.
2. Has there been any name change of the Applicant or has the Applicant operated under a different name within the last five (5) years?  
Yes\_\_\_ No X If "Yes," please provide details in the space provided, including: Prior name(s) and Date of name change(s) filed with the State of Florida's Division of Corporations or other applicable state agency. Attach additional sheets if necessary.
3. Has there been any change in the officers, directors, executives, partners, shareholders, or members of the Applicant within the past five (5) years?  
Yes\_\_\_ No X If "Yes," please provide details in the space provided, including:  
Prior officers, directors, executives, partners, shareholders, members  
Name(s) \_\_\_\_\_  
New officers, directors, executives, partners, shareholders, members  
Name(s) \_\_\_\_\_  
Also supply documentation evidencing the changes including resolution or minutes appointing new officers, list of new principals with titles and contact information, and effective date of changes. Attach additional sheets if necessary.

**Section D**

Provide copies of all fictitious name registrations filed by the Applicant with the State of Florida's Division of Corporations or other State agencies. If none, indicate "None" none.

**Section E**

1. Has the Applicant acquired another business entity within the last five (5) years?  
Yes\_\_\_ No X If "Yes," please provide the full legal name of any business entity which the Applicant acquired during the last five (5) years which engaged in a similar business activity as the business activity which is the subject of this Port Everglades Franchise Application.  
If none, indicate "None" none.
  
2. Indicate in the space provided the date of the acquisition and whether the acquisition was by a stock purchase or asset purchase and whether the Applicant herein is relying on the background and history of the acquired firm's officers, managers, employees and/or the acquired firm's business reputation in the industry to describe the Applicant's experience or previous business history. Attach additional sheets if necessary.
  
3. Has the Applicant been acquired by another business entity within the last five (5) years?  
Yes\_\_\_ No X If "Yes," provide the full legal name of any business entity which acquired the Applicant during the last five (5) years which engaged in a similar business activity as the business activity which is the subject of this Port Everglades Franchise Application.  
If none, indicate "None" none.
  
4. Indicate in the space provided the date of the acquisition and whether the acquisition was by a stock purchase or asset purchase and whether the Applicant herein is relying on the background and history of the parent firm's officers, managers, employees and/or the parent firm's business reputation in the industry to describe the Applicant's experience or previous business history. Attach additional sheets if necessary.

**Section F**

Provide the Applicant's previous business history, including length of time in the same or similar business activities as planned at Port Everglades.

**Section G**

1. Provide a list of the Applicant's current managerial employees, including supervisors, superintendents, and forepersons.
  
2. List the previous work history/experience of the Applicant's current managerial employees, including their active involvement in seaports and length of time in the same or similar business activities as planned at Port Everglades.



**Section H**

List all seaports, including Port Everglades (if application is for renewal), where the Applicant is currently performing the services/operation which is the subject of this Franchise application. **Use this form for each seaport listed. Photocopy additional pages as needed (one page for each seaport listed).**

If none, state "None" \_\_\_\_\_.

Seaport \_\_\_\_\_ Port of Miami \_\_\_\_\_ Number of Years Operating at this Seaport 20

List below all of the Applicant's Clients for which it provides services at the seaport listed above.

Client Name (Company)	Number of Years Applicant has Provided Services to this Client
MAJOR CRUISE LINES	20
FREIGHT LINES	20
TANKER LINES	20
TUG BOAT LINES	20
US NAVY VESSELS	20
US COAST GUARD VESSELS	20

**Section H**

List all seaports, including Port Everglades (if application is for renewal), where the Applicant is currently performing the services/operation which is the subject of this Franchise application. **Use this form for each seaport listed. Photocopy additional pages as needed (one page for each seaport listed).**

If none, state "None" \_\_\_\_\_.

Seaport \_\_\_\_\_ Port Everglades \_\_\_\_\_ Number of Years Operating at this Seaport 20

List below all of the Applicant's Clients for which it provides services at the seaport listed above.

Client Name (Company)	Number of Years Applicant has Provided Services to this Client
MAJOR CRUISE LINES	20
FREIGHT LINES	20
TANKER LINES	20
TUG BOAT LINES	20
US NAVY VESSELS	20
US COAST GUARD VESSELS	20

# Section H

List all seaports, including Port Everglades (if application is for renewal), where the Applicant is currently performing the services/operation which is the subject of this Franchise application. Use this form for each seaport listed. Photocopy additional pages as needed (one page for each seaport listed).

If none, state "None" \_\_\_\_\_.

Seaport \_\_\_\_\_ Port Canaveral \_\_\_\_\_ Number of Years Operating at this Seaport 12

List below all of the Applicant's Clients for which it provides services at the seaport listed above.

Client Name (Company)	Number of Years Applicant has Provided Services to this Client
MAJOR CRUISE LINES	12
FREIGHT LINES	12
TANKER LINES	12
TUG BOAT LINES	12
US NAVY VESSELS	12
US COAST GUARD VESSELS	12

**Section H**

List all seaports, including Port Everglades (if application is for renewal), where the Applicant is currently performing the services/operation which is the subject of this Franchise application. Use this form for each seaport listed. Photocopy additional pages as needed (one page for each seaport listed).

If none, state "None" \_\_\_\_\_.

Seaport \_\_\_\_\_ Port Tampa \_\_\_\_\_ Number of Years Operating at this Seaport 12

List below all of the Applicant's Clients for which it provides services at the seaport listed above.

Client Name (Company)	Number of Years Applicant has Provided Services to this Client
MAJOR CRUISE LINES	12
FREIGHT LINES	12
TANKER LINES	12
TUG BOAT LINES	12
US NAVY VESSELS	12
US COAST GUARD VESSELS	12

**Section H**

List all seaports, including Port Everglades (if application is for renewal), where the Applicant is currently performing the services/operation which is the subject of this Franchise application. **Use this form for each seaport listed. Photocopy additional pages as needed (one page for each seaport listed).**

If none, state "None" \_\_\_\_\_.

Seaport Port Jacksonville Number of Years Operating at this Seaport 12

List below all of the Applicant's Clients for which it provides services at the seaport listed above.

Client Name (Company)	Number of Years Applicant has Provided Services to this Client
MAJOR CRUISE LINES	12
FREIGHT LINES	12
TANKER LINES	12
TUG BOAT LINES	12
US NAVY VESSELS	12
US COAST GUARD VESSELS	12

**Section H**

List all seaports, including Port Everglades (if application is for renewal), where the Applicant is currently performing the services/operation which is the subject of this Franchise application. Use this form for each seaport listed. Photocopy additional pages as needed (one page for each seaport listed).

If none, state "None" \_\_\_\_\_.

Seaport PORT CHARLESTON Number of Years Operating at this Seaport 10

List below all of the Applicant's Clients for which it provides services at the seaport listed above.

Client Name (Company)	Number of Years Applicant has Provided Services to this Client
MAJOR CRUISE LINES	10

### Section I

1. Provide a description of all past (within the last five (5) years) and pending litigation and legal claims where the Applicant is a named party, whether in the State of Florida or in another jurisdiction, involving allegations that Applicant has violated or otherwise failed to comply with environmental laws, rules, or regulations or committed a public entity crime as defined by Chapter 287, Florida Statutes, or theft-related crime such as fraud, bribery, smuggling, embezzlement or misappropriation of funds or acts of moral turpitude, meaning conduct or acts that tend to degrade persons in society or ridicule public morals.

The description must include all of the following:

- a) The case title and docket number
- b) The name and location of the court before which it is pending or was heard
- c) The identification of all parties to the litigation
- d) General nature of all claims being made

If none, indicate "None" none.

2. Indicate whether in the last five (5) years the Applicant or an officer, director, executive, partner, or a shareholder, employee or agent who is or was (during the time period in which the illegal conduct or activity took place) active in the management of the Applicant was charged, indicted, found guilty or convicted of illegal conduct or activity (with or without an adjudication of guilt) as a result of a jury verdict, nonjury trial, entry of a plea of guilty or nolo contendere where the illegal conduct or activity (1) is considered to be a public entity crime as defined by Chapter 287, Florida Statutes, as amended from time to time, or (2) is customarily considered to be a white-collar crime or theft-related crime such as fraud, smuggling, bribery, embezzlement, or misappropriation of funds, etc. or (3) results in a felony conviction where the crime is directly related to the business activities for which the franchise is sought.

Yes      No X

If you responded "Yes," please provide all of the following information for each indictment, charge, or conviction:

- a) A description of the case style and docket number
- b) The nature of the charge or indictment
- c) Date of the charge or indictment
- d) Location of the court before which the proceeding is pending or was heard
- e) The disposition (e.g., convicted, acquitted, dismissed, etc.)
- f) Any sentence imposed
- g) Any evidence which the County (in its discretion) may determine that the Applicant and/or person found guilty or convicted of illegal conduct or activity has conducted itself, himself or herself in a manner as to warrant the granting or renewal of the franchise.

### Section J

The Applicant must provide a current certificate(s) of insurance. Franchise insurance requirements are determined by Broward County's Risk Management Division and are contained in the Port Everglades Tariff No. 12 as amended, revised or reissued from time to time. The Port Everglades Tariff is contained in the Broward County Administrative Code, Chapter 42, and is available for inspection on line at: <http://www.broward.org/port/tariff>.



**Section K**

1. The Applicant must provide its most recent audited or reviewed financial statements prepared in accordance with generally accepted accounting principles, or other documents and information which demonstrate the Applicant's creditworthiness, financial responsibility, and resources, which the Port will consider in evaluating the Applicant's financial responsibility.
2. Has the Applicant or entity acquired by Applicant (discussed in Section E herein) sought relief under any provision of the Federal Bankruptcy Code or under any state insolvency law filed by or against it within the last five (5) year period?  
Yes \_\_\_ No X  
If "Yes," please provide the following information for each bankruptcy or insolvency proceeding:
  - a) Date petition was filed or relief sought
  - b) Title of case and docket number
  - c) Name and address of court or agency
  - d) Nature of judgment or relief
  - e) Date entered
3. Has any receiver, fiscal agent, trustee, reorganization trustee, or similar officer been appointed in the last five (5) year period by a court for the business or property of the Applicant?  
Yes \_\_\_ No X  
If "Yes," please provide the following information for each appointment:
  - a) Name of person appointed
  - b) Date appointed
  - c) Name and address of court
  - d) Reason for appointment
4. Has any receiver, fiscal agent, trustee, reorganization trustee, or similar officer been appointed in the last five (5) year period by a court for any entity, business, or property acquired by the Applicant?  
Yes \_\_\_ No X  
If "Yes," please provide the following information for each appointment:
  - a) Name of person appointed
  - b) Date appointed
  - c) Name and address of court
  - d) Reason for appointment

**Section L**      **SEE ATTACHED**

List four (4) credit references for the Applicant, one of which must be a bank. Use this format:

Name of Reference \_\_\_\_\_ Nature of Business \_\_\_\_\_  
Contact Name \_\_\_\_\_ Title \_\_\_\_\_  
Legal Business Street Address \_\_\_\_\_  
City, State, Zip Code \_\_\_\_\_  
Phone Number (\_\_\_\_) \_\_\_\_\_

(Provide on a separate sheet.)

**Section M**

1. Security: Pursuant to Port Everglades Tariff 12, Item 960, all Franchisees are required to furnish an Indemnity and Payment Bond or Irrevocable Letter of Credit drawn on a U.S. bank in a format and an amount not less than \$20,000 as required by Broward County Port Everglades Department.
2. Has the Applicant been denied a bond or letter of credit within the past five (5) years?  
Yes \_\_\_ No X  
If "Yes," please provide a summary explanation in the space provided of why the Applicant was denied. Use additional sheets if necessary.

**Section N**

1. Provide a list and description of all equipment currently owned and/or leased by the Applicant and intended to be used by the Applicant for the type of service(s) intended to be performed at Port Everglades including the age, type of equipment and model number.
2. Identify the type of fuel used for each piece of equipment.
3. Indicate which equipment, if any, is to be domiciled at Port Everglades.
4. Will all equipment operators be employees of the Applicant, on the payroll of the Applicant, with wages, taxes, benefits, and insurance paid by the Applicant?  
Yes X No \_\_\_  
If "No," please explain in the space provided who will operate the equipment and pay wages, taxes, benefits, and insurance, if the franchise is granted. Use additional sheets if necessary.

**Section O**

Provide a copy of the Applicant's current Broward County Business Tax Receipt (formerly Occupational License).

**Section P**

1. Provide a copy of Applicant's safety program.
2. Provide a copy of Applicant's substance abuse policy.
3. Provide a copy of Applicant's employee job training program/policy.
4. Provide information regarding frequency of training.
5. Include equipment operator certificates, if any.

### Section Q

1. Has the Applicant received within the past five (5) years or does the Applicant have pending any citations, notices of violations, warning notices, or fines from any federal, state, or local environmental regulatory agencies?  
Yes X No
2. Has the Applicant received within the past five (5) years or does the Applicant have pending any citations, notices of violations, warning notices, or civil penalties from the U.S. Coast Guard?  
Yes      No X
3. Has the Applicant received within the past five (5) years or does the Applicant have pending any citations, notices of violations, warning notices, or fines from the Occupational Safety and Health Administration?  
Yes      No X

If you responded "Yes" to any of this section's questions 1, 2, or 3 above, please provide a detailed summary for each question containing the following information:

- a) Name and address of the agency issuing the citation or notice
- b) Date of the notice
- c) Nature of the violation
- d) Copies of the infraction notice(s) from the agency
- e) Disposition of case
- f) Amount of fines, if any
- g) Corrective action taken

Attach copies of all citations, notices of violations, warning notices, civil penalties and fines issued by local, state, and federal regulatory agencies, all related correspondence, and proof of payment of fines.

4. Provide a statement (and/or documentation) which describes the Applicant's commitment to environmental protection, environmental maintenance, and environmental enhancement in the Port.

### Section R

Provide written evidence of Applicant's ability to promote and develop growth in the business activities, projects or facilities of Port Everglades through its provision of the services (i.e., stevedore, cargo handler or steamship agent) it seeks to perform at Port Everglades. For first-time applicants (stevedore, cargo handler and steamship agent), the written evidence must demonstrate Applicant's ability to attract and retain new business such that, Broward County may determine in its discretion that the franchise is in the best interests of the operation and promotion of the port and harbor facilities. The term "new business" is defined in Chapter 32, Part II of the Broward County Administrative Code as may be amended from time to time.

If you have checked an Applicant box for VESSEL BUNKERING, VESSEL OILY WASTE REMOVAL, VESSEL SANITARY WASTE WATER REMOVAL, OR MARINE TERMINAL SECURITY, then the following additional information is required:

☐ **VESSEL BUNKERING**

**Section T-** A Letter of Adequacy from the U.S. Coast Guard and a copy of the applicant's operations manual approved by the U.S. Coast Guard.

**Section V-** A copy of the applicant's Oil Spill Contingency Plan for Marine Transportation Related Facilities approved by the U.S. Coast Guard.

**Section W-** A Terminal Facility Discharge Prevention and Response Certificate with a copy of an approved Oil Spill Contingency Plan from the Florida Dept. of Environmental Protection.

**Section Z-** An approved Discharge Cleanup Organization Certificate from the Florida Dept. of Environmental Protection which has been issued to the applicant or to its cleanup contractor with a copy of the cleanup contract showing the expiration date.

☒ **VESSEL OILY WASTE REMOVAL**

**Section S -** Certificate of Adequacy in compliance with the Directives of MARPOL 73/75 and 33 CFR 158, if applicable.

**Section T- A** Letter of Adequacy from the U.S. Coast Guard and a copy of the Applicant's operations manual approved by the U.S. Coast Guard.

**Section U- A** Waste Transporter License from the Broward County Environmental Protection Department identifying the nature of the discarded hazardous (or non-hazardous) material to be transported.

**Section V-** A copy of the Applicant's Oil Spill Contingency Plan for Marine Transportation Related Facilities approved by the U.S. Coast Guard.

**Section W-** A Terminal Facility Discharge Prevention and Response Certificate with a copy of an approved Oil Spill Contingency Plan from the Florida Dept. of Environmental Protection.

**Section X-** A Used Oil Collector, Transporter, and Recycler Certificate from the Florida Dept. of Environmental Protection.

**Section Y-** An Identification Certificate from the U.S. Environmental Protection Agency.

**Section Z-** An approved Discharge Cleanup Organization Certificate from the Florida Dept. of Environmental Protection which has been issued to the Applicant or to its cleanup contractor with a copy of the cleanup contract showing the expiration date.

☐ **VESSEL SANITARY WASTE WATER REMOVAL**

**Section U-** A Waste Transporter License from the Broward County Environmental Protection Department identifying the nature of the discarded hazardous (or non-hazardous) material to be transported.

**Section Z1-** A copy of the Applicant's operations manual.

**Section Z2-** A Septage Receiving Facility Waste Hauler Discharge Permit from the Broward County Water and Wastewater Services Operations Division.

☐ **MARINE TERMINAL SECURITY**

**Section N1-** A list of all metal detection devices, walk-through and hand held, as well as all luggage and carryon x-ray machines owned or leased, to be used or domiciled at Port Everglades. Listing must include brand name and model.

**Section N2-** A copy of all manufacturers recommended service intervals and name of company contracted to provide such services on all aforementioned equipment.

**Section N3-** A description of current method employed to assure all equipment is properly calibrated and functioning.

**Section N4-** current training requirements and training syllabus for employees operating

x-ray equipment. Highlight emphasis on weapon and contraband identification.  
Include equipment operator certificates, if any.

**Section O1-** Provide copies of all local, state and federal licenses, including:

- a. A copy of the Applicant's State of Florida Business License.
- b. A copy of security agency's Manager's "M" or "MB" License and a copy of the security agency's "B" or "BB" License issued by the Florida Department of Agriculture and Consumer Services.

**Section P3- SECURITY GUARDS / SUPERVISORS**

- a. Provide Applicant's background requirements, education, training etc., for personnel hired as security guards.
- b. Provide historic annual turnover ratio for security guards.
- c. Provide a copy of Applicant's job training program/policy including a copy of training curriculum and copies of all manuals and take-home materials made available to security guards. Include information regarding frequency of training.
- d. Provide background requirements, experience, licensing and any and all advanced training provided to supervisory personnel.
- e. Provide present policy for individual communication devices either required of security guards or supplied by the employer.
- f. Provide procurement criteria and source as well as Applicant's certification requirements for K-9 workforce.
- g. Provide information on the number of security guards / supervisors currently employed or expected to be employed to provide security services at Port Everglades.

Supervisors \_\_\_\_\_  
Class D Guards \_\_\_\_\_  
Class G Guards \_\_\_\_\_  
K-9 Handlers \_\_\_\_\_

**Port Everglades Tariff 12**

References to the Port Everglades Tariff 12 as amended or reissued: <http://www.porteverglades.net/development/tariff>

**Application Fees**

The following fees have been established for franchised businesses at Port Everglades. Initial processing fees are nonrefundable. A franchise is required for each category of business.

**Stevedore**

Initial processing fee, assignment fee, or reinstatement fee \$ 11,000.00  
Annual Fee

\$ 4,000.00

**Cargo Handler**

Initial processing fee, assignment fee, or reinstatement fee \$ 11,000.00  
Annual Fee

\$ 4,000.00

**Steamship Agent**

Initial processing fee, assignment fee, or reinstatement fee \$  
4,000.00  
Annual Fee

\$ 2,250.00

**Tugboat and Towing**

Initial processing fee, assignment fee, or reinstatement fee \$ 26,000.00  
Annual Fee

By Contract

**Vessel Bunkering, Vessel Oily Waste Removal,**

**Vessel Sanitary Waste Water Removal**

Initial processing fee, assignment fee, or reinstatement fee \$ 4,000.00  
Annual Fee

\$ 2,250.00

For first-time franchise Applicants, both the initial application fee and the annual fee must be submitted at time of application. Thereafter, annual franchise fees are due and payable each year on the franchise anniversary date, which is defined as the effective date of the franchise.

Note: Check(s) should be made payable to:

BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS and be mailed with this application to:

Port Everglades Business Administration Division

1850 Eller Drive, Fort Lauderdale, FL 33316

**Required Public Hearing**

Staff review of this application will not commence until such time as all of the above requested information and documentation has been provided and the franchise application has been determined by staff to be complete. All of the above requested information and Sections are required to be completed prior to the scheduling of the public hearing. Staff will request that the Broward County Board of County Commissioners set a public hearing to consider the franchise application and hear comments from the public. The Applicant will be notified of the Public Hearing date and must plan to attend the Public Hearing.

By signing and submitting this application, Applicant certifies that all information provided in this application is true and correct. Applicant understands that providing false or misleading information on this application may result in the franchise application being denied, or in instances of renewal, a franchise revoked. Applicant hereby waives any and all claims for any damages resulting to the Applicant from any disclosure or publication in any manner of any material or information acquired by Broward County during the franchise application process or during any inquiries, investigations, or public hearings.

Applicant further understands that if there are any changes to the information provided herein (subsequent to this application submission) or to its officers, directors, senior management personnel, or business operation as stated in this application, Applicant agrees to provide such updated information to the Port Everglades Department of Broward County, including the furnishing of the names, addresses (and other information as required above) with respect to persons becoming associated with Applicant after its franchise application is submitted, and any other required documentation requested by Port Everglades Department staff as relating to the changes in the business operation. This information must be submitted within ten (10) calendar days from the date of any change made by the Applicant.

Applicant certifies that all workers performing functions for Applicant who are subject to the Longshore and Harbor Workers' Act are covered by Longshore & Harbor Workers' Act, Jones Act Insurance, as required by federal law.

This application and all related records are subject to Chapter 119, F.S., the Florida Public Records Act.

By its execution of this application, Applicant acknowledges that it has read and understands the rules, regulations, terms and conditions of the franchise it is applying for as set forth in Chapter 32, Part II, of the Broward County Administrative Code as amended, and agrees, should the franchise be granted by Broward County, to be legally bound and governed by all such rules, regulations, terms and conditions of the franchise as set forth in Chapter 32, Part II, of the Broward County Administrative Code as amended.

The individual executing this application on behalf of the Applicant, personally warrants that s/he has the full legal authority to execute this application and legally bind the Applicant

Signature of Applicant's Authorized Representative [Signature] Date Signed 4/23/2018

Signature name and title - typed or printed Cliff Berry, II - CEO

Witness Signature (\*Required\*) [Signature]  
Witness name-typed or printed Kelly Brandenburg

Witness Signature (\*Required\*) [Signature]  
Witness name-typed or printed Michelle Deshommes

If a franchise is granted, all official notices/correspondence should be sent to:

Name Cliff Berry, II. Title CEO

Address PO Box 13079 Phone (954) 763-3390  
Fort Lauderdale, FL 33316  
compliance@cliffberryinc.com



**Cliff Berry II – Owner/CEO**

A lifelong resident of South Florida, Mr. Berry has worked in the environmental services industry for over thirty years. His experience in leading responses to oil and chemical releases has won Cliff Berry Inc. (CBI) national recognition from the USCG as a preeminent environmental services company. Under his leadership CBI has expanded its service capabilities into wastewater treatment, industrial maintenance and used oil collection & processing. Concurrent with his duties as President of CBI, Mr. Berry has been an active member of the professional community for several years. He is a member of the South Florida Local Area Planning Committee, and a board member of both the Seafarer's House as well as the Port Everglades Assn.

Mr. Berry has held several leadership positions such as:

- 2012 Secretary / Treasurer for the **Port Everglades Assn.**
- Past President & Active Board Member (since 1999) of the **Port Everglades Seafarers' House.**
- Voting Member of the **Dist. 9 Local Area Planning Committee (LEPC)**
- Board member of the **Broward County Marine Advisory Committee** appointed by County Commission
- Past Board Member of the **Marine Industries Assn. of South Florida**
- Past Member of the **Broward County Fire Rescue Services Advisory Board**
- Past V.P. of the **South East Chapter of the United States Propeller Club**
- Past President of the **Port Everglades Propeller Club.**
- Board member of the **Fort Lauderdale Marine Advisory Board** appointed by the City
- Past board member of the **Spill Control Association of America**

## Ira R. Nassi

- Over thirty years of comprehensive senior leadership and financial management experience
- CFO of property and casualty insurance group
- CFO of wholesale distribution operations serving the aviation industry
- Finance Vice President for enterprise providing e-commerce solutions and processing of real-time payments for internet merchants
- Manager with Big Four public accounting firm
- Implementation of financial disciplines resulting in strengthened balance sheets and operating results
- Experienced leadership in steering achievement of strategic goals and objectives
- Manager of analyst and lender relationships, successful in obtaining rating affirmation and credit facilities across multiple banking relationships
- Development of treasury management structure yielding improved security and cash flow
- Management, and analysis, of financial statements
- Development of business plans and financial modeling solutions

## Jonathan Thomas Hines

1320 NW 8<sup>th</sup> Ct.  
Boynton Beach, FL 33426

Phone: 954-907-5190  
E-Mail: [jhines@cliffberryinc.com](mailto:jhines@cliffberryinc.com)

---

### **Education**

Indian Hills High School, Franklin Lakes, NJ. – High School Diploma - 1993  
Colonial Heights, Building Trades Vocational School, Colonial Heights, VA. – 1989 / 1992

### **Memberships, Training & Certifications**

Co-Chair of Port Everglades Seafarers House, 2015 - South Florida Business Leaders Luncheon  
Board Member of Broward Navy Days, Since 2014  
Member of the Downtown Fort Lauderdale Rotary Club, Since 2013  
Board Member of the Local Emergency Planning Committees (LEPC) Since 2012  
Member of the Port Everglades Petroleum Association (PAPE), Since 2011  
40-Hour Hazardous Waste Operations (29 CFR 1910.120)  
HM-181 Federal Hazardous Materials Transportation Regulations  
OSHA 8-hour Supervisor Course in Hazardous Waste Operations (29 CFR 1910.120)  
HMF-126F Hazardous Materials  
National Incident Management System (NIMS) Training Program  
Confined Space Rescue & Entry  
First Responder Training

### **Summary of Experience**

#### **Leadership**

- Developed Key Performance Indicators for the proper execution of Health & Safety and Proficient Cost Effective Operations in an environmental contracting business
- Successful completion of over 50 unannounced OSRO rating deployment drills for 1 hr., response in current roll with Cliff Berry, Inc.
- Reported zero lost time injuries in totality of management career

#### **Business / Project Management**

- Over 10 years of management with full P&L responsibility
- Manage compliance, safety and proper execution of over 150 Emergency Response Calls annually on time in current roll with Cliff Berry, Inc.
- Manage compliance, safety and proper execution of over 300 project jobs on budget annually in current roll with Cliff Berry, Inc.
- Manage compliance, safety and proper execution of over 2600 scheduled service and waste disposal pick-ups on budget annually in current roll with Cliff Berry, Inc.
- Corporate capital improvement project lead for planning, scheduling, execution and cost management
- Responsible for approximately 10 MM in customer invoicing, quality control and accuracy annually

### **Professional Experience**

**Cliff Berry Inc. (CBI)**  
**Area Manager – South Florida**

**2011 - 2016**  
**February 2015 – Present**

Most recently serving as the Area Manager for the Fort Lauderdale Headquarters. In this role, the focus is proper execution and compliance for all facets of the business, including team management of over thirty (30) full time employees, Class A & Class B driver fleet compliance, tank farm management, OSRO (Oil Spill Removal Organization) Equipment management, waste transportation, customer service, project proposal and cost analysis for profitability. Additionally, special projects consisting of large capital projects that require detail budget execution, engineering design plans, and cost management of the operation. Other special projects include contract scope evaluation, cost negotiation, and overall project management.

**Cliff Berry, Inc. (CBI)**  
**Facility Manager**

**January 2011 – February 2015**

As Facility Manager, responsible for profitability, safety, contract negotiation, customer service, personnel retention, and equipment maintenance. Knowledgeable of the DOT, OSHA, CERCLA, OPA-90 and RCRA regulations governing the hazardous waste management and oil spill business and managing projects within scope, schedule and cost parameters. Responsibilities include staffing needs, overseeing daily work and overhead, and being a primary contact as a Program Manager for large and complex projects with multiple project sites under one contract mechanism. Required to support the tabletop exercise programs of OSRO clientele as needed. Enforces company policies and procedures and provides quality assurance oversight of ongoing operations in the region.

**Phoenix Remediation Group LLC.**  
**President, COO**

**2011 – Present**

Serving as President of all Sales, Service and & Operations Management for the Fort Lauderdale based Facility for 5 years. In this capacity, support the day to day activities associated with management of Ten (10) full and part time personnel, and a .5 million dollar inventory of specialized tools, equipment and materials used in the execution of environmental contracting services including Asbestos, Lead and Mold remediation / Abatement, emergency response, industrial cleaning, and waste management. Accomplishments included safely and effectively managing more than 50 different specialized environmental services projects each year with scopes of work involving industrial cleaning, Full Scale containment operations, waste packaging, disposal, emergency response and contaminated soil and/or contaminated debris removal.

**Best-Tec Asbestos Abatement Inc.**  
**Sales / Operations, Project Manger**

**2005 - 2010**

Served as the Sales and & Operations Manager for the West Palm Beach and Jacksonville Facility's for 4 years. In this capacity, supported the day to day activities associated with management of a twenty-five (25) full time personnel, field and office operations group, and a 2 million dollar inventory of specialized tools, equipment and materials used in the execution of environmental contracting services including Asbestos, Lead and Mold remediation, emergency response, industrial cleaning, and waste management. Accomplishments included safely and effectively managing more than 200 different environmental services projects each year with scopes of work involving industrial cleaning, Full Scale containment operations, waste packaging and disposal, emergency response and contaminated soil and/or contaminated debris removal.

**American Standard Property Inspectors, Inc.**  
**President, Owner Operator**

**2005 – Present**

As owner, responsible for implementing change management, reducing costs, increasing efficiency through operational change, growing sales, quality assurance, customer satisfaction, and supplier negotiation. Established and managed (3) full time employees in the inspection and renovation of residential and commercial properties. Also responsible for maintaining a workforce, delegating responsibility, health and safety enforcement, sales and cost accountability, sales generation, ensuring proper invoicing and cost controls, fleet management, and customer service.

**L & J Distributors, Inc.**  
**President, Owner Operator**

**1999 – 2006**

As owner, responsible for implementing change management, reducing costs, increasing efficiency through operational change, growing sales, quality assurance, customer satisfaction, and supplier negotiation. Established and managed (3) full time employees and distribution routes in the delivery and display of Martins Famous Potato Bread, Rolls and Potato Chips to all major food store chains in the south Florida market. Also responsible for maintaining a workforce, delegating responsibility, health and safety enforcement, sales and cost

ATTACHMENT B

ARTICLES OF INCORPORATION

ARTICLES OF INCORPORATION  
OF  
CLIFF BERRY & ASSOCIATES, INC.

FILED  
1993 NOV 22 AM 9:16  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

THE UNDERSIGNED, for the purpose of forming a corporation under the Florida General Corporation Act, do hereby adopt the following articles of incorporation:

ARTICLE ONE

NAME

The name of the corporation is Cliff Berry & Associates, Inc.

ARTICLE TWO

CORPORATE DURATION

The duration of the corporation is perpetual.

ARTICLE THREE

PURPOSE OR PURPOSES

The corporation is authorized to transact any and all business for which a corporation may be incorporated under the laws of the State of Florida.

ARTICLE FOUR

CAPITALIZATION

The aggregate number of shares which the corporation is authorized to issue is One Thousand (1,000). Such shares shall be of a single class, and shall have a par value of \$1.00.

ARTICLE FIVE

REGISTERED OFFICE AND AGENT

The street address of the initial registered/<sup>principal</sup> office of the corporation is 2550 Eisenhower Blvd., Suite 215, Fort Lauderdale, FL 33316, and the name of its initial registered agent at such address, is CLIFF BERRY, SR.

ARTICLE SIX

DIRECTORS

The number of directors constituting the initial board of directors of the corporation is three (3). The name and address of each person who is to serve as a member of the initial board of directors is:

NAME	ADDRESS
CLIFF BERRY, SR.	2550 Eisenhower Blvd., Suite 215 Fort Lauderdale, FL 33316
CLIFF BERRY, II	2550 Eisenhower Blvd., Suite 215 Fort Lauderdale, FL 33316
SANDRA BERRY BROWN	2550 Eisenhower Blvd., Suite 215 Fort Lauderdale, FL 33316

ARTICLE SEVEN

INCORPORATORS

The name and address of each incorporator is:

NAME	ADDRESS
CLIFF BERRY, SR.	2550 Eisenhower Blvd., Suite 215 Fort Lauderdale, FL 33316
CLIFF BERRY, II	2550 Eisenhower Blvd., Suite 215 Fort Lauderdale, FL 33316
SANDRA BERRY BROWN	2550 Eisenhower Blvd., Suite 215 Fort Lauderdale, FL 33316

IN WITNESS WHEREOF, the undersigned incorporator has set his



hand and seal to these Articles of Incorporation this 15 day of November, 1993.

Witnesses:

Andrea B. Brown  
David A. Burnett

Cliff Berry  
CLIFF BERRY, SR.

STATE OF FLORIDA  
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me this 15 day of November, 1993, by CLIFF BERRY, SR., who is personally known to me and who did not take an oath.

Gina M. Jay  
Notary Public

My commission expires:

(SEAL)



GINA M. JAY  
My Comm. Exp. 10/22/98  
Bonded By Service Ins  
No. CC237745  
11 Personally Known 11 Other L.R.

ACCEPTANCE OF REGISTERED AGENT

The undersigned accepts the designation of registered agent. The registered agent is familiar with and accepts the duties and responsibilities as registered agent for said corporation.

Cliff Berry  
CLIFF BERRY, SR.

ARTICLES OF AMENDMENT  
TO  
ARTICLES OF INCORPORATION  
OF  
CLIFF BERRY & ASSOCIATES, INC.

SEP 29 PM 2:50  
SECRETARY OF STATE  
TALLAHASSEE FLORIDA

1. Article One of the Articles of Incorporation of Cliff Berry & Associates, Inc. is amended to read as follows:

ARTICLE ONE

NAME

The name of the corporation is:

Cliff Berry, Inc.

2. Article Four of the Articles of Incorporation of Cliff Berry & Associates, Inc. is amended to read as follows:

ARTICLE FOUR

CAPITALIZATION

The aggregate number of shares which the corporation is authorized to issue is Ten Thousand (10,000). Such shares shall be of a single class, and shall have a par value of \$1.00.

3. The foregoing Amendment was adopted by the Shareholders of this corporation on SEPT. 23, 1994.

IN WITNESS WHEREOF, the undersigned President and Secretary of this corporation have executed these Articles of Amendment on the 23 day of SEPT., 1994.

David A. Burnett  
Witness

Cliff Berry  
CLIFF BERRY, SR. President

Sherr  
Witness

David A. Burnett  
Witness  
SBaer  
Witness

Sandra Berry Brown  
SANDRA BERRY BROWN, Secretary

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 23rd day of SEPTEMBER, 1994, by Cliff Berry, Sr., President of Cliff Berry, Inc., a Florida corporation, on behalf of the corporation, who is personally known to me and who did take an oath.



MARSHA M. LUTZ  
My Comm Exp. 3/16/98  
Bonded By Service Ins  
No. CC358753  
☒ Personally Known ☐ Other I.D.

Marsha M. Lutz  
Notary Public, State of Florida  
Print Name: MARSHA M. LUTZ  
My Commission Expires: 3-16-98

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 23rd day of SEPTEMBER, 1994, by Sandra Berry Brown, Secretary of Cliff Berry, Inc., a Florida corporation, on behalf of the corporation, who is personally known to me and who did take an oath.



MARSHA M. LUTZ  
My Comm Exp. 3/16/98  
Bonded By Service Ins  
No. CC358753  
☒ Personally Known ☐ Other I.D.

Marsha M. Lutz  
Notary Public, State of Florida  
Print Name: MARSHA M. LUTZ  
My Commission Expires: 3-16-98

**ARTICLES OF AMENDMENT TO  
ARTICLES OF INCORPORATION OF  
CLIFF BERRY, INC.**

00 DEC 11 PM 1:15  
FILED  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

Pursuant to the provisions of Section 607.1006, Florida Statutes, this Florida profit corporation adopts the following Articles of Amendment to its Articles of Incorporation:

FIRST: Article Four of the Articles of Incorporation of Cliff Berry & Associates, Inc., now known as Cliff Berry, Inc., is amended to read as follows:

**"ARTICLE FOUR**

**CAPITALIZATION**

The aggregate number of shares which the corporation is authorized to issue is Two Thousand (2,000) shares of Voting Stock and Twenty Thousand (20,000) shares of Non-Voting Stock. Each class of stock shall have a par value of \$1.00."

SECOND: The date of this Amendments adoption is  
NOV. 23, 2000.

THIRD: The foregoing Articles of Amendment were adopted by majority vote of the Board of Directors and Shareholders of the Corporation on  
NOV. 23, 2000.

Signed this 23 day of NOVEMBER, 2000.

  
Cliff Berry, II, President

ATTACHMENT G

BUSINESS HISTORY

Cliff Berry, Inc. (CBI) was incorporated in 1971 by Cliff Berry, Sr. who began his career in 1951 performing maintenance work for Pacific Molasses. In 1954, he shifted over to the petroleum industry by taking a position as a clerk loader with Republic Oil Company, now Marathon Oil Company. During this time, Mr. Berry's entrepreneurial spirit drove him towards additional work on the docks of port Everglades, handling rubber hoses that connected oil tankers to the underground pipeline system.

When Mr. Berry founded CBI, his business was building three sets of steel unloading arms to connect ship to shore for the purposes of unloaded fuel. Since then, CBI has expanded to providing a wide range of petroleum related services both on land and on water. CBI recycles more than 25 million gallons of wastewater and 4 million gallons of used oil on an annual basis while also providing hazardous waste transportation for disposal.

Since 1971, CBI expanded from Fort Lauderdale to Miami, Fort Pierce, Fort Myers, Tampa, Cape Canaveral, and Jacksonville where manned facilities serve the petroleum and hazardous waste industries. CBI now employs over 150 people and has a fleet of specialty response equipment and highly trained individuals who can respond to a any environmental need.

Cliff Berry, Sr was paramount in building the fueling arms in Port Ev and he did so under the original Cliff Berry, Inc. which was incorporated April 1, 1971 under article # 379635 in Florida SunBiz. Cliff Berry Senior did many businesses in the Port from that point and up until Nov 1993 when his son Cliff Berry, II reincorporated the company to provide environmental services. At that time, the business incorporated in 1971 had a name change to Cliff Berry & Associates and focused on the loading arms and other property related business. The reasoning behind this change was related to how diverse the business had become and the need to refocus the business in areas in which each owner was driven and interested in without losing the name recognition that was already built within the industry.

CLIFF BERRY, INC.  
MIAMI TERMINAL  
SITE HISTORY

- 1946 Facility was built by Shaw Brothers and Pure Oil Company for petroleum storage and distribution. Originally built with 7 vertical above ground storage tanks and dock lines to Miami River. Storage: 966,000 gallons.
- 1965 Purchased by Unocal (Union 76) for use as bulk chemical storage facility. Added 14 horizontal above ground storage tanks. Storage: 252,000 gallons. Total storage capacity of facility: 1,218,000 gallons.
- 1993 Purchased by Cliff Berry, Inc. to be developed as an oily wastewater pre-treatment, processing, and transfer facility.
- 1994
- January 3 Started process to get Miami Terminal facility permitted.
- March 22 Finished cleaning of all 7 vertical storage tanks.
- April 15 Submitted application for permits to D.E.P., E.P.A., storage tank registration.
- April 18 Completed SPCC Plan for Miami Terminal.



May 23 Submitted "Contamination Assessment Report" (C.A.R.) to DERM for approval.

July 28 Completed API 653 inspection of the 7 vertical storage tanks.

August 26 Started engineering design work to modify terminal for oily wastewater processing and transferring activities.

September 7 Received permission from DERM To proceed with construction in phases.

October 14 Approval from DERM to start construction of first project (drum containment area in warehouse).

October 19 Started construction at Miami Terminal (drum containment area in warehouse).

November 2 Started construction of receiving tank area.

December 22 Completed removal of underground oil/water separator.

1995

January 10 Started construction of truck ramp / dumpster pad.

March 13 Installed vapor extraction piping under horizontal storage tanks.

March 20 Placed order for Wastewater Pre-treatment System.

March 21 Submitted "Contamination Assessment Report Addendum" ("CARA") to DERM for approval.

March 31 Started construction of horizontal storage tank containment.

May 15 Constructed railcar containment.

July 13 Submitted pre-treatment application and revised SPCC Plan to DERM for temporary operating permit.

July 19 Passed final inspection of all construction projects.  
Submitted as built / sealed plans for all projects to building inspector and DERM

July 21 Cleared up all building permits.

August 7 Wastewater Pre-treatment system equipment delivered today.

August 23 Approval by DERM to use horizontal storage tanks.

September 26 Purchased allocation of 13,340 gallons per day of treated water to sewer system.

September 28 Submitted Comprehensive Engineer's Report to DERM for final review.

October 10 Received temporary operating permit from DERM.

October 11 Submitted "Contamination Assessment Report Addendum II" ("CARA II") to DERM for approval.  
Installed magnetic flow meter at sewer lift station to measure flow of pre-treated water into sewer system.

October 16 Started up Wastewater Pre-treatment System.

October 31 Final approval by DERM for Wastewater Pre-treatment System.  
Sent treated water to sewer for first time.

ATTACHMENT C

LIST OF MANAGERIAL EMPLOYEES & EXPERIENCE

### **Key Personnel**

#### **Cliff Berry II – Owner/CEO**

A lifelong resident of South Florida, Mr. Berry has worked in the environmental services industry for over thirty years. His experience with Incident Command System and in leading responses to oil and chemical releases has won Cliff Berry Inc. (CBI) national recognition from the USCG as a preeminent environmental services company. Under his leadership CBI has expanded its service capabilities into wastewater treatment, industrial maintenance and used oil collection & processing. Concurrent with his duties as President of CBI, Mr. Berry has been an active member of the professional community for several years. He is a member of the South Florida Local Area Planning Committee, and a board member of both the Seafarer's House as well as the Port Everglades Association.

Mr. Berry has held several leadership positions such as:

- 2012 Secretary / Treasurer for the Port Everglades Association
- Past President & Active Board Member (since 1999) of the Port Everglades Seafarers' House.
- Voting Member of the Dist. 9 Local Area Planning Committee (LEPC)
- Appointed to the Broward County Marine Advisory Committee
- Appointed to the Fort Lauderdale Marine Advisory Committee
- Past Board Member of the Marine Industries Assn. of South Florida
- Past Member of the Fire Rescue Services Advisory Board
- Past V.P. of the South East Chapter of the United States Propeller Club
- Past President of the Port Everglades Propeller Club
- Appointed to the NOVA SE Institute for Family Businesses

#### **Rabih Aboudargham RE, EE, EMBA, Director of Sustainability**

Mr. Aboudargham is an environmental, health and safety professional with 30 years' experience in international and domestic regulations, having served: as representative to the International Maritime Organization in London to author marine environmental regulations, as the director of environmental affairs at Carnival Cruise Lines. Mr. Aboudargham most recently completed an MBA with environmental concentration to complement his membership in the Institute of Hazardous Materials Management (IHMM). He is responsible for development, support and service groups as well as P&L responsibilities within the organizations he has been associated with. He has produced superior on time service delivery and revenue growth. Mr. Aboudargham has implemented hazardous materials management methodologies and relative engineering controls in compliance with EPA, DOT, CDC, TSA regulations and commercial standards.

#### **Daniel Forehand, CHMM, MPM - Disposal Services Manager**

Mr. Forehand has been with CBI for over 20 years and holds a BA in Environmental studies with a specialization in energy resource management. He has held his Certified Hazardous Materials Management certification for over 10 years. He has managed highly sensitive and specialized project ranging in scope from Closure of a bankrupt plating business to a cargo ship struck by a rogue wave at sea and cargo hanging overboard. He is responsible for waste identification and management of all disposal options for Cliff Berry, Inc and all Clients. He is fluent in hazards characterization, sampling, analysis and disposal options.

He also acts as the Senior Project Manager when Hazardous materials are identified on large scale projects. His department is responsible for operating a 10 hazardous waste transfer facility for over 20 years and managing customer relations and services for the company's Cruise industry clients as well as many Government contracts including DCPS, Miami Dade county Aviation division, Miami Dade water and Sewer, Miami Dade Mass Transit, Broward county Tariff reports, and is instrumental in ERP software development for Cliff Berry, Inc.

**Robert C. Summers, P.G. - Senior Geologist**

Mr. Summers has over 28 years of technical and resource management experience in environmental consulting and emergency response in the state of Florida. Mr. Summer's management experience ranges from Project and Program Management on through experience in Resource Facility and Regional management. His experience has included the field work required for all environmental remediation and cleanup work as well as the design and implementation of cleanup, remediation and spill prevention plans. He currently provides On-Call Management duties on a rotating basis for after hour emergencies and frequently mobilizes for supervision and cleanup during emergency responses. He is responsible for all abandoned tank and UST/AST removals and upgrades.

Characterization, assessment and remediation of contaminants from soil and groundwater all lies under his ultimate purview. Past responsibilities have found him supervising a technical staff of up to 75 charges as well as growing a small engineering office in South Florida. Mr. Summers has extensive experience providing environmental services under international contracts throughout the Caribbean which has taught him the difficulties of adapting to available technologies and variable national laws and practices.

**Jon Hines – Area Manager (South)**

In the early 1990's, Jon began his career as an independent entrepreneur managing multiple commercial renovation and construction projects in NJ & Virginia. Certified since 1995 in Asbestos and Lead Abatement Removal, Jon brings over 20 years of experience in executing projects from inception to achievement. Jon is responsible for the daily operations of the Fort Lauderdale facility, managing a staff of almost 30 drivers, office and field personnel. Focused on rapid, cost-effective resolutions to environmental issues and emergency response 24/7, Jon is a valuable resource that is often the first point of contact for customers and clients of Cliff Berry, Inc. Mr. Hines joined Cliff Berry, Inc. back in January 2011.

**Paul Meding - Area Manager (Central)**

As Area Manager, Mr. Meding oversees three locations: Ft. Pierce, Cape Canaveral / Cocoa Beach and Orlando. Mr. Meding joined Cliff Berry, Inc. in October, 2001 bringing over 25 years of facility and operations management experience to the organization. Since joining CBI, Mr. Meding has managed large project including hurricane cleanup efforts, power plant explosion clean up and recovery efforts, remediation projects, sunken vessel recovery, tanker roll-over and petroleum and chemical spill response projects both on land and marine environments. As a licensed maritime captain and shipyard competent person, Mr. Meding managed CBI's marine operations on the Deepwater Gulf Oil Spill. He is also an active member of the Local Emergency Planning Comity (LEPC) he is involved in proactive planning to assist in protection the general public and local environment.

**Jon Sandora – CBI Area Manager (North & West)**

Jon Sandora has been active in the environmental services industry for the past 27 years. During this time, Jon has held several key positions within local and national companies and has been instrumental in managing and directing activities relating to major oil and chemical spills within the U.S. Jon has had first-hand knowledge in managing the FDEP abandoned drum contract from his previous employment and understands exactly the requirements of safety, efficiency, and compliance. Jon joined Cliff Berry Inc. back in May 2010 and has consistently proven himself as a notable resource for CBI increasing both market share & customer affiliations within his area of responsibility. He is currently managing the Tampa and Jacksonville areas along with a group of highly trained professionals.

**Leroy Arce - General Manager CBI Miami**

Leroy Arce has over 27 years of experience in the Environmental Industry. He has held positions ranging from Regional Vice president, executive vice president to general manager for several enterprises. Mr. Arce has experience in business development, plant/field operations, transportation of waste and products across the US. He is experienced in managing annual budgets over 30 million dollars with proven track records. Mr. Arce managed the first treatment plant that had to adhere to Centralized Waste Treatment. He also has experience on how to run and operate Chemical Physical treatment systems, DAF Units, Coalescent Plate Clarifiers, and Biological treatment systems. Mr. Arce is very experienced in the treatment of waste oils by virtue of Centrifuge, chemical treatment and distillation. He has also been instrumental in the rule writing of permits for several organizations in the State of Texas. Mr. Arce is a current member of NORA, and the propellers club of Miami. Mr. Arce is in charge of all day to day operation at the Miami facility, from safety, regulatory, compliance and quality assurance of all products leaving the facility.



## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
12/18/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> License # 0E67768 Insurance Office of America, Inc. 500 W. Cypress Creek Road Suite 320 Fort Lauderdale, FL 33309	<b>CONTACT NAME:</b> Catharina Hardy <b>PHONE (A/C, No, Ext):</b> 23921 <b>FAX (A/C, No):</b> (954) 318-1383 <b>E-MAIL ADDRESS:</b> Catharina.Hardy@ioausa.com														
<b>INSURED</b> Cliff Berry, Inc. 851 Eller Drive P.O. Box 13079 Ft. Lauderdale, FL 33316	<table border="1"><thead><tr><th>INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr></thead><tbody><tr><td>INSURER A : Steadfast Insurance Company</td><td>26387</td></tr><tr><td>INSURER B : Zurich American Insurance Company</td><td>16535</td></tr><tr><td>INSURER C :</td><td></td></tr><tr><td>INSURER D :</td><td></td></tr><tr><td>INSURER E :</td><td></td></tr><tr><td>INSURER F :</td><td></td></tr></tbody></table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Steadfast Insurance Company	26387	INSURER B : Zurich American Insurance Company	16535	INSURER C :		INSURER D :		INSURER E :		INSURER F :	
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## COVERAGES

## CERTIFICATE NUMBER:

## REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Contractual Liab <input checked="" type="checkbox"/> XCU, Pollution Liab GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input checked="" type="checkbox"/> LOC OTHER:			GPL 0274654-00	12/31/2017	12/31/2018	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
B	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY MCS90 <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY CA9948			BAP 0274662-00	12/31/2017	12/31/2018	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			SXS 0274653-00	12/31/2017	12/31/2018	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000 Prod/Compl Ops \$ 10,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y <input checked="" type="checkbox"/> N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	WC 0274657-00	12/31/2017	12/31/2018	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	Professional Liab			GPL 0274654-00	12/31/2017	12/31/2018	Each Occ./Aggregate 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

\*30 Days notice of cancellation, except 10 Days notice of cancellation for non-payment of premium, in accordance with policy provisions.

Workers'Compensation includes USL&H and Jones Act/Maritime Coverage; applies to all states except monopolistic states.

Transported Cargo Pollution and Contractors Pollution Liability is included in GPL 0274654-00.

Proof of Insurance Only.

## CERTIFICATE HOLDER

## CANCELLATION

<b>Broward County Board of Commissioners &amp; Port Everglades Administration</b> 1850 Eller Drive Fort Lauderdale, FL 33316	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
--	---

ATTACHMENT E

FINANCIAL STATEMENTS

(CONFIDENTIAL BUSINESS MATERIALS)



### **Credit Application Information**

<b>Company Name and Address:</b>	<b>Employer Identification Number:</b>
Cliff Berry, Inc.	65-0511114
PO Box 13079	
Ft. Lauderdale, FL 33316	<b>Dun and Bradstreet # 07 130 3317</b>
Phone: 954-763-3390	
Fax: 954-763-8375	<b>Established: 1971</b>
<b>CEO:</b>	Cliff Berry II
<b>Controller:</b>	Valerie K Grove

### **Trade References:**

**Insurance Office of America**  
100 NE 3 Avenue Suite 850  
Ft. Lauderdale, FL 33301  
Attn: John Harrold  
Phone: 1-800-243-6899  
Fax: 954- 318-1383

**Industrial Container Services**  
1587 NW 163<sup>rd</sup> St  
Miami, FL 33169  
Attn: Andrea Ball  
Phone: 1-305-621-3335

**National Chemical Supply Inc.**  
PO Box 16785  
Ft. Lauderdale, FL 33318  
Attn: Phillip Shaffer  
Phone: 954-683-1645  
Fax: 954-530-4143  
natlchem@gmail.com

### **Bank Reference:**

**Florida Community Bank**  
2500 Weston Rd Ste 300  
Weston, FL 33331  
Attn: Joshua Montagna  
Phone: 954-984-3332  
Fax: 954-389-5707

**Does the company require purchase orders:** Yes  
**Accounts Payable contact:** Vidya Parsan  
**E-mail Address:** ap@cliffberryinc.com



IRREVOCABLE LETTER OF CREDIT NO. 7200000177

DATE OF ISSUE: SEPTEMBER 5, 2017

EXPIRATION DATE: SEPTEMBER 5, 2018

BENEFICIARY:

Broward County  
Chief Executive & Port Director, Broward County's Port Everglades Department  
c/o Director of Business Administration  
1850 Eller Drive  
Fort Lauderdale, FL 33316

APPLICANT:

Cliff Berry, Inc.  
851 Eller Drive  
Fort Lauderdale, FL 33316

We hereby establish our Irrevocable Standby Letter of Credit No. 7200000177, in favor of Broward County and for the account of Cliff Berry, Inc., available by Broward County's drafts drawn on us payable at sight up to an aggregate amount of Forty Thousand and 00/100 U.S. Dollars (\$40,000.00) when accompanied by this Letter of Credit and the following documents:

1. Draft drawn on us at sight
2. A signed statement from the Chief Executive & Port Director of Broward County, that the amount of the drawing represents amounts due and unpaid to BROWARD COUNTY arising from:
  - a. failure of Applicant to pay to BROWARD COUNTY, when due, any and all tariff or other charges that have accrued at Port Everglades (whether relating to the furnishing of services or materials to Applicant, its principals, agents, servants or employees at Port Everglades; or, due to injury to property of Port Everglades; or, stemming from the use of Port Everglades facilities by Applicant, its principals, agents, servants or employees; or, otherwise); or
  - b. costs, expenses, losses, damages or injury sustained by BROWARD COUNTY from non-compliance by Applicant, its principals, agents, servants or employees with applicable laws, ordinances, rules and regulations of the federal, state and local governmental units or agencies (including but not limited to the terms and provisions of the BROWARD COUNTY Code of Ordinances, Administrative Code, and all procedures and policies of the Port Everglades Department), as amended from time to time; or
  - c. costs, expenses, losses, damages or injury sustained by BROWARD COUNTY from any act, omission, negligence or misconduct of Applicant, its principals, agents, servants or employees in Port Everglades (whether causing injury to persons or otherwise).





This Letter of Credit shall be renewed for successive periods of one (1) year each unless we provide Broward County, through the Chief Executive & Port Director of Broward County's Port Everglades Department at the above stated address, with written notice of our intent to terminate the credit herein extended, which notice must be provided at least ninety (90) calendar days prior to the expiration date of the original term hereof or any extended one (1) year term.

Any draft drawn under this Letter of Credit shall bear the clause: "Drawn under Florida Community Bank, N.A. Irrevocable Standby Letter of Credit No. 7200000177 dated September 5, 2017". The original Letter of Credit must accompany any drawing, and the date and amount of each drawing must be endorsed on the reverse side of this Letter of Credit by the negotiating bank, if any.

This credit is subject to the "Uniform Customs and Practice for Documentary Credits" International Chamber of Commerce Publication Number 600, 2007 Revision, and to the provisions of Florida law. If a conflict between the Uniform Customs and Practice for Documentary Credits and Florida law should arise, Florida law shall prevail. If a conflict between the law of another state or country and Florida law should arise, Florida law shall prevail.

If you require any assistance or have any questions regarding this transaction, please contact our Trade Finance Services Department located at Florida Community Bank, N.A., 369 N. New York Avenue, Winter Park, FL 32789, phone 407-786-8008; email: [Tradeservices@fcb1923.com](mailto:Tradeservices@fcb1923.com)

FLORIDA COMMUNITY BANK, N.A.

By: \_\_\_\_\_

Authorized Signature

**KATHLEEN M. COUCH**

Print Name

**VICE PRESIDENT**

Title

**Vicki Challenge**

Witness

**Barbara Johnson**

Witness

**5<sup>th</sup>** day of **Sept**, 2017

# BROWARD COUNTY LOCAL BUSINESS TAX RECEIPT

115 S. Andrews Ave., Rm. A-100, Ft. Lauderdale, FL 33301-1895 – 954-831-4000

VALID OCTOBER 1, 2017 THROUGH SEPTEMBER 30, 2018

**DBA:**  
**Business Name:** CLIFF BERRY INC

**Receipt #:** 329-33079  
**Business Type:** ALL OTHERS (SERVICE)

**Owner Name:** CLIFF BERRY  
**Business Location:** 3400 SE 9 AVE  
DANIA BEACH  
**Business Phone:** 954-763-3390

**Business Opened:** 10/08/1980  
**State/County/Cert/Reg:**  
**Exemption Code:**

**Rooms**                      **Seats**                      **Employees**                      **Machines**                      **Professionals**  
16

For Vending Business Only						
Number of Machines:				Vending Type:		
Tax Amount	Transfer Fee	NSF Fee	Penalty	Prior Years	Collection Cost	Total Paid
150.00	0.00	0.00	0.00	0.00	0.00	150.00

**THIS RECEIPT MUST BE POSTED CONSPICUOUSLY IN YOUR PLACE OF BUSINESS**

**THIS BECOMES A TAX RECEIPT**

**WHEN VALIDATED**

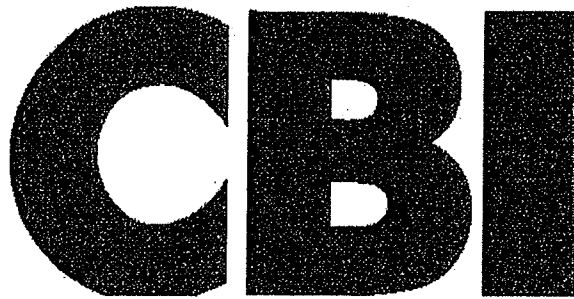
This tax is levied for the privilege of doing business within Broward County and is non-regulatory in nature. You must meet all County and/or Municipality planning and zoning requirements. This Business Tax Receipt must be transferred when the business is sold, business name has changed or you have moved the business location. This receipt does not indicate that the business is legal or that it is in compliance with State or local laws and regulations.

**Mailing Address:**

CLIFF BERRY  
P O BOX 13079  
FORT LAUDERDALE, FL 33316

**Receipt #** 04B-16-00011092  
**Paid** 08/04/2017 150.00

**2017 - 2018**



Cliff Berry, Incorporated  
Environmental Services

**Corporate  
Health and Safety  
Manual**

**Copy # \_\_\_\_\_**



## Corporate Health and Safety Manual Table of Contents

Section #	Title
	Health and Safety Introduction
	Corporate Health and Safety Manual Table of Contents
1	Distribution List
2	Safety Bulletin
3	Record of Change
4	Hazardous Waste Operations and Emergency Response (HAZWOPER) Program
5	Hazard Communication Program
6	Discipline Program
7	First Aid / CPR Program
8	Bloodborne Pathogens Exposure Control Program
9	Fire Protection Program
10	Powered Industrial Truck Safety Program
11	Medical Surveillance Program
12	Respiratory Protection Program
13	Hearing Conservation Program
14	Benzene Management Program
15	Cadmium Management Program
16	Lead Management Program
17	Hydrogen Sulfide (H <sub>2</sub> S) Program
18	Personal Protective Equipment Program
19	Confined Space Entry Program
20	Air Monitoring Program
21	Electrical Safety Program
22	Control of Hazardous Energy Program (Lock Out / Tag Out)
23	Hot Work Program
24	Fall Protection Program
25	Scaffolding Program
26	Crane and Rigging Program
27	Excavation Safety Program
28	Sandblasting Program
29	Naturally Occurring Radioactive Material (NORM) Program
30	Process Safety Management Program
31	Short Service Employee Program
32	General Waste Management Program
33	Spill Prevention and Response Program
34	Alcohol, Drug and Contraband Policy
35	Asbestos Awareness and Management
36	Compressed Air Program
37	Hand and Power Tools
38	Rail Car Safety Program

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39	Stop Work Authority
40	Incident Investigation and Reporting
41	Heat Illness Prevention
42	Ergonomics Program
43	Ammonia Management Program
44	Environmental Program

ATTACHMENT K

SUBSTANCE ABUSE POLICY





**Cliff Berry Incorporated**  
**Environmental Services**

## **Alcohol, Drug and Contraband Policy**

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## **ALCOHOL, DRUG AND CONTRABAND POLICY**

1. **Purpose:**

Cliff Berry, Inc. (the “Company”) is committed to a safe, healthy, and productive workplace for all employees. The Company recognizes that alcohol, drug, or other substance abuse by employees will impair their ability to perform properly and will have serious adverse effects on the safety, efficiency and productivity of other employees and the Company as a whole. The misuse of legitimate drugs, or the use, possession, distribution or sale of illicit or unprescribed controlled drugs on company business or premises, is strictly prohibited and is grounds for termination. Possession, use, distribution or sale of alcoholic beverages on company premises is not allowed without prior approval of appropriate senior management. Being unfit for work because of use of drugs or alcohol is strictly prohibited and is grounds for termination of employment. While this policy refers specifically to alcohol and drugs, it is intended to apply to inhalants and all other forms of substance abuse.

2. **Definitions:**

**Personnel** – Any of our company’s employees, agents, or subcontractors’ employees working on client (e.g. ExxonMobil) property.

**Client Property (incl. ExxonMobil Property)** – All real or tangible personal property, including facilities, buildings, vehicles, products and equipment either owned or controlled by the client (incl. ExxonMobil).

**Prohibited Substances** – (1) illicit or unprescribed drugs, Controlled substances and mood or mind altering substances, (2) prescribed drugs used in a manner inconsistent with the prescription, and (3) alcoholic beverages.

**Reasonable Suspicion** – A belief based on objective and articulable facts sufficient to lead a supervisor to suspect.

**Under the Influence** – (1) the presence of a prohibited substance, metabolites of a prohibited substance in body fluids above the cut-off level established by this policy, and/or (2) the presence of a prohibited substance that affects an individual in any detectable manner. The symptoms of influence may be, but are not limited to, slurred speech or difficulty in maintaining balance.

3. **Prohibitions:** Personnel are prohibited from the following:

A. Using, possessing, selling, manufacturing, distributing, concealing, or transporting any of the following items:

- i. Any Prohibited Substance;
  - ii. Contraband, including firearms, ammunition, explosives, and weapons;
  - iii. Illicit drug equipment or paraphernalia.
- B. While on client (e.g. ExxonMobil) property possessing or using prescription Drugs or over-the-counter medication that may cause impairment except when all of the following conditions have been met:
  - i. Prescription drugs have been prescribed by a licensed physician for the person in possession of the drugs.
  - ii. The prescription was filled by a licensed pharmacist for the person possessing the drugs.
  - iii. The individual notifies his supervisor, if he will be in possession of, or using impairment-causing prescription drugs or over-the-counter medication and appropriate steps are taken to accommodate the possibility of impairment, including but not limited to, removal from work for the period of possible impairment.
- C. Being under the influence of prohibited substances while performing any work..
- D. Switching or adulterating any urine, blood, or other sample used for testing.
- E. Performing work for the Company or client may be denied if that person has tested positive, or refused testing, in any employment-related test; 1) except personnel seeking access to Company or client property may be considered if the positive employment-related test in question was an initial pre-employment test administered more than twelve months before, and 2) the employee will not perform in a designated-like position. The prohibition in this part [3(E)] will not apply to personnel seeking access to Company or client property for low-exposure positions whose employment-related positive test did not occur during employment on Company or client property, or work.

**4. Searches and Inspections**

On Company or client property the client and/or the Company may, at any time, have supervisors and/or authorized search and inspection specialists, including scent-trained animals, conduct unannounced searches and inspections of our company and/or personnel and their property may include, but is not limited to, the following: wallets, purses, lockers, baggage, offices, desks, tool boxes, clothing, and vehicles.

**5. Testing**

**A. Categories**

All personnel shall be assigned to one of the following categories based on the job function when working on client property that requires categorization (e.g. Exxon Mobil);

**Comparable-to-Designated:** Has a high exposure to a catastrophic operational incident; has a direct role in operations where failure could result in serious harm to public or employee well-being, company assets, or the environment; and has no direct or very limited supervision available to provide operational checks.

**Safety-Sensitive:** Has a high exposure to catastrophic operational Incident and has access to operations where failure could result in serious harm to public or employee well-being, company assets, or the environment.

**Low-Exposure:** Has an indirect role and no access to operations where failure could result in serious harm to the public or employee well-being, company assets or the environment.

When working on ExxonMobil (and as applicable to other client) property, all positions are “safety-sensitive” unless a position or positions, are identified as “low-exposure” or “comparable-to-designated” in Attachment 1 of ExxonMobil’s Exhibit H-Contractor Drug, Alcohol and Contraband Policy Requirements.

Alcohol and drug tests will be conducted according to the following requirements as defined in Paragraph B below:

<u>Job Category</u>	<u>Reasonable Suspicion</u>	<u>Post-Incident</u>	<u>Pre-access</u>	<u>Random</u>
Comparable-to-Designated	X	X	X	X
Safety-Sensitive	X	X	X	
Low-Exposure	X	X		

**B. Requirements:**

- i. Pre-Access or Pre-Employment Testing:
  - a. Personnel requiring pre-access testing must have received a negative result on a comprehensive alcohol and drug tests within the 12 months preceding that personnel’s first access to client property. In addition personnel requiring pre-access testing must have received a negative result on a comprehensive alcohol and drug test in any calendar year shall not send laboratory test results to the client.
  - b. Our company will not provide information to clients (ex. ExxonMobil) identifying individuals who have positive pre-access tests.

ii. Random Testing:

- a. Personnel requiring random testing will be subject to unannounced and continuous selection and testing for prohibited Substances while performing work for the Company or client.
- b. The number of tests randomly conducted during each calendar year must be at least the current DOT required percentage or, where testing is not required by DOT, at least fifty Percent (50%) of the number in the random selection pool.

iii. Post-Incident Testing:

- a. If the Company or the client determines from the best information available immediately after a work-related incident that performance of one or more of our personnel contributed to the incident, or cannot be completely discounted as a contributing factor to the incident, our company shall remove the individual(s) from the client property and surrender site credentials to the client. For purposes of this part "incident" means an incident that caused personal injury requiring medical treatment beyond first aid administered at the work site, or property damage more than \$1000, or an incident that carried the potential for serious personal injury or significant property damage.
- b. An individual so removed will be allowed to return to work on client property only after our company conducts alcohol and drug testing on the individual as soon as possible following the individual's removal from the site, and our company certifies in writing the test identification number, the individual's social security number, the test date and time, and a negative test result. On that written certification our company will include a consent signed by the individual permitting disclosure to the client of the test result.

iv. Reasonable Suspicion Testing:

- a. Reasonable suspicion will be determined by an appropriate CBI employee (or other competent person) and upon reasonable suspicion that Personnel is under the influence of a prohibited substance while on client property, our company shall remove the individual from the client's property and surrender his/her site credentials to the client.
- b. An individual removed from Company or client property for reasonable suspicion will be allowed to return to work on Company or client property only after our company conducts alcohol and drug testing on the individual as soon as possible following the individual's removal from the site, and our company certifies in writing the test identification number, the individual's social security number, the test date and time, and a negative test result. On that written certification our company will include a consent signed by the individual permitting disclosure to the client of the test result.
- c. For testing purposes, substances and threshold levels will comply, at a minimum, with The Department of Transportation (DOT) alcohol and drug regulations. Collection, chain-of-custody and other related procedures will be consistent with sound industry practice. Alcohol will be included in any test panel regardless of any lesser DOT requirement.

- d. Our company will use only testing laboratories that are properly certified under a recognized state or national program.

**6. Non-Compliance:**

Any personnel found in violation of this policy or who refuses to cooperate with searches and tests included in this policy shall be permanently removed by our company from client property and from performing work for the client. If working on client (e.g. ExxonMobil) property our company will immediately notify the client. If the client is ExxonMobil, that the individual has become “disqualified under ExxonMobil’s Exhibit H- Contractor Drug, Alcohol, and Contraband Policy Requirements.” Our company will immediately review with each client the nature of the work previously performed by the individual or may have participated, and submit a written report to the client that documents the inspection, any findings, and the actions taken to assure all deficiencies have been corrected.

**7. Drug Awareness:**

Company personnel performing work are to become fully informed of the requirements of this policy. Before beginning work each employee will have signed a written certification that he has been so informed and agrees to-be bound by those requirements.

**8. Applicable Laws:**

Our company shall comply with all applicable federal, state, and local drug and alcohol related law and regulations (e.g., DOT regulations, Department of Defense (DOD) Drug-Free Workforce Policy, Drug-Free Workplace Act of 1988).

ATTACHMENT A

ALCOHOL, DRUG AND CONTRABAND TESTING INFORMATION

<b>COLLECTION FACILITY</b>	<b>NAME</b>	US HealthWorks
	<b>ADDRESS</b>	407 S.E. 24 <sup>TH</sup> Street
		Fort Lauderdale, FL 33316
	<b>PHONE NUMBER</b>	954-527-9307
	<b>CONTACT PERSON</b>	Dr. Seth Feldman

<b>TESTING LABORATORIES</b>	<b>NAME</b>	Clinical Reference Laboratory Inc (CRL)
	<b>ADDRESS</b>	8433 Quivera Rd Lenexa, KS 66215
	<b>PHONE NUMBER</b>	800-452-5677
	<b>NATIONALLY CERTIFIED? (YES/NO)</b>	YES
<b>MRO (Medical Review Officer)</b>	<b>MRO NAME</b>	Dr. Donald Bucklin
	<b>MRO PHONE</b>	800-340-3810

SUBSTANCE		SCREEN LEVEL	CONFIRMATION LEVEL
	COCAINE	150	100
	PHENCYLCIDINE (PCP)	25	25
	MARIJUANA (THC)	50	15
	OPIATES	2000 opiates / 10 6-AM	2000 opiates / 10 6-AM
	AMPHETAMINES/METHAMPHETAMINES (MDMA, MDA, MDEA)	500	250
	BARBITURATES	300	300
	BENZODIAZEPINES	300	300
	METHADONE	300	300
	PROPOXYPHENE	300	300
<b>ALCOHOL TESTING METHOD USED:</b> <i>(Must be performed by breath, or saliva with a breath or blood confirmation)</i>		<b>SCREEN LEVEL</b>	<b>CONFIRMATION LEVEL</b>
		.002	0.04



Attachment B

# ACKNOWLEDGEMENT & CONSENT

I hereby acknowledge that I have been provided a copy of the company of Drug/Alcohol Contraband Policy. I understand that disciplinary action, up to and including termination, will result if I violate this Policy.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Printed Name

**Consent and authorization for disclosure to CBI client (e.g. ExxonMobil) of alcohol and drug test results and related information.**

I hereby consent to disclosure by Cliff Berry, Inc. and its agents, including, but not limited to, any collecting and testing agencies, of the test results identified above and any related information to clients [e.g. ExxonMobil affiliate] and their authorized agents, assigns, or representatives.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Printed Name

### Training Program

CBI provides an initial 40-hour training class to all personnel prior to assignment to any field projects involving hazardous materials. The course is designed to meet OSHA 29 CFR 1910.120 and U.S. EPA Orders 1440.2 and 1440.3. Key elements of the class are the evaluation of chemical hazards, selection/maintenance and decontamination of protective clothing, respiratory protection, use and interpretation of results from air monitoring instrumentation, hazards and precautions necessary for working in hot or cold environments, safe working procedures for confined spaces, emergency responses/evacuations, explanation of applicable standard operating procedures, and how to interpret a site-specific safety and health plan. 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. Additionally, these employees also receive the 8 Hour HAZWOPER Refresher Training which satisfies Section 1910.120 (e) (8) of the rule that requires employees to obtain refresher training annually to keep their 40-Hour OSHA HAZWOPER training current. All personnel who handle or manage hazardous materials, regardless of the amount receive the 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.

In addition, all field employees receive supplementary training in the following subject matters: Confined Space Entry and Rescue, 8-Hour OSHA Refresher, Blood Borne Pathogen, First-Aid & CPR and Asbestos Awareness. Some employees receive advanced specialized training, which is project or position specific related. Examples include OSHA Competent Person (excavation, fall protection), Tank Truck Rollover, Tank Car Specialist, etc. With respect to the job orientation training program, all field personnel are subjected to training in the identification and proper use of company owned tools and equipment. Performance is measured through post training tests and documented in personnel files. The initial job orientation also includes classroom session on the company's policies and procedures and job specific paperwork or computer entry requirements. Employees classified as supervisors, staff scientists/engineers and project managers are enrolled in a mentor program. Components of on the job training include issuance of the "Project Manager Training Manual", participation in an in-house 8 hour project manager and project supervisor "Refresher Course" and attendance at a 16 hour "Title 22 Hazardous Waste Seminar" workshop.

The above listed training programs represent the core of CBI training program for personnel involved in the performance of environmental services work. Beyond this core, certain personnel, depending on their job description and function or specialty, receive additional training, including:

- Smith System Defensive Driving Training
- Person-In-Charge

- Forklift Training
- First Aid/CPR/AED
- Respirator Training & Fit Testing
- Various Client Specific Training: MARBOP, Florida Gas Transmission, API Worksafe
- MSHA New Miner Training
- CBI Specific Equipment Training
- Hot Work Permit & Gas-Meter Operation Training
- Sampling & Analysis Training
- SPCC & Emergency Response Plan Training
- Facility Response Plan Training

In addition to training, CBI enrolls all HAZWOPER trained employees into the medical monitoring program. The pre-employment and annual medical examination determines if he/she is medically able to wear respiratory protective equipment without aggravating a pre-existing medical condition and is otherwise fit-for-duty. Medical evaluations are confidential, convenient (only during working hours), understandable, and employees are given a chance to discuss the results with the physician. Medical records are maintained by the CBI Human Resources Department.

Occupational Health Examination Program has been established to ensure that the health of employees is not compromised by potential exposure to the hazards found at work sites. This program is designed to support and monitor the effectiveness of the primary health and safety goal of controlling worker exposure to potentially toxic materials and general safety hazards. The objectives of the Occupational Health Examination program are to medically qualify individuals to work at job sites, monitor medical records to quickly respond to health trends, monitor the effectiveness of exposure controls in site safety plans, generate Fit For Duty medical determinations when employee's physical conditions change, provide exam summaries to employees to allow them to track their own health.

## CBI's Safety Vision

**Our Safety Vision:** Finish each day injury and incident free.

**Our Safety Philosophy Statement:** 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 of our business activities, Cliff Berry Inc. will:

- **ADVISE** each manager, supervisor, employee and contractor of his or her responsibilities and regularly measure 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's Vision

As we navigate into the 21<sup>st</sup> Century, we are recognized as stewards of the environment. Our business has expanded, by instilling in our customers that: CBI is the solution and **Green** is good. Our strength comes from believing in each other and knowing that we make a difference the Cliff Berry Way! The Cliff Berry Way is a family atmosphere where we are dedicated and committed to the principles of:

Teamwork • Safety • Integrity • Service • Professionalism  
Proactive Communications • Being Customer Focused  
Having a positive Attitude & Being Passionate About What We Do!

names redacted for security purposes

Name	Position	Hire Date	AB Hour Rate/Type	8 Hour Account # or Alternative	Payroll in Charge (PIC) Level #	8 Hour TNA #1, 1247, 211	8 Hour TNA/OPR Supervisor	Confined Space	Confined Space Recert	Shed/Storage Prohibited Activities	Flux Capping/Leaky Trucking	Flux Capping	Reasonable Suspicion Training	Small-system Street Lighting	Maximum Peak Op. Emissions	Refill/Repair TNA	Last FS Training Date	1st Response Ops Level	24-hour HAZWOPER
Training cycle			Initial (then 8-hr Hazard Refresher)	Annual		3 yrs	Initial (then 8-hr Hazard Refresher)	Initial & Dirty or JSA change	12 months	Initial & Annual	Initial & Annual	Flux Capping at C/PRA-4 only	Initial (no recert)					Annual	Initial (then 8-hr Hazard Refresher)
Legato Kelly		1/10/13 (R) (R)	1/10/13 (R) (R)	1/10/13 (R) (R) at (R)		4506172, 7041 (1)	20CFR1910.1206 (R)	1/10/13 (R)	1/10/13 (R)	1/10/13 (R)	1/10/13 (R)	1/10/13 (R)	1/10/13 (R)	1/10/13 (R)	1/10/13 (R)	1/10/13 (R)	1/10/13 (R)	1/10/13 (R)	1/10/13 (R)
Who needs training?			HAZ, Activ/Dis.			Off-site training, mandatory, mark of label.	See note 1								Vac Truck operators			Notice email, continue, call for help.	Manage HAZWOPER, notice email, call for help.
	Customer Service	05/07/16	H			05/07/16													
	CEO	07/07/16	05/12/16	01/02/17	01/02/16	HA	01/02/16	05/04/16	04/12/15	04/12/15	04/12/15	04/12/15	04/12/15	HA			02/15/15		
	Class A - Driver CDL HAZMAT	08/13/11	03/14/11	01/02/17	04/02/10	04/13/14		03/13/11	03/13/11	03/13/11	03/13/11	03/13/11	03/13/11	HA			03/13/11		
	Boiler Coord	12/04/16	HA	HA	HA	HA	HA	HA	HA	04/12/15	04/12/15	04/12/15	04/12/15	HA					
	Class A - Driver CDL HAZMAT	03/14/17	04/08/17	04/02/17	04/02/16	12/17/14		04/08/17	04/08/17	04/08/17	04/08/17	04/08/17	04/08/17	HA					
	Regulatory Affairs	05/05/14	04/08/14			05/05/14		04/08/14	04/08/14	04/08/14	04/08/14	04/08/14	04/08/14	HA					
	Unleaded Oil	01/05/17	01/05/17			01/05/17		01/05/17	01/05/17	01/05/17	01/05/17	01/05/17	01/05/17	HA					
	Vac Truck CDL HAZMAT	04/07/17	04/07/16	04/02/17	04/02/16	04/07/16		04/07/16	04/07/16	04/07/16	04/07/16	04/07/16	04/07/16	HA					
	E.H. & S	07/15/10	07/15/10	01/02/17	01/02/11	07/15/10		07/15/10	07/15/10	07/15/10	07/15/10	07/15/10	07/15/10	HA					
	Vac Truck Driver/Operator	04/07/17	04/07/16	04/02/17	04/02/16	04/07/16		04/07/16	04/07/16	04/07/16	04/07/16	04/07/16	04/07/16	HA					
	Field Tech FL Linc	07/12/16	04/12/16	01/02/17		04/12/16		04/12/16	04/12/16	04/12/16	04/12/16	04/12/16	04/12/16	HA					
	Active Control	03/07/15	H			03/07/15		03/07/15	03/07/15	03/07/15	03/07/15	03/07/15	03/07/15	HA					
	UNDR	04/05/14	H			HA		04/05/14	04/05/14	04/05/14	04/05/14	04/05/14	04/05/14	HA					
	HR Manager	04/17/15	H			HA		04/17/15	04/17/15	04/17/15	04/17/15	04/17/15	04/17/15	HA					
	HR Generalist	04/17/15	H			HA		04/17/15	04/17/15	04/17/15	04/17/15	04/17/15	04/17/15	HA					
	Welder	05/04/15	H			HA		05/04/15	05/04/15	05/04/15	05/04/15	05/04/15	05/04/15	HA					
	Vac Truck Driver/Operator	04/02/10	03/14/11	01/02/17	04/02/11	04/12/16		04/02/10	04/02/10	04/02/10	04/02/10	04/02/10	04/02/10	HA					
	Staff Geologist	07/01/15	04/17/15	01/02/17		04/17/15		04/17/15	04/17/15	04/17/15	04/17/15	04/17/15	04/17/15	HA					
	Drillpipe Supervisor	04/05/16	1/10/16	01/02/17	04/02/16	04/12/16		04/05/16	04/05/16	04/05/16	04/05/16	04/05/16	04/05/16	HA			12/12/15	04/03/16	
	Class A Driver	11/13/15	12/15/15	01/02/17	12/27/16	12/18/16		11/16/15	01/02/16										
	St. Cleaning - Driver	11/11/10	02/18/11	01/02/17		04/11/16		02/18/11	02/13/16	04/13/16	04/13/16	04/13/16	04/13/16	HA					
	Accounting	10/27/14	H			HA		04/13/15	04/13/15	04/13/15	04/13/15	04/13/15	04/13/15	HA					
	Field Tech	04/03/16	04/13/16	01/02/17		04/13/16		04/13/16	04/13/16	04/13/16	04/13/16	04/13/16	04/13/16	HA					
	St. Cleaning - Driver	09/25/11	1/16/13	01/02/17	01/02/10	04/13/16		1/16/13	04/13/16	04/13/16	04/13/16	04/13/16	04/13/16	HA			04/13/16		
	Facility Manager	01/24/11	02/18/11	01/02/17		04/13/16		02/18/11	01/02/16	04/13/16	04/13/16	04/13/16	04/13/16	HA					
	OS Chemical	11/04/13	01/24/11	01/02/17		04/13/16		01/24/11	01/24/16	04/13/16	04/13/16	04/13/16	04/13/16	HA					
	St. Cleaning - Chem	10/24/13	01/24/11	01/02/17		04/13/16		10/24/13	01/24/16	04/13/16	04/13/16	04/13/16	04/13/16	HA					
	Field Tech FL Linc	12/13/16	04/13/16	01/02/17	04/13/16	04/13/16		12/13/16	04/13/16	04/13/16	04/13/16	04/13/16	04/13/16	HA			12/13/16		
	Common Ops Standby	11/16/2015	H			HA								HA					
	Unleaded	01/05/17	02/13/16	01/02/17		HA		02/13/16	01/02/16	04/13/16	04/13/16	04/13/16	04/13/16	HA			10/20/16	10/20/15	
	Field Tech	07/17/16	02/15/17	01/02/17	01/02/12	HA		02/15/17	02/13/16	04/13/16	04/13/16	04/13/16	04/13/16	HA					
	Field Tech	07/02/15	08/03/15	01/02/17	04/15/16	04/15/16		04/04/15	04/12/15	04/13/16	04/13/16	04/13/16	04/13/16	HA			01/15/16	02/15/15	
	Isolation	02/16/10	H			HA				04/12/16	04/13/16	04/13/16	04/13/16	HA				02/15/16	
	Accounting	03/01/14	H			HA				04/12/16	04/13/16	04/13/16	04/13/16	HA					

ATTACHMENT M

CITATIONS, NOTICES OF VIOLATION, WARNING NOTICES OR FINES FROM ANY FEDERAL, STATE, OR  
LOCAL ENVIRONMENTAL REGULATORY AGENCIES



Date	Agency	Description	Disposition	Corrective Action
① 7/16/2013	Miami-Dade County DERM 701 NW 1st Court Miami, FL 33136	Warning Letter - Miami Facility	Closed	De minimus vanadium exceedance
② 8/5/2013	Miami-Dade County DERM 701 NW 1st Court Miami, FL 33136	Warning Notice - Miami Facility	Closed - Error by DERM	DERM lost SSES Survey which was properly completed and submitted prior to the deadline; DERM acknowledged the lost survey and withdrew warning
③ 11/22/2013	FDEP Southeast District Office 400 N Congress Ave, Ste 200 West Palm Beach, FL 33401	Warning Letter - Miami Facility	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
④ 4/17/2014	FDEP Southeast District Office 400 N Congress Ave, Ste 200 West Palm Beach, FL 33401	Inspection - Fort Lauderdale Facility	Closed	Showed proof of distribution of SPCC plan and no non-compliance was issued
⑤ 4/28/2014	FDEP Southeast District Office 400 N Congress Ave, Ste 200 West Palm Beach, FL 33401	Notice of Potential Non-Compliance Miami Facility	Closed	Immediately corrected areas of concern and set forth policy to ensure the errors were not repeated
⑥ 5/17/2014	Miami-Dade County DERM 701 NW 1st Court Miami, FL 33136	Field Notice of Violation - Miami Facility	Closed	CBI argues that the odors are not coming from CBI plant
⑦ 5/18/2014	Miami-Dade County DERM 701 NW 1st Court Miami, FL 33136	Field Notice of Violation - Miami Facility	Closed	CBI argues that the odors are not coming from CBI plant



8	FDEP Petroleum Storage Tanks 6/12/2014 Tallahassee, FL	Inspection - Miami Facility	Closed	Minor out of compliance violation because aboveground storage tanks in Miami Facility required painting due to minor corrosion; All tanks were painted in batches from 2015-2016
9	Miami-Dade County DERM 701 NW 1st Court 6/19/2014 Miami, FL 33136	Notice of Violation Odor Complaints Miami Facility	Closed	CBI argues that the odors are not coming from CBI plant
10	Broward County Pollution Prevention 8/29/2014 Plantation, FL	Citation Warning Notice	Closed	Needed to send As-Builts for the tank farm, completed
11	Miami-Dade County DERM 701 NW 1st Court 11/6/2014 Miami, FL 33136	Field Notice of Violation - Miami Facility	Closed	CBI argues that the odors are not coming from CBI plant
12	FDEP Petroleum Storage Tanks 2/6/2015 Tallahassee, FL	Inspection - Miami Facility	Closed	Minor out of compliance violation because aboveground storage tanks in Miami Facility required painting due to minor corrosion; All tanks were painted in batches from 2015-2016
13	Miami-Dade County DERM 701 NW 1st Court 4/17/2015 Miami, FL 33136	Warning Letter - Miami Facility	Closed	De minimus vanadium exceedance
14	Miami-Dade County DERM 701 NW 1st Court 4/17/2015 Miami, FL 33136	Warning Letter - Miami Facility	Closed	Monthly report lost by DERM and resubmitted
15	Miami-Dade County DERM 701 NW 1st Court 5/12/2015 Miami, FL 33136	Warning Letter - Miami Facility	Closed	De minimus vanadium & benzene exceedance

(16) 7/7/2015	FDEP Petroleum Storage Tanks Tallahassee, FL	Inspection - Miami Facility	Closed	Stemming from corrosion NOV on 2/6/2015, inspection performed noting Tanks 1-7 were painted and 13-21 were scheduled for painting
(17) 9/1/2015	FDEP Southeast District Office 400 N Congress Ave, Ste 200 West Palm Beach, FL 33401	Inspection - Jacksonville Facility	Closed	Immediately corrected areas of concern and set forth policy to ensure the errors were not repeated
(18) 9/25/2015	FDEP Petroleum Storage Tanks Tallahassee, FL	Inspection - Miami Facility	Closed	Stemming from corrosion NOV on 2/6/2015, inspection performed noting Tanks 1-7 were painted and 13-21 were scheduled for painting
(19) 9/30/2015	Miami-Dade County Trash Collection Dept	Warning Notice - Miami Facility	Closed	Illegal dumping of tires and other trash by third parties on CBI property, which is then cleaned up by CBI
(20) 10/22/2015	Miami-Dade County DERM 701 NW 1st Court Miami, FL 33136	Field Notice of Violation Miami Facility	Closed	Odor was coming from a broken underground sewer line that was in the state of being repaired when the odor was evident
(21) 12/9/2015	Miami-Dade County DERM 701 NW 1st Court Miami, FL 33136	Notice of Violation - Miami Facility	Closed	Underground sewer line broke, which required CBI to repair line, sample soil and backfill with clean fill
(22) 12/14/2015	Broward County Pollution Prevention Plantation, FL	Citation Warning Notice	Closed	This warning was issued to a different company called Cliff Berry Associates, Inc., which rents part of the Cliff Berry, Inc. property for storage of equipment. This warning was issued to Cliff Berry Associates for sandblasting and the registered Director wrote a letter to Broward stating his plan to comply.
(23) 12/17/2015	Miami-Dade County Trash Collection Dept	Warning Notice - Miami Facility	Closed	Illegal dumping of tires and other trash by third parties on CBI property, which is then cleaned up by CBI



(24) 12/17/2015	Miami-Dade County DERM 701 NW 1st Court Miami, FL 33136	Field Notice of Violation - Miami Facility	Closed	CBI argues that the odors are not coming from CBI plant
(25) 1/4/2016	Miami-Dade County Trash Collection Dept	Warning Notice - Miami Facility	Closed	Illegal dumping of tires and other trash by third parties on CBI property, which is then cleaned up by CBI
(26) 7/13/2016	FDEP Southeast District Office 400 N Congress Ave, Ste 200 West Palm Beach, FL 33401	Warning Letter - Miami Facility	Closed	Immediately corrected areas of concern and set forth policy to ensure the errors were not repeated
(27) 9/9/2016	Miami-Dade County DERM 701 NW 1st Court Miami, FL 33136	Notice of Required NORTR	Closed	Underground sewer line broke, which required CBI to repair line, sample soil and backfill with clean fill
(28) 11/29/2016	Miami-Dade County DERM 701 NW 1st Court Miami, FL 33136	Warning Letter - Miami Facility	Closed	De minimus nickel exceedance
(29) 10/23/2017	FDEP Southwest District Office Po Box 2549 Fort Myers, FL 33902	Warning Letter - Fort Myers Facility	Closed	CBI believed that the owner of the property (landlord) was permitted properly, but in fact they were not. CBI therefore ceased operations in that region and got the permit required. Then, we began service in that region again.
(30) 11/11/2017	Miami-Dade County DERM 701 NW 1st Court Miami, FL 33136	Notice of Violation Odor Complaints Miami Facility	Closed	CBI argues that the odors are not coming from CBI plant

<p>31</p> <p>1/25/2018</p>	<p>Miami-Dade County DERM 701 NW 1st Court Miami, FL 33136</p>	<p>Notice of Violation &amp; Corrective Action</p>	<p>Ongoing</p>	<p>CBI has continually argued that the odors are not stemming from the facility, but we have nevertheless spent many thousand dollars monitoring the facility atmosphere and investing in new tanks and other equipment to ensure the odors are minimal in our processing of Used Oil. Currently, we are in conversations with DERM on how to best approach a long term solution.</p>
<p>32</p> <p>3/16/2018</p>	<p>Miami-Dade County DERM 701 NW 1st Court Miami, FL 33136</p>	<p>Followup to Notice of Violation &amp; Corrective Action</p>	<p>Ongoing</p>	<p>CBI has continually argued that the odors are not stemming from the facility, but we have nevertheless spent many thousand dollars monitoring the facility atmosphere and investing in new tanks and other equipment to ensure the odors are minimal in our processing of Used Oil. Currently, we are in conversations with DERM on how to best approach a long term solution.</p>

①



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 (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





miamidade.gov

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 to 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,

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

cc: PSO File 30-0513

(Plan A)

3



## 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

HERSCHEL 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.

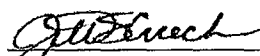
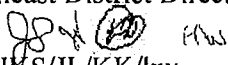
Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Sections 403.141, 403.161 and 403.727, Florida Statutes.

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.

Cliff Berry – Port Everglades  
EPA ID No. FLR000083071  
Page 2 of 2

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

Sincerely,

 11/22/13  
\_\_\_\_\_  
Bill S. Creech, P.E. Date  
Southeast District Director  
  
JSC/JKS/JL/KK/kw

Attachments: Hazardous Waste Inspection Report Dated October 11, 2012

cc: Electronic Archboard\Oculus  
Glen Perrigan, DWM via email Glen.Perrigan@dep.state.fl.us





## 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.

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 Jennifer Smith  
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))



4



Florida Department of  
Environmental Protection  
Hazardous Waste Inspection Report

**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.

**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.

### Conclusion:

provided.

A

Initials of the person(s) who conducted the inspection: \_\_\_\_\_  
Inspection Date: 7/22/2014

**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).

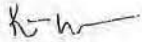
This is not a formal enforcement action and may not be a complete listing of all items of non-compliance discovered during the inspection.

Kathy R. Winston

Inspector

PRINCIPAL INSPECTOR NAME

PRINCIPAL INSPECTOR TITLE



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: 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.

5

ChloroCare Inc - Miami Terminal Inspection Report

Page 88 of 225

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

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.

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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.

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**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.



5

Cliff Berry Inc - Miami Terminal Inspection Report

Page 6 of 9

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).

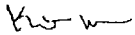
This is not a formal enforcement action and may not be a complete listing of all items of non-compliance discovered during the inspection.

Kathy R. Winston

PRINCIPAL INSPECTOR NAME

Inspector

PRINCIPAL INSPECTOR TITLE



PRINCIPAL INSPECTOR SIGNATURE

6/16/2014

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.



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 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:

- |  |   |
|--|---|
| <input type="checkbox"/> Failure to obtain appropriate Air Permit    | <input type="checkbox"/> Excessive Visible Emissions            |
| <input type="checkbox"/> Uncontrolled fugitive emissions             | <input type="checkbox"/> Improper handling, removal of asbestos |
| <input type="checkbox"/> Non-compliance with Stage II Vapor Recovery | <input type="checkbox"/> Non-compliance with CFC regulations    |
| <input checked="" type="checkbox"/> Objectionable odor               | <input type="checkbox"/> 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] Recipient's Signature

Print: \_\_\_\_\_ Recipient's Name

Title: \_\_\_\_\_

Posted: Y\_\_ N\_\_ Photographed Y\_\_ N\_\_

Lee N. Hefty, Director  
Environmental Resources Management

Issued \ Posted by: [Signature] Inspector's Signature

Print: RITA M. GRADISMAN Inspector's Name

Section/Phone: 305-2972883

Date: 05/18/2014

7



com 65727

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. PRESIDENT CLIFF BERRY

ADDRESS: 3033 NW N RIVER DR.

SOURCE/LOCATION: OIL PROCESSING / STORAGE TANK 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:

- |  |   |
|--|---|
| <input type="checkbox"/> Failure to obtain appropriate Air Permit    | <input type="checkbox"/> Excessive Visible Emissions            |
| <input type="checkbox"/> Uncontrolled fugitive emissions             | <input type="checkbox"/> Improper handling, removal of asbestos |
| <input type="checkbox"/> Non-compliance with Stage II Vapor Recovery | <input type="checkbox"/> Non-compliance with CFC regulations    |
| <input checked="" type="checkbox"/> Objectionable odor               | <input type="checkbox"/> Other                                  |

Specifically: WASTE OIL / DEODORIZER ODOOR LEAVING PREMISES

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: [Signature]  
Recipient's Name

Title: \_\_\_\_\_

Posted: Y\_\_\_ N\_\_\_ Photographed Y\_\_\_ N\_\_\_

181\_01-139 8/13

Lee N. Hefty, Director  
Environmental Resources Management

Issued / Posted by: [Signature]  
Inspector's Signature

Print: [Signature]  
Inspector's Name

Section/Phone: \_\_\_\_\_

Date: 05/18/2014





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**

**INSPECTOR SIGNATURE**

Leroy Arce

**REPRESENTATIVE NAME**

**REPRESENTATIVE SIGNATURE**

Facility ID: 8630152

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

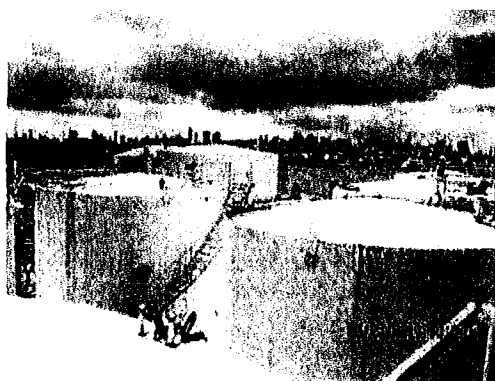
06/12/2014

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





Facility ID: 8630152

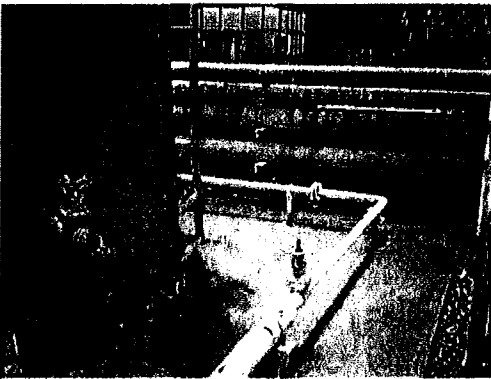
Added Date 05/25/2011

Out-of-service tanks also impacted by corrosion



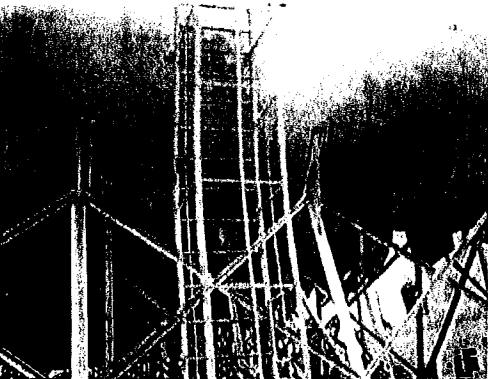
Added Date 06/12/2014

Piping rusted.



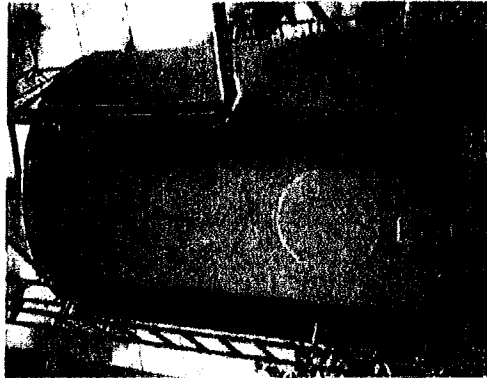
Added Date 06/12/2014

Rust.



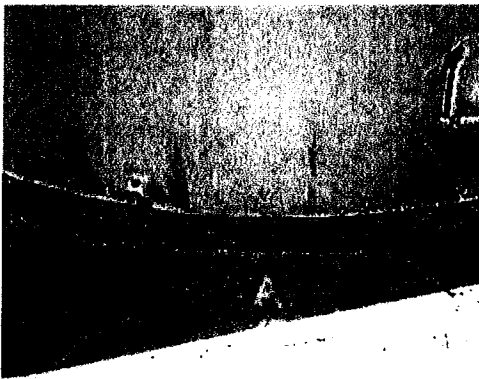
Added Date 06/12/2014

Rust.



Added Date 06/12/2014

Rust.



Type: Violation

Significance Name: Minor

Rule: 62-762.641(2)(e)

Facility ID: 8630152

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

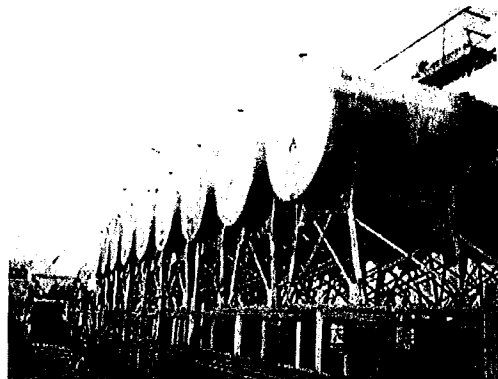
A NCLI was previously issued for the open violations therefore a new one will not be issued for enforcement reasons.

### Inspection Photos

Facility ID: 8630152

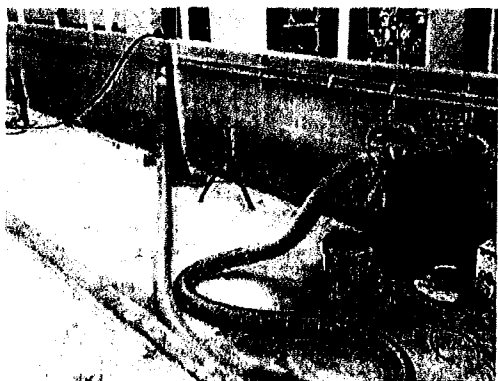
Added Date 06/12/2014

Horizontal ASTs (9)



Added Date 06/12/2014

Filling station.



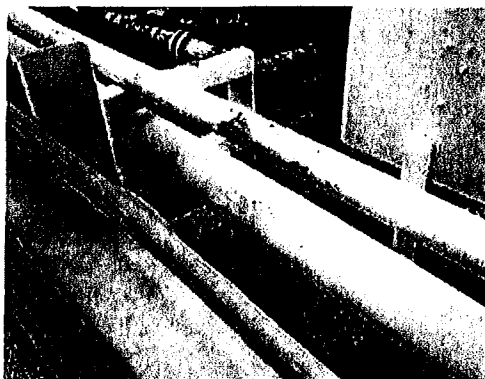
Added Date 06/12/2014

Field erected ASTs.



Added Date 06/12/2014

Piping run (rust)



Added Date 06/12/2014

Fuel gauge.





Carlos Alvarez, Mayor

June 19, 2014

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

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

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.

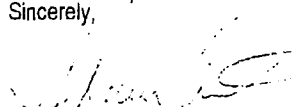
9

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





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.

10

**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





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 Barry, Inc. Thiam *specific source not determined.*  
ADDRESS: 3033 NW North River Drive, Thiam, FL  
SOURCE/LOCATION: West side of plant; detected downwind, not upwind from plant  
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:

- |   |   |
|---|---|
| <input type="checkbox"/> Failure to obtain appropriate Air Permit             | <input type="checkbox"/> Excessive Visible Emissions            |
| <input type="checkbox"/> Uncontrolled fugitive emissions                      | <input type="checkbox"/> Improper handling, removal of asbestos |
| <input type="checkbox"/> Non-compliance with Stage II Vapor Recovery          | <input type="checkbox"/> Non-compliance with CFC regulations    |
| <input checked="" type="checkbox"/> Objectionable odor ( <u>odor of gas</u> ) | <input type="checkbox"/> Other                                  |

Specifically: - response to citizen complaint; odor detected offsite at 3163 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 to the area where the complain originated.  
PLEASE GOVERN YOURSELF ACCORDINGLY

Received by: Pedro Stiasni  
Recipient's Signature

Print: Pedro Stiasni  
Recipient's Name

Title: Dept. Plant Manager

Posted: Y ☐ N ☐ Photographed Y ☐ N ☐

161.01-139 B/13

Lee N. Hefty, Director  
Environmental Resources Management  
Issued/Posted by: Juan Trimble  
Inspector's Signature

Print: Juan Trimble  
Inspector's Name

Section/Phone: PRD/6509

Date: 11/6/14

A note was given to Juan Trimble on 11/6/14





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

	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

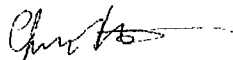
**Storage Tank Program Office**

(305) 372-6807

**Storage Tank Program Office Phone Number**

Christopher S Runte

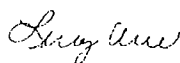
**INSPECTOR NAME**



**INSPECTOR SIGNATURE**

Leroy Arce

**REPRESENTATIVE NAME**



**REPRESENTATIVE SIGNATURE**

Facility ID: 8630152

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



Facility ID: 8630152

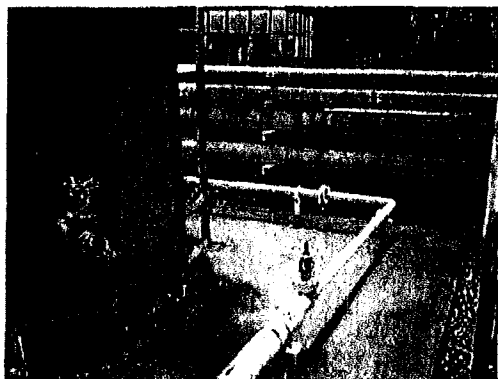
Added Date 05/25/2011

Out-of-service tanks also impacted by corrosion



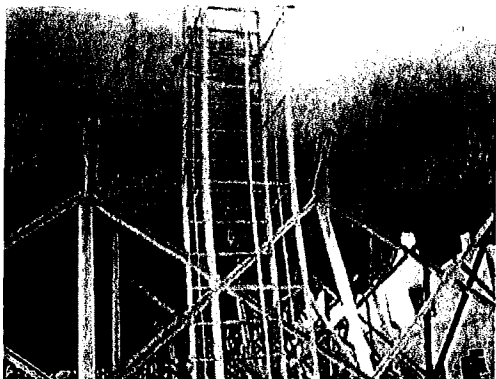
Added Date 06/12/2014

Piping rusted.



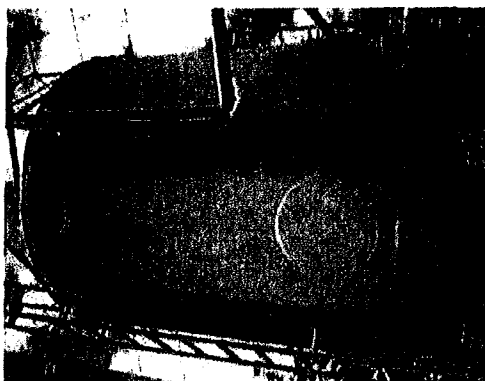
Added Date 06/12/2014

Rust.



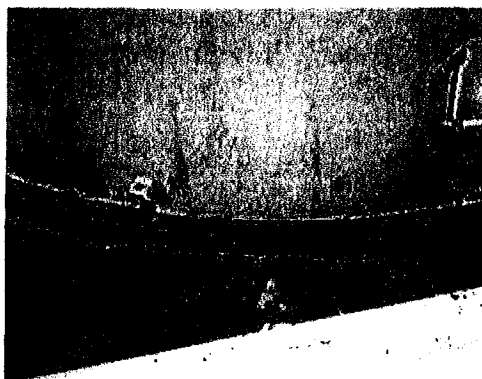
Added Date 06/12/2014

Rust.



Added Date 06/12/2014

Rust.



Added Date 02/06/2015

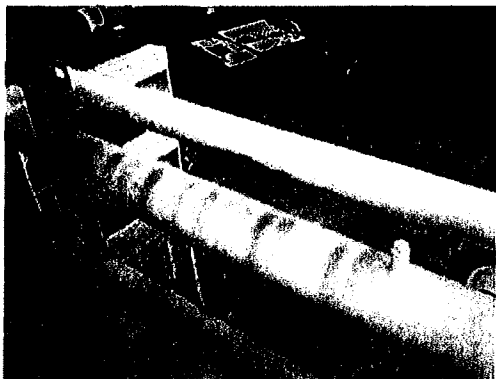
Corroded Tanks



Facility ID: 8630152

Added Date 02/06/2015

Still corroded piping



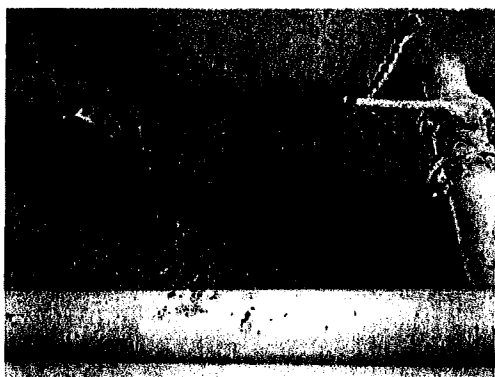
Added Date 02/06/2015

Piping still corroded



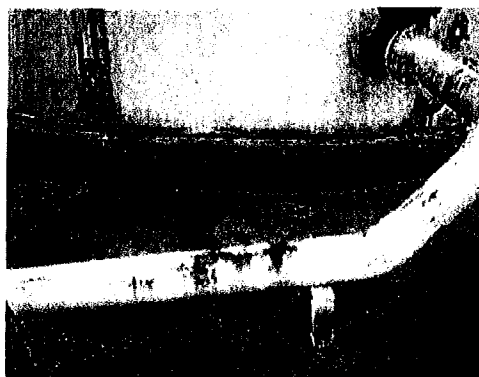
Added Date 02/06/2015

Piping and base of tank still corroded



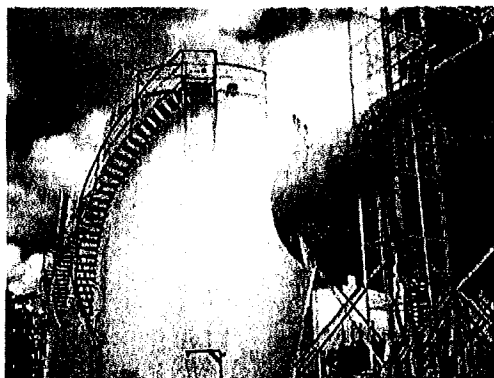
Added Date 02/06/2015

Piping still corroded



Added Date 02/06/2015

Tank still corroded



Added Date 02/06/2015

Tank still corroded



Facility ID: 8630152

Added Date 02/06/2015

Base of tank still corroded



Added Date 02/06/2015

Tanks still corroded



Added Date 02/06/2015

Base of tank still corroded



### 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.



(13)

EXHIBIT 3

Page 09 of 225

MIAMI-DADE

www.miamidade.gov

Department of Regulatory and Economic Resources  
Division of Environmental Management (DERM)  
301 North Bay Street, 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 8386 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



# 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
200.7 MET ICP Analytical Method: EPA 200.7 Preparation Method: EPA 200.7									
Antimony	7.11	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	4.11	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	
6010 MET ICP Analytical Method: EPA 6010 Preparation Method: EPA 6010									
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	3.91	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	
200.8 MET ICPMS 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 & MONITORING REQUIREMENTS**

EXHIBIT 3  
Page 105 of 225

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	0.0268	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	0.948	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

LABORATORY ANALYSIS RECORD  
ENFORCEMENT

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

Site: CLIFF BERRY, INC. MI  
Location: 3033 NW NORTH RIVER DR  
Address: COXA  
Sampler: COXA  
Deliverer: COXA  
Return To: COXA  
C.C.#: 895343  
Phone: 6748  
Date: 10/15/14  
Time: 12:58 PM

Sample #: 300477  
Date: 10/15/14 Time: 12:58 PM  
Collection Point: LIFE SEA SAMPLE PORT  
Observation/Known Hazards: POTENTIAL OIL

15 OCT '14 15:28  
Clock-In Date/Inspector: Allen Cox  
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: 15 OCT '14 15:28  
Date Requested: 10/15/14  
\*Laboratory ID # / Fridge #: AC31327

\*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: 0925114 TM2  
Prepared Lot #: 0925114 TM2  
Picked-Up Date: 10/15/14  
By Inspector: 10/15/14  
Split Sample? Yes ☐ No ☒ Consultant/Lab: LORAY MCG / CBI  
Test(s) Run/Method #: Ag, As, Cd, Cu, Cr, Al, Pb, Sn, Ti, Vg, Zn, Co, Ni  
Test(s) Run/Method #: Thallium method 200.8  
PQL & MCL ON THIS TEST WERE NOT BE  
LOSS THAN 0.5 ug/l

\*Sample Disposal Date: 10/16/14  
Relinquished To: \*\*Contract Lab  
Delivered By / Date: 10/16/14  
Received By / Date: 10/16/14  
Extracted By / Date: CRT, HGA 10/20/14  
Analyzed By / Date: CRT, HGA 10/20/14, 10/21/14  
Returned By / Date: 10/25/14  
Comments: ENVIRONMENTAL EVALUATION & COMPLIANCE SECTION



1A



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

Enclosures: Sample results document COC# 303211 & 303216; Regulated Pollutants & Monitoring Requirements



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**



Facility ID: 8630152

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)

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**Outstanding Violations**

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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

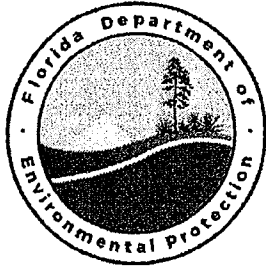


Added Date 05/25/2011

Bottom part of the tank impacted by corrosion







## Florida Department of Environmental Protection

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.

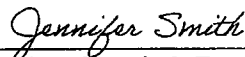
DEP v. Cliff Berry, Inc.  
OGC No. 14-0111  
Page 3 of 5

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.

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## Florida Department of Environmental Protection

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

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Jonathan P. Steverson  
Secretary

November 13, 2015

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





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

Handwritten signature of Alejandro G De Zayas.

INSPECTOR SIGNATURE

Kelly Brandenburg

REPRESENTATIVE NAME

Handwritten signature of Kelly Brandenburg.

REPRESENTATIVE SIGNATURE

Facility ID: 8630152

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.

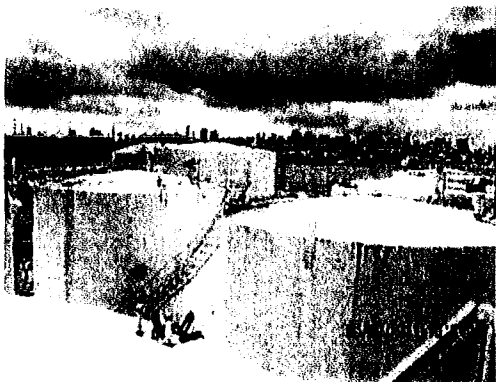
07/07/2015

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

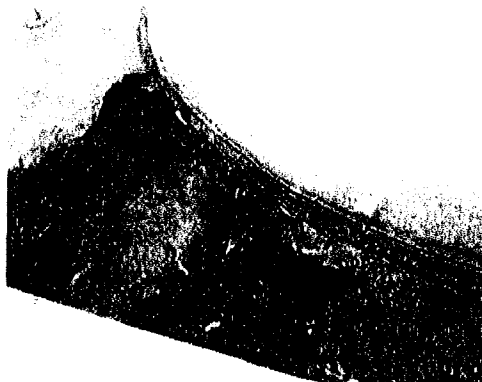
Added Date 05/25/2011

Top area impacted by corrosion



Added Date 05/25/2011

Bottom part of the tank impacted by corrosion



Facility ID: 8630152

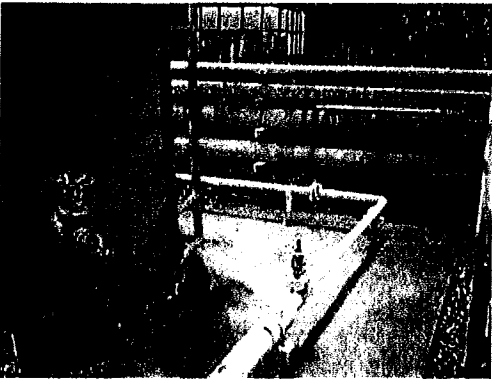
Added Date 05/25/2011

Out-of-service tanks also impacted by corrosion



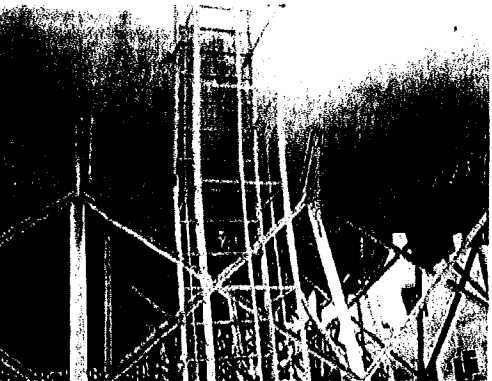
Added Date 06/12/2014

Piping rusted.



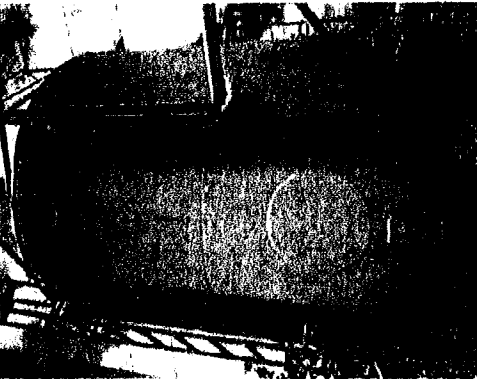
Added Date 06/12/2014

Rust.



Added Date 06/12/2014

Rust.



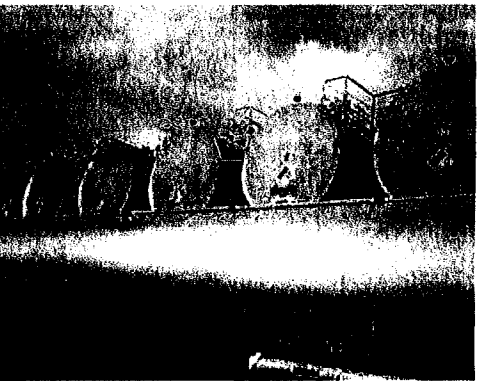
Added Date 06/12/2014

Rust.



Added Date 02/06/2015

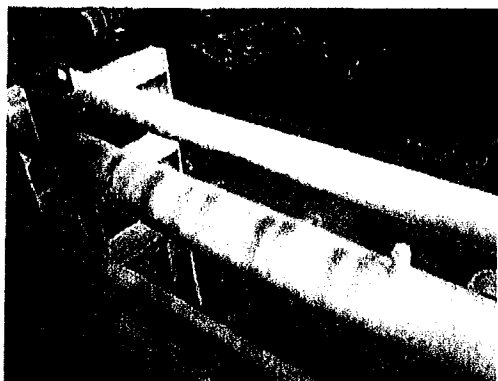
Corroded Tanks



Facility ID: 8630152

Added Date 02/06/2015

Still corroded piping



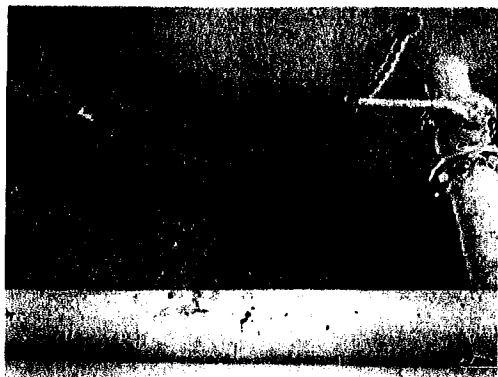
Added Date 02/06/2015

Piping still corroded



Added Date 02/06/2015

Piping and base of tank still corroded



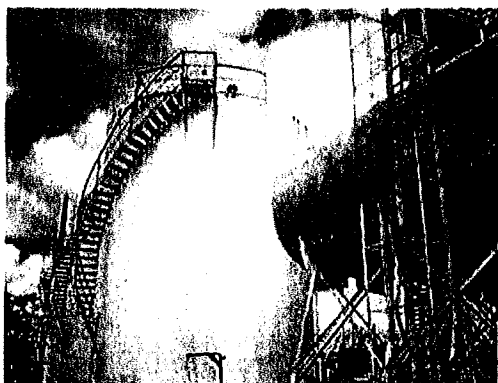
Added Date 02/06/2015

Piping still corroded



Added Date 02/06/2015

Tank still corroded



Added Date 02/06/2015

Tank still corroded





19

RECEIVED OCT 06 2015



# WARNING NOTICE OF VIOLATION

30-3128-000-0130

Date Issued: 9/30/15

3033 NW N. RIVER DR

☒ Mail ☐ Hand Delivery

MIAMI, FL 33142  
Mailing address, if applicable

☒ Posting

CLIFF BOWEN INC

Reference #: 10703771

PO Box 13079

☐ C ☐ O

77. LINDENWOOD, FL 33166

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 (east side)
- ☐ 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: 10/7/15

**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. JACKSON Badge Number: 934

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, JR. MIAMI TERMINAL

ADDRESS: 2033 NW NORTH RIVON 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:

- |  |   |
|--|---|
| <input type="checkbox"/> Failure to obtain appropriate Air Permit    | <input type="checkbox"/> Excessive Visible Emissions            |
| <input type="checkbox"/> Uncontrolled fugitive emissions             | <input type="checkbox"/> Improper handling, removal of asbestos |
| <input type="checkbox"/> Non-compliance with Stage II Vapor Recovery | <input type="checkbox"/> Non-compliance with CFC regulations    |
| <input checked="" type="checkbox"/> Objectionable odor               | <input type="checkbox"/> Other                                  |

Specifically: STRONG ODORS WERE OBSERVED AT STONE AND ANTIQUE 3236 AVE SOUTH RIVER DR THAT WERE TRACED TO CBT

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 it.

Received by: Leroy Arce  
Recipient's Signature

Issued/Posted by: Allen L. ...  
Inspector's Signature

Print: Leroy Arce  
Recipient's Name

Print: Allen L. ...  
Inspector's Name

Title: General Manager

Section/Phone: \_\_\_\_\_

Posted: Y \_\_\_ N \_\_\_ Photographed Y ☒ N \_\_\_

Date: Oct 23, 2015





Environmental Protection and Growth Management Department  
**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

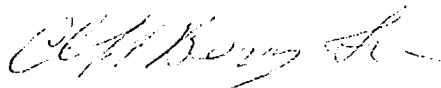
Broward County  
Environmental Protection and Growth Management Department  
Pollution Prevention Division  
1 North University Drive, Box 102  
Plantation, FL 33324

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

5/11/16  




COM-69-126



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 Port Everglades Ft Lauderdale, FL 33316

SOURCE/LOCATION: Cliff Berry, Inc Miami Terminal 3033 NW North River Dr Miami, FL 33142

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:

- |  |   |
|--|---|
| <input type="checkbox"/> Failure to obtain appropriate Air Permit    | <input type="checkbox"/> Excessive Visible Emissions            |
| <input type="checkbox"/> Uncontrolled fugitive emissions             | <input type="checkbox"/> Improper handling, removal of asbestos |
| <input type="checkbox"/> Non-compliance with Stage II Vapor Recovery | <input type="checkbox"/> Non-compliance with CFC regulations    |
| <input checked="" type="checkbox"/> Objectionable odor               | <input type="checkbox"/> Other                                  |

Specifically: Sulfur & motor oil odors noted exterior of the facility towards 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 Montanez Delacruz Recipient's Name

Title: Lab Manager

Posted: Y ☐ N ☒ Photographed Y ☐ N ☒

161\_01-139 8/13

Lee N. Hefty, Director  
Environmental Resources Management

Issued/Posted by: [Signature] Inspector's Signature

Print: Richard E. [Signature] Inspector's Name

Section/Phone: \_\_\_\_\_

Date: 12/17/2015

email: oab@dmr.com



2A

RECEIVED JAN 05 2016

MD 12-18-15



## WARNING NOTICE OF VIOLATION

30-3128-000-0130 Date Issued: 12/17/15  
3023 NW N. River Dr ☒ Mail ☐ Hand Delivery  
Miami, FL 33142 ☒ Posting  
Mailing address, if applicable  
Cliff B. H. Inc. Reference #: 10708343  
P.O. Box 12079 ☐ C ☐ O  
Ft. 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 Blocked L-Turn
- ☐ 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: 12-18-15

**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. 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.**



125

MID H6-16



Delivering Excellence Every Day

## WARNING NOTICE OF VIOLATION

30-3128-000-0130

Date Issued: 1/4/2016

3033 NW N. RIVER DR

☒ Mail ☐ Hand Delivery

MIAMI FL 33142

Mailing address, if applicable

☐ Posting

CLIFF BERRY INC

Reference #: 20709259

PO BOX 13079

☐ C ☐ O

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 *Cushion (Estate property)*
- ☐ 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: 1/16/16

**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. *LE*

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.

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**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.



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

FACILITY NAME <b>Cliff Berry - Miami Terminal</b>		TYPE OF INSPECTION: CAV: <input type="checkbox"/> CEI: <input checked="" type="checkbox"/> CI: <input type="checkbox"/> OTHER: <input type="checkbox"/>	
ADDRESS <b>3033 NW North River Dr.</b>	CITY <b>Miami</b>	STATE <b>FL</b>	ZIP CODE <b>33142</b>
EPA ID NUMBER <b>FLA058560699</b>	DATE OF INSPECTION	PAGE <b>1</b>	OF <b>2</b>
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

USED OIL VIOLATIONS:

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

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

MATERIALS PROVIDED to assist in accomplishing corrective actions

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> DEP Small Quantity Generator Handbook        | <input type="checkbox"/> EPA Managing Used Oil            | <input type="checkbox"/> Mercury Lamp Recyclers |
| <input type="checkbox"/> EPA Understanding the Hazardous Waste Rules  | <input type="checkbox"/> Environmental Yellow Pages       | <input type="checkbox"/> Other _____            |
| <input type="checkbox"/> EPA Notification of Regulated Waste Activity | <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: _____ |

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**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 you that 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.**

<b>SIGNATURE:</b> <u>[Signature]</u>	<b>PRINTED NAME:</b> <u>Kelly Brandenberg</u>
<b>TITLE:</b> <u>Agent for CBI</u>	<b>DATE:</b> <u>7/13/16</u>





Carlos A. Gimenez, Mayor

September 9, 2016

CERTIFIED MAIL NO. 7014 1200 0002 0825 9801  
RETURN RECEIPT REQUESTED

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

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,

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

jg

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

*Delivering Excellence*



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**

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

Enclosures: Industrial Waste Pretreatment Annual Operating Permit No. 108, Regulated Pollutants & Monitoring Requirements



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## Florida Department of Environmental Protection

South District  
Post Office Box 2549  
Fort Myers, Florida 33902-2549  
[SouthDistrict@dep.state.fl.us](mailto:SouthDistrict@dep.state.fl.us)

EXHIBIT 3  
Page 129 of 225  
Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Noah Valenstein  
Secretary

October 23, 2017

VIA ELECTRONIC MAIL

Mr. Leroy Arce, Vice President, Resource Recovery  
Cliff Berry, Inc.  
P.O. Box 13079  
Fort Lauderdale, Florida 33316  
E-mail: [LArce@cliffberryinc.com](mailto:LArce@cliffberryinc.com)

Re: Warning Letter  
Cliff Berry, Inc.- Fort Myers Facility  
Facility ID No. FLR000221994  
Lee County

Dear Mr. Arce:

A used oil program inspection was conducted at your facility on August 29, 2017 under the authority of Section 403.091, Florida Statutes (F.S.). During this inspection, possible violations of Chapter 403, F.S. and Chapter 62-710, Florida Administrative Code (F.A.C.), and 40 CFR Part 279 adopted therein were observed.

During the inspection Department personnel noted the following:

- Cliff Berry operated a used oil transfer facility from July 2015 to December 2016 and failed to register with the Department.
- The impervious coating/sealant on the concrete floor and walls of the used oil storage tank concrete secondary containment structure was peeling and wearing off in areas.
- 55-gallon drums of used oil filters were stored in a trailer parked over grass/dirt. The floor and base of the trailer was wooden and not oil-impermeable.

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 403.121, 403.161 and 403.758, Florida Statutes.

Please contact Karen Bayly at 239/344-5616, 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.



Cliff Berry, Inc.  
FLR000221994  
Warning Letter  
Page 2 of 2

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

Sincerely,



---

Jon M. Iglehart  
Director of District Management

JMI/KB

cc: Kelly Brandenburg, Cliff Berry, Inc. ([compliance@cliffberryinc.com](mailto:compliance@cliffberryinc.com))



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

**FACILITY INFORMATION:****Facility Name:** Cliff Berry Inc - Ft Myers Facility**On-Site Inspection Start Date:** 08/29/2017**On-Site Inspection End Date:** 08/29/2017**ME ID#:** 123925**EPA ID#:** FLR000221994**Facility Street Address:** 16880 Gator Rd Ste B, Fort Myers, FL 33912-5915**Contact Mailing Address:** 851 Eller Dr, Fort Lauderdale, FL 33316**County Name:** Lee**NOTIFIED AS:**

Non-Handler

Used Oil

**INSPECTION TYPE:**

Routine Inspection for Used Oil Transporter facility

Routine Inspection for Used Oil Transfer Facility facility

**INSPECTION PARTICIPANTS:****Principal Inspector:** Karen R. Bayly, Environmental Consultant**Other Participants:** Kelly Brandenburg, Manager Regulatory Affairs; Leroy Arce, Vice President, Resource Recovery**LATITUDE / LONGITUDE:** Lat 26° 29' 40.848" / Long 81° 49' 34.716"**SIC CODE:** Data is missing from FIESTA**TYPE OF OWNERSHIP:** Private**Introduction:**

A compliance evaluation inspection was conducted at the Cliff Berry Inc - Fort Myers facility (CBI/facility) on August 29, 2017. This is the first FDEP hazardous waste inspection conducted at CBI. The following is a summary of my observations.

The property is owned by Trany's Unlimited Inc. Richard Thorpe is listed as the Director of Trany's Unlimited Inc. Several businesses operate on the approximate 6-acre property. According to previous inspection reports, TUI Products Corp. was registered as a used oil/used oil filter transporter and transfer facility from 8-4-09 to 6-30-15. TUI Products/Trany's Unlimited was previously inspected by FDEP hazardous waste staff on 1-28-10, 6-4-10 and 12-18-13. According to previous inspection reports, the property/businesses are connected to municipal water and sewer.

CBI submitted an initial 8700-12FL notification on 2-7-17 as a used oil/used oil filter transporter and transfer facility. The current registration expires 6-30-18. According to the notification, CBI has been operating at this location since 7-2-15. As part of their registration, CBI submitted annual reports for 2015 and 2016 using TUI's EPA ID# (FLR000150383). According to the reports, approximately 348,324 gallons of used oil was transported to the facility during that time period.

According to CBI representatives, CBI stopped using this facility in December 2016 when they were notified by FDEP that it was not a registered transfer facility and immediately had the two storage tanks emptied. During the time period between December 2016 and February 2017, all daily pick-ups/loads were transported directly to the CBI Miami facility. CBI started using the tanks/facility again in February after working with Janet Ashwood in FDEP's Tallahassee office, submitting the required documentation, receiving an EPA ID# and used oil/used oil filter transporter/transfer facility certification/notification.

The storage tank system (Facility ID 8627191) is registered to TUI Products Corp. The registration reflects

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Inspection Date: 09-29-2017

there are two 8,000-gallon aboveground single-walled storage tanks situated within concrete secondary containment. The tank system was last inspected by Lee County Division of Natural Resources on 8-31-16 and determined to be in compliance. TUI Products maintain financial assurance for the tank system. CBI leases the tanks and a fenced portion on the property from TUI Products. The leased area is located towards the back/west portion of the property and is fenced, gated and maintained locked.

All records associated with this CBI facility are maintained at the CBI Miami facility. Prior to the inspection, Kelly Brandenburg, Compliance Manager, was contacted regarding the inspection. Upon arriving at CBI, I reviewed the purpose of the inspection with Kelly Brandenburg and Leroy Arce (CBI representatives). Ms. Brandenburg and Mr. Arce granted me access to conduct the inspection and were present throughout the inspection.

#### **Process Description:**

CBI operates as a used oil and used oil filter transporter and transfer facility. Used oil, used oil filters and oily water is picked up from generators, Monday-Friday, and transported to this CBI site for consolidation and eventual transport to the CBI Miami Terminal facility located at 3033 NW North River Dr., Miami, FL (EPA ID# FLD058560699). According to the CBI representatives, the facility maintains one truck and one driver for pick-ups from generators. The truck has two compartments: 2,200-gallons for used oil and 800-gallons for oily water. The truck is also equipped to transport eight 55-gallon drums of used oil filters. According to the CBI representatives, the transporter registration form and EPA Identification number are maintained in the truck, as well as absorbent pads, granular absorbent, drums/buckets, personal protection equipment, etc. Halogen leak detectors (sniffers) are used at every generator location. If the sniffer detects the presence of halogenated compounds, a Dexsil test is conducted. CBI maintains an internal system for checking expiration dates on Dexsil chlor-d-test kits. CBI representatives indicated they have not detected any exceedances greater than 1000 ppm at any generators.

At the time of the inspection, the truck and driver were not at the facility. The driver maintains a 'Daily Used Oil Driver Manifest Log & Chain of Custody' form which documents the date, time, customer name, corresponding manifest number, gallons picked up and total charge. The form was reviewed and noted that it does not distinguish between used oil and oily water; however charges are only associated with oily water. According to the CBI representatives, upon returning at the end of the day, the driver will verify and record the volume in each storage tank prior to off-loading waste fluids. Once the driver has confirmed the tank volumes, he unlocks the box covering the valve, connects the hose and offloads the waste fluids into the designated tanks. Once the truck is off-loaded, it is parked in a designated area adjacent to the tanks. The designated area is concrete with three walls and a berm so trucks can enter. The concrete walls were cracked/pitted and the entire concrete area was not sealed. The volume capacity of the concrete area was not determined at the time of the inspection. Also noted were two closed 55-gallon drums labeled non-hazardous waste and a non-working CBI truck parked in the designated truck park area. A capped drain valve was also noted. It was discussed that in an unplanned event that used oil remained in the truck for over 24 hours, the truck would need to be parked in secondary containment. It was further discussed that CBI consider providing sufficient secondary containment for the truck park area. Secondary containment should be capable of containing 110% of the volume of the largest tank or container within the containment area; and the entire containment system, including walls and floor, must be sufficiently impervious to used oil.

A log is maintained documenting the date/volume of waste fluid off-loaded from the truck into each tank; and the date/volume of bulk waste fluid removed from each tank and corresponding manifest number. Depending on driver availability, CBI either self-transport bulk loads to their Miami facility or uses Environmental Logistics Solutions (EPA ID# FLR000193854) to transport bulk loads. Receipts presented reflect approximately 6500-gallons of bulk waste fluids is transported to Miami every 1-2 weeks where it is recycled and sold as burner fuel.

Each storage tank is a vertical aboveground, single-walled tank that is 8,000-gallons in capacity. The tanks are both labeled "USED OIL", "NO SMOKING" and "COMBUSTIBLE LIQUID". One tank is also labeled '1'. According to the CBI representatives, tank 1 contains used oil and the other tank contains oily water but is managed as used oil since it generally contains more oil than water. In addition, due to this CBI facility being their one remote facility, the tanks are equipped with a computer monitoring gauge to monitor the tank levels from their Miami facility. The gauge was out being repaired at the time of the inspection.

The two tanks are situated within a concrete secondary containment structure. It appeared that the interior of



the structure was coated with a sealant; however the sealant is peeling/wearing off in the areas and needs to be re-applied to render the containment oil-impervious. A build up of organic matter/algae was also noted in the northwest corner of the containment structure which should be removed. Approximately six 250-gallon empty totes were also situated with the containment structure at the time of the inspection which CBI representatives indicated are occasionally requested by customers. A fire extinguisher is maintained in the containment area. The tag indicates it was last inspected September 2015 and the gauge appeared to read it was on the border of overcharged.

55-gallon drums of used oil filters are stored in a trailer parked over grass/dirt. At the time of the inspection, there were 16 closed/labeled drums of used oil filters drums, as well as several empty drums and two drums of absorbent material/spill response equipment stored in the trailer. A visual inspection was conducted inside and beneath the trailer. The floor and base of the trailer appeared to be wood. It was discussed that used oil filters drums must be stored on an oil-impervious surface. It was indicated that the interior of the trailer may be coated with a sealant or relocated to within the truck park area. When the trailer is full, the drums are off-loaded onto another truck and transported to the CBI Miami facility.

Driver training records were reviewed. According to the CBI representatives, annual in-house training is conducted upon hiring and annually thereafter. Training includes DOT hazardous material transportation training, spill response, emergency response procedures, used oil screening procedures, etc.

Acceptance/delivery records and SPCC/contingency plan were provided and no issues were noted. It was recommended the SPCC/contingency plan be reviewed annually to ensure contact names/phone numbers are up to date. It was also suggested to add FDEP's South District's phone number to the emergency contact list.

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

**Violations**

Type:	Violation
Rule:	62-710.500(1)(a)
Explanation:	Used oil transporters and transfer facilities are required to annually register their used oil handling activities with the Department.  CBI operated a used oil transfer facility at this property from July 2015 to December 2016 and failed to register with the Department.
Corrective Action:	Upon being notified in December 2016, CBI ceased operations at this facility and had the two storage tanks emptied. All daily pick-ups/loads were transported directly to the CBI Miami facility from December 2016 to February 2017. CBI submitted the required registration documentation to FDEP Tallahassee in February 2017 and received EPA ID# FLR000221994.

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Type:	Violation
Rule:	279.45(e)(2)
Explanation:	The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.  The coating/sealant on the concrete floor and walls of the storage tank containment structure is peeling/wearing off in areas.
Corrective Action:	The entire containment structure needs to be resealed with an impervious sealant.



Following the inspection, Kelly Brandenburg provided photos and documentation that the containment structure and truck parking pad had been cleaned and will be sealed with an epoxy coating by November 17, 2017.

**Photo Attachments:**

cracked/peeling sealant in containment structure



cracked/peeling sealant in containment structure



cracked/peeling sealant in containment structure



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Type: Violation

Rule: 62-710.850(5)(a)

Explanation: All persons storing used oil filters shall store used oil filters in above ground containers which are clearly labeled "Used Oil Filters," and which are in good condition (no severe rusting, apparent structural defects or deterioration) with no visible oil leakage. The containers shall be sealed or otherwise protected from weather and stored on an oil-impermeable surface.

55-gallon drums of used oil filters are stored in a truck. The inside/floor of the truck is wooden and not oil-impermeable.

Corrective Action: Used oil filter containers/drum must be stored on an oil-impermeable surface such as sealed concrete or asphalt.

Following the inspection, Kelly Brandenburg provided photos and documentation that the containment structure and truck parking pad had been cleaned and will be sealed with an epoxy coating by November 17, 2017. The used oil filter storage truck will be maintain on the truck parking pad once it's been sealed.



Inspection Date: 08/29/2017

**Photo Attachments:**

wooden floor inside trailer



used oil filter drum storage trailer



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**PHOTO ATTACHMENTS:**

tanks



tank containment structure



used oil filter drum trailer



truck park area



northwest corner of containment structure



drainage valve in truck park area



truck park area

**Conclusion:**

CBI should consider revising the Daily Used Oil Driver Manifest Log & Chain of Custody form to distinguish between used oil and oily water to ensure accurate gallons of each are accounted for prior to off-loading into the designated storage tanks.

CBI should consider having the fire extinguisher maintained in the containment area inspected. The tag indicates it was last inspected September 2015 and the gauge appeared to read it was on the border of overcharged.

CBI should consider providing sufficient secondary containment for the truck park area in case of an unplanned event if/when used oil may remain in the truck for over 24 hours.

1.0 - Pre-Inspection Checklist

Requirements:

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

Item No.	Pre-Inspection Review	Yes	No	N/A
1.1	Has the facility notified with correct status? 262.12	✓		
1.2	Has the facility notified of change of status? 62-730.150(2)(b)			✓
1.3	Did the facility conduct a waste determination on all wastes generated? 262.11	✓		

**Signed:**

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

<u>Karen R. Bayly</u>	<u>Environmental Consultant</u>
<b>Principal Inspector Name</b>	<b>Principal Inspector Title</b>

<u><i>Karen Bayly</i></u>	<u>DEP</u>	<u>10/23/2017</u>
<b>Principal Inspector Signature</b>	<b>Organization</b>	<b>Date</b>

<u>Kelly Brandenburg</u>	<u>Manager Regulatory Affairs</u>
<b>Representative Name</b>	<b>Representative Title</b>

Cliff Berry Inc.  
**Organization**

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

<u>Leroy Arce</u>	<u>Vice President, Resource Recovery</u>
<b>Representative Name</b>	<b>Representative Title</b>

Cliff Berry Inc.  
**Organization**

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

**Report Approvers:**

<b>Approver:</b>	<u>Karen R. Bayly</u>	<b>Inspection Approval Date:</b>	<u>10/23/2017</u>
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## Florida Department of Environmental Protection

South District  
Post Office Box 2549  
Fort Myers, Florida 33902-2549  
[SouthDistrict@dep.state.fl.us](mailto:SouthDistrict@dep.state.fl.us)

EXHIBIT 3  
Page 139 of 225

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Noah Valenstein  
Secretary

December 13, 2017

### VIA ELECTRONIC MAIL

Clifford L. Berry II, Director and Chief Executive Officer  
Cliff Berry, Inc.  
c/o Kelly Brandenburg, Corporate Compliance  
P.O. Box 13079 Port Everglades Station  
Fort Lauderdale, Florida 33316  
E-mail: [compliance@cliffberryinc.com](mailto:compliance@cliffberryinc.com)

SUBJECT: Department of Environmental Protection v. Cliff Berry, Inc.,  
OGC File No.: 17-1186  
Cliff Berry Inc. - Fort Myers Facility  
EPA ID# FLR000221994

Mr. Berry:

The State of Florida Department of Environmental Protection ("Department") finds that Cliff Berry, Inc. ("Respondent") has operated a used oil transfer facility in violation of the rules and statutes cited in the attached warning letter and inspection report. Before sending this letter, the Department requested that the Respondent undertake certain actions to resolve the violation(s). These actions have since been completed. However, due to the nature of the violation(s), 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 \$2,000.00 in civil penalties and \$500.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$2,500.00. The civil penalties are apportioned as follows: \$1,200 for violation of Rule 62-710.500(1)(a), F.A.C.; \$400 for violation of 40 C.F.R. 279.45(e)(2); \$400 for violation of Rule 62-710.850(5)(a), F.A.C.



DEP vs. Cliff Berry, Inc.  
OGC No. 17-1186  
Page 2

### **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 P.O. Box 2549, Fort Myers, Florida 33902-2549 by January 5, 2018. 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, Clifford L. Berry II:

- (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 \$2,500.00 in full by January 31, 2018.
- (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 "Water Quality Assurance 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.

DEP vs. Cliff Berry, Inc.  
OGC No. 17-1186  
Page 3

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.

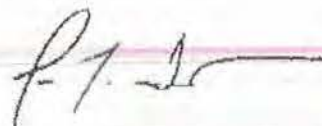
Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither the Respondent nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, F.S. Once this letter is clerked and becomes a final order 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.

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 Karen Bayly at 239-344-5616 or at [Karen.Bayly@dep.state.fl.us](mailto:Karen.Bayly@dep.state.fl.us).

Sincerely,



Jon M. Iglehart  
District Director  
Florida Department of Environmental  
Protection  
South District

DEP vs. Cliff Berry, Inc.  
OGC No. 17-1186  
Page 4

FOR THE RESPONDENT:

I, Clifford L. Berry II, **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: [Signature]  
[Signature]

Date: 1/10/17

Title: Cliff Berry, II  
[Type or Print]

---

**FOR DEPARTMENT USE ONLY**

DONE AND ORDERED this \_\_\_ day of \_\_\_\_\_, 2018, in Lee County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

\_\_\_\_\_  
Jon M. Iglehart  
District Director  
South District

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

\_\_\_\_\_  
Clerk  
Attachments:      Notice of Rights  
                            Warning Letter  
                            Inspection Report

\_\_\_\_\_  
Date

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





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 Barry Incorporated c/o Cliff Barry Sr. Director  
ADDRESS: 3033 NW North River Dr.  
SOURCE/LOCATION: 3033 NW North River Dr.  
YOU ARE HEREBY NOTIFIED that on November 11 2017, 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:

- |  |   |
|--|---|
| <input type="checkbox"/> Failure to obtain appropriate Air Permit    | <input type="checkbox"/> Excessive Visible Emissions            |
| <input type="checkbox"/> Uncontrolled fugitive emissions             | <input type="checkbox"/> Improper handling, removal of asbestos |
| <input type="checkbox"/> Non-compliance with Stage II Vapor Recovery | <input type="checkbox"/> Non-compliance with CFC regulations    |
| <input checked="" type="checkbox"/> Objectionable odor               | <input type="checkbox"/> Other                                  |

Specifically: Very strong chemicals odor.

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: Alan Fuentes Recipient's Signature  
Print: Alan Fuentes Recipient's Name  
Title: Plant operator

Posted: Y\_\_\_ N\_\_\_ Photographed Y\_\_\_ N\_\_\_

161\_01-139 8/13

Lee N. Hefty, Director  
Environmental Resources Management  
Issued/Posted by: Roger Smith Inspector's Signature  
Print: Roger Smith Inspector's Name  
Section/Phone: Environmental Compliance  
Date: 11/11/2017

(31)



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

January 25, 2018

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

CERTIFIED MAIL NO. 7014 1200 0000 1633 4998  
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 November 3, 2017 and January 16, 2017, in response to citizen's complaints, representatives of the Regulatory and Economic Resources Department, 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 inspections conducted on November 8 and November 11, 2017. 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. Furthermore, an inspection on November 20, 2017 documented an operational Gencor Hy-Way Model HYT-500 hot oil heater onsite which was not included in facility permit AP-2466 and a Standby polishing system listed on facility permit IWP-108 had been removed. Your facility failed to notify DERM prior to these equipment changes. Additionally, said inspection documented corrosion (hole) of an onsite vapor recovery tank.

Be advised that the above operation and conditions constitute violations of the facility's DERM permits, AP-2466 Conditions 2 and 7 and IWP-108 Conditions 9 and 26 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. An 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.

*Delivering Excellence Every Day*



(31)

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

- 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.
- c. Permit modification applications to incorporate facility equipment changes.

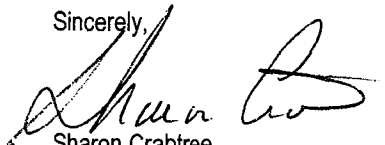
The above required plans shall be implemented upon receipt of DERM concurrence.

**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.**

Any person aggrieved by any action or decision of the Director may appeal said action 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.

If you have any questions concerning the above, please contact me at 305-372-6916.

Sincerely,



Sharon Crabtree  
Code Enforcement Officer

32



miamidade.gov

March 16, 2018

CERTIFIED MAIL NO. 7013 2630 0001 4586 8178  
RETURN RECEIPT REQUESTED

Mr. Cliff Berry, II, Director  
Cliff Berry, Inc.  
PO Box 13079  
Fort Lauderdale, FL 33316

EXHIBIT 3  
Page 156 of 225  
Regulatory and Economic Resources  
Environmental Resources Management  
701 NW 1st Court • 2nd Floor  
Miami, Florida 33136-3912  
T 305-372-6925 F 305-372-6954

DERM File No. AP-2466

Re: Response dated February 13, 2018 to the DERM Notice of Violation & Order for Corrective Action dated January 25, 2018 pertinent to the Cliff Berry, Inc facility (located at, near, or in the vicinity of 3303 NW South River Dr, Miami Dade County, Florida; DERM File No. AP-2466, IWP-108.

Dear Mr. Berry:

The Air Facilities Section (AFS) of the Department of Regulatory and Economic Resources (DER) - Division of Environmental Resources Management (DERM) hereby acknowledges the receipt of the referenced response on February 29, 2018. Based on a review of said submittal, the AFS hereby offers the following comment(s):

1. The Department has no objections approving the additional time requested in the above referenced correspondence. However, note that pursuant to the DERM letter dated January 25, 2018, objectionable odors emanating from the Cliff Berry, Inc. facility into the surrounding neighborhoods have already been confirmed by the Department.

Therefore, the facility shall submit an Air Quality Monitoring Plan as requested, within forty (45) days of receipt of this letter, for review and approval prior to implementation, in lieu of the proposed investigation.

2. The submittal of the current description of the air emissions control equipment and wastewater treatment processes, as well as the permit modification applications, requested in orders #3 b. and #3 c. of the referenced DERM letter are overdue. Therefore, within fifteen (15) days of receipt of this letter submit the requested items for review.

The required responses to the above comments shall be provided to the Department within the timeframes indicated above. Be advised that failure to provide the requested information in a timely manner may result in the referral of this case for additional enforcement actions.

If you have any questions regarding this letter, please contact Susana Palomino, P.E. of the AFS at (305) 372-6925 or via email at [susana.palomino@miamidade.gov](mailto:susana.palomino@miamidade.gov).

Sincerely,

A handwritten signature in black ink that reads "Bernardo Bieler".

Bernardo Bieler, P.E., Chief  
Air Quality Management Division

cc: Susana Palomino, P.E., Manuel Garcia, Steven Bedoya, - DERM  
Mayra Flagler, Isabel Puente, Vicky Puig, Sharon Crabtree - DERM  
Cliff Berry, II - Cliff Berry, Inc. (via email: [compliance@cliffberryinc.com](mailto:compliance@cliffberryinc.com))

DERM No. AP-2466  
IWP-108

ATTACHMENT N

COMMITMENT TO ENVIRONMENTAL PROTECTION, MAINTENANCE AND ENHANCEMENT IN THE PORT

**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 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

LETTER OF ADEQUACY FROM USCG APPROVING OPERATIONS MANUAL

Section T

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commander  
U. S. Coast Guard  
Sector Miami

100 MacArthur Causeway  
Miami Beach, FL 33139  
Staff Symbol: spom  
Phone: (786) 777-0775  
FAX: (786) 777-0791

16601/06-1566  
December 15, 2006

Cliff Berry, Inc.  
Environmental Services  
Attn: Mark Hoover, CHMM  
P.O. Box 13079  
Fort Lauderdale, FL 33316

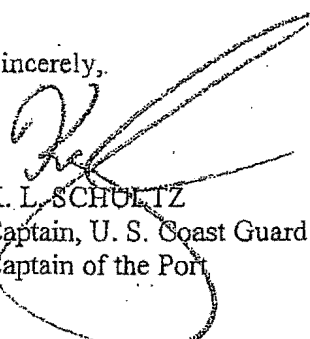
**OPERATIONS MANUAL AMENDMENT APPROVAL LETTER # 2839385**

Gentlemen:

My staff has examined your facility's Operations Manual Amendments. Based upon our examination, your plan fulfills all requirements as outlined in Title 33, Code of Federal Regulations, Parts 154-156 (33 CFR 154-156).

If you have any questions please contact LT Zeita Merchant or my staff at the Port of Miami Field Office at (786) 777-0775.

Sincerely,

  
K. L. SCHOLTZ  
Captain, U. S. Coast Guard  
Captain of the Port



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 Q

BROWARD COUNTY WASTE TRANSPORTER LICENSE



Environmental Protection and Growth Management Department  
ENVIRONMENTAL LICENSING AND BUILDING PERMITTING DIVISION  
Environmental Engineering and Licensing Section  
1 North University Drive, Room 201-A, Plantation, Florida 33324  
954-519-1483 \* FAX 954-519-1412

## 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

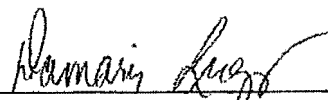
This license is issued under the provisions of Chapter 27 of the Broward County Code of Ordinances hereinafter called the Code. The above-named applicant, hereinafter called Licensee, is hereby authorized to perform the work or operate the facility shown on the approved drawings, plans, documents, and 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*

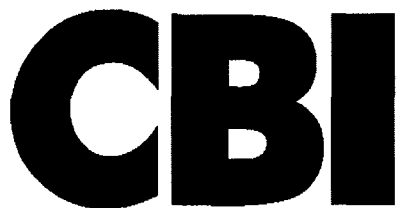
Prepared By: Didier Dupuy  
Application Received: 12/28/2016  
Date of Issue: 01/05/2017  
Renewal App. Due: 12/30/2018  
Expiration Date: 02/28/2019

  
Environmental Licensing and Building Permitting Division

ATTACHMENT R

FACILITY RESPONSE PLAN FOR MARINE TRANSPORT OIL SPILLS

**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:** Daniel Forehand

**South Florida Area Manager:** Jon Hines

**Fort Pierce Area Manager:** Paul Meding

**CBI 24 hour Emergency Contact Phone Number – 1-800-899-7745**

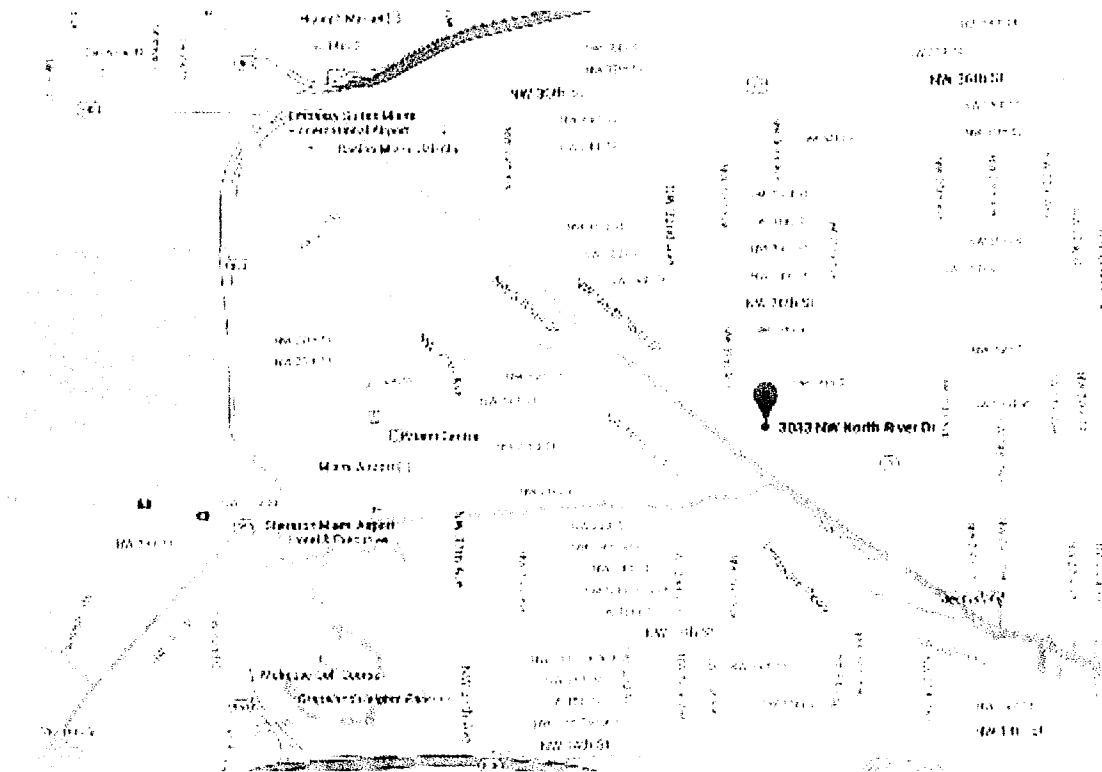
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**33CFR 154.1035 (a) (1) & (2)** – name, address, phones numbers of the facilities located in the Sector Miami area.

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

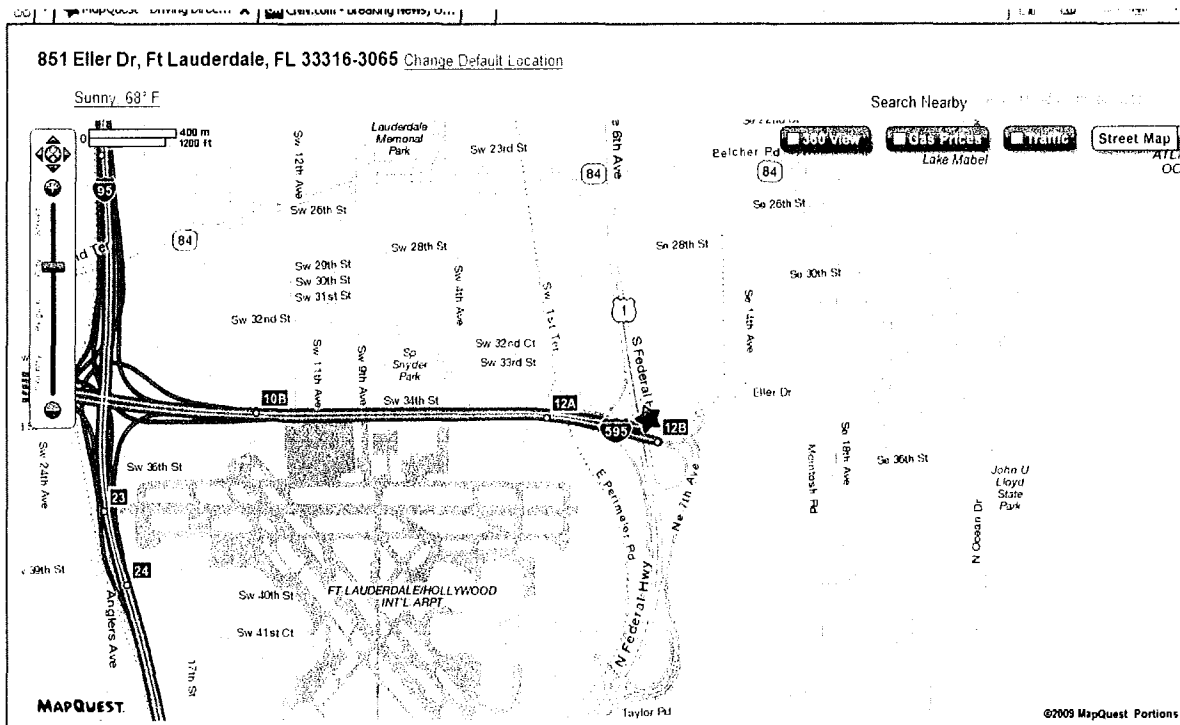


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The street address and phone numbers of our Fort Lauderdale facility are:

Cliff Berry, Inc.  
851 Eller Drive  
Fort Lauderdale, FL 33619  
954-763-3390 800-899-7745  
954 764-0415 (fax)

Latitude: 26° 04' 53.42" North  
Longitude 80° 08' 01.84" West



**Cliff Berry, Inc.**  
Environmental Services

The street address and phone numbers of our Fort Pierce facility are:

Cliff Berry, Inc.  
400 Angle Road 772-466-4063 800-899-7745  
Fort Pierce, FL 34947

Latitude: 27° 27' 02.78" North  
Longitude: 80° 21' 33.97" West



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**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
Daniel Forehand	CHMM, Disposal Services Manager
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)  
[dforehand@cliffberryinc.com](mailto:dforehand@cliffberryinc.com)  
[jhines@cliffberryinc.com](mailto:jhines@cliffberryinc.com)  
[pmeding@cliffberryinc.com](mailto:pmeding@cliffberryinc.com)



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**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.	April 12, 2018	Qualified Individuals	K. Brandenburg
4.			
5.			
6.			
7.			
8.			
9.			
10.			

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## 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: Daniel Forehand

#### **CBI OIL SPILL EMERGENCY TELEPHONE NUMBERS**

<b>Cliff Berry, II</b>	(H) 954-524-3994	<b>Daniel Forehand</b>	(H) 954-325-7398
<b>QI</b>	(M) 954-325-7392	<b>Alt QI</b>	(M) 954-325-7398
<b>CBI</b>	(24hr) 800-899-7745		
<b>Operations</b>	(24hr) 954-763-3390		

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**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
	Daniel Forehand	Company Alternate QI
Public information		Project Manager
Safety:		Health & Safety Manager
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>



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**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	
Phones ( )		Phones ( )	
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 Post 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

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**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).

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\* 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:

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- 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):

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- 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.



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**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**

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**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.

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**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

Daniel Forehand – CHMM, Waste Disposal Manager

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.

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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.**

**Cliff Berry, Inc.**  
Environmental Services

**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.

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## 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.

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## Section 5: 33 CFR 154.1035 (e) Appendices

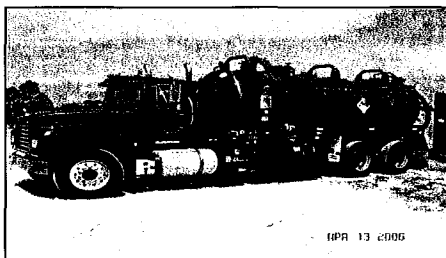
### Appendix 1

#### 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



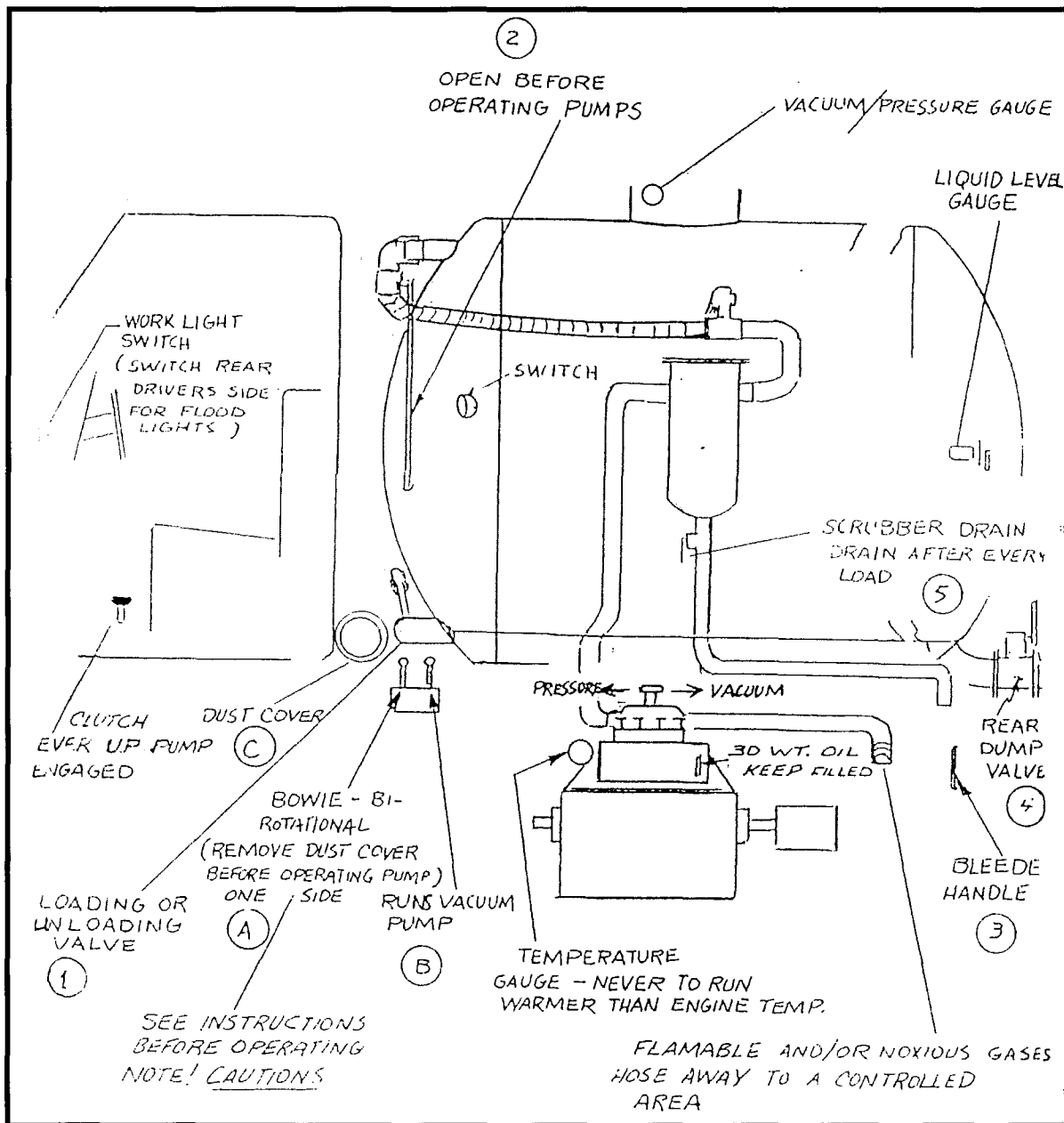
Frac Tank



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Facility Specific Information (continued)

Vacuum unit instruction sheet



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Environmental Services

**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

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**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

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**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.

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Environmental Services

**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.

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Environmental Services

**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.



Cliff Berry, Inc.  
Environmental Services

## 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>Daniel Forehand</b>	(H) 954-325-7398
<b>QI</b>	(M) 954-325-7392	<b>Alt QI</b>	(M) 954-325-7398

e-mail: [csdept@cliffberryinc.com](mailto:csdept@cliffberryinc.com)  
[compliance@cliffberryinc.com](mailto:compliance@cliffberryinc.com)  
[cb2@cliffberryinc.com](mailto:cb2@cliffberryinc.com)  
[dforehand@cliffberryinc.com](mailto:dforehand@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

**Cliff Berry, Inc.**  
Environmental Services

## **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.

**Cliff Berry, Inc.**  
Environmental Services

## **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.

Cliff Berry, Inc.  
Environmental Services

## 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"/> HOTSP/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 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	<input type="checkbox"/> 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	<input type="checkbox"/> TYPE:	<input type="checkbox"/> FACE SHIELD	<input type="checkbox"/> SAFETY SHOWER
<input type="checkbox"/> AIR PURIFYING RESP.	<input type="checkbox"/> SUIT	<input type="checkbox"/> INNER GLOVES	<input type="checkbox"/> LIFE BELT/LANYARD	<input type="checkbox"/> FIRST-AID KIT
<input type="checkbox"/> CARTRIDGE:	<input type="checkbox"/> FLASH SUIT	<input type="checkbox"/> 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"/> EXCAUTION 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	<input type="checkbox"/> HOT WORK PERMIT
<input type="checkbox"/> LOCATION:	<input type="checkbox"/> NON-SPARKING TOOLS	<input type="checkbox"/> SOURCES	<input type="checkbox"/> FIRE BLANKET
<input type="checkbox"/> WATER HOSE RUNNING		<input type="checkbox"/> EXPLOSION PROOF	<input type="checkbox"/> SMOKING AREA DESIGNATED
<input type="checkbox"/> FIRE EXTINGUISHERS TYPE:		<input type="checkbox"/> EQUIPMENT	<input type="checkbox"/> 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	<input type="checkbox"/> ELECTRICAL SAFETY	<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"/> 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:

CLIFF BERRY, INC. HEALTH & SAFETY  
ATMOSPHERIC MONITORING LOG

1. Date: \_\_\_\_\_
2. Project Site: \_\_\_\_\_
3. Project Number: \_\_\_\_\_
4. Site Description: (activities, operations, etc.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. Health and Safety Rep.: \_\_\_\_\_
6. Level of Protection: \_\_\_\_\_
7. Environmental Conditions: (weather, temperature, soil cond., etc.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[illegible]

12. ADDITIONAL COMMENTS: (Use additional pages.) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Sampling performed By: \_\_\_\_\_ Title: \_\_\_\_\_  
Signature \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix 6

### 33 CFR 154.1035 (e) (6) - List of acronyms and definitions

<b>ACP –</b>	Area Contingency Plan
<b>COTP –</b>	Captain of the Port
<b>CFR -</b>	Code of Federal Regulations
<b>CBI –</b>	Cliff Berry Inc
<b>FRP –</b>	Facility Response Plan
<b>GPS –</b>	Global Positioning System
<b>PIC –</b>	Person in Charge
<b>MSD –</b>	Marine Safety Detachment
<b>PREP –</b>	Preparedness for Response Exercise Program
<b>QI –</b>	Qualified Individual
<b>USCG –</b>	United States Coast Guard



Cliff Berry, Inc.  
Environmental Services

## 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><u>Sector Miami (07-37110)*</u></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

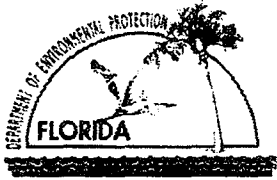
## Appendix 8

### 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.

ATTACHMENT S

TERMINAL FACILITY DISCHARGE PREVENTION AND RESPONSE CERTIFICATE



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF WASTE MANAGEMENT  
STORAGE TANK REGULATION SECTION, M.S. 4525  
2600 BLAIR STONE ROAD  
TALLAHASSEE, FLORIDA 32399-2400  
(850) 488-3935 FAX (850) 922-4939

Certificate #: 9102441

TERMINAL FACILITY  
DISCHARGE PREVENTION AND RESPONSE CERTIFICATE

Issued to: Cliff Berry Inc.  
Address: 5855 Industrial Rd  
Cocoa FL 32927

County: Brevard

Date: 3, 8, 18

This Discharge Prevention and Response Certificate certifies that the holder has demonstrated to the department satisfactory pollutant discharge containment and cleanup capabilities pursuant to Section 376.065, Florida Statutes.

Issued By: [Signature]

Signature of DEP Representative

Expires: Twelve (12) months after the date of issuance.

~~DEP 20-009 FMP (5/95)~~

Distribution: White - Terminal Facility  
Yellow - Storage Tank Regulation Inspection Office  
Pink - Storage Tank Regulation Section - Tallahassee

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

Noah Valenstein  
Secretary

March 1, 2018

Kelly Brandenburg  
Cliff Berry Inc - Miami Terminal  
PO Box 13079  
Fort Lauderdale, FL 33316- 0100

### BE IT KNOWN THAT

Cliff Berry Inc - Miami Terminal  
3033 NW North River Dr  
Miami, FL 33142- 6304

### IS HEREBY REGISTERED AS A USED OIL

Transporter, Transfer Facility, Processor, Marketer, Filter Transporter, Filter Transfer Facility

pursuant to Chapter 62-710, Florida Administrative Code (F.A.C)

For regulatory guidance, go to:

[http://www.dep.state.fl.us/waste/categories/used\\_oil/default.htm](http://www.dep.state.fl.us/waste/categories/used_oil/default.htm)

The Department of Environmental Protection hereby issues

Registration Number **FLD058560699** on March 1, 2018

Transporter Type: **FH**

**This registration will expire on 6/30/2019**

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 cancelled check are your receipts.

A handwritten signature in cursive script that reads "Janet K. Ashwood".

**Janet Ashwood**  
**Engineer Specialist III**  
**Hazardous Waste Regulation Permitting**





## Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Noah Valenstein  
Secretary

March 1, 2018

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, Transfer Facility, Processor, Marketer, Filter Transporter, Filter Transfer Facility

pursuant to Chapter 62-710, Florida Administrative Code (F.A.C)

For regulatory guidance, go to:

[http://www.dep.state.fl.us/waste/categories/used\\_oil/default.htm](http://www.dep.state.fl.us/waste/categories/used_oil/default.htm)

The Department of Environmental Protection hereby issues

Registration Number **FLR000119784** on March 1, 2018

Transporter Type: **FH**

**This registration will expire on 6/30/2019**

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 cancelled check are your receipts.

A handwritten signature in black ink that reads "Janet K. Ashwood".

**Janet Ashwood**  
**Engineer Specialist III**  
**Hazardous Waste Regulation Permitting**



## Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Noah Valenstein  
Secretary

March 1, 2018

Kelly Brandenburg  
Cliff Berry Inc - Canaveral Facility  
PO Box 13079  
Fort Lauderdale, FL 33316- 0100

### BE IT KNOWN THAT

Cliff Berry Inc - Canaveral Facility  
5855 Industrial Dr  
Cocoa, FL 32927- 4608

### IS HEREBY REGISTERED AS A USED OIL

Transporter, Transfer Facility, Processor, Filter Transporter, Filter Transfer Facility

pursuant to Chapter 62-710, Florida Administrative Code (F.A.C)

For regulatory guidance, go to:

[http://www.dep.state.fl.us/waste/categories/used\\_oil/default.htm](http://www.dep.state.fl.us/waste/categories/used_oil/default.htm)

The Department of Environmental Protection hereby issues

Registration Number **FLR000119792** on March 1, 2018

Transporter Type: **FH**

**This registration will expire on 6/30/2019**

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 cancelled check are your receipts.

A handwritten signature in cursive script that reads "Janet E. Ashwood".

**Janet Ashwood**  
**Engineer Specialist III**  
**Hazardous Waste Regulation Permitting**



## Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Noah Valenstein  
Secretary

March 1, 2018

Kelly Brandenburg  
Cliff Berry Inc - Port Everglades Facility  
PO Box 13079  
Fort Lauderdale, FL 33316- 0100

### BE IT KNOWN THAT

Cliff Berry Inc - Port Everglades Facility  
3400 SE 9th Ave  
Fort Lauderdale, FL 33316

### IS HEREBY REGISTERED AS A USED OIL

Transporter, Transfer Facility, Processor, Filter Transporter, Filter Transfer Facility

pursuant to Chapter 62-710, Florida Administrative Code (F.A.C)

For regulatory guidance, go to:

[http://www.dep.state.fl.us/waste/categories/used\\_oil/default.htm](http://www.dep.state.fl.us/waste/categories/used_oil/default.htm)

The Department of Environmental Protection hereby issues

Registration Number **FLR000083071** on March 1, 2018

Transporter Type: **FH**

**This registration will expire on 6/30/2019**

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 cancelled check are your receipts.

A handwritten signature in cursive script that reads "Janet K. Ashwood".

**Janet Ashwood**  
**Engineer Specialist III**  
**Hazardous Waste Regulation Permitting**



## Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Noah Valenstein  
Secretary

March 1, 2018

Kelly Brandenburg  
Cliff Berry Inc-Tampa Facility  
PO Box 13079  
Fort Lauderdale, FL 33316- 0100

### BE IT KNOWN THAT

Cliff Berry Inc-Tampa Facility  
5218 Saint Paul St  
Tampa, FL 33619- 6118

### IS HEREBY REGISTERED AS A USED OIL

Transporter, Transfer Facility, Processor, Marketer, Collection Center, Filter Transporter, Filter Transfer Facility

pursuant to Chapter 62-710, Florida Administrative Code (F.A.C)

For regulatory guidance, go to:

[http://www.dep.state.fl.us/waste/categories/used\\_oil/default.htm](http://www.dep.state.fl.us/waste/categories/used_oil/default.htm)

The Department of Environmental Protection hereby issues

Registration Number **FLR000013888** on March 1, 2018

Transporter Type: **FH**

**This registration will expire on 6/30/2019**

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 cancelled check are your receipts.

A handwritten signature in cursive script that reads "Janet E. Ashwood".

**Janet Ashwood  
Engineer Specialist III  
Hazardous Waste Regulation Permitting**



## Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Noah Valenstein  
Secretary

March 12, 2018

Kelly Brandenburg  
Cliff Berry Inc - Fort Pierce Facility  
PO Box 13079  
Fort Lauderdale, FL 33316- 0100

### BE IT KNOWN THAT

Cliff Berry Inc - Fort Pierce Facility  
400 Angle Rd  
Fort Pierce, FL 34946

### IS HEREBY REGISTERED AS A USED OIL

Transporter, Transfer Facility, Filter Transporter, Filter Transfer Facility

pursuant to Chapter 62-710, Florida Administrative Code (F.A.C)

For regulatory guidance, go to:

[http://www.dep.state.fl.us/waste/categories/used\\_oil/default.htm](http://www.dep.state.fl.us/waste/categories/used_oil/default.htm)

The Department of Environmental Protection hereby issues

Registration Number **FLR000009266** on March 12, 2018

Transporter Type: **FH**

**This registration will expire on 6/30/2019**

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 cancelled check are your receipts.

A handwritten signature in cursive script that reads "Janet K. Ashwood".

**Janet Ashwood**  
**Engineer Specialist III**  
**Hazardous Waste Regulation Permitting**



## Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Noah Valenstein  
Secretary

March 12, 2018

Kelly Brandenburg  
Cliff Berry Inc - Ft Myers Facility  
PO Box 13079  
Fort Lauderdale, FL 33316- 0100

### BE IT KNOWN THAT

Cliff Berry Inc - Ft Myers Facility  
16880 Gator Rd Ste B  
Fort Myers, FL 33912- 5915

### IS HEREBY REGISTERED AS A USED OIL

Transporter, Transfer Facility, Filter Transporter, Filter Transfer Facility

pursuant to Chapter 62-710, Florida Administrative Code (F.A.C)

For regulatory guidance, go to:

[http://www.dep.state.fl.us/waste/categories/used\\_oil/default.htm](http://www.dep.state.fl.us/waste/categories/used_oil/default.htm)

The Department of Environmental Protection hereby issues

Registration Number **FLR000221994** on March 12, 2018

Transporter Type: **FH**

**This registration will expire on 6/30/2019**

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 cancelled check are your receipts.

A handwritten signature in cursive script that reads "Janet E. Ashwood".

**Janet Ashwood**  
**Engineer Specialist III**  
**Hazardous Waste Regulation Permitting**





## Florida Department of Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Noah Valenstein  
Secretary

6/27/2017

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, 2018**. 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.

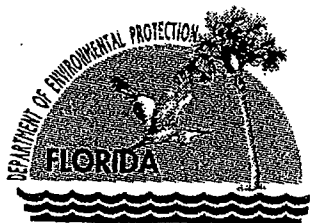
Sincerely,

A handwritten signature in black ink, appearing to read "John Johnson".

John Johnson, Director  
Office of Emergency Response

ATTACHMENT U

IDENTIFICATION CERTIFICATE FROM USEPA



# Department of Environmental Protection

Section Y  
Back-up

Jeb Bush  
Governor

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400  
04/12/2006

Colleen M. Castille  
Secretary

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

OPTIONAL

OPTIONAL FORM NO. 10 (REV. 12-2000) PREPARED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
FOR THE USE OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

"More Protection, Less Process"

Printed on recycled paper.



Lawton Chiles  
Governor

# Florida Department of Environmental Protection

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,

A handwritten signature in cursive script that reads "Michael X. Redig".

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. Wetherell  
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 W

OTHER PERMITS





## Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Noah Valenstein  
Secretary

PERMITTEE:  
Cliff Berry, Inc.  
P.O. Box 13079  
Fort Lauderdale, Florida 33316

I.D. NUMBER: FLD 058 560 699  
PERMIT NUMBER: 77628-009-HO & 77628-010-SO  
DATE OF ISSUE: April 12, 2018  
EXPIRATION DATE: February 12, 2023

ATTENTION:  
Cliff Berry, II, Chief Executive Officer

COUNTY: Miami-Dade  
PROJECT: Used Oil and Material Processing Facility

Pursuant to authorization obtained by the Florida Department of Environmental Protection (FDEP) under the Resource Conservation and Recovery Act [42 United States Code (U.S.C.) 6901, *et seq.*, commonly known as RCRA], and 40 Code of Federal Regulations 279, this permit is issued under the provisions of Section 403.722 Florida Statutes (F.S.), and Chapters 62-4, 62-160, 62-701, 62-710, 62-730, 62-740, 62-762, 62-777 and 62-780 Florida Administrative Code (F.A.C.). This permit replaces expired permit numbers 77628-006-HO & 77628-007-SO. The above-named Permittee is hereby authorized to perform the work or operate the facility shown on the application dated December 18, 2017 and supplemented by submissions dated January 11, 2018, February 9, 2018, February 20, 2018, and February 26, 2018, that are incorporated herein and collectively referred to as the "permit application." The permit application also includes any approved drawing(s), plans, and other documents that are specifically identified and incorporated by reference. The permitted units or permitted activities are specifically described as follows:

To operate a Used Oil and Material Processing Facility hereinafter referred to as the "Facility," 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. A diagram of the site layout and tank storage area are included as Attachment A (Facility Map) of this permit and the tank capacity and contents are shown in Attachment B (Tank Table) of this permit.

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

In addition, the Permittee may generate solid waste from their wastewater treatment processes and used oil processing. These wastewater treatment solids

Cliff Berry, Inc. – Miami Facility  
3033 NW North River Drive  
Miami, Florida 33142

I.D. NUMBER: FLD 058 560 699  
PERMIT NUMBER: 77628-009-HO & 77628-010-SO  
EXPIRATION DATE: February 12, 2023

and oily solid wastes are placed into no more than three (3) 20-cubic yard roll-off containers and shipped to a permitted, lined solid waste landfill for disposal. The maximum number of drums of oily wastes awaiting processing on site at any one time shall not exceed 1,750 55-gallon drums.

The Facility has thirty-one (31) tanks, including new Vertical Tanks 27, 28, 29, and 30. All current tanks and piping are located within secondary containment. In total, fourteen (14) tanks are dedicated to used oil, five (5) tanks are dedicated to oily water, two (2) tanks are dedicated to clean water, two (2) tanks are dedicated to finished product, two (2) tanks are dedicated to distillate, one (1) tank is dedicated to diesel fuel, one (1) tank is dedicated to petroleum contact water, three (3) covered receiving tanks/pits are utilized in the wastewater pre-treatment system, and one (1) tank is currently empty and out of service. The Facility is authorized to store and use a total of 904,590 gallons of used oil in the aboveground storage tanks and related appurtenances. The details for specific tanks are listed in Attachment B of this permit.

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

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

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

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

0017062118001527

OFFICIAL DOCUMENT



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-000108-2017/2018 (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-JUL-2017 through 30-JUN-2018. 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. Nefty, 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

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OFFICIAL DOCUMENT



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-000108-2017/2018 (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(l).
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. The Department requires the submittal of a formal closure plan to address proper removal and disposal of all hazardous materials and wastes, as well as contaminated equipment or structures present on site at the time of closure. The closure plan shall be submitted to the Department for review a minimum of forty-five (45) days prior to cessation of operations. The following information shall be included as part of the plan: (a) The quantities of and types of hazardous wastes and contaminated equipment/structures present on-site; (b) Chemical profiles of all wastes; (c) The name(s) of permitted waste hauler(s) to be contracted for the removal and disposal of all hazardous wastes; (d) The names(s) and location(s) of the point(s) of disposal of all wastes; (e) The quantities and types of all hazardous materials present on-site; (f) The name(s) and location(s) of the final destination of all hazardous materials; (g) an effective



plan for the decontamination of equipment and/or structures associated to the operation of the facility.

#### 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.