

PORT EVERGLADES FRANCHISE APPLICATION

PORT EVERGLADES DEPT
BUSINESS ADMINISTRATION
2011 FEB 17 AM 9:43

An application will not be deemed completed and processed until all required documents and fees are received.
A separate application must be filed for each type of franchise Applicant wishes to apply for.

CHECK ONE

<input type="checkbox"/>	STEAMSHIP AGENT	<input type="checkbox"/>	STEVEDORE
<input type="checkbox"/>	CARGO HANDLER	<input type="checkbox"/>	TUGBOAT & TOWING
<input type="checkbox"/>	VESSEL BUNKERING	<input type="checkbox"/>	VESSEL OILY WASTE REMOVAL
<input checked="" type="checkbox"/>	VESSEL SANITARY WASTE WATER REMOVAL		

Note: Applicant is defined as the legal entity applying for the franchise. All information contained in this application shall apply only to the Applicant, 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, by-laws, or other official document)

Applicant's Business Address PO Box 13079 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 10.)**

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 CFO
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 () 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 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 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 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 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

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, OR VESSEL OILY WASTE REMOVAL, OR VESSEL SANITARY WASTE WATER REMOVAL, 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.

By signing and submitting this application, Applicant certifies that it has read and understands the governing rules and regulations for a franchise as provided in Chapter 32, Part II, of the Broward County Administrative Code as amended. For additional information, visit: <http://www.municode.com/resources/gateway.asp?pid=13528&sid=9>.

By signing and submitting this application, Applicant certifies that all information provided in this application is true and correct and further, 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.

The individual executing this application personally warrants that s/he has the full binding authority to execute this application on behalf of the Applicant. Applicant further understands that if there are any changes to the information provided herein (subsequent to this application submission) and/or to its officers, directors, senior management personnel and/or in its 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 and Harbor Workers' Act, Jones Act Insurance, as required by federal law.

By signing and submitting this application, Applicant authorizes the Port Everglades Department of Broward County to make any inquiry or investigation it deems appropriate to verify or augment the information contained in this application, and authorizes others to release to the Port Everglades Department of Broward County any and all information sought in such inquiry. Applicant further understands that under the laws of the State of Florida, this application is subject to the Florida Public Records Act (Chapter 119, Florida Statutes) as may be amended.

Signature of Applicant's Authorized Representative  Date Signed 2-16-17

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

Witness Signature (*Required*) 

Witness name-typed or printed Kelly Brandenburg

Witness Signature (*Required*) 

Witness name-typed or printed Latonya Dewatt-Dudley

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

Name Cliff Berry, II Title Chief Executive Officer

Address PO Box 13079 Phone (954) 703-3390
Fort Lauderdale, FL 33310



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /

Detail by Entity Name

Florida Profit Corporation
CLIFF BERRY, INC.

Filing Information

Document Number	P93000081921
FEI/EIN Number	65-0511114
Date Filed	11/22/1993
State	FL
Status	ACTIVE
Last Event	AMENDMENT
Event Date Filed	12/11/2000
Event Effective Date	NONE

Principal Address

851 ELLER DRIVE
FORT LAUDERDALE, FL 33316

Changed: 11/07/1995

Mailing Address

P.O. BOX 13079
FT. LAUDERDALE, FL 33316

Changed: 11/07/1995

Registered Agent Name & Address

BERRY, CLIFF SR
851 ELLER DRIVE
FT. LAUDERDALE, FL 33316

Name Changed: 09/12/1994

Address Changed: 11/07/1995

Officer/Director Detail

Name & Address

Title D

BERRY, CLIFF SR.
851 ELLER DRIVE
FORT LAUDERDALE, FL 33316

Title D, CEO

BERRY, CLIFFORD L, II
 851 ELLER DRIVE
 FORT LAUDERDALE, FL 33316

Title D

BERRY, SANDRA B
 851 ELLER DRIVE
 FORT LAUDERDALE, FL 33316

Title S

BERRY, BETTY
 851 ELLER DR.
 FORT LAUDERDALE, FL 33316

Annual Reports

Report Year	Filed Date
2015	02/18/2015
2016	04/28/2016
2017	02/13/2017

Document Images

02/13/2017 -- ANNUAL REPORT	View image in PDF format
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04/30/2010 -- ANNUAL REPORT	View image in PDF format
04/29/2009 -- ANNUAL REPORT	View image in PDF format
04/29/2008 -- ANNUAL REPORT	View image in PDF format
04/23/2007 -- ANNUAL REPORT	View image in PDF format
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05/15/2003 -- ANNUAL REPORT	View image in PDF format
02/21/2002 -- ANNUAL REPORT	View image in PDF format
05/16/2001 -- ANNUAL REPORT	View image in PDF format
12/11/2000 -- Amendment	View image in PDF format
01/21/2000 -- ANNUAL REPORT	View image in PDF format
03/16/1999 -- ANNUAL REPORT	View image in PDF format
03/06/1998 -- ANNUAL REPORT	View image in PDF format
02/27/1997 -- ANNUAL REPORT	View image in PDF format

05/01/1996 -- ANNUAL REPORT	View image in PDF format
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ATTACHMENT A

RESUMES

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 8th Ct.
Boynton Beach, FL 33426

Phone: 954-907-5190
E-Mail: 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

State of Florida

Department of State

I certify from the records of this office that CLIFF BERRY, INC. is a corporation organized under the laws of the State of Florida, filed on November 22, 1993.

The document number of this corporation is P93000081921.

I further certify that said corporation has paid all fees due this office through December 31, 2017, that its most recent annual report/uniform business report was filed on February 13, 2017, and that its status is active.

I further certify that said corporation has not filed Articles of Dissolution.

*Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capital, this
the Thirteenth day of February,
2017*



Ken DeFina
Secretary of State

Tracking Number: CC0839776207

To authenticate this certificate, visit the following site, enter this number, and then follow the instructions displayed.

<https://services.sunbiz.org/Filings/CertificateOfStatus/CertificateAuthentication>

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/^{principal} 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:

Andra 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.

FILED
NOV 22 1993
TALLAHASSEE, FLORIDA
SECRETARY OF STATE

Gina M. Jay
Notary Public

My commission expires:

GINA M. JAY
My Comm Exp. 10/22/96
Bonded By Service Ins
No. CC237745
Not Publicly Known 11 Other L.R.

(SEAL)

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

Steer
Witness

David A. Burnett
Witness
Spicer
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.**

FILED
DEC 11 PM 1:15
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

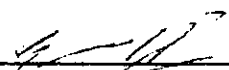
CAPITALIZATION

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 C

LIST OF MANAGERIAL EMPLOYEES & EXPERIENCE

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)**
- Appointed to the **Broward County 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.**

Steve Collins, MBA, C.H.M.M. - Manager Health, Safety and Regulatory Affairs

Mr. Collins is an environmental, health and safety professional with 30 year's 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 Yellowstone National Park including the awarding of the 2007 EPA Achievement Award, as a United State Coast Guard officer leading actions in support of U.S. maritime law in the Pacific and Arctic Oceans and as the Safety Officer for Cliff Berry, Inc. during the Deepwater Horizon Oil Spill protecting 300 people during daily beach and sensitive area clean-up operations. Mr. Collins most recently completed an MBA with environmental concentration to complement his membership in the Institute of Hazardous Materials Management (IHMM) and is a Certified Hazardous Materials Manager (CHMM).

Daniel Forehand, CHMM, MPM - Disposal Services manager

Mr. Forehand has been with CBI for over 17 years and holds a BA in Environmental studies with a specialization in energy resource management. He is responsible for waste identification and management of all disposal options for customer based EPA waste determinations. He also acts as the Senior Project Manager when Hazardous materials are identified on large scale projects.

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

Mr. Summers has over 20 years of technical and management experience in environmental consulting in the state of Florida. Mr. Summer's management experience ranges from Project and Program Management on through 10 years' experience in resource and facility management. His responsibilities have found him supervising a technical staff of up to 75 charges as well as growing a small engineering office in South Florida to include a new program providing exclusive environmental services to a major oil company's interests throughout the Caribbean.

Jon Hines – CBI Area Manager Ft. Lauderdale

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 - CBI Area Manager (Ft. Pierce, Cape Canaveral / Cocoa Beach and Orlando)

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 (Tampa, Jacksonville)

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 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.

Leroy Arce - General Manager CBI Miami

Leroy Arce has over 27 years of experience is 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.

Ileana Smothers – Pipeline Services Manager – Corporate Accounts

Ileana Smothers has over 20 years of service with CBI. Throughout those years she's held positions within the company gaining most of her experience in logistics and customer service. For the past 10 years, she successfully opened and managed the Jacksonville Facility focusing on industrials services, hazardous waste, marine work and emergency response. As the Facility manager she is highly involved in compliance, safety training and implementing policies and procedures. For the past 2 years, she has managed our Pipeline Services department specifically handling Corporate Account. Aside from her daily duties, Ileana has been a part of the "team" providing insight, training and maintaining the current software system.

Scott Esterline – Industrial Services Supervisor

Scott Esterline maintains over 18 years of experience in the Environmental Service Industry. During this time Scott has held a variety of field operations positions. Scott has been Supervisor on most all high profile projects CBI has completed in his tenure with CBI. Scott is a mentor to the upcoming field personnel, his ability to understand the customer's needs and perform accordingly with assigned crews is unmatched in the Industry. Scott also maintains a CDL Haz Mat driver's license and is invaluable when training employees on the use of equipment and the overall project needs to accomplish the objectives set forth.

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, 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 D

CERTIFICATE OF INSURANCE

ATTACHMENT F

CREDIT REFERENCES

(CONFIDENTIAL BUSINESS MATERIALS)

Credit Application Information

Company Name and Address:

Cliff Berry, Inc.
PO Box 13079
Ft. Lauderdale, FL 33316
Phone: 954-763-3390
Fax: 954-763-8375

Employer Identification Number:

65-0511114

Dun and Bradstreet # 07 130 3317

Established: 1971

CEO:

Cliff Berry II

Controller:

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 163rd 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

ATTACHMENT H

EQUIPMENT LIST FOR USE AT PORT EVERGLADES

United States Coast Guard Response Resource Inventory Site Report
OSRO Mechanical and Dispersant Resources

****FOR OFFICIAL USE ONLY****

Site Name and Address:
Cliff Berry, Inc. (Fort Lauderdale)
3400 SE 9th Avenue, PO Box 13079
Fort Lauderdale, FL 33316

This location has staff on-site.

COTP Zone: Miami - DISTRICT 7	Latitude: 26D-4M-52S N	Longitude: 80D-8M-5S W
Point of Contact: Kelly Brandenburg, Jon Hines	Contact Email: compliance@cliffberryinc.com	OSRO Number: 48
Official Phone: (800)899-7745	Business Phone: (954)763-3390	FAX: (954)763-8375
Status: Owned	Signed BOA: True	Signed MOU: False

EPA Region:
Region - 4

Organization Type:
Administration
Operational
Storage

BOOMS

Boom Type	Manufacturer	Connector Type	Model Name and Number	Boom Height	Boom Length
Curtain	ACME PRODUCTS CO.	Universal Slide	~	18	13200
Total Weight	Storage Volume	Available	Dedicated	Packaged	No. Packages
~	~	True	True	True	9

Requirements: ~

BEACH CLEANERS

No Beach Cleaners Registered

DISPERSANTS

No Dispersants Registered

VESSELS

Vessel Type	Vessel Name	Quantity	Official State #	Length	Horse Power	Storage Capacity
Utility Work Boat	B60 20 Sound Marine "Sea mule"	1	none	20	100	2
Manufacturer Name	Beam	Draft	Range	AC Transit Speed	Crew Members	Weight
**NOT A LISTED MANUFACTURER	6	1	~	N/A	2	~
Skimming Capable	Available	Dedicated	Night Capability	Shallow Water	Packaged	No. Packages
True	True	True	True	True	False	~
Equipment On Board: ~						
Requirements: ~						

Vessel Type	Vessel Name	Quantity	Official State #	Length	Horse Power	Storage Capacity
Utility Work Boat	B58 26 Maco Cudy cabin	1	MRKN00645788 26		200	1
Manufacturer Name	Beam	Draft	Range	AC Transit Speed	Crew Members	Weight
**NOT A LISTED MANUFACTURER	7	1	~	N/A	2	~
Skimming Capable	Available	Dedicated	Night Capability	Shallow Water	Packaged	No. Packages
True	True	True	True	True	False	~
Equipment On Board: ~						
Requirements: ~						

Vessel Type	Vessel Name	Quantity	Official State #	Length	Horse Power	Storage Capacity
Utility Work Boat	B56 24 Willard Seaforce	1	FL2717PC	24	150	1
Manufacturer Name	Beam	Draft	Range	AC Transit Speed	Crew Members	Weight
**NOT A LISTED MANUFACTURER	7	1	~	N/A	2	~
Skimming Capable	Available	Dedicated	Night Capability	Shallow Water	Packaged	No. Packages
True	True	True	True	True	False	~
Equipment On Board: ~						
Requirements: ~						

Vessel Type	Vessel Name	Quantity	Official State #	Length	Horse Power	Storage Capacity
Utility Work Boat	B55 24 Willard Seaforce	1	FL5015PD	24	150	1
Manufacturer Name	Beam	Draft	Range	AC Transit Speed	Crew Members	Weight
**NOT A LISTED MANUFACTURER	7	1	~	N/A	2	~
Skimming Capable	Available	Dedicated	Night Capability	Shallow Water	Packaged	No. Packages
True	True	True	True	True	False	~
Equipment On Board: ~						
Requirements: ~						

Vessel Type	Vessel Name	Quantity	Official State #	Length	Horse Power	Storage Capacity
Utility Work Boat	B54 Aluminum Playcraft	1	FL9635PA	22	120	1
Manufacturer Name	Beam	Draft	Range	AC Transit Speed	Crew Members	Weight
**NOT A LISTED MANUFACTURER	6	1	~	N/A	2	~
Skimming Capable	Available	Dedicated	Night Capability	Shallow Water	Packaged	No. Packages
True	True	True	True	True	False	~
Equipment On Board: ~						
Requirements: ~						

Vessel Type	Vessel Name	Quantity	Official State #	Length	Horse Power	Storage Capacity
Utility Work Boat	B53 Rookie Vee 26	1	FL9629PA	26	150	1
Manufacturer Name	Beam	Draft	Range	AC Transit Speed	Crew Members	Weight
**NOT A LISTED MANUFACTURER	7	1	~	N/A	2	~
Skimming Capable	Available	Dedicated	Night Capability	Shallow Water	Packaged	No. Packages
True	True	True	True	True	False	~
Equipment On Board: ~						
Requirements: ~						

Vessel Type	Vessel Name	Quantity	Official State #	Length	Horse Power	Storage Capacity
Utility Work Boat	B51 Rookie Off-Shore	1	FL9627PA	24	200	1
Manufacturer Name	Beam	Draft	Range	AC Transit Speed	Crew Members	Weight
**NOT A LISTED MANUFACTURER	7	1	~	N/A	2	~
Skimming Capable	Available	Dedicated	Night Capability	Shallow Water	Packaged	No. Packages
True	True	True	True	True	False	~
Equipment On Board: ~						
Requirements: ~						

Vessel Type	Vessel Name	Quantity	Official State #	Length	Horse Power	Storage Capacity
Utility Work Boat	B49 Armstrong	1	FL1007PB	24	150	1
Manufacturer Name	Beam	Draft	Range	AC Transit Speed	Crew Members	Weight
**NOT A LISTED MANUFACTURER	6	1	~	N/A	2	~
Skimming Capable	Available	Dedicated	Night Capability	Shallow Water	Packaged	No. Packages
True	True	True	True	True	False	~
Equipment On Board: ~						
Requirements: ~						

Vessel Type	Vessel Name	Quantity	Official State #	Length	Horse Power	Storage Capacity
Utility Work Boat	B28	1	FL9106HM	24	150	1

Manufacturer Name	Beam	Draft	Range	AC Transit Speed	Crew Members	Weight
**NOT A LISTED MANUFACTURER	7	1	~	N/A	2	~
Skimming Capable	Available	Dedicated	Night Capability	Shallow Water	Packaged	No. Packages
True	True	True	True	True	False	~
Equipment On Board: ~						
Requirements: ~						

Vessel Type	Vessel Name	Quantity	Official State #	Length	Horse Power	Storage Capacity
Utility Work Boat	B12 Monark 23	1	FL5571JJ	23	150	0
Manufacturer Name	Beam	Draft	Range	AC Transit Speed	Crew Members	Weight
**NOT A LISTED MANUFACTURER	6	1	~	N/A	2	~
Skimming Capable	Available	Dedicated	Night Capability	Shallow Water	Packaged	No. Packages
False	True	True	True	True	False	~
Equipment On Board: ~						
Requirements: ~						

Vessel Type	Vessel Name	Quantity	Official State #	Length	Horse Power	Storage Capacity
Utility Work Platform	B48 30 Platform Boat	1	FL9008PA	30	200	0
Manufacturer Name	Beam	Draft	Range	AC Transit Speed	Crew Members	Weight
**NOT A LISTED MANUFACTURER	14	1	~	N/A	2	~
Skimming Capable	Available	Dedicated	Night Capability	Shallow Water	Packaged	No. Packages
False	True	True	True	True	False	~
Equipment On Board: ~						
Requirements: ~						

Vessel Type	Vessel Name	Quantity	Official State #	Length	Horse Power	Storage Capacity
Utility Work Boat	B46	1	FL4754NX	20	60	0
Manufacturer Name	Beam	Draft	Range	AC Transit Speed	Crew Members	Weight
**NOT A LISTED MANUFACTURER	6	1	~	N/A	2	450
Skimming Capable	Available	Dedicated	Night Capability	Shallow Water	Packaged	No. Packages
False	True	True	True	True	False	~
Equipment On Board: ~						
Requirements: ~						

Vessel Type	Vessel Name	Quantity	Official State #	Length	Horse Power	Storage Capacity
John Boat	B21	1	FL5571JJ	20	60	0
Manufacturer Name	Beam	Draft	Range	AC Transit Speed	Crew Members	Weight
**NOT A LISTED MANUFACTURER	6	1	~	N/A	2	~
Skimming Capable	Available	Dedicated	Night Capability	Shallow Water	Packaged	No. Packages

False True True True True False ~

Equipment On Board: ~

Requirements: ~

Vessel Type	Vessel Name	Quantity	Official State #	Length	Horse Power	Storage Capacity
Utility Work Boat	B14 Carolina Skiff w/bow ramp	1	FL5251HF	24	150	0
Manufacturer Name	Beam	Draft	Range	AC Transit Speed	Crew Members	Weight
**NOT A LISTED MANUFACTURER	7	1	~	N/A	2	~
Skimming Capable	Available	Dedicated	Night Capability	Shallow Water	Packaged	No. Packages
False	True	True	True	True	False	~

Equipment On Board: ~

Requirements: ~

Vessel Type	Vessel Name	Quantity	Official State #	Length	Horse Power	Storage Capacity
Utility Work Boat	B73 Munson Boat	1	none	26	300	0
Manufacturer Name	Beam	Draft	Range	AC Transit Speed	Crew Members	Weight
**NOT A LISTED MANUFACTURER	8	1	~	N/A	2	~
Skimming Capable	Available	Dedicated	Night Capability	Shallow Water	Packaged	No. Packages
False	True	True	True	True	False	~

Equipment On Board: ~

Requirements: ~

Vessel Type	Vessel Name	Quantity	Official State #	Length	Horse Power	Storage Capacity
Deck Barge	B50	1	none	30	~	0
Manufacturer Name	Beam	Draft	Range	AC Transit Speed	Crew Members	Weight
**NOT A LISTED MANUFACTURER	16	1	~	N/A	2	~
Skimming Capable	Available	Dedicated	Night Capability	Shallow Water	Packaged	No. Packages
True	True	True	True	True	False	~

Equipment On Board: ~

Requirements: ~

SKIMMERS

Skimmer Type	Manufacturer	Model Name and Number	Pump Capacity (Gpm)	Storage Capacity	Quantity
Weir/Suction	SKIM-PAK	18300-S11	420	0	1
Weight	Self Propelled	Available	Dedicated	Transportable	Shallow Water
38	False	True	True	True	True

De-Rating Value: N/A

Special Parts: ATTACH TO A VACUUM TRUCK

Requirements: ~

Excluded From Classifications: False

Skimmer Type	Manufacturer	Model Name and Number	Pump Capacity (Gpm)	Storage Capacity	Quantity
Other	LAMOR	Brush Skimmer	400	0	1
Weight	Self Propelled	Available	Dedicated	Transportable	Shallow Water
~	False	True	True	True	True

De-Rating Value: N/A

Special Parts: ~

Requirements: ~

Excluded From Classifications: False

Skimmer Type	Manufacturer	Model Name and Number	Pump Capacity (Gpm)	Storage Capacity	Quantity
Oleophilic	AMERICAN MARINE, INC.	Drum Skimmer	400	0	1
Weight	Self Propelled	Available	Dedicated	Transportable	Shallow Water
~	False	True	True	True	True

De-Rating Value: N/A

Special Parts: ~

Requirements: ~

Excluded From Classifications: False

Skimmer Type	Manufacturer	Model Name and Number	Pump Capacity (Gpm)	Storage Capacity	Quantity
Belt Adhesion	**NOT A LISTED MANUFACTURER	~	400	0	1
Weight	Self Propelled	Available	Dedicated	Transportable	Shallow Water
~	False	True	True	False	True

De-Rating Value: N/A

Special Parts: ~

Requirements: ~

Excluded From Classifications: False

VACUUM SYSTEMS

Vacuum Truck/Trailer	VIN	Holding Capacity (gallons)	Vacuum Rate (Gpm)	Quantity	Skimming Capable
True	2FZHAZCV07AW81967	3000	200	1	True
Manufacturer Name		Available	Dedicated	Solid Capable	Liquid Capable
STERLING		True	True	True	True

Comments: VT 66 STERLING LIQUID RING

Requirements: ~

Vacuum Truck/Trailer	VIN	Holding Capacity (gallons)	Vacuum Rate (Gpm)	Quantity	Skimming Capable
True	1FVHA6CK17LY81353	3000	200	1	True
Manufacturer Name		Available	Dedicated	Solid Capable	Liquid Capable
**NOT A LISTED MANUFACTURER		True	True	True	True

Comments: VT73 FREIGHTLINER

Requirements: ~

Vacuum Truck/Trailer	VIN	Holding Capacity (gallons)	Vacuum Rate (Gpm)	Quantity	Skimming Capable
True	1HFWHAAT97J422437	3000	200	1	True
Manufacturer Name		Available	Dedicated	Solid Capable	Liquid Capable
**NOT A LISTED MANUFACTURER		True	True	True	True
Comments: VT74 INTL 7400 VAC TRUCK					
Requirements: ~					

Vacuum Truck/Trailer	VIN	Holding Capacity (gallons)	Vacuum Rate (Gpm)	Quantity	Skimming Capable
True	1NKDL00X39J238095	3000	200	1	True
Manufacturer Name		Available	Dedicated	Solid Capable	Liquid Capable
KENWORTH		True	True	True	True
Comments: VT79					
Requirements: ~					

Vacuum Truck/Trailer	VIN	Holding Capacity (gallons)	Vacuum Rate (Gpm)	Quantity	Skimming Capable
True	1NKDL70X1EJ392758	3000	200	1	True
Manufacturer Name		Available	Dedicated	Solid Capable	Liquid Capable
KENWORTH		True	True	True	True
Comments: VT 82 KENWORTH T800 VAC TRUCK					
Requirements: ~					

Vacuum Truck/Trailer	VIN	Holding Capacity (gallons)	Vacuum Rate (Gpm)	Quantity	Skimming Capable
True	1NKDL90X0SJ643681	3000	200	1	True
Manufacturer Name		Available	Dedicated	Solid Capable	Liquid Capable
**NOT A LISTED MANUFACTURER		True	True	True	True
Comments: ~					
Requirements: 1995 Kenworth Vac Truck VT63 Tag #N3940L					

Vacuum Truck/Trailer	VIN	Holding Capacity (gallons)	Vacuum Rate (Gpm)	Quantity	Skimming Capable
True	1FVHCYDCX6HW57125	3000	200	1	True
Manufacturer Name		Available	Dedicated	Solid Capable	Liquid Capable
**NOT A LISTED MANUFACTURER		True	True	True	True
Comments: ~					
Requirements: 2006 King Vac Truck VT57 liquid ring Tag# N3914L					

Vacuum Truck/Trailer	VIN	Holding Capacity (gallons)	Vacuum Rate (Gpm)	Quantity	Skimming Capable
True	1NPAL00X84N833670	3000	200	1	True
Manufacturer Name		Available	Dedicated	Solid Capable	Liquid Capable
**NOT A LISTED MANUFACTURER		True	True	True	True
Comments: ~					
Requirements: 2004 Peterbilt Cusco Tank VT54 Tag# N3939L					

Vacuum Truck/Trailer	VIN	Holding Capacity (gallons)	Vacuum Rate (Gpm)	Quantity	Skimming Capable
True	1HTSHAAR5XH684546	3000	200	1	True
Manufacturer Name		Available	Dedicated	Solid Capable	Liquid Capable

****NOT A LISTED MANUFACTURER** True True True True

Comments: ~

Requirements: 1999 Intl 4900 Cab&Chassie VT52 Tag#

Vacuum Truck/Trailer	VIN	Holding Capacity (gallons)	Vacuum Rate (Gpm)	Quantity	Skimming Capable
True	1XPALE0X9PD327911	3000	200	1	True

Manufacturer Name	Available	Dedicated	Solid Capable	Liquid Capable
**NOT A LISTED MANUFACTURER	True	True	True	True

****NOT A LISTED MANUFACTURER** True True True True

Comments: ~

Requirements: 1993 Peterbuilt 357 T/A Vacuum Truck-VT48 License # N3427G

Vacuum Truck/Trailer	VIN	Holding Capacity (gallons)	Vacuum Rate (Gpm)	Quantity	Skimming Capable
True	1XP5DR9X3PD326942	3000	200	1	True

Manufacturer Name	Available	Dedicated	Solid Capable	Liquid Capable
**NOT A LISTED MANUFACTURER	True	True	True	True

****NOT A LISTED MANUFACTURER** True True True True

Comments: ~

Requirements: 1993 Peterbuilt Vac Truck-VT42 License # N3936L

Vacuum Truck/Trailer	VIN	Holding Capacity (gallons)	Vacuum Rate (Gpm)	Quantity	Skimming Capable
True	2FZHAZS31AH49973	3000	200	1	True

Manufacturer Name	Available	Dedicated	Solid Capable	Liquid Capable
FORD	True	True	True	True

****NOT A LISTED MANUFACTURER** True True True True

Comments: ~

Requirements: 2001 Dry Vac LT9500 Truck-VT35 License # N1425N

PRODUCT TRANSFER PUMPS

Transfer Pump Type	Manufacturer	Power Source	Transfer Rate (Gpm)	
Centrifugal	**NOT A LISTED MANUFACTURER	Hydraulic	1000	
Quantity	Weight	Available	Transportable	Dedicated
1	~	True	True	True

Special Hoses: ~

Requirements: high capacity "Pump" Manufactured by Gould. 60 hp hydraulic power source capable of transferring large volumes.

Transfer Pump Type	Manufacturer	Power Source	Transfer Rate (Gpm)	
Sliding Shoe	**NOT A LISTED MANUFACTURER	Diesel	250	
Quantity	Weight	Available	Transportable	Dedicated
1	~	True	True	True

Special Hoses: ~

Requirements: portable trailer mounted diesel powered "sludge-master" pump system capable of passing up to 3.5" solids. Positive displacement

Transfer Pump Type	Manufacturer	Power Source	Transfer Rate (Gpm)	
Centrifugal	GORMANN-RUPP CO.	Hydraulic	600	
Quantity	Weight	Available	Transportable	Dedicated
1	~	True	True	True

Special Hoses: ~

Requirements: must have 60 hp hydraulic power unit to drive it

OILY WATER SEPARATORS

No Oily Water Separators Registered

PORTABLE STORAGE

Storage Type	Manufacturer	Model	Draft	Storage Capacity	Mobility
Modular Storage Container	**NOT A LISTED MANUFACTURER	Frac Tank	~	21000	Portable
Quantity	Available	Dedicated	Shallow Water	Land Capable	Water Capable
4	True	True	False	True	False

Requirements: ~

Storage Type	Manufacturer	Model	Draft	Storage Capacity	Mobility
Modular Storage Container	**NOT A LISTED MANUFACTURER	ISO Tank	~	6000	Portable
Quantity	Available	Dedicated	Shallow Water	Land Capable	Water Capable
12	True	True	False	True	False

Requirements: ~

Storage Type	Manufacturer	Model	Draft	Storage Capacity	Mobility
Tank Trucks	**NOT A LISTED MANUFACTURER	Tank Trailers	~	9000	Portable
Quantity	Available	Dedicated	Shallow Water	Land Capable	Water Capable
10	True	True	False	False	False

Requirements: ~

Storage Type	Manufacturer	Model	Draft	Storage Capacity	Mobility
Oil Storage Bag	**NOT A LISTED MANUFACTURER	~	~	6000	Portable
Quantity	Available	Dedicated	Shallow Water	Land Capable	Water Capable
40	True	True	True	True	True

Requirements: 5 ply storage bladders capable of storing 6,000 gal. They have 2" camlock fitting for filling and removal of liquid.

Storage Type	Manufacturer	Model	Draft	Storage Capacity	Mobility
FIXED FACILITY TANK	**NOT A LISTED MANUFACTURER	Field Erected Tanks	~	900270	Fixed
Quantity	Available	Dedicated	Shallow Water	Land Capable	Water Capable
1	True	True	False	False	False

Requirements: Tank # Capacity 1 24,500 2 24,500 3 30,000 4 19,500 5 30,000 6 30,000 7 30,000 8 30,000 9 30,000 10 593,570 11 17,700 12 10,000 13 10,000 14 15,000 15 15,000 16 15,000

DISPERSANT DELIVERY SYSTEMS

No Dispersant Delivery Systems Registered

FIRE FIGHTING EQUIPMENT

No Fire Fighting Equipment Registered

AERIAL OIL TRACKING AIRCRAFT

No Aerial Oil Tracking Aircraft Registered

SUPPORT EQUIPMENT

Equipment	Type/Make	Quantity
Service vehicles	~	39
Requirements: Box trucks, Low-boys, stake beds, F-150, F350, F450		

Equipment	Type/Make	Quantity
40 Van Trailers	~	10
Requirements: Van trailers are owned by CBI and transportable		

PERSONNEL

Employment Category	Full Time On Site	Full Time Off Site	Part Time On Site	Part Time Off Site
Supervisor	10	1	~	~
Operator/Technician	35	~	~	8
Laborer	5	3	~	~
Other	5	2	~	~
Pilot	~	~	~	~
Aerial Observer	~	~	~	~

Comments: Officer Personnel/ Dispatchers

NON-FLOATING OIL EQUIPMENT

No Non-Floating Oil Equipment Registered

ATTACHMENT I

BROWARD COUNTY BUSINESS TAX RECEIPT

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 21st 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!

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

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

TESTING LABORATORIES	NAME	Clinical Reference Laboratory Inc (CRL)
	ADDRESS	8433 Quivera Rd Lenexa, KS 66215
	PHONE NUMBER	800-452-5677
	NATIONALLY CERTIFIED? (YES/NO)	YES
MRO (Medical Review Officer)	MRO NAME	Dr. Donald Bucklin
	MRO PHONE	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
ALCOHOL TESTING METHOD USED: <i>(Must be performed by breath, or saliva with a breath or blood confirmation)</i>		SCREEN LEVEL	CONFIRMATION LEVEL
		.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

ATTACHMENT L

JOB TRAINING PROGRAM & FREQUENCY MATRIX



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.

ATTACHMENT M

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