



FLORIDA DEPARTMENT OF Environmental Protection

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Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Interim Secretary

July 13, 2021

Juan Paz, CEO
JJ Metal Services
2300 W 80th St Bay 2, Hialeah, Florida 33016-5591
j.jmetalservices1116@gmail.com

Re: Warning Letter # WL21-00080HW13SED
JJ Metal Services
Facility ID No. FLR000221192
Miami-Dade County

Dear Mr. Paz:

Department personnel conducted a compliance evaluation inspection (CEI) of the above-referenced facility on June 4, 2021. During this inspection, possible violations of chapter 403, Florida Statutes, chapter 62-730, Florida Administrative Code (F.A.C) and Code of Federal regulations (C.F.R) parts 261, 262 and 263 were observed.

At the time of the inspection, Department personnel verbally notified the facility that potential violations existed, and the facility was encouraged to take corrective action within twenty-eight (28) days. The potential violations include:

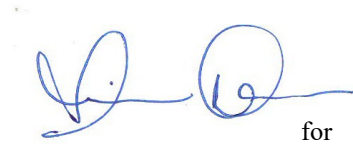
- Failure to provide document claims that recycled materials are not solid wastes and are conditionally exempt from regulation.
- Failure to properly document and/or conduct waste determinations on 2 out of 2 waste streams.
- Failure to comply with the Hazardous Waste Transporter manifest requirements.
- Failure to maintain Hazardous Waste Transporter manifest records.

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to sections 403.141, 403.161 and 403.427, Florida Statutes.

Please contact Juliana Reis at 561-681-6642, within 15 days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in receiving any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Andreotta", with a stylized flourish at the end.

for

Jason Andreotta
Director, Southeast District
Florida Department of Environmental Protection

Enclosure: Hazardous Waste Final Inspection Report dated 07/07/2021

cc: Jason Andreotta, Sirena Davila, Alannah Irwin, Juliana Reis - FDEP



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

FACILITY INFORMATION:

Facility Name: JJ Metal Services
On-Site Inspection Start Date: 06/04/2021 **On-Site Inspection End Date:** 06/04/2021
ME ID#: 123232 **EPA ID#:** FLR000221192
Facility Street Address: 2300 W 80th St Bay 2, Hialeah, Florida 33016-5591
Contact Mailing Address: 8231 SW 13 Terrace, Miami, Florida 33144
County Name: Miami-Dade **Contact Phone:** (786) 231-4417

NOTIFIED AS:

SQG (100-1000 kg/month), Transporter

WASTE ACTIVITIES:

Generator: SQG **Transporter:** Own Waste, Commercial Waste

INSPECTION TYPE:

Routine Inspection for Hazardous Waste Transporter Facility
Routine Inspection for SQG (100-1000 kg/month) Facility
Routine Inspection for Hazardous Waste Transfer Facility Facility

INSPECTION PARTICIPANTS:

Principal Inspector: Juliana Reis, Inspector
Other Participants: Juan Paz, Manager and Owner

LATITUDE / LONGITUDE: Lat 25° 53' 42.1836" / Long 80° 19' 48.54"

NAIC: 331410 - Nonferrous Metal (Except Aluminum) Smelting And Refining

TYPE OF OWNERSHIP: Private

Introduction:

On June 04, 2021, Juliana Reis with the Florida Department of Environmental Protection ("FDEP") conducted a Compliance Evaluation Inspection ("CEI") at J.J. Metal Services Inc. (hereinafter "JJ Metal" or "facility"), located at 2300 W. 80th St. Bay 2, Hialeah, Florida 33016. JJ Metal was inspected to determine the facility's compliance with the state and Federal hazardous waste regulations described in Title 40, Code of Federal Regulations (CFR) Parts 260-268 and 273, adopted and incorporated by reference in Rule 62-710, 62-730, and Rule 62-737, Florida Administrative Code (FAC).

The inspector was escorted around the facility by Juan Paz, Manager, and Owner. Upon arrival at the facility, the inspector presented their credentials and explained the purpose of the inspection.

The facility is situated on 1,500 square feet. The facility has been in operation at this site for four years, employs approximately 4 staff, and is connected to both county water and sewer services and septic tanks. The facility's hours of operation are irregular since most operations are conducted offsite.

Notification History:

JJ Metal most recently notified the Department on 12/10/2020 as Small Quantity Generator (SQG), Hazardous Waste Transporter (HWT), and Transfer Facility (TF), with the registration expiration on 11/30/2021. The facility initially notified the Department on 12/23/2016 as SQG, HWT, and TF when commenced operations at this location and was assigned the EPA Identification Number ("EPAID") FLR000221192.

Inspection History:

The facility was never inspected by the Department.

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Personal Protective Equipment (PPE) was required to enter the facility. Department personnel were equipped with steel-toed boots and a facial mask.

Process Description:

JJ Metal provides services to shooting range facilities across U.S. states of metal reclamation from bullet fragments, and maintenance of lead-contaminated materials such as exhaust filters and gunpowder.

The wastes generated from processes include, but are not limited to lead-contaminated materials, which exhibit a toxicity characteristic for lead (EPA Waste Code D008).

Wastes are generated in the generator's shooting range area and are transported and stored at the warehouse for disposal.

Warehouse

This area is where all the equipment and supplies are stored. Additionally, is where the metal to be reclaimed is segregated.

In this area the inspector observed:

> One HEPA Vacuum with a 13-gallon attached container partially full of gunpowder. The inspector requested the facility to assure the waste determination as non-hazardous on this lead-contaminated material, per 40 CFR 262.11.

According to the manager, another HEPA Vacuum with a six-gallon container is used for gunpowder suction in the facility's truck.

If the lead-contaminated material is determined hazardous the facility was required to label the containers with the words "hazardous waste" and to mark the start accumulation date of each container, per 40 CFR 262.16(b)(i)(6) & 262.16(b)(i)(A).

According to the manager, the removed lead-contaminated exhaust filters are placed in a Gaylord box located at the owner's house at the time of the inspection. This waste stream is comingled with the lead-contaminated gunpowder for disposal at a Treatment, Storage, or Disposal Facility (TSDF) or recycling.

> Five 55-gallon metal drums of steel waiting to be transported for reclamation. The inspector requested shipping papers from the facility's reclaimed metals and the manifests from the last three years, per 40 CFR 261.2(f).

Spent mercury lamp storage was not observed onsite. The facility stated that spent mercury lamp maintenance is conducted by the landlord.

JJ Metal fleet is composed of one trailer, only for equipment, a 26-foot truck, and a pickup truck. At the time of the inspection, the pickup truck was under maintenance. On 06/08/2021 the facility submitted a picture of this vehicle with the placard US DOT 3048813, compliant to 40 CFR 263.10. Additionally, a picture from the truck was submitted on 06/17/2021.

Records Review

Records were not available for review during inspection. The facility was required to send manifests from the last three years for the Department's review and retain them onsite, per 40 CFR 263.22.

> Reclaimed Metal Records: On 07/06/2021 the facility submitted receipts given to shooting ranges for the lead collection services from the last three years. According to receipts, the range lead from indoor rubber backstop is sold for recycling at several Miami-Dade area reclaimers.

Additionally, the facility submitted Certificates of Recycling from AERC Recycling Solutions A Clean Earth Company, hereinafter "AERC" (EPAID FLD984262782) for recycling lead filters. The latest one is dated 02/28/2019 recycling 2,545 lbs. of lead filters. From 02/20/2019 there is another certificate of recycling of lead filters totaling 3,130 lbs. The inspector requested additional information regarding these amounts.

>Non-hazardous waste manifests from the transported lead filters and scrap: The facility submitted one non-

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hazardous waste manifest dated 06/16/2021 which was incomplete. Another one dated 10/23/2015 of 20 lead drums transported. In both non-hazardous waste manifests JJ Metal demonstrated another EPA ID FLR000216127, which is registered as an SQG and located at 4070 NW 132nd St Bay Y, Opa Locka, FL 33054. The inspector requested additional information regarding the use of this EPAID.

>Hazardous waste manifests were not submitted from the last three years per 40 CFR 262.40. The only hazardous waste manifest submitted dated 09/06/2018 of 1800 lbs of lead-contaminated hazardous waste, transported by AERC to designated TSD facility Clean Earth of Alabama INC (EPAID ALD981020894). In addition, the facility submitted a certificate of proper disposal from this shipment.

Through RCRA Info search the inspector found the latest hazardous waste manifest dated 06/16/2021 of 1,826 lbs. of lead-contaminated filters. Apparently, there were only three hazardous waste shipments in the last three years from this facility.

>Waste determination is still pending on the lead-contaminated filters.

>Hazardous Waste Transporter Records: Compliance assistance was provided for the facility to comply with the HWT manifesting system per 40 CFR 263.21(a). The facility did not demonstrate any hazardous waste transporter manifest from the last three years.

>Certificate of Liability Insurance: The facility was compliant with 62-730.170(3) by providing to the Department verification of financial responsibility.

> SPCC/Contingency Plan/Notification to Local Authorities/ Employee training/ Modified Contingency Plan: SQG requirements were not pursued during this inspection. The facility was advised to comply with the requirements under 40 CFR 262.

New Potential Violations and Areas of Concern:

Violations

Type:	Violation
Rule:	261.2(f)
Explanation:	The facility could not provide document claims that recycled materials are not solid wastes and are conditionally exempt from regulation.
Corrective Action:	The facility was requested to provide these records for the Department review.

Comments:

This violation was resolved via submittal to the Department on 07/06/2021.

Type:	Violation
Rule:	262.11
Explanation:	The Hepa Vacuum with a 13-gallon attached container partially full of gunpowder observed on-site, and lead-contaminated filters did not have an accurate waste determination.
Corrective Action:	The facility was requested to verify the waste determination as non-hazardous on this lead-contaminated waste stream.

Comments:

This submittal is still pending to the Department.

Type:	Violation
Rule:	263.21(a)

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Explanation: The facility did not comply with the HWT manifesting requirements.
Corrective Action: The facility was requested to demonstrate compliance with the manifest system requirements.

Comments:

This submittal is still pending to the Department.

Type: Violation
Rule: 263.22(a)
Explanation: HWT manifests records were not available for review during inspection.
Corrective Action: The facility was required to send manifests from the last three years for the Department's review and retain them onsite,

Comments:

This submittal is still pending to the Department.

PHOTO ATTACHMENTS:

Five steel drums waiting for recycling pick up



DOT HWT placard



Exhaust filter (product)



Warehouse



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Facility front

Lead contaminated Heppa filter container



Conclusion:

JJ Metal was inspected as an SQG, HWT, and TF and was found to be out of compliance for failure to conduct proper waste determination, lack of compliance under the HWT manifest system, and lack of recordkeeping for sold and exempt waste.

Compliance assistance was provided during the inspection and in an exit interview dated 06/07/2020. The facility was provided with information on the manifest system and generator status. Additionally, JJ Metal was provided 14 days (by 06/21/2021) to submit the corrective actions and pictures to the Department.

The facility requested an extension and the Department granted another 14 days (by 7/5/2021) for the submittal of corrective actions. The facility was advised to seek environmental consultant help and was provided with additional information regarding this.

The facility was advised to file and provided with the 8700-12 FL form to the Waste Management Division to close the EPAID FLR000216127 in case this location is not operating. Also, to verify its current hazardous waste transporter and generator status and file the 8700-12 FL form accordingly.

On 07/06/2021 the facility partially submitted the corrective actions; therefore, submittals are still pending to the Department. Due to the nature of the violations a Warning Letter will be sent to the facility.

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1.0: Pre-Inspection Checklist

Requirements:

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

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

Item No.	Pre-Inspection Review	Yes	No	N/A
1.1	Has the facility notified with correct status? 262.18(a)	✓		
1.2	Has the facility notified of change of status? 62-730.150(2)(b)	✓		
1.3	Did the facility conduct a waste determination on all wastes generated? 262.11	✓		

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Signed:

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

Juliana Reis**Principal Investigator Name****Principal Investigator Signature**Inspector**Principal Investigator Title**DEP**Organization**07/07/2021**Date**Juan Paz**Representative Name**Manager and Owner**Representative Title**JJ Metal Services**Organization**

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

Report Approvers:**Approver:**Alannah B Irwin**Inspection Approval Date:**07/07/2021