



Region 6 - Enforcement & Compliance Assurance Division COMPLIANCE EVALUATION INSPECTION REPORT

Inspection Date(s):	December 11, 2024	
Media Program:	Resource Conservation and Recovery Act (RCRA)	
Regulatory Program(s)	Very Small Quantity Generator	
Company Name:	W Silver Recycling, Inc.	
Facility Name:	W Silver Recycling, Inc. – Santa Teresa	
Facility Physical Location:	5025 Avenida Creel	
(City, State, Zip Code)	Santa Teresa, New Mexico 88008	
Mailing address:	5025 Avenida Creel	
(City, State, Zip Code)	Santa Teresa, New Mexico 88008	
County/Parish:	Doña Ana County	
Facility Phone Number	915-532-5643	
Facility Contact:	Eddie Abasta	Environmental, Health & Safety (EHS) Manager
	eddie.abasta@wsilverrecycling.com	
FRS Number:	110070504250 (although it gives the address of 5024 AVENIDA CREEL)	
Identification/Permit Number:	N/A	
Media Identifier Number:	RCRA ID: NMR000031880	
NAICS:	42393 RECYCLABLE MATERIAL MERCHANT WHOLESALERS	
SIC:	5093 – Scrap and Waste Materials	
Personnel participating in inspection:		
Dedriel Gardner	USEPA Region 6 (ECDSR)	Senior Environmental Engineer - Inspector
Eddie Abasta	W Silver Recycling, Inc.	Environmental, Health & Safety (EHS) Manager
Shawn Schevling	W Silver Recycling, Inc. – Santa Teresa	Lead of Material Processing Area
Gustavo Rocha	W Silver Recycling, Inc. – Santa Teresa	Maintenance Supervisor
EPA Lead Inspector Signature/Date		
	Dedriel Gardner – Senior Environmental Engineer - Inspector (ECDSR)	Date
Supervisor Signature/Date		
	Debra Pandak – Section Supervisor (ECDSR)	Date

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

On December 11, 2024, I, Dedriel Gardner, conducted an unannounced compliance evaluation inspection of the W Silver Recycling, Inc. (WSR) facility located at 5025 Avenida Creel in Santa Teresa, New Mexico. The inspection was conducted to determine compliance with the Resource Conservation and Recovery Act (RCRA). The inspection focused on evaluating the facility's processing and management of scrap metal to ensure that it meets the requirements for exemption from the definition of solid waste and does not pose a risk of harm to human health and the environment. The inspection included a facility description, waste stream discussions, and walkthroughs of the facility's hazardous waste generation and management units. This facility was targeted as a result of citizen concerns regarding fires at this facility's other location in El Paso, Texas.

OPENING CONFERENCE

On December 11, 2024, I arrived at the facility at about 8:20 A.M Mountain Time (MT) and met Mr. Eddie Abasta, EHS Manager. I presented my credentials to him and informed him that I was there to conduct an inspection of the facility under the authority of Section 3007 of the Resource Conservation and Recovery Act. We discussed the purpose and scope of the inspection. Mr. Abasta stated that he was in the process of having a contractor conduct auditory monitoring throughout the facility and test employees hearing at this and other WSR facilities for the rest of this week. He stated it was their policy that inspectors only talk to him. Therefore, we worked it out that he would step away throughout the inspection and handle the contractor as needed. I notified Mr. Abasta of the facility's right to assert a claim for Confidential Business Information (CBI) for records collected during this inspection.

Section II – OBSERVATIONS

Following the opening conference, I accompanied Mr. Abasta on a walk-through with the contractor to place the auditory monitors throughout the Warehouse area. After this initial walk through and Mr. Abasta's return from working with the contractor, he provided a facility and waste stream description. Mr. Abasta and I then began our walk and drive through of this large facility site. Also, 63 photos were taken during the inspection to document onsite observations (see Appendix 1). A map of all photograph locations and directions taken is included in Appendix 3. Unless otherwise specified, the statements cited in this report reflect those claims made by Mr. Abasta or documents reviewed during the inspection.

I conducted the onsite inspection during business hours on December 11, 2024. During the inspection, the facility was conducting normal operations in addition to the audio contractor being onsite to conduct auditory monitoring and test employees hearing. This section provides an abbreviated description of my onsite activities. See Appendix 2 for the Daily Summary that provides more detail and was sent to Mr. Abasta for review.

FACILITY DESCRIPTION

WSR is a recycling facility that processes various types of scrap metal. Their headquarters are located at 601 N. Mesa St, STE. 1500, El Paso, Texas, 79901. WSR has various facilities located in the southwest

United States and in Mexico. This WSR facility has about 99 employees that work 8-hour days, five days per week. They may also work on Saturdays as needed. WSR relocated to this facility location from their Magoffin facility in El Paso, Texas, about two years ago. Mr. Abasta believes WSR owns this facility and the land. He did not know the size of the facility but provided facility layouts of the site and Warehouse that are included in Appendix 3. Also, an aerial photo from the internet is included in Appendix 3. Appendix 1, photograph 1 provides an overall northwest view of the facility that is completely fenced.

- [illegible]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

WSR is a non-notifier of hazardous waste activities and a used oil generator. Mr. Abasta stated that they do not manage any wastes generated onsite or ship any off-site as hazardous or universal wastes. He stated that they have hired a consultant to make their hazardous waste determinations and decide how WSR should manage their wastes.

1. [REDACTED]

VISUAL INSPECTION

Observations from the walk through of the Warehouse and during a drive-through of this large facility are documented below. Potential areas of concern I observed are identified with AOC #.

1. In the Warehouse I observed the processing and scrap metal storage areas.

- a.

[REDACTED]

2. In the Maintenance Shop area, Mr. Abasta stated that none of the employees in the area at the time could answer questions on waste management as they did not know.

- a.

[REDACTED]

- 3.

[REDACTED]

- a. In the Yard on Northwest side of the Facility –

[REDACTED]

- b. In the Bone Yard on West side of the Facility – I observed trailers that Mr. Abasta stated would be scrapped.

i. [REDACTED]

- c. On the Southwest Outside Area of the Warehouse

i. [REDACTED]

- d. Outside on South Side of the Facility –

[REDACTED]

- e. On the Southeast Side of the Facility Near the Railroad Spur –

[REDACTED]

- f. On the East Side of Facility –

[REDACTED]

- g. On the Northeast Side of the Facility –

[REDACTED]

4. Retention Pond – [REDACTED]

RECORDS REVIEW

No records were reviewed as Mr. Abasta did not have any additional time due to the audio contractor's work onsite. Therefore, I requested the records listed in the Daily Summary sent to Mr. Abasta. Records requested included a facility map with pile storage areas organization noted, information regarding types

of materials received onsite including the follow up information needing to be verified, documentation demonstrating the end use of each type of processed material, list of items destroyed onsite for customers and related shipping documents, safety data sheets, and waste profiles and related shipping documents.

Section III – CLOSING CONFERENCE

I held a closing conference with Mr. Abasta to include a review of the inspection follow up items and areas of concern. I provided Mr. Abasta a Small Business Resources fact sheet and a CBI Notice and Form which he stated he would review and complete later. He claimed all process information and photos as CBI. I discussed WSR using the same EPA electronic secure online drive set up for the December 9, 2024, WSR El Paso facility inspection to upload documents after this inspection. I left the facility at about 3:10 P.M. MT.

AREAS OF CONCERN (AOC)

1. According to 40 CFR 262.11, a generator must make an accurate hazardous waste determination at the point of waste generation, before any dilution, mixing, or other alteration of the waste occurs, and at any time in the course of its management that it has, or may have, changed its properties as a result of exposure to the environment or other factors that may change the properties of the waste such that the RCRA classification of the waste may change an accurate hazardous waste determination on each solid waste at the point of generation. The following waste streams failed to have a hazardous waste determination:
 - a. **AOC #1a** - [REDACTED] for each individual waste stream.
 - b. **AOC #1b** - [REDACTED] for each individual waste stream.
 - c. **AOC #1c** - [REDACTED] from maintenance shop area.
 - d. **AOC #1d** - [REDACTED].
 - e. **AOC #1e** - [REDACTED].
 - f. **AOC #1f** - In the Yard on Northwest Side of the Facility - Two [REDACTED]
[REDACTED]
 - g. **AOC #1g** - In the Bone Yard on West Side of the Facility - In one of the trailers, gaylord boxes that it was not clear if they were empty as they were not accessible to see inside.
 - h. **AOC #1h** - In the Bone Yard on West Side of the Facility - [REDACTED]
[REDACTED]
 - i. **AOC #1i** - On the Northeast Side of the Facility – [REDACTED]
[REDACTED]
 - j. **AOC #1j** - On the Southwest Outside Area of the Warehouse – [REDACTED]
[REDACTED]
2. **AOC #2** - According to 40 CFR 279.22(c), used oil tanks and containers must be labeled “Used Oil”. [REDACTED]
[REDACTED]
3. **AOC #3** - According to 40 CFR 279.22(d), used oil releases must be contained, and cleaned up. [REDACTED]
[REDACTED]
4. Also, as a part of its normal operations, [REDACTED]
[REDACTED]
[REDACTED] According to RCRA Online document # 11771, even though hazardous scrap metal is exempt from RCRA regulations, if management

(e.g., storage on the ground) causes hazardous constituents to be released into the soil, surface water, or air, this may be considered abandonment through disposal and trigger the RCRA regulations.

FOLLOW-UP

As stated in the Records Review section above, I requested the records listed in the Daily Summary along with the additional request regarding the drums labeled as Hazardous Waste I sent on December 18, 2024. I requested a response by the end of the next week (December 20, 2024) and made Mr. Abasta aware that extensions are available if needed. He stated that he would be requesting an extension. I informed him that in the shared electronic folder, I will provide a copy of each photograph taken during the inspection.

Section IV – LIST OF APPENDICES

Appendix 1 – Photo Log (see Appendix 3 for Photo Locations and Directions)

Appendix 2 – Daily Summary of 12/11/24

Appendix 3 – Facility Layout with Photo Locations and Aerial Photo

Appendix 4 – Waste Table

Appendix 1

Photograph Log

(see Appendix 3 for Photo Locations and Directions)

REDACTED CBI

Appendix 2
Daily Summary of 12/11/24

REDACTED CBI

Appendix 3

Facility Layouts with Photo Locations on Facility Layout (REDACTED CBI)
and Aerial Photo



5025 Avenida Creel

APPENDIX 4

Appendix 4

Waste Table

REDACTED CBI