



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

ELECTRONIC MAIL
CONFIRMATION OF RECEIPT EMAIL REQUESTED

Mr. Brent Fairchild
Director of EHS
TAV Holdings, Inc.
56 Jarrell Road
Greenville, Georgia 30222
bfairchild@tavholdingsinc.com

SUBJ: Supplemental Request for Information
TAV Holdings, Inc., 3311 Empire Boulevard, SW, Atlanta, Georgia

Dear Mr. Fairchild:

On October 21, 2021, the U.S. Environmental Protection Agency sent an initial Information Request letter (Information Request) to TAV Holdings, Inc. (TAV) pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927. TAV provided a response to such Information Request on November 4, 2021. TAV also provided a "Materials Report" to the EPA on March 4, 2022, in response to Paragraph 89 of the RCRA 7003 Order issued to TAV on January 10, 2022. Based on this information, the EPA has prepared this Supplemental Request for Information (Supplemental Request). TAV is hereby directed to respond, fully and truthfully, within fourteen (14) calendar days of receipt of this letter, to the Supplemental Request enclosed herein as Enclosure C (subject to the Instructions in Enclosure A, and the Definitions in Enclosure B). Compliance with this Supplemental Request is mandatory, and information provided by TAV may be used by the EPA in future enforcement actions. Failure to respond fully and truthfully to each and every question or information request within fourteen (14) calendar days of receipt of this letter, or to adequately justify such failure to respond, may result in further enforcement action against TAV by the EPA pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.

All information submitted to the EPA in response to this Supplemental Request must be certified as true, accurate, and complete by an individual with sufficient knowledge and authority to make such representations on behalf of TAV. An affidavit making such representations is provided as Enclosure D. Your response to this Supplemental Request should be emailed to:

Araceli B. Chavez
Chief
chavez.araceli@epa.gov

Brooke York
Environmental Engineer
york.brooke@epa.gov

RCRA Enforcement Section
Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division

The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. TAV may, if desired, assert a business confidentiality claim covering part or all of the information requested, in the manner described in 40 C.F.R. § 2.203(b), by attaching to such information, at the time it is submitted, a suitable notice employing language such as “trade secret” or “proprietary” or “company confidential.” Information covered by such a claim will be disclosed by the EPA only to the extent and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If TAV intends to claim the information as confidential, please contact the RCRA Document Control Officer, Brooke York, at york.brooke@epa.gov, prior to submittal, for confidential submittal procedures. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to TAV. The EPA will construe the failure to furnish a confidentiality claim with your response to this letter as a waiver of that claim. TAV should read the above-cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

This Supplemental Request is not subject to the approval requirement of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501 *et seq.*

Should you have any questions on this matter, please contact Brooke York, of my staff, by phone at (404) 562-8025 or by email at york.brooke@epa.gov.

Sincerely,

KIMBERLY
BINGHAM

Digitally signed by
KIMBERLY BINGHAM
Date: 2022.05.13
16:18:32 -04'00'

Kimberly L. Bingham
Chief
Chemical Safety and Land Enforcement Branch

Enclosure

cc: Mr. Jim McNamara; GAEPD (Jim.McNamara@dnr.ga.gov)
Mr. Chuck Mueller; GAEPD (Chuck.Mueller@dnr.ga.gov)

ENCLOSURE A

Instructions

1. Identify the person(s) responding to this Supplemental Request for Information on behalf of Respondent.
2. A separate response must be made to each of the Information Requests set forth herein.
3. Precede each answer with the number of the Information Request to which it corresponds.
4. In answering each Information Request, identify all documents and persons consulted, examined, or referred to in the preparation of each response and provide true and accurate copies of all such documents.
5. If information not known or not available to you as of the date of submission of a response to this Supplemental Request for Information should later become known or available to you, you must supplement your response to the EPA. Moreover, should you find at any time after the submission of the response that any portion of the submitted information is false or misrepresents the truth; you must notify the EPA thereof as soon as possible.
6. For each document produced in response to this Supplemental Request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
7. Where specific information has not been memorialized in a document, but is nonetheless responsive to a particular Information Request, you must respond to the question with a written response.
8. If information responsive to a particular Information Request is not in your possession, custody, or control, then identify the person from whom such information may be obtained.
9. If you have reason to believe that there may be persons able to provide a detailed or complete response to any Information Request question or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
10. The information requested herein must be provided even though the Respondent may contend that it includes possibly confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Section 3007(b) of RCRA, 42 U.S.C. § 6927(b), Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. § 9604(e)(7)(E) and (F), and 40 C.F.R. § 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, or proprietary, or company confidential. Information covered by such a claim will be disclosed by the EPA only to the extent, and only by means, of the procedures set forth in statutes and regulation set forth above. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.
11. If no responsive information exists in response to a particular Information Request question, state so clearly and concisely.

ENCLOSURE B

Definitions:

The following definitions shall apply to the following words as they appear in this Enclosure.

1. The terms AND and OR shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Supplemental Information Request any information which might otherwise be construed to be outside their scope.
2. The term DISPOSAL shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any water, including groundwater.
3. The term DOCUMENT and DOCUMENTS shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, inter-office or intra-office communications, photostat or other copy of any documents, microfilm or other film record, photograph, sound recording on any type of device, punch card, disc or disc pack, tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use punch card, disc, disc pack, tape or the type of memory) including: (a) every copy of each document which is not an exact duplicate of a document which is produced; (b) every copy which has any writing, figure, notation, annotation, or the like of it; (c) drafts; (d) attachments to or enclosures with any document; and (e) every document referred to in any other document.
4. The term FACILITY shall mean the TAV Holdings, Inc. Facility operating at 3311, 3320, 3325 and 3405 Empire Boulevard, SW, and 111 Hollow Tree Lane in Atlanta, Georgia.
5. The term GENERATION shall mean any act or process which produces hazardous waste as identified or listed in 40 C.F.R. Part 261 or an act which first causes a hazardous waste to become subject to regulation.
6. The term IDENTIFY means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position, or business.
7. The term IDENTIFY means, with respect to a corporation, partnership, business trust or other associate of a business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
8. The term IDENTIFY means, with respect to a document, to provide its customary business description, date, number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
9. The term PERSON includes, in the plural as well as the singular, any natural person, firm, unincorporated associate partnership, corporation, trust or other entity.
10. The term RELEASE shall include any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the

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abandonment, or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

11. The term TRANSACTION or ARRANGEMENT shall mean every separate agreement, act, deal, instance, or occurrence.
12. The term YOU or RESPONDENT shall mean the addressee of this Supplemental Information Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns, and agents.

ENCLOSURE C

SUPPLEMENTAL REQUEST FOR INFORMATION

Please provide responses to the following questions. Please include information relating to the previous five (5) years in each response, as appropriate.

1. List each location in the United States where TAV Holdings, Inc. (TAV), or any affiliated/related company¹, conducts operations or has conducted operations², within the past five (5) years. This question does *not* seek information regarding customers or suppliers of in-bound materials, finished goods to/from TAV, or TAV's sale of equipment/technology.
2. In TAV's November 2021 response to EPA's initial request for information, TAV provided a list of companies and materials in response to Question 1. This list of companies was included in Attachments 1 and 4 of TAV's response. Please describe the relationship between each of these companies and TAV. For example, do they supply TAV with in-bound materials for processing? Do they purchase "product" from TAV? Do they purchase equipment from TAV?
3. TAV has stated that it is "leading the market in providing the most advanced equipment and processes for recycling of post-consumer, post-industrial goods to the maximum extent. TAV supplies such equipment and processes to customers operating recycling businesses in approximately 25 states and 15 countries." *See November 4, 2021 TAV Response to Information Request*. Please identify all customers who have purchased TAV's processes and equipment within the United States, including the names and physical addresses for all such customers. This question does *not* seek information regarding customers who purchase metals or other "finished goods" or "products" produced by TAV.
4. Provide a breakdown of all in-bound materials to the TAV Empire Boulevard Facility for the past five (5) years. For each material, including the following information:
 - A. The name and a description of the material (i.e., auto shredder residue (ASR), aluminum fines, ASR concentrate, incinerator ash, waste electrical equipment, materials mined from landfills);
 - B. The amount, by weight, received, and unit of measurement;
 - C. The customer/company supplying such materials, including the name and address;
 - D. Whether the material had been previously processed (sorted, shredded, or otherwise processed in any fashion) prior to being received at the Empire Boulevard Facility (including whether the shipment had been previously processed at the TAV Greenville, Georgia facility). If processing has occurred provide:
 - A. A description of that processing,
 - B. The location of processing, and

¹ "Affiliated/related company" for purposes of this question and TAV's response includes, but is not limited to, TAV Holdings LLC, TAV Trading LLC, Metaltek Holdings, Inc., TAV Holdings Export, LLC, TAV Holdings Real Estate, LLC, TAV Research, MTD, and TAV Transportation, Inc.

² "Operations" for purposes of this question and TAV's response includes, but is not limited to, separation, sorting, and/or recovery of metals from various waste streams, including incineration bottom ash, shredded waste products, electronic scrap, wood, plastics, glass, and automobile shredder residue, as well as research and development operations for technology and processes for such activities.

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C. The company conducting the processing;

- E. Whether any money was exchanged as part of the transaction, including but not limited to TAV's purchase of the material, payment for the materials' transportation to TAV, and any contractual agreements related to the materials' transportation, receipt, processing, management, or disposal (and produce records of such transactions); and
- F. Any sampling or other waste profile data concerning the in-bound material, including, but not limited to, any material transferred from the TAV Greenville, Georgia location to the TAV Empire Boulevard Facility.

Include documentation supporting all the information provided in response to this Question 4, including specific pricing/payment information for the material received.

- 5. Identify all "equipment," "finished goods" and/or "products" produced, sold, and/or donated in the last five (5) years at the TAV Empire Boulevard Facility. For each piece of equipment, finished good or product, include the following information:
 - A. The product name;
 - B. A description, including specifications, for the equipment, goods, or products;
 - C. Records of sale or donation for such equipment, goods, or products, including the amounts (volume or weight) and recipients (name and address);
 - D. Whether money was paid to TAV for the equipment, goods, or products and include receipts (which may be summarized in a database or spreadsheet) and documentation for all such transactions; and
 - E. Whether the "finished good" or "product" will be used in or as products or additives in products that will be placed on the land (i.e., landfill cover, a stabilization agent, fertilizer, fill dirt, road base, concrete additive).
- 6. What percentage of each "finished good" and/or "product" (see Question 5) does TAV recover from each category of in-bound material (see Question 4)? For example, TAV has previously represented that it recovers approximately 15% metals from the material it collects.
- 7. Identify all intermediate materials, secondary materials, by-products, wastes, and/or any other unfinished products that were or are generated by TAV at its Empire Boulevard Facility with in the last five (5) years. For each material, include the following information:
 - A. The process from which the material was created or generated, including but not limited to a description of the process and equipment used to create or generate the material;
 - B. Results of any sampling or analysis on these materials; and
 - C. How each material is stored and/or handled after creation or generation (i.e., in a supersack, or on the ground).
- 8. TAV's March 4, 2022, Materials Report indicates that approximately 25 million pounds of waste were shipped off site for disposal in 2016 and 2017. Only 10 million pounds of waste were shipped off site in 2018 and no waste was shipped off-site in 2019 or 2020. Only 1.6 million pounds of waste was shipped off site in 2021.
 - A. Please explain the significant reduction in volume of waste shipped off site over the past five (5) years.

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B. Please explain why no waste was shipped off site from September 2018 to October 2021. Specifically, how was the material, that was previously being managed as a waste and being sent offsite to a landfill (i.e. Pine Bluff), being handled or managed between September 2018 and October 2021?

C. Please list all receiving facilities for such waste (name and address).

9. Please provide all sampling data (plans, results, analysis, methods, etc) collected on in-bound, processed, stored, managed, or outbound (whether as waste, intermediate, product, or otherwise) from the TAV Empire Facility for the last five (5) years.
10. Please explain TAV's cessation of the use of its laboratory, including the specific date and reasons for TAV's cessation of its previously routine sampling and analysis of its process material and products, and how TAV measures the chemical/metals content of its material without the use of this lab.
11. Please provide all environmental sampling data collected by TAV or on its behalf from or near the TAV Empire Facility within the past five (5) years.
12. Please provide any and all other sampling and analysis not provided in response to Questions 8 and 9, including a brief description of the purpose and the conclusions of the sampling data collection.
13. Please identify whether TAV has shipped any wastewater off-site to a publicly owned treatment works or other water treatment facility in the last five (5) years. For each such shipment, include:
 - A. The amount of wastewater;
 - B. The facility to which it was sent;
 - C. The dates of such shipments.

ENCLOSURE D

STATEMENT OF CERTIFICATION

TAV Holdings LLC

I certify that I am authorized to respond to this Information Request on behalf of TAV Holdings LLC, and I certify under penalty of perjury that the foregoing is true and correct.

Executed on _____, 2022.

Signature: _____

Printed Name: _____

Title: _____