RCRA Compliance Evaluation Inspection Report

1) Inspector and Author of Report

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2) Facility Information

First America Metal Corporation
101 Pine Street
Cedartown, Georgia 30125
EPA ID No.: GAR000094763

First America Metal Corporation
600 Wissahickon Avenue
Cedartown, Georgia 30125
EPA ID No.: GAR000094771

Phone number: (815) 941-9888
Website: https://famce.net
NAICS Number: 423510 - Metal Service Centers and Other Metal Merchant Wholesalers
423930 – Recyclable Materials Merchant Wholesalers

3) Responsible Officials

Less Bury, President
First America Metal Corporation
1000 Armstrong Street
Morris, Illinois 60450
E-mail: lbury@famce.net

4) Inspection Participants

James Li, Owner, First America Metal Corporation
Tai Long Wang, Supervisor, First America Metal Corporation
Jason Suggs, Vice President, E3 Environmental
Sharon Priyadarshini, Generator Compliance Unit, Georgia Environmental Protection Division
Dillon Long, Generator Compliance Unit, Georgia Environmental Protection Division
Parvez Mallick, RCRA Enforcement Section, U.S. Environmental Protection Agency, Region 4
Nicolas Haddad, TSCA Enforcement Section, U.S. Environmental Protection Agency, Region 4

5) Date and Time of Inspection

June 8, 2022, 10:30 a.m.

6) Applicable Regulations

Resource Conservation and Recovery Act (RCRA) Sections 3002, 3005 and 3007 (42 U.S.C. §§ 6922, 6925 and 6927), and the regulations promulgated pursuant thereto at 40 Code of Federal Regulations (C.F.R.) Parts 260-270, 273 and 279.

The Georgia Hazardous Waste Management Act, as amended, O.C.G.A. 12-8-60, et seq. as amended (Act); and Chapter 391-3-11 of the Georgia Rules for Hazardous Waste Management (Rules), and those portions of 40 C.F.R. Parts 260-270, 273, and 279 that are adopted into the Rules by reference.

7) Purpose of Inspection

On June 8, 2022, inspectors from the U.S. Environmental Protection Agency, Region 4, and the Georgia Department of Natural Resources, Environmental Protection Division (GAEPD) conducted an unannounced compliance evaluation inspection (CEI) at First America Metal Corporation (hereinafter, "FAMC" or the "facility") to determine its compliance status with the RCRA and the State of Georgia regulations. This was an EPA lead inspection. Inspectors entered the facility and were greeted by Mr. James Li, owner of FAMC; Tai Long Wang, Supervisor of FAMC; and Jason Suggs, Vice President, E3 Environmental, a hired contractor of FAMC. The EPA and GAEPD inspectors were escorted to the 101 Pine Street warehouse for an entrance briefing. The EPA and GAEPD representatives introduced themselves, showed their credentials, exchanged business cards, and explained the purpose of the visit.

8) Facility Description

First America Metal Corporation, headquartered in Chicago with a location in Cedartown, Georgia, is a re-cycler of consumer products, metal scrap, and universal waste. The facility receives defective/discontinued electronics, e-scraps, Amazon returns, metals parts, and various types of batteries from numerous sources. First America Metal Corporation operates from two dilapidated warehouses (Photos #1-8) in Cedartown, Georgia. Both sites store, sort and recycle discarded/used consumer products, Amazon returns, metal scraps, and universal wastes. Both sites are situated in a heavily residential area in Cedartown. One of the two sites is located at 600 Wissahickon Avenue, Cedartown, Georgia 30125 (EPA ID No. GAR000094771) and the second site is located at 101 Pine Street, Cedartown, Georgia 30125 (EPA ID No. GAR000094763).

Items received at FAMC facilities are computers, computer monitors, generators, water fountains, vape kits, water fountains, copy machines, televisions, circuit boards, scrap metals, metal wire, LED bulbs, fluorescent bulbs, fluorescent bulb end caps, electronic toys, electronic tools, medical devices, cathode ray tubes (CRTs) monitors, computers, lap top computers, cell phones, power tools, automobile/airplane batteries, and other various types of batteries. The type of batteries the facilities handle include alkaline, lead acid, lithium-ion, dry nickel cadmium, wet nickel cadmium, lithium primary, nickel metal hydride, silver oxide, sealed acid, and electric vehicle (EV) batteries. First America Metal Corporation stated that they resale and repackage all items materials sent to their facilities. Through the course of the facility's operation, items may be commingled and then recycled as recyclable materials by sending them to other handlers or merchants such as plastics, wires, metals, precious metals, and recyclable metals.

Universal waste items are sent to another handler or to a destination facility for recycling or disposal.

On June 13, 2022, FAMC President, Mr. Less Bury notified GAEPD of RCRA Subtitle C Activities (EPA form 8700-12) of the two Cedartown locations identifying as a large quantity handler of universal waste (LQHUW) and a small quantity generator of hazardous waste, generating D003, D006, and D008 wastes. Pursuant to GA. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.9], a "large quantity handler of universal waste" is a universal waste handler who accumulates 5,000 kilograms or more of universal waste (batteries, pesticides, mercury-containing equipment, or lamps, calculated collectively) at any time. The 8700-12 forms indicated that the sites will be closed upon completion of clean-up.

RCRAInfo indicates that prior to 2009, Jefferson Smurfit Corporation was operating a paperboard and paper-based packaging facility at the 101 Pine Street location (EPA ID Number GAR000014142). On January 27, 2009, Smurfit-Stone filed petitions for reorganization under Chapter 11 and the Cedartown facility was closed. According to Mr. Li, FAMC started to use the warehouse around 2014.

9) <u>Previous Inspection History</u>

The facility has not been inspected by the EPA for compliance with the federal and the State of Georgia hazardous waste regulations.

On June 2, 2022, GAEPD, along with federal DOT, OSHA, and local officials, conducted an inspection of the above-referenced facility. This was a complaint investigation regarding the alleged improper storage and transportation of universal waste batteries at the facility. Based on the June 2, 2022, inspection, GAEPD had determined that the facility was out of compliance and was an imminent and substantial threat to human health and the environment. The June 3, 2022, GAEPD's Notice of Violation (NOV) letter determined that both sites required immediate response and remediation. The GAEPD required FAMC to submit documentation to GAEPD demonstrating that the facility retain a qualified third party that is willing and able to begin safe clean-up of the sites no later than June 10, 2022. The June 3, 2022, NOV also required the facility to submit a Response Action Plan (RAP) outlining how FAMC will have all wastes at the site characterized, including the contents of the waste and all other regulated substances at the site, and how FAMC will have all waste at the sites properly containerized, temporarily stored, and transported to a permitted facility. The GAEPD required the RAP to contain the following:

a. A description of waste inventory and characterization activities;
b. A description of security measures that will be implemented during response activities, such as but not limited to, signage with reference to "No Trespassing", "No Smoking";
c. Cleanup and proper containerization of any spills;
d. Methods to characterize wastes in preparation for offsite transportation and disposal with a priority given to wastes that are determined to be hazardous waste;
e. Removal and transportation for proper disposal offsite of all hazardous waste and universal hazardous waste at the sites;
f. Removal and transportation for proper disposal offsite of all solid waste at the sites;
g. Submittal to GAEPD of weekly written progress reports during response activities;
h. Submittal to GAEPD of a final RAP report upon completion of waste removal activities along with photographic and waste disposal documentation; and

i. A detailed schedule that addresses each of the tasks outlined in a.-h. above.

10) Findings

The EPA and GAEPD inspection started at the 101 Pine Street Facility. According to the facility, when the materials arrive to FAMC, the shipment is checked for accuracy and approved then the materials are placed in the shipping and receiving area of the warehouse. The materials are processed and sorted with like items and placed in storage boxes and containers. As a universal waste handler, FAMC receives various type of batteries from many sources in the United States. Some batteries are sorted by different chemistry and placed in their respective bins, drums, and totes. The CEI photos were taken by Parvez Mallick of EPA using a Canon PowerShot SD980 IS camera (EPA Property Number S75319).

The entire perimeter of 101 Pine Street site is open, and access is readily available due to multiple broken doors and windows alongside a caved in roof. The nearest residence is located less than 150 feet from the site. The property adjacent to the site is Geo Specialty Chemicals. A walk-through inspection of the facility was performed with Mr. James Li, Tai Wang Long of FAMC and Mr. Jason Sugg of E3 Environmental. The 101 Pine Street site encompasses approximately 50,000 square feet of office space and several compartmentalized warehouse areas. Below is a description of the observations made in the various areas of the warehouse inspected.

The inspection began at the office area of the warehouse. This space was configured like a large, open warehouse. There were approximately one hundred thirty-seven pallets of various universal waste batteries and battery packs (nickel cadmium, nickel-metal hydride, lead acid, zinc oxide, lithium-ion single cell, lithium-ion charge packs, vanadium pentoxide, lithium-ion power tool, lithium-ion cell phone) in this area. The cubic yard cardboard totes, cardboard boxes, 5-gallon and 55-gallon containers were staged on pallets and stored on the floor throughout the facility (Photos #9-11). The inspectors noted that all pallets were covered with a thin transparent plastic. According to the GAEPD inspectors, the universal wastes were covered after the June 2, 2022 inspection. The inspectors could not inspect many universal waste pallets due to lack of aisle space in the warehouse. Most of the containers were not marked clearly with any one of the following phrases: “Universal Waste - Battery(ies),” or “Waste Battery(ies),” or “Used Battery(ies)” and the facility could not demonstrate the earliest date the universal waste batteries were placed in the containers, boxes, or drums. The inspectors observed that some of the universal waste containers were wet and had water in them.

The inspectors then walked to the middle portion of the warehouse and observed approximately one hundred fifty pallets of various universal waste batteries and battery packs (nickel cadmium, nickel-metal hydride, lead acid, zinc oxide, lithium-ion single cell, lithium-ion power tool, lithium-ion cell phone) in this area. The cubic yard cardboard totes, cardboard boxes, 5-gallon and 55-gallon containers were staged on pallets and stored on the floor throughout the facility (Photos #11-20). The inspectors could not inspect many universal waste pallets due to lack of aisle space in the warehouse. Most of the containers were not marked clearly with any one of the following phrases: “Universal Waste - Battery(ies),” or “Waste Battery(ies),” or “Used Battery(ies)” and the facility could not demonstrate the earliest date the universal waste batteries were placed in the containers, boxes, or drums. The inspectors observed that a large number of batteries at the site had been exposed to rainwater due to multiple holes in the ceiling

(Photos #6-8, and #20).

In the back of the facility, the inspectors then walked to the middle portion of the warehouse and observed approximately one hundred fifty pallets of various universal waste batteries (alkaline, nickel cadmium, nickel-metal hydride, lithium, lead acid, zinc oxide, vanadium pentoxide, vape kits) in this area. The cubic yard cardboard totes, cardboard boxes, 5-gallon, and 55-gallon containers were staged on pallets and stored on the floor throughout the facility (Photos #21-26). The inspectors could not inspect many universal waste pallets due to lack of aisle space in the warehouse. Most of the containers were not marked clearly with any one of the following phrases: "Universal Waste - Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)" and the facility could not demonstrate the earliest date the universal waste batteries were placed in the containers, boxes, or drums.

The inspectors noted that Cedartown Spring runs next to the 101 Pine Street warehouse and joins Dry Creek west of Cedar Street (Photos #27-28).

After lunch, the inspectors inspected the 600 Wissahickon Avenue site. The entire perimeter of the site is open, and access is readily available due to multiple broken doors and windows. The nearest residence is located less than 100 feet from the loading dock. The inspectors observed approximately six hundred pallets of various universal waste batteries (lead acid, nickel cadmium, nickel-metal hydride, lithium-ion, lithium-ion hybrid car, lithium-ion primary, lithium thionyl chloride, lithium button cell, lead acid, zinc oxide, vanadium pentoxide) and light bulbs in this area. The cubic yard cardboard totes, cardboard boxes, 5-gallon and 55-gallon containers were staged in pallets and stored on the floor throughout the facility (Photos #29-37). The inspectors could not inspect many universal waste pallets due to lack of aisle space and the pallets were stacked three pallets high. Most of the containers were not marked clearly with any one of the following phrases: "Universal Waste - Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)" and the facility could not demonstrate the earliest date the universal waste batteries were placed in the containers, boxes, or drums.

A large number of batteries at the site had been exposed to rainwater due to multiple holes in the ceiling (Photos #6-8, and #20). Multiple buckets containing both pooled rainwater and lithium-ion batteries were observed during the inspections (Photos #38-43). Crushed batteries could be seen on the floor and stored in 55-gallon metal containers. Chief Waters of Cedartown Fire Department informed the inspectors that the former facility manager had told him the facility had two separate fires during the month of May 2022. The universal waste regulations do require that the materials be managed in a way that prevents releases to the environment.

In addition to universal waste, the facility was storing vape kits, industrial machines, water fountains, air purifiers, calculators, medical sensors, phones, scanners, keyboards, toys, florescent bulbs end caps, circuit boards, televisions, headphones, and other discarded consumers goods in pallets and containers. The inspectors could not inspect many pallets due to lack of aisle space and the pallets were stacked 5 pallets high (Photos #44-46).

There were two compactors near the loading dock area. The inspectors observed broken florescent bulbs near the compactor (Photos #47-48).

Pursuant to Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.34(a)], a LQHUW must label or mark each universal waste battery or container or tank in which the batteries are contained clearly with one of the following phrases: "Universal Waste - Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)."

Pursuant to Ga. Comp. R. & Regs. 391-3-11-.18 [40 C.F.R. § 273.35(a) and (c)], a LQHUW may accumulate universal waste no longer than one year and must to be able to demonstrate the length of time that the universal waste has accumulated from the date that it became a waste or was received.

Pursuant to Ga. Comp. R. & Regs. 391-3-11-.18 [40 C.F.R. § 273.33(a)(1)], a large quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

Pursuant to Ga. Comp. R. & Regs. 391-3-11-.18 [40 C.F.R. § 273.33(a)(2)], a large quantity handler of universal waste may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal): (i) Sorting batteries by type; (ii) Mixing battery types in one container; (iii) Discharging batteries so as to remove the electric charge; (iv) Regenerating used batteries; (v) Disassembling batteries or battery packs into individual batteries or cells; (vi) Removing batteries from consumer products; or (vii) Removing electrolyte from batteries.

The Cedartown Fire Department cut off all water to the building and the city building inspector is working on a letter of condemnation. According to the Cedartown Fire Department, the potential for fire due to improper storage is very high. The closest residence is directly adjacent to the west, within 50-100 feet (Photo #49). The property adjacent to the site is Geo Specialty Chemicals, and should a fire occur there is a high probability of it spreading to this location.

Records Review

Pursuant to Ga. Comp. R. & Regs. 391-3-11-.18 [40 C.F.R. § 273.32(a)(1)], a large quantity handler of universal waste must have sent written notification of universal waste management to the GAEPD, and received an EPA Identification Number, before meeting or exceeding the 5,000 kilograms storage limit. **It appears that FAMC did not submit a notification of universal waste management to the GAEPD until June 13, 2022.**

A large quantity handler of universal waste must track their universal waste shipments in accordance with the recordkeeping requirements under 40 C.F.R. § 273.39. The large quantity handler provisions require basic recordkeeping that tracks all universal waste shipments received and/or sent off-site from the facility (a log, invoices, manifests, bill of lading, and other shipping document). Records indicating receipt and/or shipment of universal waste must include the name and address of the originating facility or facility to which a universal waste was sent, the quantity of each type of universal waste received or sent, and the date of receipt or transport of universal

waste. These records must be retained for a period of at least three years from the date the universal waste was either received or transported from the facility [40 C.F.R. § 273.39(c)]. The universal waste regulations do not require a specific recordkeeping form, but any standard business record such as a log, invoice, manifest, or bill of lading will generally be sufficient [Section 273.39(a), see also 60 FR 25530; May 11, 1995]. During the inspection, the facility could not provide records documenting receipt of shipments and shipment off-site of universal waste for three years.

Pursuant to GA. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.39], a large quantity handler of universal waste must keep record of each shipment of universal waste received and record of each shipment off-site of universal waste from the facility. A LQHUW must retain the records for three years at the facility.

After the EPA/GAEPD inspection, FAMC submitted a RAP to GAEPD and began to sort, characterize, package, and ship universal wastes to handlers and/or to a destination facilities. Other non-universal waste, e-scraps, discarded consumer items, have been going to recyclers or to a subtitle D landfill. The facility is packaging universal waste boxes and containers according to the DOT and RCRA regulations for shipment to universal waste handlers and/or destination facilities. The facility started to provide weekly progress report to GAEPD during the week of June 12, 2022. As of August 9, 2022, FAMC has shipped 347 pallets of universal waste to handlers/destination facilities, weighing 402,016 pounds and 726 pallets of e-scrap to recyclers, weighing 499,584 pounds.

11) Exit-Briefing

Based on the observation during the inspection, FAMC is a LQHUW. During the exit briefing, Mr. Li stated that FAMC has hired E3 Environmental to sort, characterize, and disposal/recycle universal wastes and other wastes stored in the facility. The inspectors discussed the observations made during the inspection and reminded the facility representatives to mark the universal waste containers, date universal waste containers with a start accumulation date, and keep receiving and shipping of universal wastes documents for three years at the facility.

12) SIGNED

PARVEZ MALLICK Digitally signed by PARVEZ MALLICK
Date: 2022.08.16 10:50:36 -04'00'

Parvez Mallick — Date
Inspector and Author of Report

13) CONCURRENCE AND APPROVAL

ARACELI CHAVEZ Digitally signed by ARACELI CHAVEZ
Date: 2022.08.16 11:04:33 -04'00'

Araceli B. Chavez — Date
Chief
RCRA Enforcement Section

CEI photos were taken by Parvez Mallick – 101 Pine Street, Cedartown site

Photo #1

Photo #2

Photo #3

Photos #1-3 – 101 Pine Street Facility (missing roof ceiling, and damaged/collapsed wall).

Photo #4

Photo #5

Photos #4-5 – 101 Pine Street Facility (damaged trench and hole on the floor).

Photo #6

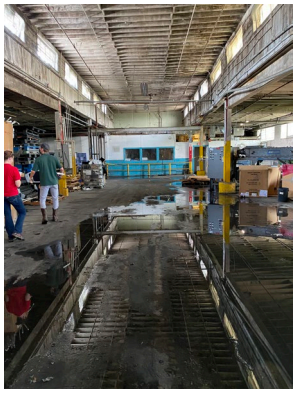


Photo #7

Photo #8

Photos #6-8 – 600 Wissahickon Avenue Facility (partially collapsed area, rainwater on the floor and holes in the roof).

Photo #9

Photo #10

Photo #11

Photos #9-11 – Various types of batteries stored in the first portion of the facility.

Photo #12

Photo #13

Photo #14

Photos #12-14 – Boxes and pallets of used batteries in the second portion of the warehouse.

Photo #15

Photo #16

Photo #17

Photos #15-17 – Boxes and drums of used batteries in the second portion of the warehouse.

Photo #18

Photo #19

Photo #20

Photos #18-20 – Boxes and containers of used batteries in the second portion of the warehouse.

Photo #21

Photo #22

Photo #23

Photos #21-23 – Pallets and 55-gallon containers of used batteries in the third portion of the warehouse.

Photo #24

Photo #25

Photo #26

Photos #24-26 – Pallets of discarded vape kits and burnt battery residue in the third portion of the warehouse.

Photo #27

Photo #28

Photos #27-28 – Cedartown Spring. Part of the warehouse is on the stream.

Photo #29

Photo #30

Photo #31

Photos #29-31 – Pallets of lead acid, Ni-Cd, and various lithium batteries in the 600 Wissahickon Avenue.

Photo #32

Photo #33

Photo #34

Photos #32-34 – Pallets of EV, Ni-Cd, and various lithium batteries in the 600 Wissahickon Avenue.

Photo #35

Photo #36

Photo #37

Photos #35-37 – Pallets of lead acid, Ni-Cd, and various lithium batteries in the 600 Wissahickon Avenue.

Photo #38

Photo #39

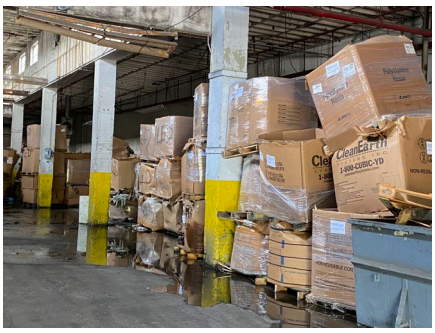


Photo #40

Photos #38-40 – Pallets of wets Ni-Cd, and various lithium batteries in the 600 Wissahickon Avenue.

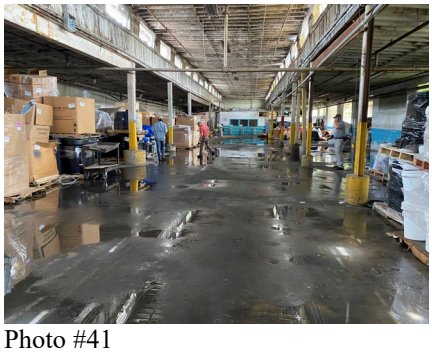


Photo #41

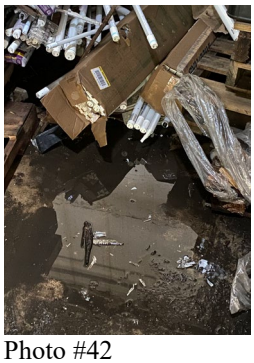


Photo #42

Photo #43

Photos #41-43 – Pallets of wets Ni-Cd, florescent bulbs, and various lithium batteries in the 600 Wissahickon Ave.

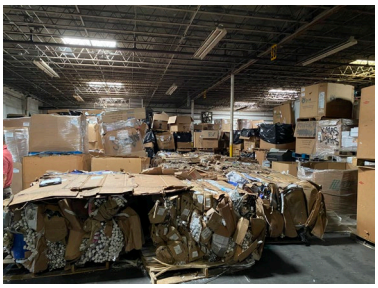


Photo #44

Photo #45

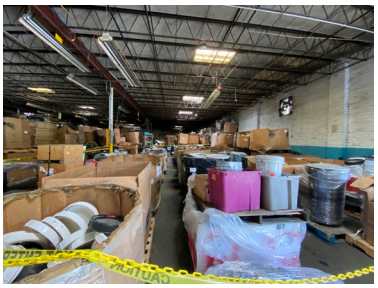


Photo #46

Photos #44-46 - Pallets of bulbs, toys, and consumers products, and batteries in the 600 Wissahickon Avenue.

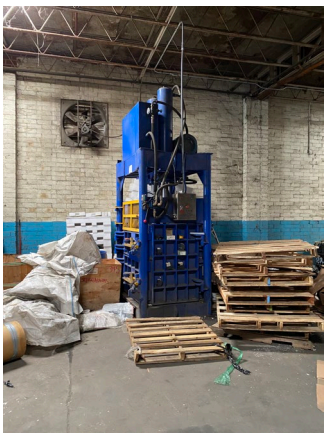


Photo #47

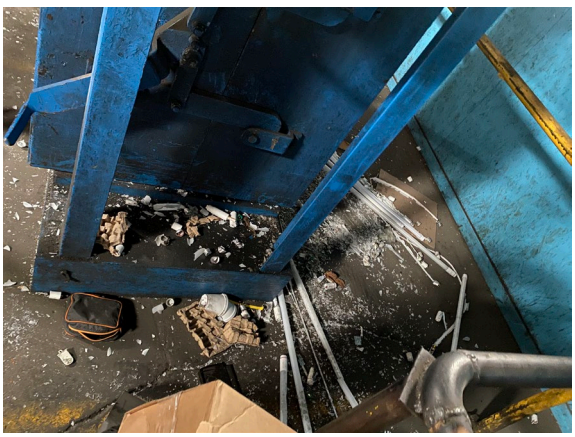
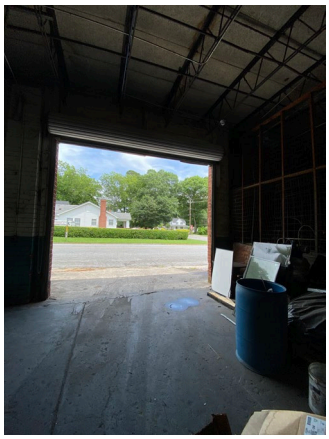


Photo #48

Photos #47-48 – Broken florescent bulbs near a compactor in the 600 Wissahickon Avenue.



Photos #49 – Residential houses across 600 Wissahickon Avenue facility.