



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.
3311 Empire Boulevard SW
Atlanta, Georgia 30334
bfairchild@tavholdingsinc.net

SUBJ: Opportunity to Show Cause
Resource Conservation Recovery Act (RCRA) Compliance Evaluation Inspection (CDIE)
TAV Holdings, Inc., EPA ID # GAD033537663

Dear Mr. Fairchild:

On October 20, 2021, the U.S. Environmental Protection Agency, along with the Georgia Environmental Protection Division, conducted a RCRA CDIE at TAV Holdings, Inc. (TAV) located in Atlanta, Georgia to determine the facility's compliance status with RCRA and applicable regulations. This RCRA CDIE was an EPA-lead inspection.

The EPA has determined that the facility may not be in compliance with several requirements of the Georgia Hazardous Waste Management Act (GHWMA), Ga. Code Ann. § 12-8-60 et seq. [Subtitle C of RCRA, 42 U.S.C. §§ 6921 to 6939(g)], and the regulations promulgated pursuant thereto, found at Ga. Comp. R. and Regs. 391-3-11.01 to 391-3-11.18 [Title 40 of the Code of Federal Regulations (C.F.R.) Parts 260 through 279] based on potential violations observed during the CEI. The observations made during the inspection are summarized in the attached RCRA CEI Report.

Please provide a detailed written response within **fourteen (14) days** following receipt of this letter describing any actions that TAV has taken and/or intends to take related to the observations and potential violations documented in the RCRA CDIE Report. Your response should be emailed to:

Brooke York
york.brooke@epa.gov
U.S. Environmental Protection Agency, Region 4
RCRA Enforcement Section

Information currently available to the EPA suggests that TAV may be in violation of, or have committed violations of, RCRA. By this letter, the EPA is extending to you an opportunity to advise the agency, via a conference call, of any further information the EPA should consider with respect to the potential violations. TAV may elect to be represented by legal counsel at this meeting and should be prepared to present relevant information and documentation pertaining to the EPA's observed potential violations.

The EPA may determine that a formal enforcement action is appropriate and may assess civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). Therefore, TAV has the opportunity to present factors and documentation that could mitigate any penalties that may be assessed against the facility, including information on TAV ability to pay a penalty. Prior to the meeting, TAV may review the following documents:

- **RCRA Civil Penalty Policy** found at: <http://www2.epa.gov/sites/production/files/documents/rcpp2003-fnl.pdf>,
- **Revised Penalty Matrices** found at: <https://www.epa.gov/sites/production/files/2018-01/documents/amendmentstotheepascivilpenaltypoliciesoaccountforinflation011518.pdf>, and
- **Inflation Adjustments** found at: <https://www.epa.gov/sites/production/files/2020-01/documents/2020penaltyinflationruleadjustments.pdf>

Please be advised that any information provided by TAV at the meeting may be used by the EPA in any civil or criminal proceedings related to this or other matters. Any false, fictitious, or fraudulent material omissions, statements or representations may subject TAV to criminal penalties under Section 3008(d)(3) of RCRA, 42 U.S.C. § 6928(d)(3).

If TAV chooses to accept this offer to meet with the EPA, the facility should contact Brooke York **within seven (7) days** following receipt of this letter to schedule a conference call. Brooke York can be reached at (404) 562-8025 or by email at york.brooke@epa.gov. If you decide not to accept this offer to meet to discuss the observed potential violations, the EPA may proceed with enforcement action against TAV as authorized under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), including the assessment of appropriate civil penalties and injunctive relief.

If TAV is a Small Business or a Small Community, you can find compliance and enforcement resources specifically designed to meet your needs at: <http://www2.epa.gov/enforcement/small-businesses-and-enforcement>. In that webpage you can find information about the Small Business Regulatory Enforcement Fairness Act (SBREFA) that accords some rights to small businesses and is aimed at providing assistance to small businesses and other small entities, making tools available for better understanding of the regulatory and enforcement processes, and seeing that there is no unfair treatment relating to the regulatory enforcement process.

Please feel free to contact Brooke York if you have any technical questions regarding the observations and findings from the inspection performed at TAV's facility.

Sincerely,

KIMBERLY BINGHAM
Digitally signed by
KIMBERLY BINGHAM
Date: 2022.07.21
13:52:53 -04'00'

Kimberly L. Bingham
Chief
Chemical Safety and Land Enforcement Branch

Enclosure

cc: Mr. James Capp; GAEPD (Capp, James.Capp@dnr.ga.gov)
Mr. Chuck Mueller; GAEPD (Chuck.Mueller@dnr.ga.gov)
Mr. Jim McNamara; GAEPD (Jim.McNamara@dnr.ga.gov)
Mr. Faney Foster; GAEPD (Faney.Foster@dnr.ga.gov)