



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. Mario Murrell
Plant Manager
Tradebe Treatment and Recycling of Tennessee, LLC
5485 Victory Lane
Millington, Tennessee 38053
mario.murrell@tradebe.com

SUBJ: Opportunity to Show Cause
Resource Conservation Recovery Act (RCRA) Compliance Evaluation Inspection (CEI)
Tradebe Treatment and Recycling of Tennessee, LLC, EPA ID: TND000772186

Dear Mr. Murrell:

On March 8 & 9, 2022, the U.S. Environmental Protection Agency, along with the Tennessee Department of Environment and Conservation (TDEC) conducted a RCRA CEI at Tradebe Treatment and Recycling of Tennessee, LLC (Tradebe) located in Millington, Tennessee to determine the facility's compliance status with RCRA and applicable regulations. This RCRA CEI was an EPA-lead inspection.

The EPA has determined that the facility may not be in compliance with several requirements of the THWMA, Tenn. Code Ann. § 68-212-101 et seq. [Subtitle C of RCRA, 42 U.S.C. §§ 6921 to 6939(g)], and the regulations promulgated pursuant thereto, found at Chapter 0400-12-01 of the Rules and Regulations of the State of Tennessee (Tenn. Comp. R. & Regs.) [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 Tradebe has taken and/or intends to take related to the observations and potential violations documented in the RCRA CEI Report. Your response should be mailed and emailed to:

Daryl R. Himes
U.S. Environmental Protection Agency, Region 4
RCRA Enforcement Section
Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division
61 Forsyth Street, SW
Atlanta, Georgia 30303
himes.daryl@epa.gov

Information currently available to the EPA suggests that Tradebe 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. Tradebe 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, Tradebe has the opportunity to present factors and documentation that could mitigate any penalties that may be assessed against the facility, including information on ability to pay a penalty. Prior to the meeting, Tradebe 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>,
- **Inflation Adjustments** found at: <https://www.epa.gov/sites/production/files/2020-01/documents/2020penaltyinflationruleadjustments.pdf>

Please be advised that any information provided by Tradebe 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 Tradebe to criminal penalties under Section 3008(d)(3) of RCRA, 42 U.S.C. § 6928(d)(3).

If Tradebe chooses to accept this offer to meet with the EPA, the facility should contact Daryl Himes **within fourteen (14) days** following receipt of this letter to schedule a conference call. Daryl Himes can be reached at (404) 562-8614 or by email at himes.daryl@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 Tradebe 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 Tradebe 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 Daryl Himes if you have any technical questions regarding the observations and findings from the inspection performed at Tradebe Treatment and Recycling of Tennessee, LLC's facility.

Sincerely,

KIMBERLY
BINGHAM

Digitally signed by
KIMBERLY BINGHAM
Date: 2022.05.19
13:58:50 -04'00'

Kimberly L. Bingham
Chief

Chemical Safety and Land Enforcement Branch

Enclosure

cc: Mr. Patrick J. Flood; TDEC (pat.flood@tn.gov)