

RCRA FOCUSED COMPLIANCE INSPECTION REPORT

1) Inspector and Author of Report

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EPA Region 4, AFC-10th Floor
61 Forsyth Street, SW
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2) Facility Information

TAV Holdings, Inc.
3311 Empire Boulevard, SW
Atlanta, Georgia 30334
EPA ID # GAD033537663

3) Primary Contact

Brent Fairchild, Director of EHS
Mobile # (678) 956-0507
Bfairchild@tavholdingsinc.com

4) Inspection Participants

Brent Fairchild, TAV Holdings, Inc.
Bob Brown, TAV Holdings, Inc.
David Champagne, EPA, Region 4 ECAD
Greg Harper, EPA Region 4 Superfund
Jeff Hargrove, GAEPD Mountain District
Brian Boutelle, GAEPD Mountain District
Lena Chambless, GAEPD Solid Waste Program

5) Date of Inspection

January 28, 2022

6) Applicable Authority

Sections 7003(a) and 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6973(a) and 6927; RCRA 7003 Administrative Order, Docket No: RCRA-04-2022-2101, issued to

TAV Holdings, Inc. *et al.* (hereinafter, “RCRA 7003 Order” or “Order”).

7) Purpose of Inspection

This unannounced RCRA Focused Compliance Inspection (FCI) was conducted by the EPA to evaluate the facility’s compliance status with respect to the requirements set forth in the EPA’s January 10, 2022 RCRA 7003 Order issued to Respondents TAV Holdings, Inc., TAV Hollow Tree Lane LLC, Rajpoot Property, Inc., Empire Development LLC, and Carolyn Empire LLC (hereinafter, collectively, “Respondents”).

The Order requires immediate stabilization measures to eliminate the ongoing release of solid and hazardous waste to the environment and to ensure that ongoing operations do not cause or contribute to further releases. The Order pertains to Respondents’ ownership and/or operations at the following locations (hereinafter, collectively, “the Facility” or “the Site”):

- a. 111 Hollow Tree Lane, Atlanta, Georgia 30354 (Parcel 14 0066 LL0409) (14 acres)
- b. 3311 Empire Boulevard, Atlanta, Georgia 30354 (Parcel 14 0066 LL0540) (1.526 acres)
- c. 3320 Empire Boulevard, Atlanta, Georgia 30354 (Parcel 14 0066 LL0615) (16.935 acres)
- d. 3325 Empire Boulevard, Atlanta, Georgia 30354 (Parcel 14 0066 LL0979) (2.8745 acres)
- e. 3405 Empire Boulevard, Atlanta, Georgia 30354 (Parcel 14 0066 LL0516) (2.5 acres)

8) Facility Description

The Facility includes offices and warehouse storage at 3311 Empire Boulevard, SW; the northern portion of the parking lot at 3325 Empire Boulevard, SW; the Keebler Complex (three (3) buildings, the White Building, the Process Building, and the Keebler Building) at 111 Hollow Tree Lane; the Fabrication Shop at 3405 Empire Boulevard, SW; and the lay-down yard and stockpile at 3320 Empire Boulevard, SW. The TAV Facility receives automobile shredder residue (ASR), aluminum shredder residue, waste electrical and electronic equipment, material mined from solid waste landfills, and incinerator ash from multiple sources and processes it to recover metals.

9) Previous Inspection History

A RCRA Compliance Evaluation Inspection (CEI) was conducted at the Facility on October 6, 2021. A RCRA Case Development Inspection Evaluation (CDIE) that included waste, sediment, and surface water sampling, was conducted at the Facility on October 20, 2021.

A site visit that included EPA and Occupational Safety and Health Administration (OSHA) inspectors was conducted at the Facility on December 6, 2021.

10) Findings

The inspector arrived at the Facility at 10:40 AM EST and met with Mr. Brown. An opening conference was held with Mr. Brown, and Mr. Fairchild joined via telephone. The inspector showed his credentials, explained the purpose of the visit, and discussed the use of a camera to take pictures during the FCI. In addition, the EPA inspector discussed the company’s ability claim, pursuant to 40

C.F.R. § 2.203, to assert a business confidentiality claim over photographic information gathered. The inspector confirmed the personal protection equipment required for the Facility inspection.

Empire Boulevard

Upon arrival at the Facility, the EPA inspector observed a dump truck hauling material back-and-forth across Empire Boulevard from the Keebler Complex at 111 Hollow Tree Lane to the laydown yard and stockpile at 3320 Empire Boulevard. The dump truck was observed operating and carrying a full load of ASR waste material without a tarp or cover. The EPA inspector observed ASR waste material spilling out of the back of the dump truck and onto Empire Boulevard (*Photographs 1 and 2*).

Pursuant to Paragraph 82 of the RCRA 7003 Order, Respondents must perform immediate stabilization measures to eliminate the ongoing release of solid and hazardous waste to the environment and to ensure that ongoing operations do not cause or contribute to further releases and must “immediately cease all activities (including operations, business practices, and material management, including commingling, mixing, and receipt and transfer of ASR waste) that may result in the release of solid and/or hazardous waste into the environment, including, but not limited to, ceasing the placement of ASR waste, intermediates from the processing of ASR waste, materials resulting from the processing of ASR waste, wastewaters and/or process waters, sludge, and/or any other wastes, directly onto the ground, including onto asphalt, concrete, or other surfaces.”

Warehouse Operations and Product Storage Area

At the time of the FCI, the EPA inspector observed approximately 33 fabric super-sack containers full of copper particles staged in the Warehouse Operations and Product Storage Area adjacent to the office space.

Receiving and Jig Pad Area

At the time of the FCI, the EPA inspector observed super-sack containers full of sand, staged near Receiving and in the Jig Pad Area (*Photographs 3, 4, and 5*). Facility representatives informed the EPA that these containers are to be used to aid in the prevention of off-site releases and stormwater run on and runoff. The EPA inspector also observed the addition made to a preexisting containment wall viewed during the October 6, 2021 CEI in the Jig Pad Area (*Photographs 6, 7, and 8*). Facility representatives explained to the EPA inspector that the addition consists of a horizontal and vertical expansion of the wall which includes the use of concrete and an expansion foam between two layers of stone blocks. TAV indicated in Section V. *Zero-Discharge Facility* of its January 21, 2022, Response Letter to EPA’s RCRA 7003 Order that it had “completed the work necessary to capture, retain, and use on-site all stormwater that was previously directed to the NPDES outfalls” and believed to have “satisfied the requirement of paragraph 82 of the Order”. At the time of the FCI, Facility representatives explained that the wall could not be finished because the contractor hired to construct the wall ran out of concrete. The inspector observed the unfinished wall (*Photograph 9*). It appears ASR waste that mixes with stormwater, wastewater and process water and gathers in the Jig Pad Area, is leaving the site by going through, over, and under the wall (*Photographs 10-18*).

The EPA has not received the name or any other information regarding the contractor retained to perform the work on the wall and have not been provided supporting documentation to show that the work performed under this Order was under the direction and supervision of a professional engineer or a technical expert.

Pursuant to Paragraph 80, Immediate Actions Required- Contractor Selection, of the RCRA 7003 Order, Respondents are required to notify the EPA of the name(s), title(s), and qualification(s) of any contractor(s) or subcontractor(s) retained to perform the Work at least seven (7) days prior to commencement of such Work. Paragraph 80 requires that “[a]ll Work performed under this Order shall be under the direction and supervision of one or more Professional Engineers, or other environmental contractors or consultants with the technical expertise sufficient to adequately perform all aspects of the Work for which it is responsible. Additionally, Respondents shall ensure that when a license is required, only licensed individuals shall be used to perform the Work.”

TAV has not submitted a work plan or Health and Safety Plan related to this work, although TAV appears to be relying on it to satisfy the requirements of the Order.

Pursuant to Paragraphs 84 and 92 of the RCRA 7003 Order, Respondents are required to submit a work plan to address site stabilization and must submit a Health and Safety Plan with any applicable work plan. The Health and Safety Plan must be prepared in accordance with the EPA’s Standard Operating Safety Guide (PUB 9285.1-03, PB 92-963414, June 1992) and currently applicable Occupational Safety and Health Administration (OSHA) regulations found at 29 C.F.R. Part 1910.

Wastewater Treatment/Clarifier/Process Area

At the time of the FCI, the EPA inspector observed TAV to be fully operating and utilizing its separation technology. Wastewater, ASR materials waiting to be processed, and processed ASR materials/sludge were observed on the floor in the Keebler Building (*Photographs 19-22*). TAV employees were utilizing squeegees to push wastewater and processed ASR materials/sludge out the Keebler Building and onto the ground in the Wastewater Treatment (WWT) Area. A tank in the WWT Area that appeared to be utilized for managing process wastewater, was overflowing water into the WWT Area. This water then mixed with the wastewater and processed ASR materials/sludge ultimately making its way to the Jig Pad.

Pursuant to Paragraph 82 of the RCRA 7003 Order, Respondents must “immediately cease all activities (including operations, business practices, and material management, including commingling, mixing, and receipt and transfer of ASR waste) that may result in the release of solid and/or hazardous waste into the environment, including, but not limited to, ceasing the placement of ASR waste, intermediates from the processing of ASR waste, materials resulting from the processing of ASR waste, wastewaters and/or process waters, sludge, and/or any other wastes, directly onto the ground, including onto asphalt, concrete, or other surfaces.”

As a part of its operations, TAV recently constructed a new clarifier and centrifuge system. It is unclear if the construction of this equipment supports efforts to cease operations that may result in

releases to the environment as required by the RCRA 7003 Order. TAV did not submit to the EPA for approval a work plan, Health and Safety Plan, or documentation of contractor selection for this work.

Pursuant to Paragraph 80, Immediate Actions Required- Contractor Selection of the RCRA 7003 Order, Respondents are required to notify the EPA of the name(s), title(s), and qualification(s) of any other contractor(s) or subcontractor(s) retained to perform the Work at least seven (7) days prior to commencement of such Work. Paragraph 80 requires that “[a]ll Work performed under this Order shall be under the direction and supervision of one or more Professional Engineers, or other environmental contractors or consultants with the technical expertise sufficient to adequately perform all aspects of the Work for which it is responsible. Additionally, Respondents shall ensure that when a license is required, only licensed individuals shall be used to perform the Work.”

Pursuant to Paragraphs 84 and 92 of the RCRA 7003(a) Order, Respondents are required to submit a work plan to address site stabilization and must submit a Health and Safety Plan with any applicable work plan. The Health and Safety Plan must be prepared in accordance with the EPA’s Standard Operating Safety Guide (PUB 9285.1-03, PB 92-963414, June 1992) and currently applicable Occupational Safety and Health Administration (OSHA) regulations found at 29 C.F.R. Part 1910.

Outfalls and Easement Area Along Unnamed Tributary Adjacent to School

The EPA inspector observed three (3) outfalls in this area. ASR materials were present at each of the outfalls, throughout the woods leading back to the Facility, and in and around the unnamed tributary of the South River (*Photographs 25 and 26*).

Pursuant to Paragraph 82 of the RCRA 7003 Order, Respondents must “immediately cease all activities (including operations, business practices, and material management, including commingling, mixing, and receipt and transfer of ASR waste) that may result in the release of solid and/or hazardous waste into the environment, including, but not limited to, ceasing the placement of ASR waste, intermediates from the processing of ASR waste, materials resulting from the processing of ASR waste, wastewaters and/or process waters, sludge, and/or any other wastes, directly onto the ground, including onto asphalt, concrete, or other surfaces.”

At the time of the FCI, the EPA inspector observed newly laid hay/riprap over portions of the ground where Outfall 002 (as identified in EPA’s CDIE Sampling Report) is located (*Photographs 23 and 24*). It is unclear if the implementation of this work supports efforts to cease operations that may result in releases to the environment as identified in Paragraph 82 of the Order, or if this falls under the Section VIII Additional Work provision found in Paragraph 93 of the Order. EPA was not made aware of this work or provided documentation for the contractor selection. In addition, it is unclear if the newly laid hay/riprap was laid over released ASR waste or whether the ASR waste was removed prior to laying the hay/riprap.

Pursuant to Paragraph 93 of the RCRA 7003 Order, the EPA may determine, or Respondents may propose, that certain tasks, including stabilization, Site characterization, delineation,

investigatory work, or procedure/methodology modifications, are necessary in addition to or in lieu of the tasks included in Section VII (Order/Work to be Performed) of this Order to meet the purposes set forth in this Order. If the EPA determines that Respondents shall perform additional work, the EPA will specify in writing the basis for its determination that the additional work is necessary. Within twenty (20) days after the receipt of such determination, Respondents shall have the opportunity to meet or confer with the EPA to discuss the additional work. If required by the EPA, Respondents shall submit for EPA approval a work plan for the additional work. Such work plan shall be submitted within thirty (30) days of receipt of the EPA's determination that additional work is necessary, or according to an alternative schedule established by the EPA. Upon approval of a work plan for any additional work, Respondents shall implement such work plan in accordance with the schedule and provisions contained therein.

Lay-down Yard and ASR Storage at 3320 Empire Boulevard

At the time of the FCI, the EPA inspector observed that the ASR waste material located in the lay-down yard is being allowed to discharge off-site with stormwater. Materials from the large ASR waste pile appear to be migrating off-site along the southern portion of the property towards the unnamed tributary, and on the northeastern portion of the property towards the stormwater retention pond (*Photographs 27-30*).

Pursuant to Paragraph 82 of the RCRA 7003 Order, Respondents must “immediately cease all activities (including operations, business practices, and material management, including commingling, mixing, and receipt and transfer of ASR waste) that may result in the release of solid and/or hazardous waste into the environment, including, but not limited to, ceasing the placement of ASR waste, intermediates from the processing of ASR waste, materials resulting from the processing of ASR waste, wastewaters and/or process waters, sludge, and/or any other wastes, directly onto the ground, including onto asphalt, concrete, or other surfaces”

12) **Signed**

DAVID

CHAMPAGNE

Digitally signed by DAVID
CHAMPAGNE
Date: 2022.04.11 15:34:40
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David Champagne
Inspector and Author of Report

Date

13) **Concurrence and Approval**

ARACELI
CHAVEZ

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Date: 2022.04.11 15:38:05
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Araceli B. Chavez
Chief
RCRA Enforcement Section

Date

TAV Holdings, Inc.
Atlanta, Georgia
EPA ID No.: GAD033537663
EPA RCRA Focused Compliance Inspection Photographs

Photos taken by David Champagne
EPA Region 4 ECAD
January 28, 2022



Photograph 1 of 30: Dump Truck Hauling Material Back and Forth Across Properties



Photograph 2 of 30: Material Spillage onto Empire Blvd. off the Back of the Dump Truck



Photograph 3 of 30: Super-Sacks Filled with Sand



Photograph 4 of 30: Jig Pad Area with New Wall Addition and Super-Sacks



Photograph 5 of 30: Sand Inside Super-Sacks



Photograph 6 of 30: Jig Pad Area Wall Addition



Photograph 7 of 30: Jig Pad Area Wall Addition



Photograph 8 of 30: Jig Pad Area Wall Addition



Photograph 9 of 30: Backside of Unfinished Wall in Jig Pad Area that Leads to Outfall 003



Photograph 10 of 30: Storm Drain Behind Jig Pad Area Wall



Photograph 11 of 30: Close up of Storm Drain with Debris Behind Jig Pad Wall



Photograph 12 of 30: Unknown Substance Behind Jig Pad Wall



Photograph 13 of 30: Debris Settling in Jig Pad Area Behind Wall



Photograph 14 of 30: Unknown Substance Behind Jig Pad Wall



Photograph 15 of 30: Liquid that Appears to be Seeping Through the Wall



Photograph 16 of 30: Unfinished Wall in Jig Pad Area



Photograph 17 of 30: Unfinished Wall in Jig Pad Area



Photograph 18 of 30: Back Side of Unfinished Wall in Jig Pad Area that Leads to Outfall 003



Photograph 19 of 30: Sludge from Centrifuge



Photograph 20 of 30: Sludge from Screw Process Stored on the Ground in the Process Area



Photograph 21 of 30: Material Stored on the Ground in the Process Area



Photograph 22 of 30: Material Stored in Keebler Building



Photograph 23 of 30: Outfall 002 with Riprap



Photograph 24 of 30: Outfall 002 with Riprap



Photograph 25 of 30: Outfall 003 Path to Creek



Photograph 26 of 30: Outfall from Storm Drain
in Photograph 11



Photograph 27 of 30: Runoff from Material Storage at 3320 Empire Property



Photograph 28 of 30: Stormwater Retention Pond for Material Storage at 3320 Empire Property



Photograph 29 of 30: 3320 Empire Property



Photograph 30 of 30: Material Leaving 3320 Property Towards Creek