RCRA Focused Compliance Inspection Report

1) Inspector and Author of Report

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2) Facility Information

TAV Holdings, Inc.
3311 Empire Boulevard, SW
Atlanta, Georgia 30354
EPA ID # GAD033537663

3) Primary Contact

Brent Fairchild
TAV Holdings, Inc. (TAV)
Environmental, Health and Safety Director

4) Inspection Participants

Brooke York, EPA
Mark Anthony Relon, EPA
Brent Fairchild, TAV

5) Date of Inspection

June 22, 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 January 10, 2022 (hereinafter, "RCRA 7003 Order").

7) Purpose of Inspection

EPA conducted this Focused Compliance Inspection (FCI) to evaluate TAV's compliance status with respect to the requirements set forth in the EPA's RCRA 7003 Order.

8) Previous Inspection History

GAEPD and/or EPA have conducted four (4) previous site visits or RCRA Compliance Evaluation Inspections at the subject Facility within the last year, including: 1) an October 6, 2021 RCRA Compliance Evaluation Inspection; 2) an October 20, 2021 RCRA Case Development Inspection Evaluation, which included waste, sediment, and surface water sampling; 3) a December 6, 2021 site visit with Occupational Safety and Health Administration (OSHA) inspectors; and 4) a January 28, 2022 Focused Compliance Inspection. 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) Opening Conference

On June 22, 2022, EPA inspectors Brooke York and Mark Anthony Relon, arrived at the Facility at approximately 9:10 am. Brent Fairchild, TAV Environmental, Health and Safety Director, immediately received the inspectors. Mr. Fairchild and the inspectors held an opening conference. The inspectors introduced themselves, showed their credentials to Mr. Fairchild, and explained the purpose of the visit. The inspectors described the anticipated use of equipment (digital camera) during the inspection. The inspectors discussed TAV's ability, pursuant to 40 C.F.R. § 2.203, to assert a business confidentiality claim for information submitted to EPA. The company asserted a business confidentiality claim over photographic information gathered during the inspection. The inspection participants also discussed health and safety protocols and required personal protective equipment before Mr. Fairchild led the inspectors on a tour of the Facility operations.

Mr. Fairchild provided an overview of the Facility's and current operations, including recent changes, during the opening conference. The company does not appear to meet the Small Business Regulatory Enforcement Fairness Act's classification of a "small business," which is generally set by the Small Business Administration using the

business' SIC/NAICS code and annual receipts or number of employees. Therefore, the EPA inspector did not provide a copy of the agency's information sheet for small businesses, which can be found at https://www.epa.gov/compliance/small-business-resources-information-sheet.

10) Findings

Jig Pond

The EPA observed the area that had previously been included/discussed as part of the Jig Pad. This area includes the pond in the north area (a portion of the old Keebler parking lot), which is bordered by the Gravity Wall to the north, the Jig Pad and Keebler Complex to the south, the Keebler Pile to the west, and the Receiving Area to the east. For the purposes of this report, this area is referred to as the "Jig Pond."

The Jig Pond area was observed to have a large pile of ASR waste material in it. Mr. Fairchild informed the inspectors that the waste was being moved from the large pile on the northwest portion of the property (the "Keebler Pile") around the building for processing. There were several berms that had been created from the ASR waste material which were being used to retain liquid closer to the Wastewater Treatment (WWT) Area and the Keebler Pile. This made it impossible to observe activities occurring at a higher elevation (near the Keebler Pile or the Jig Pad) from the Jig Pond (Figures 27 and 28).

The inspectors observed several pipes sticking vertically out of the asphalt in the Jig Pond (Figures 5-9). Mr. Fairchild informed the inspectors that these were from the soil investigation being conducted to document the stability of the Gravity Wall and to determine the suitability of the soils in the area.

Outfall to the east of Jig Pond

The inspectors observed a settlement basin and outfall between the bunker and the 3311 Building (Figures 14 and 15). In TAV's September 6, 2022, Stormwater Pollution Prevent Plan (SWPPP), this outfall is identified as Outfall 003, and will be referenced as such in this report. The pipes/hoses had been removed from Outfall 003. Mr. Fairchild informed the inspectors that the holes/pipes had been sealed and removed so that liquids could not escape the settlement basin. However, this does not prevent the liquid from overflowing the basin. The inspectors did not observe any pumps in the basin.

Gravity Wall

A curb and gutter-type conveyance leads from the settlement basin behind the Gravity Wall to at least one storm drain. This conveyance appeared to be the original curb and gutter associated with the parking lot. The inspectors observed at least one storm drain (Figure 16) in the conveyance running from Outfall 003 behind the Gravity Wall. The soils under the conveyance were washed out severely in one location seen in Figure 17. At the location of the washout, the fence was leaning and had a large gap between the ground and the bottom of the fence. Evidence of leaching, appearing to come from

beneath the Gravity Wall and the Jig Pond, was observed in the conveyance, and was also coming from beneath the concrete of the conveyance (Figures 24 and 25). The condition of the conveyance could not be properly assessed due to the amount of ASR waste and liquid accumulated in the area. Inspectors continued to walk further down the conveyance until they arrived at a wall of sandbags (Figures 17, 21 and 22). The sandbags made it impossible to assess the condition of the Gravity Wall or the area behind it. The inspectors asked if the sandbags had been placed there to provide additional support or in an effort to stop water. Mr. Fairchild said they were being stored there to be out of the way and to act as a potential secondary protection measure and to provide additional support.

Inspectors observed ASR waste material piled on the fence behind the Gravity Wall near the sandbags (Figure 20).

The inspectors observed the Gravity Wall at the northeast corner of the Keebler Pile to consist of only one row of what TAV calls "mafia blocks." Most of the Gravity Wall consists of two rows of concrete blocks filled with concrete (Figures 92-98). EPA has not reviewed the Gravity Wall's design, but it does not appear to take into account vertical release or releases occurring under the wall. It is unclear whether the Gravity Wall is sufficient to contain water. The area between the Gravity Wall and the Jig Pad was observed to be being used to hold water mixed with ASR waste (Figures 94-98).

Receiving Area

The inspectors observed several piles of ASR waste in the Receiving Area that consisted of primarily larger pieces (Figure 26). One appeared to be larger pieces of metal and plastic (in the foreground of Figure 26); another appeared to be larger pieces of aluminum ore (in the background of Figure 26); and another in the rear of the 3311 Building (Figure 12) included larger pieces of ASR waste material.

The inspectors observed a pile of fine ASR waste material being staged in the Receiving Area at the beginning of the process (Figures 29 and 30). This material was being fed into the process. A large pile of sand-like material was staged outside near the entrance of the process area on the east side (Figure 31) of the Keebler Complex. Mr. Fairchild informed the inspectors that this was crush and run purchased for the repair of potholes onsite. The inspectors stated that this did not appear to be crush and run.

Spiral Line

The inspectors observed the Spiral Line. Mr. Fairchild informed the inspectors that there are two (2) sandy material streams produced by the Spiral Line ("Dirty Sand" and "Clean Sand"), and a metal stream. The inspectors observed a large pile of sandy material near that Spiral Line. The inspectors were informed that this was the Clean Sand. This pile appeared to be very similar in appearance to the crush and run pile outside the east entrance of the Keebler Complex (Figure 32 and in the background on the right of Figure 34). This pile appeared relatively dry. Another pile of darker colored sandy material was

staged next to the Clean Sand pile. The inspectors were informed that this pile was the Dirty Sand. This material appeared more moist and darker in color (Figure 34 in the background on the left). Figure 37 shows the Dirty and Clean Sand piles meeting and potentially comingling.

Mr. Fairchild informed the inspectors that the Spiral Line also produces a "Heavy Concentrate" (Figures 33 and 34), the metal stream discussed above.

The inspectors observed the area beneath the Spiral Line to be covered in process wastewater and ASR waste material (Figure 35).

Materials exiting the Spiral Line are managed on the floor (Figure 36). The sands as generated are very wet with process water. The piles are allowed to dewater on the floor of the process building (part of the Keebler Complex) and moved from the original point of generation to the larger piles on the floor (seen in Figures 32, 34 and 37) using machinery/loaders.

Process Area/Process Water Tanks/Jig Pad Area

The inspectors observed the Process Area with wastewater and waste on the floor. Open floor drains (with no grates) were observed being used to direct waste/process water out to the Jig Pad Area (Figures 38-41). The inspectors were unable to view the ground or to determine the presence of secondary containment in the Jig Pad Area due to the presence of large amounts of ASR waste material and wastewater. Mr. Fairchild pointed out that the tanks in this area were not overflowing at the time of the inspection. However, it appeared that the tanks had been recently overflowing as the waste present on the sides of the tanks still appeared wet and was sticking to the sides (Figures 41-45, and 49). The weather on the day of the inspection was a high of approximately 97 degrees Fahrenheit, and the area had not recorded any measurable rainfall for seven (7) days. The condition of the tanks could not be determined due to the amount of waste and wastewater accumulated in the area. The waste was deep enough to almost cover the lower closure device on the tank (as seen in Figure 45), and some portion of the access stair (Figure 46).

Wastewater Treatment Area - Filter Press/Settlement Basin

The inspectors observed that a Filter Press (Figure 47) and a Horizontal Clarifier (approximated to be 18,000 gallons by the operator) had been installed and were operating in the WWT Area. The operator informed the inspectors that the Filter Press contained 79 plates and that it could process approximately 320 gallons per minute. Flocculant is added to the Horizontal Clarifier to assist in the removal of solids. The flocculant being used at the time of the inspection was TPH-A940, which is manufactured by Tons Per Hour located in Newcastle, California. Based on the Safety Data Sheet, this product does not bear any hazardous waste codes when disposed, but contains acrylamide, 1,4-dioxane, acetaldehyde, formaldehyde, and ethylene oxide. The filter cakes (Figure 62) are generated by the Filter Press. The Filter Press releases the

filter cakes from the plates into a 'bunker' below the Filter Press, seen in the background of Figure 62. The filter cakes are not containerized. Facility representatives have informed EPA on numerous occasions that the filter cakes are extremely absorbent and must be protected from water and weather, requiring them to be stored in the building out of contact with water or rain. The Filter Press itself appears to be unroofed. The concrete bunker beneath the Filter Press does not appear to be covered and is exposed to storm/process/wastewater. A large pile of waste to the right of the filter cake bunker (Figure 61) is said to be the 'sand' that the screw in the area used to generate. Mr. Fairchild informed the inspectors that TAV plans to process this pile and the other piles of waste stored in the center of the building (Figures 63, 64, 68, 102 and 103) through the 'sand plant' (which the inspectors assumed to mean the Spiral Line).

The inspectors observed large amounts of wastewater on the floor in the WWT Area (Figure 50). The water exiting the Filter Press was being directed to the Settling Basin (Figures 53 and 54), which TAV previously referred to as the Clarifier. The inspectors observed drinking water bottles in the WWT Area (Figure 53). The inspectors expressed the health concerns of consuming lead to the Facility representative, and potential routes of exposure.

The inspectors observed that the process screen near the WWT Area was overflowing, releasing process wastewater to the floor (Figure 65) near electrical equipment.

Lab and Lab Storage

The inspectors observed the Lab in the Keebler Complex (Figures 69 – 71). The inspectors observed several buckets holding spent lead assay waste. During previous visits, the inspectors were told that these were hazardous waste; however, they were not being managed as such (i.e., no labels). The inspectors observed seven (7) boxes and a 5-gallon bucket of hazardous waste, labeled with a hazardous waste label, stored in the Lab. These containers were observed in the same location during the October 6, 2021, Compliance Evaluation Inspection. Inspectors asked Mr. Fairchild why the hazardous waste had not been shipped off site to a permitted treatment, storage and disposal facility. Mr. Fairchild stated that TAV had consulted with a hazardous waste contractor to package, transport and properly dispose of the hazardous waste, but that the consultant stated that TAV would have to obtain an EPA Identification Number by notifying GAEPD of its hazardous waste activity. TAV objects to notifying of its hazardous waste activity. Therefore, the consultant would not continue the process. TAV appears to be in continual noncompliance with the hazardous waste requirements as first noted in EPA's October 6, 2021 Compliance Evaluation Inspection.

Waste Pile Northwest of the Keebler Building

The inspectors observed the rear of the Keebler Building by the highway to be overgrown with vegetation (Figures 72-77). The fence in the area appeared to be in need of repair in some locations.

The inspectors observed the Keebler Pile (Figures 75-86, 88, 91, 96-100). Mr. Fairchild indicated that TAV had been processing this pile and it is TAV's goal to remove (via processing) this pile before addressing the 3320 Pile. The inspectors observed that the Keebler Pile was reduced in volume/size. However, it could not be determined how much had actually been removed from the site, as a large portion had been moved to the Jig Pond area. Because the Jig Pond is used to store process/waste/stormwater, the inspectors expressed concern about storing material that could be high in heavy metals near and accessible to the Jig Pond.

The inspectors observed that the Keebler Pile was overflowing from its designated area (defined by concrete blocks) (Figures 78-86).

Northwest Corner Outfall
The inspectors observed the outfall in the northwest corner of the Facility near the Keebler Pile to have standing liquid in it. No pump was observed in the settlement basin (Figure 87). The pipes and pump had been removed from the basin (Figures 89 and 90). In TAV's September 6, 2022, SWPPP, this outfall is identified as Outfall 002, and will be referenced as such in this report.

Access Road and Unnamed Tributary
The inspectors observed the Access Road, unnamed tributary, and the north side of Outfalls 001 and 002 (as identified in TAV's September 6, 2022, SWPPP) (Figures 104-121). The Access Road had straw placed over the gravel. There was evidence of ASR waste material having been released in the straw. TAV had previously installed a silt fence on the northern side of the Access Road in an effort to prevent ASR waste material from reaching the unnamed tributary. At the time of the inspection, the inspectors observed that the silt fence had been compromised (Figure 116 and 117), fallen over and was no longer effective in slowing the migration of the ASR waste material in the areas where it was compromised.

Storm drain
The inspectors observed the City of Atlanta storm drain on Hollow Tree Lane to the south of the Keebler Complex (Figure 123-126). The storm drain appeared to have been cleaned out and sandbags had been placed to the north of the drain in an attempt to prevent run-on to the Facility.

Laydown Yard and ASR Waste Material Storage at 3320 Empire Boulevard
The inspectors observed the Pile on the 3320 Parcel, drainage areas, the truck tire wash, and a pile of light-colored waste (not ASR) stored just inside the south gate.

The inspectors observed that the truck tire wash held water and that numerous sandbags were stored to the south of the tire wash (Figures 127-129).

The inspectors observed a pile of white material that included bits of metal that was

staged to the north of the south entrance to the 3320 Parcel (Figures 130-133, 136, and 139). Inspectors were told that the material was 'clay.' The inspectors asked that TAV sample the material. To date, no results have been provided.

The inspectors attempted to gain access to the top of the pile on the 3320 Parcel. However, the attempt was abandoned given the significant dust being generated from the pile. (Figures 134-135, 137, 138, 140-142).

The inspectors traveled out the south gate to the north gate of the 3320 Parcel. The inspectors observed what appeared to be ASR waste material in the curb and gutter along Empire Boulevard (Figures 143-145).

The inspectors observed the 3320 Pile from the north side near the laydown yard (Figures 146-153). The drainage that appeared to originate from the pile appeared to flow down the side of the hill on the east side of the 3320 Pile (Figures 164-167, 170-171) and continue in ditches to the storm drains on the northeast corner of the 3320 Parcel (Figures 154-163, 172, 173 and 180).

The inspectors observed material on the 3320 Pile that appeared to be wet and recently placed on the pile (Figure 156, 157 and 160).

The storm drains lead to the pond on the northeast corner of the 3320 Parcel. The pond appeared to have debris floating in it, and an overflow (outlet control structure) to release water once the design level is reached (Figure 177-179).

Outbound Shipping Area

The inspectors observed the Outbound Shipping Area (Figures 184-203) and the hand sorting table (Figure 181- 183). The inspectors were informed that the hand sorting table was used to determine the percentages of specific metal commodities in the material being shipped off site as recovered metals. The outbound shipments were observed to be managed as a valuable product, containerized in supersacks (Figure 185), or placed on a concrete floor within designated bunkers (Figure 184). Each supersack was labeled with a number and a name identifying the specific material. For example, 'twitch' or '60%.' The inspectors observed water on the floor in the Outbound Shipping Area. It appeared water was draining from the packaged material (Figure 193). The Outbound Shipping Area was observed to have floor drains. The Mr. Fairchild did not know where these floor drains drained.

11) Closing Conference

The inspectors conducted the exit meeting with Mr. Fairchild. During this meeting, the inspectors stated their preliminary conclusions of the inspection. Mr. Fairchild agreed to provide any sample results for the ongoing sampling efforts and the white pile on the 3320 Parcel. No results or explanation of the origin of the material have been provided

for the white pile.

12) Inspection Findings

Based on the observations on June 22, 2022, TAV does not appear to be in compliance with the EPA RCRA 7003 Order.

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."

13) List of Appendices

Appendix 1 – Photo Log: 203 Photos taken on June 22, 2022
Photos taken by: Brooke York
Photos taken with: Canon Power Shot ELPH 180

14) Signed

BROOKE YORK Digitally signed by BROOKE YORK
Date: 2022.10.05 08:34:25 -04'00'

Brooke York
Environmental Engineer

15) Concurrence

ARACELI CHAVEZ Digitally signed by ARACELI CHAVEZ
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Araceli B. Chavez
Chief
RCRA Enforcement Section