

RCRA COMPLIANCE EVALUATION INSPECTION REPORT

1) **Inspector and Coauthor of Report**

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Laura Dahlgren
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2) **Facility Information**

DRA, Inc.
5909 Peachtree Dunwoody Rd
Suite 800
Atlanta, Georgia
EPA ID: GAR00006249

Primary NAICS Code: 541990

3) **Responsible Official**

Jeremy Whitten
EH Manager Steel Dust Recycling

4) **Inspection Participants**

Ashley Hall, Georgia EPD
Lynn Preston, Georgia EPD
Laura Dahlgren, EPA, Region 4
Brooke York, EPA, Region 4

5) **Date of Inspection**

June 15, 2022

6) **Applicable Regulations**

Chapter 391-3-11 of the Georgia Hazardous Waste Management Act, adopts and incorporates by reference 40 CFR Parts 260 - 266, 268, 270, 273 & 279. The Georgia Hazardous Waste Management Act, O.C.G.A. 12-8-60, et seq. as amended (Act), Chapter 391-3-11 of the Georgia Rules for Hazardous Waste Management (Rules), and those portions of 40 CFR Parts 260-270, 273, and 279 that are adopted into the Rules by reference).

As the State's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations of those authorized provisions alleged herein will be to the authorized State program; however, for ease of reference, the federal citations will follow in brackets.

7) Purpose of Inspection

This announced compliance evaluation inspection (CEI) was conducted to evaluate the facility's compliance with applicable requirements of RCRA and the corresponding Georgia Environmental Protection Division (GAEPD) regulations. This was an EPA lead inspection.

8) Previous Inspection History

On January 7, 2014 GAEPD performed a status verification inspection of the site located at 5909 Peachtree Dunwoody Road, Suite 800, Atlanta, Georgia. No violations were observed during the inspection.

9) Facility Description

DRA, Inc. (DRA) is identified in Line 11.A.4 of the 2021 RCRA Subtitle C Site Identification Form (Site ID Form) as a waste "Recognized Trader" of hazardous waste. DRA was targeted for inspection based on suspected under-reporting of hazardous waste. The Site ID Form marked "Type of Regulated Waste Activity" as "N" (No) for "Generator of Hazardous Waste" (refer to 10.A). However, the e-Manifests provided in RCRAInfo documents the generation of K061 hazardous waste. It was based on the discrepancy in waste reported on the e-Manifest and the Site ID form that the inspectors performed an investigation.

From review of the 2021 waste e-manifests submitted in RCRAInfo, K061 waste is imported from Canada. DRA is documented in the manifest as the "Generator's Site Address". The foreign generator of the K061 waste is Gerdau American Steel in Ontario, Canada. Gerdau American Steel produces steel and is a generator of emission control dust from steel in electric furnaces. The destination facility for the K061 waste is listed in the manifest as Steel Dust Recycling, located in Millport, Alabama. Mr. Don Bracey signs the manifests as both the generator and transporter of the waste.

DRA is identified in Line 9 of the 2021 RCRA Subtitle C Site Identification Form (Site ID Form) as the Legal Owner and Operator and lists their address as 5909 Peachtree Dunwoody Road, Suite 800, Atlanta, GA. This was the address that the inspector used to conduct the RCRA CEI. The registered agent for the DRA, as listed in the Secretary of State's website, is Mr. Mark Swartz.

11) Opening Conference and Findings

The inspectors arrived at EPIC Broker and Insurance at 9:40am and met the receptionist, Ms. Jane Tolleson. The inspectors asked for Mr. Mark Swartz or Don Bracey. Ms. Tolleson said that she did not recognize the names presented and proceeded to search for the individuals in the company's database. Ms. Tolleson said the names did not show up in their system and the inspectors asked her to search for either Steel Dust Recycling or DRA, Inc.; however, Ms. Tolleson was unable to provide the inspectors with any other pertinent information. EPIC Brokers and Insurance had moved into that office less than a year ago and was not affiliated with DRA.

The inspectors then drove to another nearby location that appeared to be affiliated with the site contact.

That location was permanently closed.

The inspectors contacted Mr. Mark Swartz via telephone. Mr. Swartz informed the inspectors that he no longer represented DRA and said that he would get in touch with the appropriate contact and make the introductions. Mr. Swartz put the inspectors in contact with Jeremy Whitten, EH Manager at Steel Dust Recycling (SDR) in Millport, Alabama. The inspectors discussed the need for an inspection at the DRA facility and the current RCRA notification for DRA. A larger call including SDR, EPA, ADEM and GAEPD was held on July 27, 2022. During this call the current notification status of both DRA and SDR were discussed.

At the time of the drafting of this report, SDR makes the importation notification relating to the K061 being received at the SDR facility in Millport, Alabama to EPA. DRA is listed as the generator of the K061, due to its representative signing the uniform hazardous waste manifest as the transporter and the generator when the K061 is imported. During the calls with SDR/DRA, ADEM, GAEPD and the EPA it appears that the only reason for DRA's involvement was to ensure that SDR would not be a large quantity generator (which the company thought may have presented other complicated issues related to its permitting and recycling status) in Alabama. However, SDR is a large quantity generator and its importation and recordation as the generator of imported K061 does not appear to affect its regulatory status in Alabama. However, DRA's notification and apparent large quantity generation of the K061 does result in frequent inspection requirements by GAEPD and the EPA, and its lack of a physical facility presents issues for the required inspections to be completed. SDR/DRA is exploring these concerns and options for notification that would be more representative of the activities occurring regarding the importation/generation of the K061.

12) **Signed**

BROOKE YORK Digitally signed by BROOKE YORK
Date: 2022.08.18 11:29:08 -04'00'

Brooke York
Inspector and Author of Report

Date

13) **Concurrence and Approval**

ARACELI CHAVEZ Digitally signed by ARACELI CHAVEZ
Date: 2022.08.18 14:59:44 -04'00'

Araceli B. Chavez
Chief
RCRA Enforcement Section

Date