

IN THE MATTER OF:	)	DOCKET NO: RCRA-04-2022-2101
	)	
	)	
	)	
TAV Holdings, Inc.,	)	PROCEEDING UNDER SECTION
TAV Hollow Tree Lane LLC,	)	7003(a) OF THE RESOURCE
Empire Development LLC,	)	CONSERVATION AND RECOVERY
Rajpoot Property, Inc., and	)	ACT, 42 U.S.C. § 6973(a)
Carolyn Empire LLC	)	
	)	
3311 Empire Boulevard, SW	)	
Atlanta, Georgia 30354	)	
	)	
EPA ID # GAD 033 537 663	)	
	)	
RESPONDENTS.		

## Administrative Order

## TABLE OF CONTENTS

I.	INTRODUCTION.....	3
II.	PARTIES BOUND .....	4
III.	STATEMENT OF PURPOSE .....	5
IV.	GOVERNING LAW .....	5
V.	FINDINGS OF FACT .....	6
	Facility Information and Background .....	6
	RCRA Compliance Evaluation Inspection.....	7
	RCRA Case Development Investigation Evaluation.....	9
	Follow up to RCRA Evaluations.....	12
	Health Effects and Waste Characteristics .....	13
VI.	CONCLUSIONS OF LAW AND DETERMINATIONS.....	13
VII.	ORDER/WORK TO BE PERFORMED.....	14
	Immediate Actions Required.....	15
	Cessation of Operations that May Result in Releases to the Environment .....	15
	Site Security .....	16
	Reporting and Other Communication .....	17
	Health and Safety Plan .....	18
VIII.	ADDITIONAL WORK.....	18
IX.	EPA APPROVALS .....	18
X.	MODIFICATION OF THE WORK PLAN(s).....	19
XI.	QUALITY ASSURANCE .....	19
XII.	DOCUMENT CERTIFICATION .....	20
XIII.	SAMPLING, ACCESS, AND DATA AVAILABILITY .....	21
XIV.	RECORD RETENTION .....	23
XV.	EMERGENCY RESPONSE .....	23
XVI.	OTHER APPLICABLE LAWS .....	24
XVII.	FAILURE TO COMPLY .....	24
XVIII.	RESERVATION OF RIGHTS.....	24
XIX.	OTHER CLAIMS .....	25
XX.	SUBSEQUENT MODIFICATION.....	25
XXI.	TERMINATION AND SATISFACTION .....	25
XXII.	SEVERABILITY .....	25
XXIII.	OPPORTUNITY TO CONFER WITH THE EPA .....	26
XXIV.	EFFECTIVE DATE .....	26

## **I. INTRODUCTION**

1. This is an administrative action instituted pursuant to Section 7003(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6973(a).
2. This Administrative Order (Order) is issued by the U.S. Environmental Protection Agency (EPA) Region 4, to Respondents TAV Holdings, Inc. (hereinafter “Respondent TAV”), TAV Hollow Tree Lane LLC, Rajpoot Property, Inc., Empire Development LLC, and Carolyn Empire LLC (hereinafter, collectively, “Respondents”). This Order provides for the performance of 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. This 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) (Attachment 1: Figure 1) (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<sup>1</sup> (Parcel 14 0066 LL0979) (2.8745 acres); and
  - e. 3405 Empire Boulevard, Atlanta, Georgia 30354 (Parcel 14 0066 LL0516) (2.5 acres).
3. TAV Hollow Tree Lane LLC, a limited liability corporation incorporated in the State of Georgia, has been identified as the owner of the property located at 111 Hollow Tree Lane, Atlanta, Georgia 30354 (Parcel 14 0066 LL0409).
4. Rajpoot Property, Inc., a company incorporated in the State of Georgia, has been identified as the owner of the property located at 3311 Empire Boulevard, Atlanta, Georgia 30354 (Parcel 14 0066 LL0540).
5. Empire Development LLC has been identified as the owner of the property located at 3320 Empire Boulevard, Atlanta, Georgia 30354 (Parcel 14 0066 LL0615). A company called “Empire Development LLC” is not registered to do business in the State of Georgia.
6. Carolyn Empire LLC, a limited liability corporation incorporated in the State of Georgia, has been identified as the owner of the property located at 3405 Empire Boulevard, Atlanta, Georgia 30354 (Parcel 14 0066 LL0516).

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<sup>1</sup> Van Hoang Thuan, an individual, has been identified as the owner of the property located at 3325 Empire Boulevard, Atlanta, Georgia 30354 (Parcel 14 0066 LL0979). Based on information currently available to the EPA, it appears that Respondent TAV’s operations on this parcel are limited to the fenced northern portion of the parking area, which is used exclusively for storage of equipment. Therefore, the EPA has not named Van Hoang Thuan as a Respondent in this Order.

7. TAV Holdings, Inc. (Respondent TAV) is a corporation incorporated in the State of Georgia and is the operator of the Facility.
8. The EPA has determined that Respondents have contributed or are contributing to the past or present handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste, as defined by Sections 1004(5) and 1004(27) of RCRA, 42 U.S.C. §§ 6903(5) and 6903(27), that may present an imminent and substantial endangerment to health or the environment.
9. The EPA hereby takes this action pursuant to RCRA Section 7003, 42 U.S.C. § 6973, having determined that the issuance of this Order is necessary to protect human health or the environment.
10. The EPA notified the State of Georgia of this action pursuant to Section 7003(a) of RCRA, 42 U.S.C. § 6973(a), on November 18, 2021.
11. This Order is based upon the Administrative Record compiled by the EPA and incorporated herein by reference. All documents referenced in this Order can be found in the Administrative Record or are publicly available. The Administrative Record Index is attached as Attachment 2. To review the Administrative Record, contact David Champagne or Brooke York at champagne.david@epa.gov or at york.brooke@epa.gov, or at (404) 562-9028 or (404) 562-8025, respectively. The Administrative Record can be found at: <https://semspub.epa.gov.gov/src/collection/04/AR67067>.
12. This Order is issued under the authority vested in the Administrator of the EPA by Section 7003 of RCRA. This authority has been delegated to the Regional Administrators of the EPA by Delegation 8-22 (January 18, 2017), and redelegated by Regional Delegations 8-22-A and 8-22-B to the Division Director of the Enforcement and Compliance Assurance Division (ECAD).<sup>2</sup>

## **II. PARTIES BOUND**

13. This Order shall apply to and be binding upon Respondents and Respondents' officers, directors, employees, agents, successors, assigns, heirs, trustees, receivers, and upon all persons, including but not limited to contractors and consultants, acting on behalf of Respondents. Any change in the ownership or corporate status of any of the Respondents including, but not limited to, any transfer of assets or real or personal property shall not alter Respondents' responsibilities under this Order. Notice of this Order shall be given to any successors in interest prior to transfer of the Facility, or any portion of the Facility, or its operations. Action or inaction of any persons, firms, contractors, employees, agents, or corporations acting under, through, or for Respondents shall not excuse any failure of Respondents to fully perform the obligations under this Order.
14. Respondents shall provide a copy of this Order to any subsequent owners or successors before any interest in the Facility or Site is transferred. Respondents shall be responsible for and liable

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<sup>2</sup> On January 30, 2015, the EPA redelegated authority from the Regional Administrator to the Director of the Resource Conservation and Restoration Division (RCRD). On April 22, 2019, the EPA issued a memorandum providing guidance for the period following the EPA's structural realignment on April 28, 2019. The memorandum conferred the redelegated authority from RCRD to ECAD for all RCRA enforcement matters.



for completing all the activities required pursuant to this Order, regardless of whether there has been a transfer of ownership or control of the Site or whether said activities are to be performed by employees, agents, contractors, subcontractors, laboratories, and/or consultants of the Respondents.

15. Respondents shall provide a copy of this Order within seven (7) days<sup>3</sup> of the Effective Date of this Order, or the date that such services are retained, whichever is later, to all contractors, subcontractors, laboratories, and consultants that are retained to conduct or monitor any portion of the Work performed pursuant to this Order. Respondents shall condition all contracts or agreements with contractors, subcontractors, laboratories, and/or consultants in connection with this Order, on compliance with the terms of this Order.
16. Not later than sixty (60) days prior to any voluntary transfer by any Respondent of any interest in the Site or the operation of the Facility, that Respondent shall notify the EPA of the proposed transfer. In the case of a voluntary transfer through a bankruptcy, that Respondent shall notify the EPA within twenty-four (24) hours of the decision to transfer property. Respondents shall notify the EPA of any involuntary transfers immediately upon the Respondents' initial receipt of notice of any involuntary transfer. Not later than three (3) days after any transfer, Respondents shall submit copies of the transfer documents to the EPA.

### **III. STATEMENT OF PURPOSE**

17. The two-fold purpose of this Order is to: (1) require Respondents to conduct the Work required in Section VII (Order/Work to be Performed) of this Order, as well as any additional work determined to be necessary, to mitigate the risks posed by the past or present handling, storage, treatment, transportation or disposal of any solid and/or hazardous waste that may present an imminent and substantial endangerment to health or the environment; and (2) to ensure that the actions and timeframes for such actions are designed and implemented to protect public health and the environment now and in the future.

### **IV. GOVERNING LAW**

18. RCRA Section 7003(a), 42 U.S.C. § 6973(a), specifies that when the EPA receives evidence that the past or present handling, storage, treatment, transportation, or disposal of any solid waste or hazardous waste may present an imminent and substantial endangerment to health or the environment, the EPA may issue an order against "any person" who has contributed or is contributing to such handling, storage, treatment, transportation, or disposal of the solid waste or hazardous waste. "Any person" includes any past or present generator, past or present transporter, or past or present owner or operator.
19. A "solid waste" is defined in Section 1004(27) of RCRA, 42 U.S.C. § 6903(27), as any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous

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<sup>3</sup> "Day" or "day" shall mean a calendar day unless otherwise noted. In computing any period of time under this Order, where the last day would fall on a Saturday, Sunday, or federal or State of Georgia holiday, the period shall run until the close of business of the next working day.

material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Clean Water Act, 42 U.S.C. § 1342, or source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended.

20. A “hazardous waste” is defined in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), as a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.
21. Pursuant to the EPA regulations, a solid waste is a hazardous waste if it is not excluded from regulation as a hazardous waste under 40 C.F.R. § 261.4(b) and it exhibits any of the characteristics of hazardous waste identified in Subpart C of 40 C.F.R. Part 261, or it is listed in Subpart D of 40 C.F.R. Part 261.
22. Characteristic hazardous wastes are assigned “D” codes in 40 C.F.R. Part 261, Subpart C depending on the specific hazardous characteristic that the wastes exhibit.

## **V. FINDINGS OF FACT**

### **Facility Information and Background**

23. Respondent TAV receives and processes various wastes that are otherwise destined for a landfill, including automobile shredder residue (ASR), aluminum shredder residue, waste electrical and electronic equipment, material removed from solid waste landfills and incinerator ash (collectively, “ASR waste”). Respondent TAV claims that its process recovers various metals from these ASR wastes. Respondent TAV has conducted these processing activities at the Facility since 2015. Currently, the only environmental permit Respondent TAV holds for its operations is an industrial stormwater permit (GAIS14016) issued by the Georgia Environmental Protection Division (GAEPD).
24. Respondent TAV uses the following buildings and locations for its operations:
  - a. offices and warehouse storage at the 3311 Empire Boulevard parcel, owned by Respondent Rajpoot Property, Inc. (Attachment 1: Figure 2);
  - b. the northern portion of the parking lot at the 3325 Empire Boulevard parcel, owned by Van Hong Thuan;
  - c. the former “Keebler Complex” (consisting of three (3) buildings: the White Building, the Process Building, and the Keebler Building), the Jig Pad Area, Receiving Area, Wastewater Treatment (WWT) Area, and Outfalls 002 and 003 at the 111 Hollow Tree Lane parcel (Attachment 1: Figure 2) owned by Respondent TAV Hollow Tree Lane, LLC;

- d. the Fabrication Building at the 3405 Empire Boulevard parcel owned by Respondent Carolyn Empire LLC; and
  - e. the laydown yard and ASR waste pile at the 3320 Empire Boulevard parcel (Attachment 1: Figure 2) owned by Respondent Empire Development LLC.
- 25. The Facility is bordered to the north by residential areas, including the Crawford W. Long Middle School (the School). The Facility is immediately abutted to the west by Interstate 75. The area to the south of the Facility is primarily commercial and industrial (Attachment 1: Figure 2).
  - 26. An unnamed tributary of the South River flows easterly along the Facility's northern boundary, south of the School. This tributary flows through residential parcels on Ward Drive and continues to Empire Park prior to its confluence with another tributary (Attachment 1: Figure 1).
  - 27. Empire Park, which is approximately 0.5 miles from the Facility, is a City of Atlanta park, with tennis courts, a basketball court, a baseball field, a picnic shelter, a water fountain, and a playground (Attachment 1: Figure 1).
  - 28. The South River originates in the City of East Point and is a 63.5-mile-long tributary of the Ocmulgee River. The River's designated use is fishing; however, it also serves as a source of recreation for the community.
  - 29. The Facility is located in an area with potential environmental justice (EJ) concerns. An EJSscreen report, using a one-mile radius around the property, identified nine (9) environmental indicators above the 80<sup>th</sup> percentile. Minority and low-income demographic indicators for the area surrounding the Facility are greater than the state average.<sup>4</sup>
  - 30. Respondent TAV has never provided notice to the EPA or the GAEPD regarding any solid or hazardous waste activities, and holds no permits related to such activities.
  - 31. On August 26, 2021, the EPA Region 4 Water Enforcement Branch and the GAEPD Watershed Protection Branch conducted a Stormwater Compliance Evaluation Inspection at the Facility.
  - 32. The EPA conducted RCRA inspections and investigations of Facility operations on October 6, 2021, October 20, 2021, and December 6, 2021. During each of these visits, the EPA collected information relating to the management of solid and hazardous waste at the Facility.

### **RCRA Compliance Evaluation Inspection**

- 33. On October 6, 2021, inspectors from the EPA Region 4 Chemical Safety and Land Enforcement Branch (CSLEB) and GAEPD Land Protection Branch (LPB), conducted a RCRA Hazardous Waste Compliance Evaluation Inspection (CEI) at the Facility to determine Respondent TAV's compliance status with RCRA and the Georgia Hazardous Waste Management Act (GHWMA).

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<sup>4</sup> The EJSscreen report is part of the Administrative Record.

34. The inspectors observed ASR waste in the Receiving Area (Attachment 3<sup>5</sup>: Photographs 1 and 2) being stored in open piles that are exposed to weather elements. The area had received rainfall in the days prior to the October 6, 2021, inspection and the ASR waste piles were wet. Water contaminated with small particles was observed to be pooling on the asphalt area immediately east of the Receiving Area, also known as the Jig Pad Area (Attachment 3: Photographs 3 and 4).
35. The inspectors observed numerous piles of ASR waste in various stages of processing being stored outside (Attachment 3: Photographs 1-6). Some of these piles were of ASR waste that had been reduced in particle size to a dust-like material. The inspectors observed that the material easily became airborne during transportation activities. Both employees and pedestrians were observed in areas where transportation activities were occurring.
36. The inspectors observed holes in the roof (Attachment 3: Photographs 11 and 12) and inadequate containment of process water, stormwater, and/or wastewater in the Keebler Building, which allowed the comingling of process water, stormwater, and/or wastewater. The inspectors observed employees sweeping the combined process water, stormwater, and/or wastewater out of the Keebler Building onto the ground where it flows uncontained from south to north and collects in the Jig Pad Area.
37. The inspectors observed storage/staging areas for in-process ASR waste or other waste material in the Keebler Building at the Facility exposed to the uncontrolled overflow of process water, stormwater, and/or wastewater due to improper storage and containment of material (Attachment 3: Photographs 17-21).
38. Employees work in areas of the Facility where process water, wastewater, and/or stormwater are uncontained and actively flowing (Attachment 3: Photographs 7 and 8). These employees may encounter uncontained sludge, process intermediates, and wastewater during the course of their workday.
39. The inspectors observed that the clarifier (a settling basin) and tanks in the WWT Area were overflowing (Attachment 3: Photographs 13-16). The presence and condition of secondary containment in the WWT Area could not be determined or properly inspected due to the unsafe conditions present. The inspectors observed exposed equipment, including moving gears and belts, and electrical components. The inspectors observed overflowing tanks, as well as a thick accumulation of sludge on the surface of the ground (Attachment 3: Photographs 9 and 13-16).
40. The inspectors observed that the only staff wearing respiratory protection was laboratory staff, who were wearing half-face respirators. The inspectors asked the laboratory staff about their use of respiratory protection. The staff informed inspectors that they had determined that it was in their best interest to wear respiratory protection in the lab due to the levels of lead in the material that may become airborne in the laboratory.
41. The inspectors observed sludge-like material migrating from the Keebler Complex, through the WWT Area (Attachment 3: Photographs 7, 9, and 13-16) and Jig Pad Area (Attachment 3:

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<sup>5</sup> The photographs in Attachment 3 were taken during all three visits referenced in Paragraph 32, each photograph notates the date it was taken.

Photographs 3-5) to the Facility stormwater Outfalls (Attachment 3: Photographs 6 and 29-33) and the unnamed tributary of the South River (Attachment 3: Photographs 34-39).

42. The inspectors observed that the settlement basin at Outfall 003 was completely full of sludge or sediment (Attachment 3: Photographs 29, 31 and 32) and was releasing directly to the land and the unnamed tributary of the South River (Attachment 3: Photographs 30 and 34-36).
43. The inspectors observed evidence of stormwater and sludge having overflowed the Jig Pad Area. The ASR waste appeared to have bypassed Outfall 002 (Attachment 3: Photograph 33) and had released directly to the land and the unnamed tributary of the South River (Attachment 3: Photographs 37-39).
44. The inspectors observed a large ASR waste pile at the 3320 Empire Boulevard location (Attachment 3: Photographs 40 and 41) that lacked a fence and was unsecured and unguarded. This ASR waste pile lacked containment and other measures to prevent release of ASR waste directly to the environment (Attachment 3: Photographs 40-42).
45. The inspectors observed staining and what appeared to be the same material as the ASR waste piles at the Facility accumulating in and along the curb on Empire Boulevard and running down the road (Attachment 3: Photograph 43).
46. Members of the community can access the ASR waste pile at the 3320 Empire Boulevard location from the road or right-of-way.
47. Inspectors observed children walking on Empire Boulevard, passing by access points to the unnamed tributary and the unsecured ASR waste pile at 3320 Empire Boulevard.

#### **RCRA Case Development Investigation Evaluation**

48. On October 20, 2021, staff from the EPA-CSLEB and the EPA Region 4 Laboratory Services & Applied Science Division (LSASD) led a Case Development Investigation Evaluation (CDIE) with the GAEPD-LPB at the Facility. This CDIE included waste, sediment, and surface water sampling.
49. During the October 20, 2021 CDIE, EPA-LSASD collected samples on- and off-site. A total of fifteen (15) samples were collected. Nine (9) waste samples (WA01 through WA09) were collected from various locations at the Facility. Additionally, three (3) sediment samples (SD01 through SD03) and three (3) surface water samples (SW1 through SW3) were collected from the unnamed tributary of the South River that flows along the northern boundary of the Facility.
50. On November 18, 2021, EPA-LSASD issued a sampling report with the results of the October 20, 2021 sampling event. The report indicated that the lead concentrations in five (5) of the nine (9) waste samples, and two (2) of the sediment samples in the unnamed tributary of the South River, exceeded the Toxicity Characteristic Leaching Procedure (TCLP) regulatory limit for lead (5 mg/L). Pursuant to 40 C.F.R. § 261.24, solid waste exceeding the regulatory limit for lead is a hazardous waste with the EPA Waste Code D008.

51. Table 1 below summarizes the waste sample results that exceeded the TCLP limit for lead. Additionally, four (4) of these samples also exceeded the universal treatment standard (UTS<sup>6</sup>) for cadmium (0.11 mg/L TCLP).

*Table 1: Summary of Waste Samples Exceeding the TCLP Limit for Lead and the UTS for Cadmium*

	WA01	WA03	WA04	WA05	WA07
<b>Analyte</b>	TCLP Metals	TCLP Metals	TCLP Metals	TCLP Metals	TCLP Metals
Cadmium	0.32 mg/L	0.14* mg/L	0.71 mg/L	0.28 mg/L	0.26 mg/L
Lead	<b>21 mg/L</b>	<b>12 mg/L</b>	<b>10 mg/L</b>	<b>24 mg/L</b>	<b>9.1 mg/L</b>

\*This value is estimated. For additional information please see the EPA-LSASD sampling report.

52. These results indicate that Respondent TAV is managing D008 hazardous waste on-site and that there have been releases of hazardous waste at and from the Facility into the environment.
53. Sample WA01 was taken from the Jig Pad Area where process water, wastewater, and/or stormwater runoff were observed to be ponding (Attachment 1: Figure 3). This sample was found to have a total concentration of lead of 300 mg/kg. This sample exceeded the TCLP limit for lead (5 mg/L) at 21 mg/L. The results from sample WA01 were also compared to the Regional Screening Levels<sup>7</sup> (RSLs) for industrial soils. Chromium was found at a total concentration of 24 mg/kg, which exceeded the industrial soil RSL (6.3 mg/kg).<sup>8</sup>
54. Sample WA03 was taken near the clarifier conveyor in the WWT Area (Attachment 1: Figure 3). This sample was found to have a total concentration of lead of approximately 1600 mg/kg, which exceeded the industrial soil RSL (800 mg/kg). This sample exceeded the TCLP limit for lead (5 mg/L) at 12 mg/L. Chromium was found at a total concentration of 290 mg/kg, which exceeded the industrial soil RSL (6.3 mg/kg).
55. Sample WA04 was taken from an ASR waste pile stored in the Keebler Building (Attachment 1: Figure 3). This sample was found to have a total concentration of lead of approximately 5600 mg/kg, which exceeded the industrial soil RSL (800 mg/kg). This sample exceeded the TCLP

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<sup>6</sup> Hazardous waste must meet land disposal restrictions prior to land disposal, which may include meeting the universal treatment standards (UTS) for all underlying hazardous constituents. Cadmium is an underlying hazardous constituent for lead.

<sup>7</sup> Regional Screening Levels are risk-based concentrations that the EPA considers to be protective over a lifetime. They are used for site screening and can be used as site clean-up goals. See [Regional Screening Levels \(RSLs\) | US EPA](#) for additional information.

<sup>8</sup> Note that sample results for TCLP exceedances are reported in milligrams per liter (mg/L) because TCLP is designed to determine the mobility of compounds present in liquids. The sample results for soil RSL exceedances are reported in milligrams per kilogram (mg/kg) because they are reporting concentrations in a solid, rather than a liquid.

limit for lead (5 mg/L) at 10 mg/L. Chromium was found at a total concentration of 420 mg/kg, which exceeded the industrial soil RSL (6.3 mg/kg).

56. Sample WA05 was taken from the clarifier screw auger loading dock in the outdoor WWT Area (Attachment 1: Figure 3). This sample was found to have a total concentration of lead of 1600 mg/kg, which exceeded the industrial soil RSL (800 mg/kg). This sample exceeded the TCLP limit for lead (5 mg/L) at 24 mg/L. Chromium was found at a total concentration of 130 mg/kg, which exceeded the industrial soil RSL (6.3 mg/kg).
57. Sample WA07 was taken from Outfall 003 near the Jig Pad Area (Attachment 1: Figure 3). This sample was found to have a total concentration of lead of approximately 1700 mg/kg, which exceeded the industrial soil RSL (800 mg/kg). This sample exceeded the TCLP limit for lead (5 mg/L) at 9.1 mg/L. Chromium was found at a total concentration of 120 mg/kg, which exceeded the industrial soil RSL (6.3 mg/kg).
58. The concentration of lead found in the waste samples at the Facility indicate that the material managed, stored, and processed at the Facility contains levels of lead above the regulatory threshold for hazardous waste (5 mg/L).
59. Table 2, below, summarizes the sediment sample analysis. Both sediment samples collected from downstream of the Facility exceeded the TCLP limit for lead and were also significantly above the background sample taken upstream. Cadmium also exceeded the UTS (0.11 mg/L TCLP).

*Table 2: Summary of Sediment Sample Results*

	SD01	SD02	SD03 (Background)
<b>Analyte</b>	TCLP Metals	TCLP Metals	TCLP Metals
Cadmium	0.3 mg/L	0.23 * mg/L	0.050* mg/L
Lead	<b>8.2 mg/L</b>	<b>12 mg/L</b>	0.10* mg/L

\*This value is estimated. For additional information please see the EPA-LSASD sampling report.

60. Sample SD01 was taken from the unnamed tributary of the South River that flows in an easterly direction just north of the Facility, at a point immediately east (downstream) of Outfall 002 (Attachment 1: Figure 3). This sediment sample was found to have a total concentration of lead of approximately 5400 mg/kg, which exceeded the residential soil RSL for lead (400 mg/kg). This sample exceeded the TCLP limit for lead (5 mg/L) at 8.2 mg/L. Chromium was found at a total concentration of 200 mg/kg, which exceeded the industrial soil RSL of 6.3 mg/kg. Antimony, arsenic, and copper were found at concentrations exceeding the residential soil RSLs.
61. Sample SD02 was taken from the unnamed tributary of the South River at Outfall 003 (Attachment 1: Figure 3). This sediment sample was found to have a total concentration of lead of approximately 2000 mg/kg, which exceeded the residential soil RSL for lead (400 mg/kg). This sample exceeded the TCLP limit for lead (5 mg/L) at 12 mg/L. Chromium was found at a total concentration of 180 mg/kg, which exceeded the industrial soil RSL of 6.3 mg/kg. Copper was found at concentrations exceeding the residential soil RSL.
62. The concentrations of antimony, arsenic, barium, beryllium, cadmium, chromium, copper, lead, nickel, silver, zinc, and mercury in sediment samples SD01 and SD02 were compared to the

concentrations of the constituents found in sample SD03, the background sample. Concentrations of all constituents were found at concentrations at least one (1) order of magnitude higher than the background sample. Antimony, barium, cadmium, lead, and zinc were found at concentrations two (2) orders of magnitude higher than background. Copper was found at concentrations approximately three (3) orders of magnitude higher than background.

63. Sample SW02 was taken from the surface water in the unnamed tributary of the South River at Outfall 003 (Attachment 1: Figure 3). This sample had a concentration of 21 µg/L of lead, which exceeded the Maximum Contaminant Level<sup>9</sup> (MCL) for lead (15 µg/L).
64. The rear portion of Crawford W. Long Middle School is fenced along the unnamed tributary of the South River. However, the tributary is accessible from Empire Boulevard, northwest of the Facility. The inspectors noted evidence of camping activity, a tent, clothing, and personal items, on the Facility side of the unnamed tributary near Outfall 002 at the time of the October 20, 2021 sampling event.
65. The 111 Hollow Tree location is partially fenced, and the entry gate was observed open during operating hours. There is a guard shack at the entry gate that is sometimes occupied.
66. The inspectors observed that due to the nature of the material stored at the Facility is of such small particle size that it could become airborne and release/migrate to the surrounding environment and community.

#### **Follow up to RCRA Evaluations**

67. On October 21, 2021, a Request for Information pursuant to Section 3007 of RCRA was sent to Respondent TAV by the EPA requesting records related to its operations and waste management.
68. On November 22, 2021, the EPA-CSLEB issued a CEI report for the October 6, 2021 RCRA Hazardous Waste Inspection (CEI Report). The CEI Report reflected the EPA's findings that Respondent TAV had failed to make a hazardous waste determination on solid wastes received, generated, and otherwise managed at the Facility.
69. On November 22, 2021, the EPA-CSLEB issued a Notice of Violation (NOV) and Request for Meeting, which included a copy of the LSASD sampling report, to Respondent TAV. This NOV put Respondent TAV on notice that the EPA had determined that it is violating certain requirements of the GHWMA, O.C.G.A. §§ 12-8-60 *et seq.* [Subtitle C of RCRA, 42 U.S.C. §§ 6921 *et seq.*], and the regulations promulgated pursuant thereto, found in the GAEPD Rules for Hazardous Waste Management, Chapter 391-3-11 [Title 40 of the Code of Federal Regulations (C.F.R.) Parts 260 through 279].
70. On December 6, 2021, the EPA accompanied Occupational, Safety, and Health Administration (OSHA) inspectors to the Facility. The EPA observed conditions at the Facility to be similar to those conditions observed during the previous visits on October 6 and 20, 2021.

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<sup>9</sup> "Maximum Contaminant Level" means the maximum permissible level of a contaminant in water which is delivered to any user of a public water system. 40 C.F.R. § 141.2.



71. On December 9, 2021, the EPA met with representatives from Respondent TAV to discuss the current conditions at the Facility, the impacts to the surrounding environment, and the community. During this meeting, the EPA expressed its concern with the continued operation of the Facility, the hazardous waste being released at and from the Facility, and potential next steps that may be necessary to abate any unreasonable risks to human health and the environment presented by the Facility.

### **Health Effects and Waste Characteristics<sup>10</sup>**

72. Sample results from ASR waste at the Facility, as well as sediments in the unnamed tributary of the South River, exceeded the TCLP limit for lead, making such ASR wastes and sediment characteristically hazardous for lead. Sample results also exceeded the RSLs for lead. Lead is a heavy metal that is known to be extremely toxic. Chronic exposure to lead can be extremely dangerous to human health and the environment. Lead is considered carcinogenic to humans. This waste may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness, or may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise mismanaged. Chronic exposure can adversely affect the nervous system, the immune system, reproductive system, cardiovascular system, musculoskeletal system, renal system, and the serum hormone levels; it may also affect the development of teeth, cataracts, neurobehavioral problems, and may cause developmental delays. Lead exposure targets the eyes, gastrointestinal tract, central nervous system, kidneys, blood, bones, and gingival tissue.
73. Sample results from ASR waste at the Facility exceeded the industrial RSL for chromium. Acute and chronic exposure to chromium can cause respiratory issues. Chromium targets the eyes, skin, and respiratory system.
74. Other constituents identified above RSLs include antimony, arsenic, barium, cadmium, chromium, copper, nickel, silver, zinc, and mercury. Toxicology information related to these constituents can be reviewed at [Toxicological Profiles | ATSDR \(cdc.gov\)](#).

## **VI. CONCLUSIONS OF LAW AND DETERMINATIONS**

75. Based on Section V (Findings of Fact) set forth above, and after consideration of the Administrative Record, and pursuant to Section 7003 of RCRA, the EPA has determined that:
- a. Respondents are “persons” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15);
  - b. The ASR waste received and processed at the Facility is “solid waste” within the meaning of Section 1004(27) of RCRA 42 U.S.C. § 6903(27), and/or “hazardous waste” within the meaning of Section 1004(5) of RCRA, 42 U.S.C. §6903(5);

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<sup>10</sup> Much of the information in this Section can be found on the Agency for Toxic Substances and Disease Registry website or in the Administrative Record.

- c. Respondents have contributed and/or are contributing to the handling, storage, treatment, transportation and/or disposal of solid and/or hazardous wastes at the Facility;
- d. Respondents' handling, storage, treatment, transportation and/or disposal of solid and/or hazardous waste has resulted in releases of solid and/or hazardous waste to the environment;
- e. The conditions described in Section V (Findings of Fact) above constitute evidence that Respondents' past and present handling, storage, treatment, transportation and/or disposal of solid and/or hazardous wastes at the Facility may present an imminent and substantial endangerment to health or the environment; and
- f. The Work required of Respondents by this Order is necessary to protect health and the environment.

## **VII. ORDER/WORK TO BE PERFORMED**

- 76. As a result of the above Section V (Findings of Fact) and Section VI (Conclusions of Law and Determinations), and pursuant to the authority in Section 7003 of RCRA, 42 U.S.C. § 6973, the EPA has determined that the activities required by this Order are necessary to protect human health and/or the environment; thus, the EPA hereby orders Respondents to perform the Work as specified in this Order below.
- 77. Respondents shall notify the EPA in writing of their intent to comply with this Order, whether in its entirety or portions thereof, no later than three (3) business days after the Effective Date of this Order as defined in Section XXIV (Effective Date). Failure to provide such notice shall be deemed a failure to comply with the terms of this Order.
- 78. On or before the Effective Date of this Order, Respondents shall designate a Project Coordinator(s). Respondents shall notify the EPA in writing within three (3) business days of the Effective Date of this Order of the name, address, phone number, electronic mail address and qualifications of its Project Coordinator(s). The EPA Project Coordinators will be Brooke York, [york.brooke@epa.gov](mailto:york.brooke@epa.gov), and David Champagne, [champagne.david@epa.gov](mailto:champagne.david@epa.gov). The EPA may also designate an Alternate Project Coordinator. Respondents' Project Coordinator(s) shall be responsible for overseeing the implementation of this Order. The EPA and Respondents have the right to change their respective Project Coordinators. The EPA must be notified in writing at least ten (10) days prior to any changes to Respondents' Project Coordinator(s).
- 79. The EPA Project Coordinators shall be the EPA's designated representatives for the Site. Unless otherwise provided in this Order, all reports, correspondence, notices, or other submittals relating to or required under this Order shall be in writing and shall be sent to the EPA Project Coordinators at the email addresses specified in Paragraph 78, unless notice is given in writing to Respondents of a change in delivery or correspondence address. Copies of all reports, correspondence, notices, or other submittals should also be sent to Araceli Chavez, Chief of the RCRA Enforcement Section, at [chavez.araceli@epa.gov](mailto:chavez.araceli@epa.gov). Reports, correspondence, notices, or other submittals shall be delivered by electronic mail, unless otherwise directed by the EPA. All correspondence shall include a reference to the case caption EPA Docket No. RCRA-04-2022-2101.

## **Immediate Actions Required**

80. Contractor Selection. Respondents shall retain one or more contractors to perform the Work and shall, within ten (10) days after the Effective Date of this Order, notify the EPA of the name(s), title(s), and qualifications of such contractor(s). Respondents shall also 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. All 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. The EPA retains the right to disapprove any or all the contractors and/or subcontractors retained by Respondents. If the EPA disapproves a selected contractor, Respondents shall retain a different contractor and shall notify the EPA of that contractor's name and qualifications within five (5) days after the EPA's disapproval. Such replacement contractor shall also be subject to EPA approval.
81. With respect to any proposed contractor, Respondents shall demonstrate that the proposed contractor maintains compliance with ASQ/ANSI E4:2014 "Quality management systems for environmental information and technology programs – Requirements with guidance for use" (American Society for Quality, February 2014), by submitting a copy of the proposed contractor's Quality Management Plan (QMP). The QMP should be prepared in accordance with "EPA Requirements for Quality Management Plans (QA/R-2)" (EPA/240/B-01/002, Mar. 2001, reissued May 2006) or equivalent documentation as determined by the EPA. The qualifications of the persons undertaking the Work for Respondents shall be subject to the EPA review for verification that such persons meet objective assessment criteria (*e.g.*, experience, capacity, technical expertise) and do not have a conflict of interest with respect to the project.

## **Cessation of Operations that May Result in Releases to the Environment**

82. 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.
83. Respondents must immediately cease all operations until they have submitted all required notifications and obtained the appropriate permits or approvals from federal, state, and local authorities, including, but not limited to, any solid waste, hazardous waste, industrial pretreatment, building, and/or electrical permits or approvals.
84. Respondents shall submit to the EPA for approval, within thirty (30) days of the Effective Date of this Order, a work plan(s) to address Site stabilization, material management, business practices, and solid and hazardous waste disposal procedures. Such work plan(s) shall identify how Respondents will prevent further releases of materials into the environment and come into compliance with all applicable environmental regulations. The approval and implementation of any approved work plan shall be in accordance with Section IX (EPA Approvals).

85. In the event Respondents ship any materials off site prior to approval of the work plan(s) required by Paragraph 84, Respondents shall comply with all applicable legal requirements, including, but not limited to, hazardous waste determinations, RCRA's manifest requirements, and land disposal restrictions, and shall provide documentation to the EPA of such shipment(s) within three (3) business days prior to such shipment. Such documentation shall include a description of the material, any characterization/waste determination of the material, the amount, the transporter, and the destination facility. Within two (2) business days following such shipment, Respondents shall submit to the EPA any relevant shipping document (manifest, bill of lading, etc.) pertaining to such shipment(s).
86. Within forty-five (45) days of notification by the EPA and as specified in such notification, Respondents shall submit for EPA review and approval a work plan(s) to fully characterize and address the horizontal and vertical extent of contamination at the Facility, which provides for the sampling and/or cleanup of soil, waste, groundwater, runoff, surface water, and sediment at the Facility. Such work plan shall include sampling locations; analytical methods; screening levels (based on the RSLs) and cleanup levels; cleanup procedures; and a schedule for implementing such work. The approval and implementation of any approved work plan shall be in accordance with Section IX (EPA Approvals).

#### **Site Security**

87. Respondents must provide a plan for implementing Site security within five (5) days of the Effective Date of this Order. This security must include, but is not limited to:
- a. Fencing surrounding the Facility, including the drainage areas, that is in good repair (i.e., free of holes, defects, and access points that are unmonitored or uncontrolled), and that is of material and structure adequate to prevent unauthorized Site access;
  - b. Signage (in English and Spanish) that reads "Hazardous Waste"– "Warning" – "No Trespassing" posted on the fencing in a manner that allows each sign to be visible from the next and no farther apart than every 100 feet;
  - c. Signage (in English and Spanish) that reads "Danger – Unauthorized Personnel Keep Out" on each entry point and gate to the Facility;
  - d. Ensuring that all entry points/gates must be closed at all times and must remain locked and secured at any time a guard is not physically present at the gate; and
  - e. Limiting Site access to only employees and approved visitors. Access shall be limited to Facility employees and contractors properly trained to handle and manage hazardous waste. Approved visitors must be escorted by trained employees. Both employees and approved visitors at the Facility must be equipped and protected with the appropriate personal protective equipment (PPE). The appropriate PPE shall be available to all employees and approved visitors at the entrance to the Facility or work location.
88. Respondents must immediately initiate the development, design, and construction of signage to notify the public of the possible imminent and substantial endangerment posed by the hazardous waste management practices at the Facility, in addition to the signs required by Paragraph 87.

- a. Within seven (7) days of the EPA's approval required by Paragraph 88.b. of this Order, Respondents shall obtain signs of material intended to last at least two (2) years, in legible font and color, with letters of at least two (2) inches in height reading in English and Spanish, "HAZARDOUS WASTE CONTAINING LEAD MAY PRESENT AN IMMINENT AND SUBSTANTIAL ENDANGERMENT TO HUMAN HEALTH AND THE ENVIRONMENT IN THIS AREA." The signs shall have a space at the bottom to accommodate additional information.
- b. Within five (5) days of the Effective Date of this Order, the sign design and placement locations shall be submitted to the EPA Project Coordinators for approval, pursuant to Section IX (EPA Approval) of this Order. Locations and information for signage include:
  - i. On Empire Boulevard on both sides of the road, facing traffic approaching the Facility, near the MARTA bus stop near the unnamed tributary of the South River.
  - ii. On Empire Boulevard on both sides of the road, facing traffic approaching the Facility, prior to the Fabrication Building.
  - iii. At the gated entrance to the School at the foot bridge by the unnamed tributary of the South River.
- c. Each sign shall be equipped with an information/notification box. These boxes shall hold information regarding the health effects of lead. The material provided in the boxes is subject to EPA approval pursuant to Section IX (EPA Approvals). These boxes shall be checked by the Respondent TAV regularly, no less frequently than weekly, and refilled as needed.
- d. Each sign must be legible from the road, and in an area that is safe for the community to access. Public notice signs must not be posted in sight-distance and must not impede the vision of drivers.
- e. Signs shall be checked, no less frequently than weekly, for damage, deterioration, weathering, and legibility. If damage is observed, the sign must be repaired or replaced immediately, but no later than five (5) days after the damage is observed.

### **Reporting and Other Communication**

89. Within forty-five (45) days of the Effective Date of this Order, Respondents shall provide the EPA with documentation regarding all inbound material, and the off-site shipment of any materials, products, or wastes from the Facility since its inception, including, but not limited to bills of lading, manifests, waste determinations, and waste analyses from such shipments.
90. Respondents shall submit a written progress report to the EPA concerning actions undertaken pursuant to this Order on a weekly basis (every week) beginning five (5) days after the Effective Date of this Order until termination of the Work required under this Order, unless otherwise directed in writing by the EPA Project Coordinators. These reports shall describe all significant developments during the preceding period, including the actions performed and any problems encountered, analytical data received during the reporting period, and the developments anticipated during the next reporting period, including a schedule of actions to be performed,

anticipated problems, and planned resolutions of past or anticipated problems. These progress reports shall include, among other things, documentation of the relevant operations, cleanup, and waste disposal activities, including manifests, disposal, and recycling records.

91. Respondents shall participate in weekly progress report meetings with the EPA to discuss actions taken to comply with the Order, anticipated next steps, and problems anticipated or encountered during the Work being performed.

#### **Health and Safety Plan**

92. Respondents shall develop and submit to the EPA with any applicable work plan, a Health and Safety Plan to be implemented during the Work performed under this Order. The Health and Safety Plan shall 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.

### **VIII. ADDITIONAL WORK**

93. 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.

### **IX. EPA APPROVALS**

94. The EPA will provide Respondents with its written approval, approval with conditions and/or modifications, or disapproval for any work plan, report (except the weekly reports required by Paragraph 90), specification, or schedule submitted pursuant to or required by this Order.
95. Respondents shall revise any work plan, report, specification, or schedule in accordance with the EPA's written comments within ten (10) days of Respondents' receipt of the EPA's written comments unless the EPA has specified an alternative due date, in which case Respondents shall submit to the EPA any revised work plan, report, specification, or schedule in accordance with the due date specified by the EPA. Revised submittals are also subject to EPA approval, approval with conditions and/or modifications, or disapproval. Any revised submittal that is not approved, or approved with conditions and/or modifications, shall be considered noncompliant with the terms of this Order.
96. Upon receipt of the EPA's written approval, Respondents shall commence work and implement any approved work plan in accordance with the schedule and provisions contained therein. If no schedule is contained in an approved work plan, then Respondents shall commence work and

implementation of the work plan within five (5) days of receipt of the EPA's written approval of the work plan.

97. Any EPA-approved report, work plan, specification, or schedule shall be incorporated by reference into this Order as if set forth fully herein. Prior to the EPA's written approval, no work plan, report, specification, or schedule shall be construed as approved and final. Oral advice, suggestions, or comments given by the EPA representatives will not constitute an official approval, nor shall any oral approval or oral assurance of approval be considered binding.
98. Noncompliance with any requirements of this Order, including reports, work plans, specifications, schedules, and attachments approved by the EPA pursuant to this Order, shall be considered a violation of the requirements of this Order, and shall subject Respondents to the statutory penalty provisions and enforcement actions pursuant to Section 7003(b) of RCRA, 42 U.S.C. § 6973(b), and any other applicable sanctions.

#### **X. MODIFICATION OF THE WORK PLAN(S)**

99. If at any time during the implementation of the Work, Respondents identify a need for a compliance date modification or revision of a work plan, supporting plans, documents, reports, specifications, and/or schedule, Respondents shall submit a memorandum documenting the need for the modification or revision to the EPA Project Coordinators. The EPA in its discretion will determine if the modification or revision is warranted and may provide written approval or disapproval. Any approved modified compliance date or work plan modification is incorporated by reference into this Order.

#### **XI. QUALITY ASSURANCE**

100. As part of any work plan that requires sampling or analysis, Respondents shall include a Quality Assurance Project Plan (QAPP), for the EPA review and approval. The QAPP shall address quality assurance, quality control, and chain of custody procedures for all sampling, monitoring, and analytical activities. Respondents shall follow "EPA Requirements for Quality Assurance Project Plans" (QA/R5)" (EPA/240/B-01/003, March 2001), "Guidance for Quality Assurance Project Plans (QA/G-5)" (EPA/600/R-98/018, February 1998), and "EPA Requirements for Quality Management Plans (QA/R-2)" (EPA/240/b-01/002, March 2001), as well as other applicable documents identified by the EPA. The QAPP shall be incorporated into this Order by reference.
101. Respondents/contractor(s) for Respondents shall follow the "Field Branches Quality System and Technical Procedures" ([Quality System and Technical Procedures for LSASD Field Branches | US EPA](#)), and other relevant EPA guidance, for sampling and analysis activities, as appropriate. Work plans shall contain quality assurance/quality control (QA/QC) and chain of custody procedures for all sampling, monitoring, and analytical activities. Any deviations from the approved work plans must be approved by the EPA prior to implementation; must be documented, including reasons for the deviations; and must be reported in the applicable weekly progress report.
102. All work plans required under this Order shall include data quality objectives for each data collection activity to ensure that data of known and appropriate quality are obtained, and that data are sufficient to support their intended use(s).

103. The names, addresses, and telephone numbers of all analytical laboratories that Respondents propose to use must be specified in the applicable work plan(s).
104. Respondents shall monitor to ensure that high quality data are obtained by their consultants or contract laboratories. Respondents shall ensure laboratories used for analyses perform such analyses according to the latest approved edition of "Test Methods for Evaluating Solid Waste (SW-846)" or other methods approved by the EPA. If methods other than the EPA methods are to be used, Respondents shall specify all such protocols in the applicable work plan. The EPA may reject any data that does not meet the requirements of the approved work plan and the EPA analytical methods and may require resampling and additional analysis.
105. Respondents shall ensure that all laboratories it uses for analyses participate in a quality assurance/quality control (QA/QC) program equivalent to the program that the EPA follows. Respondents shall, upon the EPA's request, make arrangements for the EPA to conduct a performance and QA/QC audit of the laboratories chosen by the Respondents, whether before, during, or after sample analyses. Upon the EPA's request, Respondents shall have its laboratories perform analyses of samples provided by the EPA to demonstrate laboratory QA/QC and performance. If the audit reveals deficiencies in a laboratory's performance or QA/QC, Respondents shall submit a plan to address the deficiencies and the EPA may require resampling and additional analysis.
106. The EPA reserves the right to require a change in laboratories for reasons which may include, but shall not be limited to, QA/QC, performance, conflict of interest, or confidential agency audit information. In the event the EPA requires a laboratory change, Respondents shall propose two alternative laboratories within thirty (30) days. Once the EPA approves of the laboratory change, Respondents shall ensure that laboratory service shall be made available within fifteen (15) days.

## **XII. DOCUMENT CERTIFICATION**

107. Any report or other document submitted by Respondents pursuant to this Order which makes recommendations as to whether or not further actions are necessary, or makes any representation concerning Respondents' compliance or noncompliance with any requirement of this Order shall be certified by a responsible corporate officer of Respondent TAV. A responsible corporate officer means: a president, secretary, treasurer, or vice-president in charge of a principal business function.
108. The certification required by the above Paragraph, shall be in the following form: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to be the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.



Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

### **XIII. SAMPLING, ACCESS, AND DATA AVAILABILITY**

109. All results of sampling, testing, modeling, or other data generated (including raw data if requested) by Respondents, or on Respondents' behalf, during implementation of this Order shall be validated by Respondents and submitted to the EPA within thirty (30) days of Respondents' receipt of the data. Respondents shall tabulate data chronologically by media, as appropriate. The EPA will make available to Respondents' data generated by the EPA for the purposes of oversight of the Work unless it is exempt from disclosure by any federal or state law or regulation.
110. Respondents shall notify the EPA Project Coordinators in writing at least ten (10) days prior to conducting any sampling. At the EPA's request, Respondents shall allow split or duplicate samples to be taken by the EPA or the EPA's representative.
111. Site Access. Pursuant to Section 3007(a) of RCRA, 42 U.S.C. § 6927(a), Respondents shall provide access to the Site at reasonable times to the EPA, the EPA's contractors, GAEPD, and any other oversight officials. Respondents shall also provide access at reasonable times to the EPA, the EPA's contractors, GAEPD, and any other oversight officials to all records and documentation in its possession or control, including those records and documents in the possession or control of the Respondents' contractors and employees, related to the conditions at the Site and the actions conducted pursuant to this Order. Respondents shall use their best efforts to gain access to areas owned by or in the possession of someone other than the Respondents as necessary to implement this Order, as described in Paragraph 114. Such access shall be provided to the EPA, its contractors, GAEPD, and any other oversight officials. These individuals shall be permitted to move freely about the Site and appropriate off-site areas in order to conduct actions that the EPA determines to be necessary. The EPA, its contractors, GAEPD, and any other oversight officials will notify Respondents of their presence on the Site by presenting their credentials. All parties with access to the Site under this Paragraph shall comply with all approved health and safety plans and regulations.
112. Pursuant to this Section, any denial of access at reasonable times to any portion of the Facility where a request for access was made for the purposes of enforcing the requirements of RCRA or this Order shall be construed as a violation of the terms of this Order subject to the penalty provisions outlined in Section XVII (Failure to Comply) of this Order.
113. Respondents shall make available to the EPA all employees and persons, including contractors, who engage in activities under this Order and ensure their cooperation with the EPA with respect to this Order.

114. Access Agreements. Where action under this Order is to be performed in areas owned by, or in possession of, someone other than Respondents, Respondents shall use their best efforts to obtain all necessary access agreements within forty (45) days of approval of any work plan for which access is necessary or as otherwise specified, in writing, by the EPA Project Coordinators. Any such access agreement shall provide for access by the EPA and its representatives to move freely in order to conduct actions that the EPA determines to be necessary. The access agreement shall specify that Respondents are not the EPA's representatives with respect to any liabilities associated with activities to be performed. Respondents shall provide the EPA's Project Coordinators with copies of any access agreements. Respondents shall immediately notify the EPA if after using Respondents' best efforts they are unable to obtain such agreements within the time required. Best efforts as used in this Paragraph shall include, at a minimum, a certified letter from Respondents to the present owner of such property requesting access agreements to permit Respondents, the EPA, and the EPA's authorized representatives to enter such property, and the offer of payment of reasonable sums of money in consideration of granting access. Respondents shall, within ten (10) days of their receipt of a denial of access, submit in writing, a description of their efforts to obtain access. The EPA may, at its discretion, assist Respondents in obtaining access. In the event the EPA obtains access, Respondents shall undertake the Work on such property and Respondents shall reimburse the EPA for all costs and attorneys' fees incurred by the United States in obtaining such access.
115. Confidential Business Information. Respondents may assert a claim of business confidentiality covering part or all the information submitted to the EPA pursuant to the terms of this Order under 40 C.F.R. § 2.203 in the manner described at 40 C.F.R. § 2.203(b) and substantiated with the information described at 40 C.F.R. § 2.204(e)(4). However, Respondents shall not assert confidentiality claims with respect to any data related to Site conditions, sampling, monitoring, or the Work performed pursuant to this Order. Information the EPA determines is confidential will be given the protection specified in 40 C.F.R. Part 2. If no such claim or substantiation accompanies the information when it is submitted to the EPA, it may be made available to the public by the EPA without further notice to Respondents.
116. Privileged Documents. Respondents may assert that certain documents, records, and other information are privileged under the attorney-client privilege or any other privilege recognized by federal law. If Respondents assert such a privilege in lieu of providing documents, Respondents shall provide the EPA with the following: (1) the title of the document, record, or information; (2) the date of the document, record, or information; (3) the author's name and title; (4) the name and title of each addressee and recipient; (5) a description of the contents; and (6) the privilege asserted by Respondents. However, no documents, reports or other information created or generated pursuant to the requirements of this Order shall be withheld on the grounds that they are privileged.
117. All data, information, and records created or maintained relating to any solid or hazardous waste found at the Site shall be made available to the EPA upon request unless Respondents assert a claim that such documents are legally privileged from disclosure. Respondents shall have the burden of demonstrating to the EPA by clear and convincing evidence that such privilege exists.
118. No claim of confidentiality shall be made with respect to any data, including, but not limited to, all sampling, analytical, monitoring, hydrogeologic, scientific, chemical, or engineering data, or any other documents or information evidencing conditions at or around the Site.

119. Nothing in this Order shall be construed to limit the EPA's right of access, entry, inspection, and information gathering pursuant to applicable law, including but not limited to RCRA and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

#### **XIV. RECORD RETENTION**

120. Respondents shall preserve all documents and information, including raw data, relating to the Work performed under this Order, or relating to any solid waste or hazardous waste found at the Site, for ten (10) years following completion of the Work required by this Order.
121. Respondents shall acquire and retain copies of all documents that relate to the Facility that are in the possession of its employees, agents, accountants, contractors, or attorneys.
122. After the ten-year retention period and ninety (90) days before any document or information is destroyed, Respondents shall notify the EPA that such documents and information are available to the EPA for inspection, and upon request, shall provide the originals or copies (at no extra cost) of such documents and information to the EPA. Notification shall be in writing and shall reference the Effective Date, caption, and docket number of this Order and shall be addressed to the EPA Region 4 Regional Administrator. In addition, Respondents shall provide documents and information retained under this Section at any time before expiration of the ten-year retention period at the written request of the EPA.
123. All documents pertaining to this Order shall be stored by Respondents in a centralized location at the Facility, or an alternative location approved by the EPA, to promote easy access by the EPA or its representatives.

#### **XV. EMERGENCY RESPONSE**

124. In the event that Respondents identify a threat to health or the environment at any time during the implementation of this Order which warrants more immediate action than pursuant to any work plan or other requirement of this Order, or warrants action before an otherwise applicable work plan is approved, Respondents shall provide oral notification to the EPA Project Coordinators within twenty-four (24) hours of discovery and notify both the EPA and the GAEPD in writing within seven (7) days of such discovery, summarizing the nature, immediacy, and magnitude of such threat(s).
125. Proper notification, as required in this section, does not relieve Respondents of any other notification responsibility Respondents may have under any other law, including, but not limited to, Section 103 of the CERCLA, as amended, or Section 304 of the Emergency Planning and Community Right to Know Act, as amended.
126. If the EPA determines that immediate action is required, the EPA Project Coordinators may orally authorize and require Respondents to take actions to abate the threat prior to approval of any plan or in addition to a plan after approval.
127. If the EPA or any other federal, state, or local agency identifies such a threat at the Facility or at any location encompassed by this Order at any time during implementation of this Order, the EPA will notify Respondents orally and in writing. If the EPA determines that immediate action is required, the EPA Project Coordinators may orally authorize and require Respondents to take actions to abate the threat prior to approval of a plan or in addition to a plan after approval.

128. Any requirements made pursuant to this section shall be immediately incorporated into this Order by reference and are immediately enforceable and shall not relieve Respondents of any other requirement of this Order.

#### **XVI. OTHER APPLICABLE LAWS**

129. All actions required to be taken pursuant to this Order shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations. Respondents shall obtain or cause their representatives to obtain all permits and approvals necessary under such laws and regulations to perform Work pursuant to this Order and shall submit timely applications and requests for any such permits and approvals.

#### **XVII. FAILURE TO COMPLY**

130. In the event that Respondents willfully violate, or fail, or refuse to comply with any of the terms or provisions of this Order, the EPA may commence a civil action in the United States district court where Respondents are doing business to require compliance with this Order and to seek a civil penalty of up to \$15,352 for each day during which such violation occurred or is occurring and for each day where there was or is a failure or refusal to comply pursuant to Section 7003(b) of RCRA, 42 U.S.C. § 6973(b). Failure to perform any requirement of this Order shall be a violation of this Order, beginning on the first day that performance is scheduled to commence.

#### **XVIII. RESERVATION OF RIGHTS**

131. The EPA expressly reserves all rights and defenses that it may have, including the rights both to disapprove work performed by Respondents pursuant to this Order and to request that Respondents perform tasks in addition to those stated in the Section VII (Order/Work to be Performed) above.
132. The EPA hereby reserves all of its statutory and regulatory powers, authorities, rights, and remedies, both legal and equitable, which may pertain to Respondents' failure to comply with any of the requirements of this Order, including without limitation the assessment of penalties under Section 7003(b) of RCRA, 42 U.S.C. § 6973(b). This Order shall not be construed as a covenant not to sue, release, waiver, or limitation of any rights, remedies, powers, and/or authorities, civil or criminal, which the EPA has under RCRA, CERCLA, or any other statutory, regulatory, or common law authority of the United States. Nothing in this Order shall diminish, impair, or otherwise adversely affect the authority of the EPA to enforce the provisions of this Order.
133. This Order shall not limit or otherwise preclude the EPA from taking additional enforcement action pursuant to RCRA, or any other available legal authority, should the EPA determine that such action is warranted and necessary to protect human health and the environment.
134. The EPA reserves the right to perform any portion of the Work set forth herein, and any additional Site characterization, feasibility study, and remedial work, as it deems necessary to protect human health and/or the environment.
135. If the EPA determines that activities in compliance or noncompliance with this Order have caused or may cause a release of solid and/or hazardous waste or hazardous constituents or may pose a threat to human health and/or the environment, or if the EPA determines that Respondents

are not capable of undertaking any of the Work ordered, the EPA may order Respondents to stop further implementation of this Order for such period of time as the EPA determines to be necessary to abate any such release or threat and/or to undertake any additional corrective measures.

136. This Order is not intended to be nor shall it be construed as a permit. Approval of any work plan does not constitute a warranty or representation that the work plans will achieve the required cleanup or compliance with environmental requirements. Compliance by Respondents with the terms of this Order shall not relieve Respondents of their obligations to comply with RCRA or any other applicable local, state, or federal laws and regulations, including but not limited to, their obligation to obtain and/or comply with any permit issued under RCRA or any other applicable local, state, or federal laws or regulations; nor is this Order intended to be, nor shall this Order be construed to be, a ruling or determination on, or of, any issue related to any local, state, or federal permit.

#### **XIX. OTHER CLAIMS**

137. Nothing in this Order shall constitute or be construed as a release from any claim, cause of action, demand, or defense in law or equity against any person, firm, partnership, or corporation for any liability it may have arising out of, or relating in any way to, the generation, storage, treatment, handling, transportation, release or disposal of any hazardous constituents, hazardous wastes, or pollutants or contaminants found at, taken to, or taken or migrating from the Facility.

#### **XX. SUBSEQUENT MODIFICATION**

138. This Order may be amended by the EPA to ensure protection of health and the environment. Such an amendment shall be in writing, shall have as its effective date immediately upon receipt by Respondents, and shall be incorporated into this Order.
139. No informal advice, guidance, suggestion, or comment by the EPA regarding reports, plans, specifications, schedules, or any other writing submitted by the Respondent shall relieve Respondents of their obligation to obtain such formal approval as may be required by this Order, and to comply with all requirements of this Order unless it is formally modified. Any deliverables, plans, technical memoranda, reports, specifications, schedules, and attachments required by this Order are, upon approval by the EPA, incorporated into and enforceable under this Order.

#### **XXI. TERMINATION AND SATISFACTION**

140. The provisions of this Order shall be deemed terminated and satisfied by Respondents upon written notice from the EPA that Respondents have demonstrated that all the terms of this Order, including any additional work as may be performed pursuant to Section VIII (Additional Work) have been addressed to the satisfaction of the EPA. Termination of this Order shall not terminate the Respondents' obligation to comply with: Sections XIII (Sampling, Access and Data Availability); XIV (Record Retention); and XVIII (Reservation of Rights) of this Order.

#### **XXII. SEVERABILITY**

141. If a court issues an order that invalidates any provision of this Order or finds that Respondents have sufficient cause not to comply with one or more provisions of this Order, Respondents shall

remain bound to comply with all provisions of this Order not invalidated or determined to be subject to a sufficient cause defense by the court's order.

### **XXIII. OPPORTUNITY TO CONFER WITH THE EPA**

142. Respondents have the opportunity to confer with and/or submit information to the EPA concerning the validity of this Order, including the basis for the Order, the terms of the Order, and the applicability of this Order to Respondents. Within three (3) business days after receipt of this Order, Respondents may request a compliance conference regarding the Order. The EPA shall deem a failure to request a compliance conference as a waiver of the opportunity to confer. If Respondents desire a compliance conference, Respondents shall contact Colleen E. Michuda, Senior Attorney, at (404) 562-9685 or at michuda.colleen@epa.gov, to schedule such a conference.
143. If Respondents request a conference, it shall occur prior to the Effective Date, unless the date for the Effective Date and conference is extended by mutual agreement of the parties. Any such conference with the EPA will be held virtually, by invitation of the EPA.
144. This conference is not an evidentiary hearing. It does not give Respondents a right to seek review of this Order. The EPA will make no formal transcript of the conference. If a compliance conference is held, Respondents may present any evidence, arguments, or comments regarding this Order, its applicability, any factual determinations on which the Order is based, the appropriateness of any action that Respondents are ordered to take, or any other relevant and material issue. Respondents are responsible for producing any oral evidence, arguments, or comments in writing and submitting them to the EPA within three (3) calendar days following the conference.
145. Regardless of whether Respondents request a conference, Respondents have the opportunity to provide the EPA with information concerning the validity and necessity of this Order, and the applicability of this Order to Respondents. The EPA will add to the Administrative Record any relevant and material information that Respondents provide prior to the Effective Date of the Order.
146. Any information or documents provided under this Section should be directed to the EPA Project Coordinators, as defined in Paragraph 78 of this Order.
147. If, after a conference is held or relevant and material information is submitted, the EPA determines that any element of this Order warrants modification or revocation, the EPA will modify or revoke the Order in writing and issue a copy to Respondents.
148. Except as otherwise provided in this Order, no modification to or revocation of this Order shall be effective unless and until it is issued in writing by the EPA.

### **XXIV. EFFECTIVE DATE**

149. This Order shall be effective seven (7) days after the EPA's signature of the Order. If modifications are made by the EPA to this Order, such modifications will be effective on the date received by Respondent TAV. The Order shall remain in effect until the provisions identified in the Order have been met in accordance with EPA approval, all the RCRA

regulations promulgated thereunder, and written notice of termination pursuant to Section XXI (Termination and Satisfaction) has been issued.

**[Remainder of Page Intentionally Left Blank]**

In the Matter of TAV Holdings, Inc., TAV Hollow Tree Lane LLC, Rajpoot Property, Inc., Empire Development LLC, and Carolyn Empire LLC, Docket No. RCRA-04-2022-2101:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4

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Carol L. Kemker  
Director, Enforcement and Compliance Assurance  
Division



## CERTIFICATE OF SERVICE

I certify that I have caused a copy of the foregoing Administrative Order pursuant to Section 7003 of RCRA, in the Matter of TAV Holdings, Inc., TAV Hollow Tree Lane LLC, Rajpoot Property, Inc., Empire Development LLC, and Carolyn Empire LLC, Docket No. RCRA-04-2022-2101, to be served upon the persons designated below on the date below, by causing said copies to be mailed to the parties as indicated below.

### **Electronic Mail (return receipt requested):**

Mr. Thomas Valerio  
TAV Holdings, Inc. and  
Empire Development LLC  
3311 Empire Boulevard, SW  
Atlanta, Georgia 30354  
[metaltek@yahoo.com](mailto:metaltek@yahoo.com)

Mr. Frank W. Virgin, Registered Agent,  
Carolyn Empire LLC  
1600 Northside Drive, NW  
Atlanta, Georgia 30318  
[fvirgin@taylorenghish.com](mailto:fvirgin@taylorenghish.com)

Mr. Rizwan Ullah Khan, Registered Agent  
Rajpoot Property, Inc.  
2109 Boyce Circle  
Marietta, Georgia 30066  
[rkhan@nobeldelivery.com](mailto:rkhan@nobeldelivery.com)

Mr. Max Benkel, Registered Agent  
TAV Hollow Tree Lane LLC  
325 Hammond Drive, Suite 114  
Atlanta, Georgia 30328  
[maxbenkel@aol.com](mailto:maxbenkel@aol.com)

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David A. Champagne  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

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# ATTACHMENT 1

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TAV Holdings, Inc.  
3311 Empire Blvd. SW  
Atlanta, Georgia 30354

EPA ID # GAD 033 537 663  
Docket No: RCRA-04-2022-2101  
Facility Aerial Figures



Figure 1: Satellite Image of TAV Holdings and Surrounding Area with Parcel Numbers and Other Features



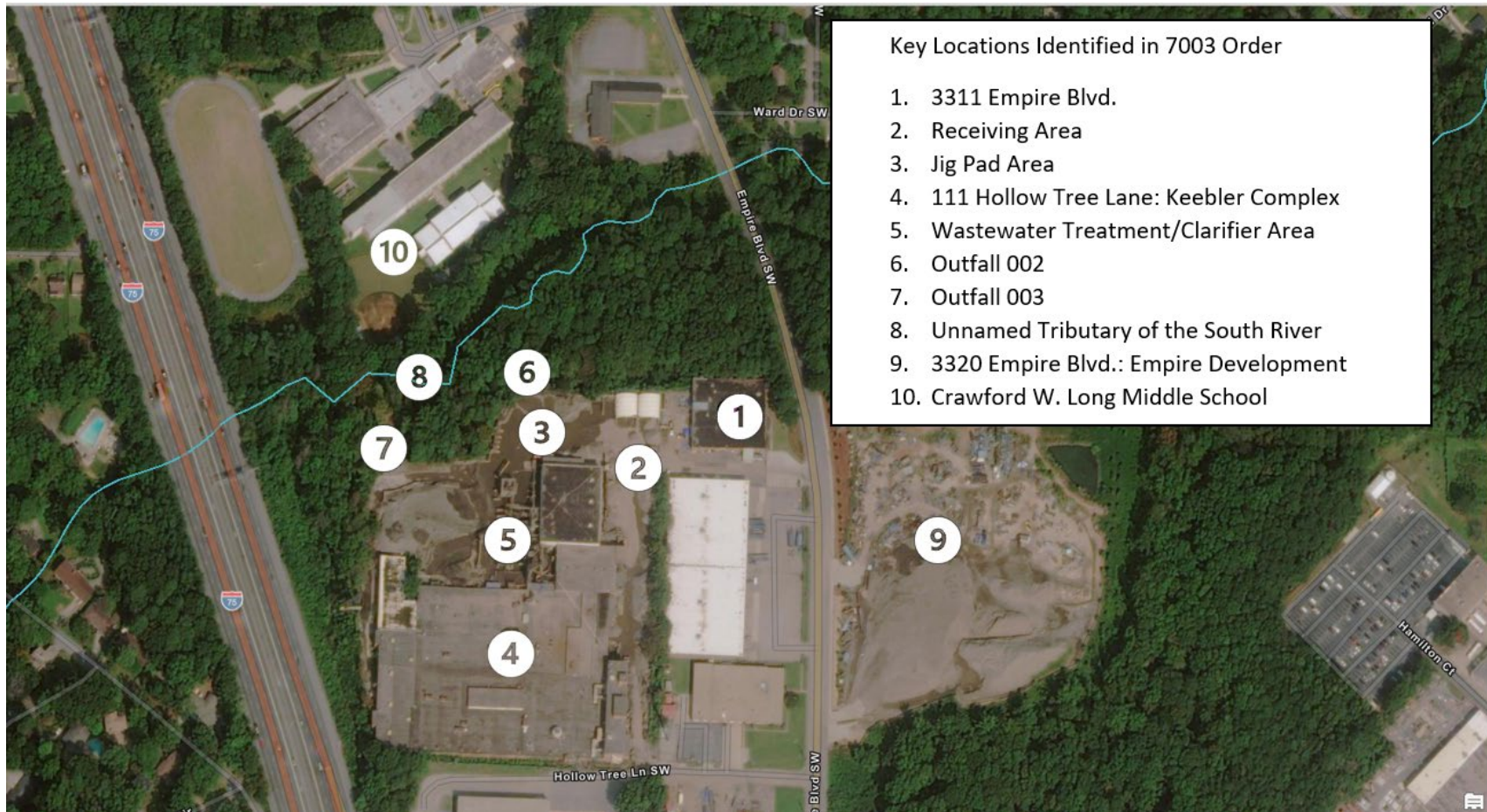


Figure 2: Google Maps Satellite Screen Shot of Locations Identified in 7003 Order



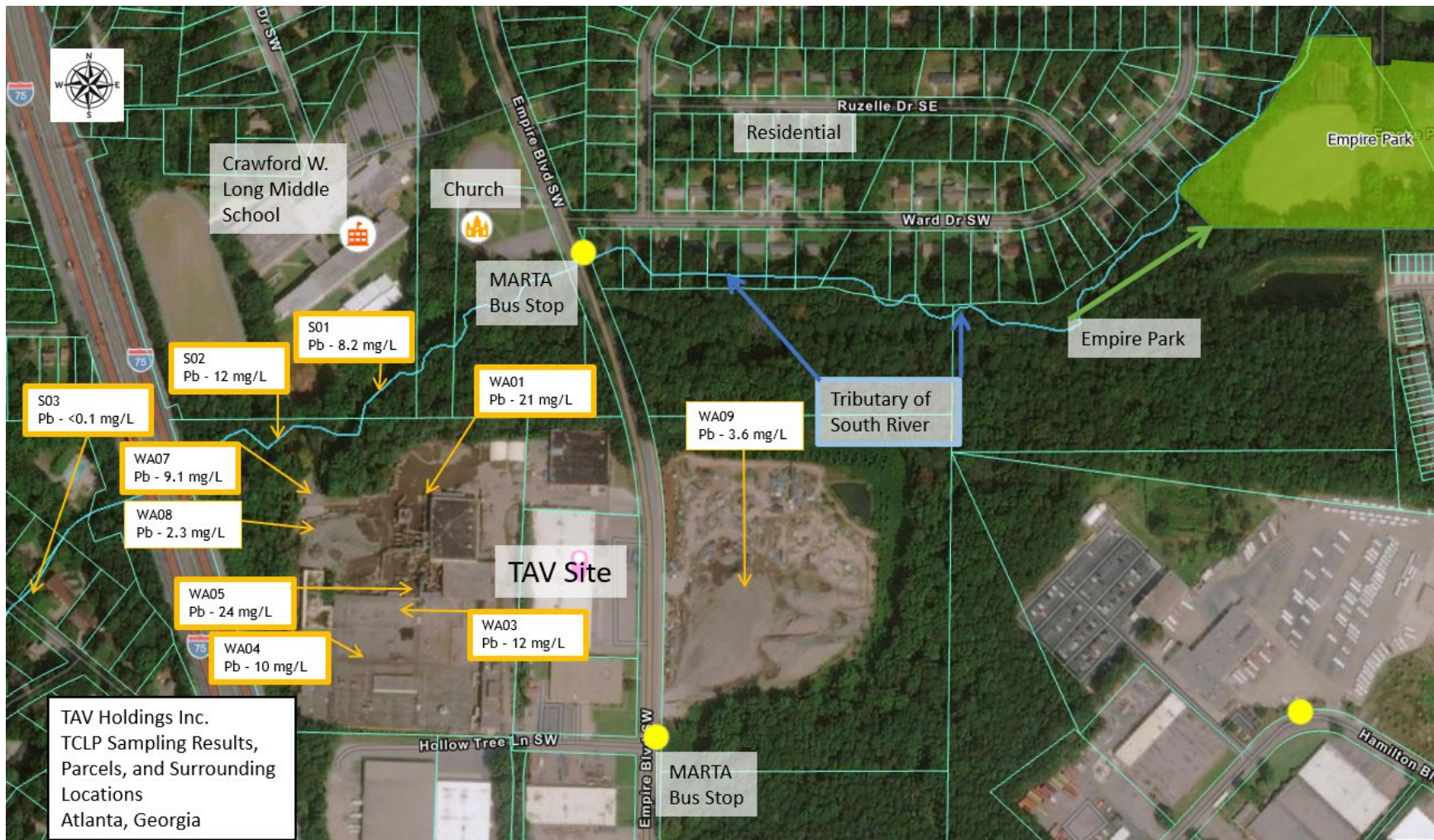


Figure 3: Google Maps Image of TAV Facility with TCLP Results, Parcels and Surrounding Locations

## **Attachment 2: Administrative Record Index**

**Unilateral Administrative Order Pursuant to RCRA Section 7003**

**TAV Holdings, Inc.**

**EPA I.D.#: GAD 033 537 663**

**January 2022**

**United States Environmental Protection Agency**

**Region 4**



## Administrative Record Index

The attached Administrative Record (AR) Index lists the documents, data, and other technical information that the U.S. Environmental Protection Agency (EPA), Region 4 considered in preparing the Order pursuant to Section 7003 of the Resource Conservation and Recovery Act (RCRA) for the TAV Holdings, Inc. facility located in Atlanta, Georgia.

The AR can be found online at <https://semspub.epa.gov/src/collection/04/AR67067>. If you wish to view a document listed in the Index that cannot be accessed online, please contact David Champagne or Brooke York at [champagne.david@epa.gov](mailto:champagne.david@epa.gov) or at [york.brooke@epa.gov](mailto:york.brooke@epa.gov), or at (404) 562-9028 or (404) 562-8025, respectively.

The attached Index includes the following information for each record listed:

- **Document Type** - Each record in this Index is classified into general document categories (e.g., application, approval, response to comments, etc.).
- **Date** - Calendar date of the record. Records are organized by date from oldest to most recent.
- **Subject/Title** - A listing of the document title and/or a summary description of what is discussed in the record.
- **Author** - The person who created the document.
- **Author Affiliation** - The organization, agency, or company where the author works.
- **Recipient** - The person who received the document.
- **Recipient Affiliation** - The organization, agency, or company where the recipient works.

**Administrative Record Index for RCRA Section 7003 Administrative Order**  
**TAV Holdings, Inc. Atlanta, Georgia**  
**RCRA Order Pursuant to Section 7003**  
**EPA ID# GAD 033 537 663**  
**{Prepared by U.S. EPA}**

<b>Document Type</b>	<b>Date</b>	<b>Subject/Title</b>	<b>Author Affiliation</b>	<b>Recipient Affiliation</b>
Memo	1/6/2021	EPA Memorandum to File “Summary of Observations and Photographs” (Photographs withheld from public access on AR website pending TAV’s review for Confidential Business Information (CBI))	EPA	File
Website	1/4/2022	TAV s Website “About Us” page	TAV	Public
Website Report	12/15/2021	EPA Watershed Report South River 1	EPA	Public
Website Report	12/15/2021	EPA Watershed Report South River 2	EPA	Public
Website Report	12/15/2021	EPA Watershed Report Unnamed Stream 1	EPA	Public
Website Report	12/15/2021	EPA Watershed Report Unnamed Stream 2	EPA	Public
Correspondence	12/10/2021	Email Documenting December 9, 2021 Meeting	EPA	TAV
Correspondence	11/22/2021	Opportunity to Show Cause	EPA	TAV
Report	11/18/2021	EPA LSASD Sampling Investigation Final Report (Photographs withheld from public access on AR website pending TAV’s review for CBI)	EPA LSASD	EPA CSLEB
Report	11/18/2021	EPA Compliance Evaluation Inspection Report (Photographs withheld from public access on AR website pending TAV’s review for CBI)	EPA	File/TAV
Correspondence	11/17/2021	EPA Notice of Violation and Request for Meeting	EPA	TAV
Report	11/10/2021	TAV Holdings, Inc., EJSCREEN Report	EPA	File
Website Report	11/9/2021	111 Hollow Tree Lane Fulton County Property Profile	Fulton County	Public
Website Report	11/9/2021	3311 Empire Blvd SW Fulton County Property Profile	Fulton County	Public
Website Report	11/9/2021	3320 Empire Blvd SW Fulton County Property Profile	Fulton County	Public
Website Report	11/9/2021	3325 Empire Blvd SW Fulton County Property Profile	Fulton County	Public
Website Report	11/9/2021	3405 Empire Blvd SW Fulton County Property Profile	Fulton County	Public
Correspondence	11/4/2021	TAV Holdings, Inc. Response to EPA’s Request for Information and Supplemental Emails through	TAV	EPA



**Administrative Record Index for RCRA Section 7003 Administrative Order**  
**TAV Holdings, Inc. Atlanta, Georgia**  
**RCRA Order Pursuant to Section 7003**  
**EPA ID# GAD 033 537 663**  
**{Prepared by U.S. EPA}**

<b>Document Type</b>	<b>Date</b>	<b>Subject/Title</b>	<b>Author Affiliation</b>	<b>Recipient Affiliation</b>
		1/6/2022 (Claimed CBI (documents withheld from public access on website))		
Correspondence	10/21/2021	Request for Information	EPA	TAV
Report	10/1/2021	EPA Compliance Stormwater Evaluation Inspection Transmittal Letter and Report	EPA WWES	TAV
ATSDR Publication	8/1/2020	Toxicological Profile for Lead	ASTDR	Public
Permit	6/1/2017	National Pollutant Discharge Elimination System Stormwater General Permit	Georgia EPD	Applicants
ATDSR Publication	9/1/2012	Toxicological Profile for Cadmium	ASTDR	Public
ATSDR Publication	9/1/2012	Toxicological Profile for Chromium	ASTDR	Public
Business Filing	1/18/2011	TAV Holdings Business Filings with GA SOS	Georgia SOS	TAV

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# ATTACHMENT 3: PHOTOGRAPHS

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TAV Holdings, Inc.  
3311 Empire Blvd. SW  
Atlanta, Georgia 30354

EPA ID # GAD 033 537 663  
Docket No: RCRA-04-2022-2101



Photograph 1 of 43 taken 10/6/2021 10:07 AM: Receiving Area



Photograph 2 of 43 taken 10/20/2021 10:26 AM: Receiving Area





Photograph 3 of 43 taken 10/6/2021 11:31 AM: Jig Pad Storage



Photograph 4 of 43 taken 12/6/2021 11:48 AM: Jig Pad Storage





Photograph 5 of 43 taken 12/6/2021 12:26 PM: Storage Pile Near Outfall 003



Photograph 6 of 43 taken 10/6/2021 2:11 PM: Storage Pile Near Outfall 003



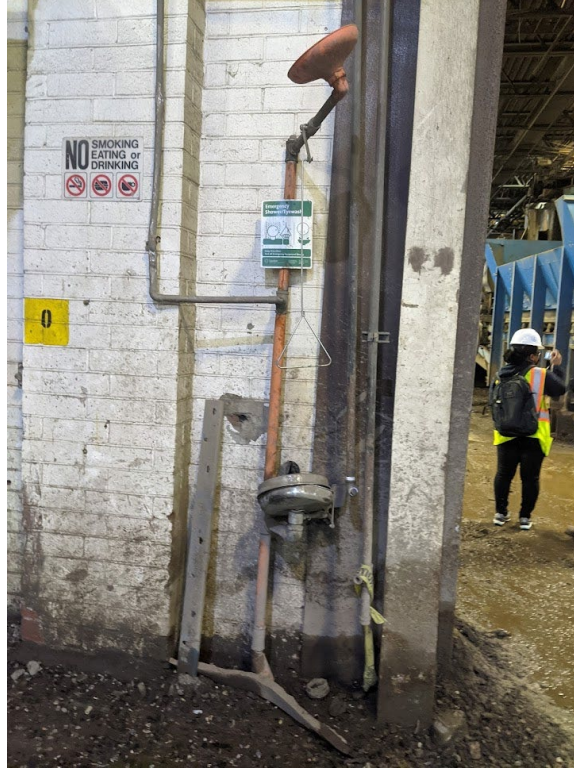


Photographs 7 and 8 of 43 taken 10/6/2021 11:11AM and 12/6/2021 12:57 PM: Keebler Building



Photograph 9 of 43 taken 10/20/2021 12:35 PM: Wastewater Treatment/Clarifier Area





Photograph 10 of 43 taken 10/20/2021 12:32PM and 12/6/2021 12:04 PM: Keebler Building



Photograph 11 of 43 taken 10/20/2021 10:36 AM: Keebler Building





Photograph 12 of 43 taken 10/20/2021 10:45 AM: Keebler Building



Photograph 13 of 43 taken 10/6/2021 11:10 AM: Wastewater Treatment/Clarifier Area





Photographs 14 and 15 of 43 taken 12/6/2021 12:05 PM: Wastewater Treatment/Clarifier Area



Photograph 16 of 43 taken 10/6/2021 11:10AM Wastewater Treatment/Clarifier Area



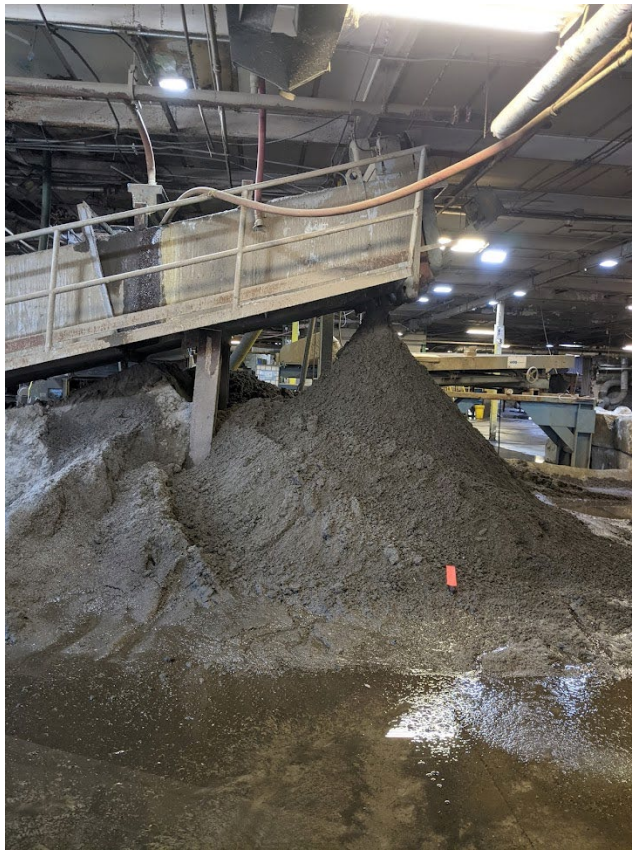


Photographs 17 and 18 of 43 taken 10/6/2021 2:32 PM: Keebler Building



Photograph 19 of 43 taken 10/6/2021 10:56 AM: Keebler Building



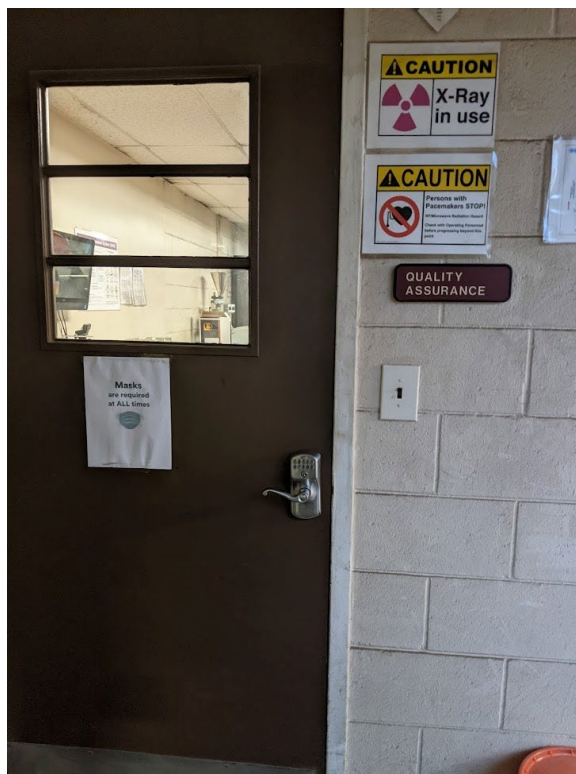


Photograph 20 of 43 taken 10/20/2021 12:32 PM: Keebler Building



Photograph 21 of 43 taken 12/6/2021 12:58 PM: Keebler Building





Photographs 22 of 43 taken 12/6/2021 12:29 PM: Keebler Complex Lab Area



Photographs 23 and 24 of 43 taken 12/6/2021 12:30 PM: Keebler Complex Lab Area



Photographs 25 and 26 of 43 taken 10/6/2021 12:42 PM and 12:42 PM: Keebler Complex Lab - Adjacent Room #1



Photograph 27 of 43 taken 12/6/2021 12:40 PM: Keebler Complex Lab - Adjacent Room #2





Photograph 28 of 43 taken 12/6/2021 12:39 PM: Keebler Complex Lab - Adjacent Room #3



Photographs 29 and 30 of 43 taken on 10/6/2021 2:12 PM and 2:15 PM: Outfall 003





Photographs 31 and 32 of 43 taken 10/6/2021 2:14 PM: Outfall 003



Photograph 33 of 43 taken on 10/20/2021: Outfall 002





Photographs 34 and 35 of 43 taken 10/20/2021 4:22 PM and 5:05 PM: Unnamed Tributary of South River near Outfall 003

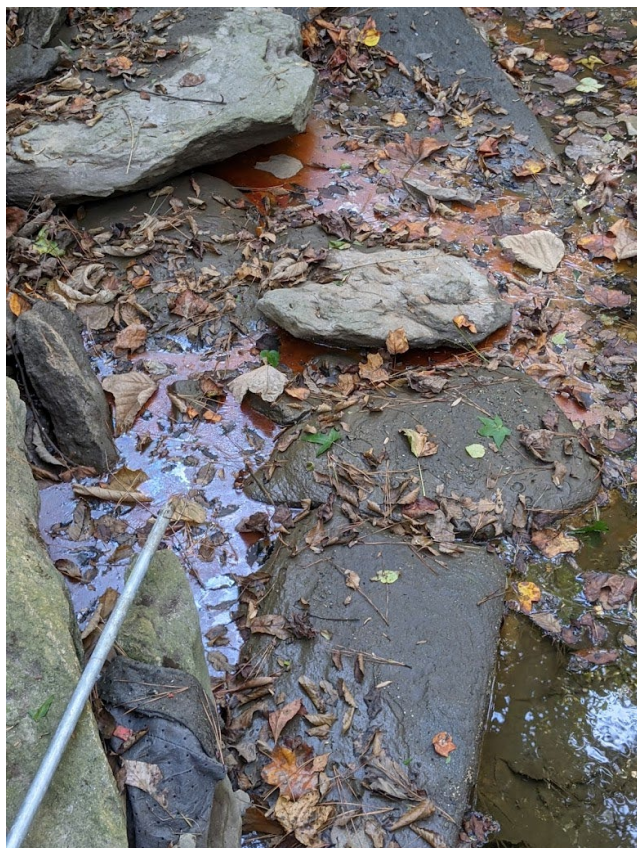


Photograph 36 of 43 taken 10/20/2021 5:10 PM: Unnamed Tributary of South River Near Outfall 003





Photograph 37 of 43 taken 10/20/2021 4:35 PM: Unnamed Tributary of South River Near Outfall 002



Photographs 38 and 39 of 43 taken 10/20/2021 4:34 PM and 4:40 PM: Unnamed Tributary of South River Near Outfall 002





Photograph 40 of 43 taken 10/6/2021 1:34 PM: Laydown-yard and Stored Waste



Photograph 41 of 43 taken 12/6/2021 10:54 AM: Laydown-yard and Stored Waste





Photograph 42 of 43 taken 10/6/2021 2:38 PM: Laydown-yard and Stored Waste



Photograph 43 of 43 taken 10/20/2021 3:56 PM: Curb at Entrance to TAV Facility on Empire Boulevard