



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

CERTIFIED MAIL – RETURN RECEIPT REQUESTED
ELECTRONIC MAIL – CONFIRMATION OF RECEIPT EMAIL REQUESTED

Mr. Thomas Valerio
CEO
TAV Holdings, Inc.
3311 Empire Boulevard, SW
Atlanta, Georgia 30354
metaltekd@yahoo.com

SUBJ: Notice of Violation (NOV) and Request for Meeting
TAV Holdings, Inc., located at 3311, 3320, and 3405 Empire Boulevard and 111 Hollow Tree Lane, Atlanta, Georgia
EPA Identification Number: GAD 033 537 663

Dear Mr. Valerio:

On October 6, 2021, the U.S. Environmental Protection Agency and the Georgia Environmental Protection Division (GAEPD) conducted a “Compliance Evaluation Inspection” (CEI) pursuant to the Georgia Hazardous Waste Management Act (GHWMA) and the federal Resource Conservation Recovery Act (RCRA) at the TAV Holdings, Inc. (TAV) facility located in Atlanta, Georgia at 3311, 3320, and 3405 Empire Boulevard and 111 Hollow Tree Lane (hereinafter collectively referred to as “the facility” or “the TAV facility”).

On October 20, 2021, the EPA led a follow-up Case Development Investigation (CDI) in conjunction with the GAEPD, at the TAV facility. During the CDI, the EPA collected samples both on- and off-site, including waste, soil, sediment, and surface water samples. The results from this sampling event showed elevated levels of lead in waste samples, as well as in sediment and surface water in the adjacent creek. See attached Laboratory Services & Applied Science Division Sampling Investigation Final Report. Several of these results exceeded the Toxicity Characteristic Leaching Procedure (TCLP) regulatory limit for lead, indicating that TAV is managing hazardous waste on-site and that there are ongoing releases of hazardous waste from the facility into the environment.

Based on the CEI and CDI, as well as the attached sampling results, the EPA has determined that TAV 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], including but not limited to failure to notify of hazardous waste activity, and the treatment, storage, and/or disposal of hazardous waste without a permit.

Due to the nature of the release, the ongoing violations of RCRA and the GHWMA, and the TAV

facility's proximity to the community and environmental receptors, the EPA requests a meeting with the facility **within 14 days** following receipt of this letter to discuss measures to address the management of hazardous waste and actions to prevent further releases into the environment.

TAV may elect to be represented by legal counsel during this meeting. Any information provided by TAV at the meeting, or in response to any Information Request Letter pursuant to RCRA Section 3007, may be used by the EPA in any civil or criminal proceedings related to this or other matters. Please be further advised that any false, fictitious, or fraudulent material omissions, statements, or representations may subject TAV to criminal penalties under Section 3008(d)(3) of RCRA, 42 U.S.C. § 6928(d)(3).

If TAV is a Small Business, you can find compliance and enforcement resources specifically designed to meet your needs at: <http://www2.epa.gov/enforcement/small-businesses-and-enforcement>. In that webpage, you can find information about the Small Business Regulatory Enforcement Fairness Act that accords some rights to small businesses and is aimed at providing assistance to small businesses and other small entities, making tools available for better understanding of the regulatory and enforcement processes, and seeing that there is no unfair treatment relating to the regulatory enforcement process.

TAV should contact Brooke York of the RCRA Enforcement Section upon receipt of this letter to schedule a meeting. Ms. York can be reached at (404) 562-8025, or by email at york.brooke@epa.gov. Any questions of a legal nature concerning this matter should be directed to Colleen Michuda, Senior Attorney, at (404) 562-9685, or by email at michuda.colleen@epa.gov.

Sincerely,

Kimberly L. Bingham
Chief
Chemical Safety and Land Enforcement Branch

cc: Mr. Max Benkel, Registered Agent, TAV Holdings, Inc. and TAV Hollow Tree Lane, LLC
Mr. Alex Camozzi, TAV (acamozzi@tavholdingsinc.net)
Mr. Rizwan Ullah Khan, Registered Agent, Rajpoot Property, Inc.
Mr. Frank W. Virgin, Registered Agent, Carolyn Empire LLC
Mr. Hugh Earl Burke, Registered Agent, Empire Development and Rentals, LLC
Mr. Chuck Mueller, GAEPD (Chuck.Mueller@dnr.ga.gov)
Mr. James Capp; GAEPD (Capp,James.capp@dnr.ga.gov)

Mr. Max Benkel (Certified)
Registered Agent
TAV Holdings, Inc. and TAV Hollow Tree Lane, LLC
325 Hammond Drive , Suite 114
Atlanta, Georgia 30328

Mr. Rizwan Ullah Khan (Certified)
Registered Agent
Rajpoot Property, Inc.
2109 Boyce Circle
Marietta, Georgia 30066

Ms. Carolyn Empire LLC (Certified)
1600 Northside Drive, NW
Atlanta, Georgia 30318

Mr. Frank W. Virgin (Certified)
Registered Agent
Carolyn Empire, LLC
1600 Parkwood Circle, Suite 400
Atlanta, Georgia 30339

Empire Development LLC (Certified)
P.O. Box 64430
Washington, DC 20029

Mr. Hugh Earl Burke (Certified)
Registered Agent
Empire Development and Rentals, LLC
2988 N. Columbia Street
Milledgeville, Georgia 31061