UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

In the Matter of: Carolina Filters, Inc., 109 East Newberry Avenue Sumter, South Carolina 29151 EPA ID No.: SC0000037986 Respondent.	Docket No. RCRA-04-2021-2108(b) Proceeding Under Section 3008(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a)

CONSENT AGREEMENT

I. NATURE OF ACTION

1. This is a civil administrative action for penalties and injunctive relief brought under Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a) (RCRA or the Act) and Sections 22.13(b) and 22.18 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at Title 40 of the Code of Federal Regulations (C.F.R.), Part 22.

2. This Consent Agreement and the attached Final Order shall collectively be referred to as the CAFO.

3. The parties have conferred for the purposes of settlement pursuant to 40 C.F.R. § 22.18 and desire to settle this action. Accordingly, before any testimony has been taken upon the pleadings and without any admission of violation or adjudication of any issue of fact or law and in accordance with 40 C.F.R. § 22.13(b), Complainant and Respondent have agreed to the execution of this CAFO, and Respondent hereby agrees to perform the actions required under the CAFO.

II. PARTIES

4. Complainant is the Chief of the Chemical Safety and Land Enforcement Branch, Enforcement and Compliance Assurance Division, United States Environmental Protection Agency, Region 4, who has been delegated the authority on behalf of the Administrator of the EPA to enter into this CAFO pursuant to 40 C.F.R. Part 22 and Section 3008(a) of the Act. Complainant hereafter shall be referred to as the EPA for purposes of this agreement.

5. Respondent is Carolina Filters, Inc., (Respondent) a corporation doing business in the State of South Carolina. This proceeding pertains to Respondent's facility located at 109 East Newberry Avenue, Sumter, South Carolina (Facility).

III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the State of South Carolina (State) has received final authorization to carry out a hazardous waste program in lieu of the federal program set forth in RCRA. The requirements of the authorized State program are found at SCHWMA, S.C. Code Ann. § 44-56-10 *et seq.*, and 25 S.C. Code Ann. Regs. 61-79.260-270, 61-79.273 and 61-107.279.

7. Pursuant to Section 3006(g) of RCRA, 42 U.S.C. § 6926(g), the requirements established by the Hazardous and Solid Waste Amendments of 1984 (HSWA), Pub. L. 98-616, are immediately effective in all states regardless of their authorization status and are implemented by the EPA until a state is granted final authorization with respect to those requirements. The State has received final authorization for certain portions of HSWA, including those recited herein.

8. Although the EPA has granted the State authority to enforce its own hazardous waste program, the EPA retains jurisdiction and authority to initiate an independent enforcement action pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2). This authority is exercised by the EPA in the manner set forth in the Memorandum of Agreement between the EPA and the State.

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

10. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), Complainant has given notice of this action to the State before issuance of this CAFO.

11. Section 44-56-30 of the SCHWMA, S.C. Code Ann. § 44-56-30 [Section 3002(a) of RCRA, 42 U.S.C. § 6922(a)], requires the promulgation of standards applicable to generators of hazardous waste. The implementing regulations for these standards are found at 25 S.C. Code Ann. Regs. 61-79 Part 262 [40 C.F.R. Part 262].

12. Section 44-56-60(a)(2) and (b)(3) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b)(3) [Section 3005 of RCRA, 42 U.S.C. § 6925], sets forth the requirement that a facility treating, storing, or disposing of hazardous waste must have a permit or interim status. The implementing regulations for this requirement are found at 25 S.C. Code Ann. Regs. 61-79 Part 264 (permitted) and 25 S.C. Code Ann. Regs. 61-79 Part 265 (interim status)] [40 C.F.R. Parts 264 (permitted) and 265 (interim status)].

13. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.2 [40 C.F.R. § 261.2], a "solid waste" is any discarded material that is not otherwise excluded from the regulations. A discarded material includes any material that is abandoned.

14. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.3 [40 C.F.R. § 261.3], a solid waste is a "hazardous waste" if it meets any of the criteria set forth in 25 S.C. Code Ann. Regs. 61-

79.261.3(a)(2) [40 C.F.R. § 261.3(a)(2)] and is not otherwise excluded from regulation as a hazardous waste by 25 S.C. Code Ann. Regs. 61-79.261.4(b) [40 C.F.R. § 261.4(b)].

15. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.3(a)(2)(i) and 25 S.C. Code Ann. Regs. 61-79.261.20 [40 C.F.R. §§ 261.3(a)(2)(i) and 261.20], solid wastes that exhibit any of the characteristics identified in 25 S.C. Code Ann. Regs. 61-79.261.21-24 [40 C.F.R. §§ 261.21-24] are characteristic hazardous waste and are provided with the EPA Hazardous Waste Numbers D001 through D043.

16. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.20 and 25 S.C. Code Ann. Regs. 61-79.261.21 [40 C.F.R. §§ 261.20 and 261.21], a solid waste that exhibits the characteristic of ignitability is a hazardous waste and is identified with the EPA Hazardous Waste Number D001.

17. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.20 and 25 S.C. Code Ann. Regs. 61-79.261.24 [40 C.F.R. §§ 261.20 and 261.24], a solid waste that exhibits the characteristic of toxicity is a hazardous waste and is identified with the EPA Hazardous Waste Number associated with the toxic contaminant causing it to be hazardous. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.24 [40 C.F.R. § 261.24], a solid waste that exhibits the characteristic of toxicity for chromium is identified with the EPA Hazardous Waste Number D007.

18. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.20 and 25 S.C. Code Ann. Regs. 61-79.261.24 [40 C.F.R. §§ 261.20 and 261.24], a solid waste that exhibits the characteristic of toxicity is a hazardous waste and is identified with the EPA Hazardous Waste Number associated with the toxic contaminant causing it to be hazardous. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.24 [40 C.F.R. § 261.24], a solid waste that exhibits the characteristic of toxicity for methyl ethyl ketone is identified with the EPA Hazardous Waste Number D035.

19. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.3(a)(2)(ii) and 25 S.C. Code Ann. Regs. 61-79.261.30 [40 C.F.R. §§ 261.3(a)(2)(ii) and 261.30], a solid waste is a listed "hazardous waste" if it is listed in 25 S.C. Code Ann. Regs. 61-79 Part 261 Subpart D [40 C.F.R. Part 261, Subpart D].

20. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.31(a) [40 C.F.R. § 261.31(a)], the following solid wastes are listed hazardous wastes and are identified with the EPA hazardous waste Number F003: spent non-halogenated solvents: methanol and xylene; spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

21. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.31(a) [40 C.F.R. § 261.31(a)], the following solid wastes are listed hazardous wastes and are identified with the EPA hazardous waste Number F005: spent non-halogenated solvents: benzene and methyl ethyl ketone; spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

22. Pursuant to 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], a "generator" is defined as any person, by site, whose act or process produces hazardous waste identified or listed in 25 S.C. Code Ann. Regs. 61-79.261 [40 C.F.R. Part 261], or whose act first causes a hazardous waste to become subject to regulation.

23. Pursuant to 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], a "facility" includes "all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste.

24. Pursuant to 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], a "person" includes an individual or corporation.

25. Pursuant to 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], an "owner" is "the person who owns a facility or part of a facility" and an "operator" is "the person responsible for the overall operation of a facility."

26. Pursuant to 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R.§ 260.10], "storage" means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

27. Pursuant to 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], a "container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

28. Pursuant to 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], a "tank" means a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

29. Pursuant to 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], "tank system" means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

30. Pursuant to 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], "new tank system" or "new tank component" means a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation has commenced after July 14, 1986; except, however, for purposes of R.61–79.264.193(g)(2) and R.61–79.265.193(g)(2), a new tank system is one for which construction commences after July 14, 1986.

31. Pursuant to 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], "ancillary equipment" means any device including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps that is used to distribute, meter, or control the flow of hazardous waste from its point of generation to a storage or treatment tank(s), between hazardous waste storage and treatment tanks to a point of disposal onsite, or to a point of shipment for disposal offsite.

32. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(c)(1) [40 C.F.R. § 262.34(c)(1) (2016)[1]], a generator may accumulate as much as 55 gallons of hazardous waste in containers at or near the

[1] South Carolina's newly adopted Generator Improvement Rule (GIR) regulations were effective in South Carolina as of May 24, 2019 but were not federally enforceable at the time of the EPA and State inspection at Carolina Filters, Inc. As such, and for ease of reference and consistency with the State's Inspection Report, this CAFO will cite to the South Carolina hazardous waste regulations that were federally enforceable at the time of the State inspection, and the corresponding federal regulations, prior to the amendments by the GIR. The federal requirements prior to the GIR are noted with their most recent effective date.

point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or without having interim status, as required by Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with SCHWMR, 25 S.C. Code Ann. Regs. 61-79.262.34(a) [40 C.F.R. § 262.34(a) (2016)], provided that the generator complies with the satellite accumulation area (SAA) conditions listed in SCHWMR, S.C. Code Ann. Regs. 61-79.262.34(c)(1)(i)-(ii) [40 C.F.R. § 262.34(c)(1)(i)-(ii) (2016)] (hereinafter referred to as the "SAA Permit Exemption").

33. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(c)(1)(i) [40 C.F.R. § 262.34(c)(1)(i) (2016)], which incorporates 25 S.C. Code Ann. Regs. 61-79.265.173(a) [40 C.F.R. § 265.173(a)] and is a condition of the SAA Permit Exemption, a generator must keep containers of hazardous waste closed when waste is not being added or removed.

34. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(c)(1)(ii) [40 C.F.R. § 262.34(c)(1)(ii) (2016)], which is a condition of the SAA Permit Exemption, a generator is required to mark containers of hazardous waste with the words "Hazardous Waste" or with other words that identify the contents of the containers.

35. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(a) [40 C.F.R. § 262.34(a) (2016)], a generator of 1,000 kilograms or greater of hazardous waste in a calendar month is a Large Quantity Generator (LQG) and may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, as required by Sections 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in S.C. Code Ann. Regs. 61-79.262.34(a)(1-4) [40 C.F.R. § 262.34(a)(1)-(4) (2016)] (hereinafter referred to as the "LQG Permit Exemption").

36. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(b) [40 C.F.R. § 262.34(b) (2016)], an LQG who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of S.C. Code Ann. Regs. 61-79.124, 61-79.264 through 61-79.268, and 61-79.270 [40 C.F.R. Parts 124, 264 through 268 and Part 270].

37. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(a)(4) [40 C.F.R. § 262.34(a)(4) (2016)], which incorporates S.C. Code Ann. Regs. 61-79.265.35 [40 C.F.R. § 265.35], and is a condition of the LQG Permit Exemption, a generator is required to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

38. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(a)(1)(i) [40 C.F.R. § 262.34(a)(1)(i) (2016)], which incorporates S.C. Code Ann. Regs. 61-79.265.171 [40 C.F.R. § 265.171], and is a condition of the LQG Permit Exemption, if a container holding hazardous waste is not in good condition, or if it begins to leak, the generator must transfer the hazardous waste from this container to a container that is in good condition or manage the waste in some other way that complies with the requirements.

39. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(a)(1)(i) [40 C.F.R. § 262.34(a)(1)(i) (2016)], which incorporates S.C. Code Ann. Regs. 61-79.265.173(a) [40 C.F.R. § 265.173(a)], and is a

condition of the LQG Permit Exemption, a generator is required to keep containers of hazardous waste closed when waste is not being added or removed.

40. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(a)(1)(i) [40 C.F.R.§ 262.34(a)(1)(i) (2016)], which incorporates S.C. Code Ann. Regs. 61-79.265.174 [40 C.F.R. § 265.174], and is a condition of the LQG Permit Exemption, a generator is required to inspect areas where containers are stored at least weekly to look for leaking containers and for deterioration of containers caused by corrosion or other factors.

41. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(a)(4) [40 C.F.R. § 262.34(a)(4) (2016)], which incorporates S.C. Code Ann. Regs. 61-79.265.15(d) [40 C.F.R. § 265.15(d)], and is a condition of the LQG Permit Exemption, the owner or operator must record inspections in an inspection log or summary. He must keep these records at the facility for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

42. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(a)(1)(ii) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], which incorporates S.C. Code Ann. Regs. 61-79.265.192(g) [40 C.F.R. § 265.192(g)], and is a condition of the LQG Permit Exemption, the owner or operator must obtain and keep on file at the facility written statements by those persons required to certify the design of the tank system and supervise the installation of the tank system in accordance with the requirements of paragraphs (b) through (f) of this section to attest that the tank system was properly designed and installed and that repairs, pursuant to paragraphs (b) and(d) of this section were performed. These written statements must also include the certification statement as required in R.61-79.270.11(d).

43. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(a)(1)(ii) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], which incorporates S.C. Code Ann. Regs. 61-79.265.194(b) [40 C.F.R. § 265.194(b)], and is a condition of the LQG Permit Exemption, the owner or operator must use appropriate controls and practices to prevent spills and overflows from tank or secondary containment systems, these include at a minimum: spill prevention controls; overfill prevention controls; and maintenance of sufficient freeboard in uncovered tanks to prevent overtopping by wave or wind action or by precipitation.

44. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(a)(1)(ii) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], which incorporates S.C. Code Ann. Regs. 61-79.265.195(a) [40 C.F.R. § 265.195(a)], and is a condition of the LQG Permit Exemption, the owner or operator must inspect, where present, at least once each operating day, data gathered from monitoring and leak detection equipment to ensure that the tank system is being operated according to its design.

45. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(a)(1)(ii) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], which incorporates S.C. Code Ann. Regs. 61-79.265.195(b) [40 C.F.R. § 265.195(b)], and is a condition of the LQG Permit Exemption, except as noted under the paragraph (c) of this section, the owner or operator must inspect at least once each operating day: overfill/spill equipment to ensure that it is in good working order; above ground portions of the tank system, if any, to detect corrosion or releases of waste and; the construction materials and the area immediately

surrounding the externally accessible portion of the tank system, including the secondary containment system to detect erosion or signs of releases of hazardous waste.

46. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(a)(1)(ii) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], which incorporates S.C. Code Ann. Regs. 61-79.265.195(e) [40 C.F.R. § 265.195(e)], and is a condition of the LQG Permit Exemption, a generator accumulating hazardous waste in tanks must conduct daily inspections of tank ancillary equipment that is not provided with secondary containment.

47. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(a)(1)(ii) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], which incorporates S.C. Code Ann. Regs. 61-79.265.1050(c) [40 C.F.R. § 265.1050(c)], and is a condition of the LQG Permit Exemption, a generator accumulating hazardous waste in tanks must comply with the RCRA Subpart BB organic air emission standards for equipment leaks, including, but not limited to, ensuring each piece of equipment to which this subpart applies is marked in such a manner that it can be distinguished readily from other pieces of equipment.

48. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(a)(1)(ii) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], which incorporates S.C. Code Ann. Regs. 61-79.265.1052(a) [40 C.F.R. § 265.1052(a)], and is a condition of the LQG Permit Exemption, a generator accumulating hazardous waste in tanks must comply with the RCRA Subpart BB organic air emission standards for equipment leaks, including, but not limited to, ensuring each pump in light liquid service is monitored monthly to detect leaks by the methods specified in S.C. Code Ann. Regs. 61-79.265.1063(b) [40 C.F.R. § 265.1063(b)] and is checked by visual inspection each calendar week for indications of liquids dripping from the pump seal.

49. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(a)(1)(ii) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], which incorporates S.C. Code Ann. Regs. 61-79.265.1057(a) [40 C.F.R. § 265.1057(a)], and is a condition of the LQG Permit Exemption, a generator accumulating hazardous waste in tanks must comply with the RCRA Subpart BB organic air emission standards for equipment leaks, including, but not limited to, ensuring each valve in gas/vapor or light liquid service is monitored monthly to detect leaks by the methods specified in S.C. Code Ann. Regs. 61-79.265.1063(b) [40 C.F.R. § 265.1063(b)].

50. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(a)(1)(ii) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], which incorporates S.C. Code Ann. Regs. 61-79.265.1058(a) [40 C.F.R. § 265.1058(a)], and is a condition of the LQG Permit Exemption, a generator accumulating hazardous waste in tanks must comply with the RCRA Subpart BB organic air emission standards for equipment leaks, including, but not limited to, ensuring pressure relief devices in light liquid service and flanges and other connectors are monitored within 5 days by the method specified in S.C. Code Ann. Regs. 61-79.265.1063(b) [40 C.F.R. § 265.1063(b)] if evidence of a potential leak is found by visual, audible, olfactory, or any other detection method.

51. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(a)(1)(ii) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], which incorporates S.C. Code Ann. Regs. 61-79.265.1064(b)(1) [40 C.F.R. § 265.1064(b)(1)], and is a condition of the LQG Permit Exemption, a generator accumulating hazardous waste in tanks must comply with the RCRA Subpart BB organic air emission standards for equipment leaks, including, but not limited to, recording the following information in the facility operating record and for each piece of equipment to which subpart BB of part 265 applies: equipment

identification number and hazardous waste management unit identification; approximate locations within the facility; type of equipment; percent-by-weight total organics in the hazardous waste stream at the equipment; hazardous waste state at the equipment; and the method of compliance with the standard.

52. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(a)(1)(ii) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], which incorporates S.C. Code Ann. Regs. 61-79.265.1085(c)(1-4) [40 C.F.R. § 265.1085(c)(1-4)], and is a condition of the LQG Permit Exemption, a generator accumulating hazardous waste in tanks must comply with the RCRA Subpart CC organic air emission standards for tanks, including, but not limited to, controlling air pollutant emissions from a tank using Tank Level 1 controls meeting the requirements specified in S.C. Code Ann. Regs. 61-79.265.1085(c)(1-4) [40 C.F.R. § 265.1085(c)(1-4)]: the owner or operator shall determine the maximum organic vapor pressure for a hazardous waste to be managed in the tank using Tank Level 1 controls before the first time the hazardous waste is placed in the tank. The maximum organic vapor pressure shall be determined using the procedures specified in S.C. Code Ann. Regs. 61-79.265.1084(c) [40 C.F.R. § 265.1084(c)] of this subpart; the tank shall be equipped with a fixed roof designed to meet the specifications in S.C. Code Ann. Regs. 61-79.265.1085 (c)(2)(i-iv) [40 C.F.R. § 265.1085(c)(2)(i-iv)]; whenever a hazardous waste is in the tank, the fixed roof shall be installed with each closure device secured in the closed position as specified in 25 S.C. Code Ann. Regs. 61-79.265.1085(c)(3)(i-iii) [40 C.F.R. § 265.1085(c)(2)(i-iii)]; and the fixed roof and its closure devices shall be visually inspected by owners or operators using Tank Level I control requirement to check for defects that could result in air pollutant emissions at least once every year and shall maintain a record of the inspection in accordance with the requirements specified in S.C. Code Ann. Regs. 61-79.265.1090(b) [40 C.F.R. § 265.1090(b)].

53. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(a)(1)(ii) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], which incorporates S.C. Code Ann. Regs. 61-79.265.1090 [40 C.F.R. § 265.1090], and is a condition of the LQG Permit Exemption, a generator accumulating hazardous waste in tanks must comply with the RCRA Subpart CC organic air emission standards for tanks, including, but not limited to, each owner or operator of a facility subject to requirements in this subpart shall record and maintain the information specified in paragraphs (b) through (j) of this section, as applicable to the facility.

54. Pursuant to S.C. Code Ann. Regs. 61-79.262.42(a)(2) [40 C.F.R. § 262.42(a)(2) (2016)], a generator of greater than 1,000 kilograms of hazardous waste in a calendar month must submit an Exception Report to the Department if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter. The Exception Report must include: a legible copy of the manifest for which the generator does not have confirmation of delivery and a cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.

55. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(a)(4) [40 C.F.R. § 262.34(a)(4) (2016)], which incorporates S.C. Code Ann. Regs. 61-79.265.16(d)(1-4) [40 C.F.R. § 265.16(d)(1-4)], and is a condition of the LQG Permit Exemption, a generator is required to maintain the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job; a written job description for each position at the facility related to hazardous waste management; a written description of the type and amount of both introductory and

continuing training that will be given to each person filling a position at the facility related to hazardous waste management; and records that document that the required training or job experience has been given to, and completed by, facility personnel.

56. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(a)(4) [40 C.F.R. § 262.34(a)(4) (2016)], which incorporates S.C. Code Ann. Regs. 61-79.265.53(b) [40 C.F.R. § 265.53(b)], and is a condition of the LQG Permit Exemption, a generator is required to submit a copy of the contingency plan and all revisions to the plan to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

57. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(a)(4) [40 C.F.R. § 262.34(a)(4) (2016)], which incorporates S.C. Code Ann. Regs. 61-79.265.54(d) [40 C.F.R. § 265.54(d)], and is a condition of the LQG Permit Exemption, the contingency plan must be reviewed, and immediately amended, if necessary, whenever, the list of emergency coordinators changes.

58. Pursuant to S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10] and to S.C. Code Ann. Regs. 61-79.273.9 [40 C.F.R. § 273.9], a "lamp", also referred to as "universal waste lamp", is defined as the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infra-red regions of the electromagnetic spectrum. Examples of common universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium and metal halide lamps.

59. Pursuant to S.C. Code Ann. Regs. 61-79.273.9 [40 C.F.R. § 273.9], a "Small Quantity Handler of Universal Waste" (SQHUW) is a Universal Waste handler who does not accumulate 5,000 kilograms or more of Universal Waste (batteries, pesticides, mercury-containing equipment, or lamps, calculated collectively) at any time.

60. Pursuant to S.C. Code Ann. Regs. 61-79.273.13(d)(1) [40 C.F.R. § 273.13(d)(1)], a SQHUW must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

61. Pursuant to S.C. Code Ann. Regs. 61-79.273.14(e) [40 C.F.R. § 273.14(e)], a SQHUW must label or mark each lamp or container of lamps clearly with one of the following phrases: "Universal Waste-Lamp(s)," or "Waste Lamp(s)," or "Used Lamps."

62. Pursuant to S.C. Code Ann. Regs. 61-79.273.15(a) & (c) [40 C.F.R. § 273.15(a) & (c)], a SQHUW may accumulate universal waste no longer than one year and must to be able to demonstrate the length of time that the universal waste has accumulated from the date that it became a waste or was received.

63. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(a)(1)(i), [40 C.F.R.§ 262.34(a)(1)(i) (2016)], which incorporates S.C. Code Ann. Regs 61-79.265.175(b)(1) [40 C.F.R. § 265.175(b)(1)], and is a condition of the LQG Permit Exemption, a containment system must be designed and operated as follows: a base must underlie the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.

IV. FACTUAL ALLEGATIONS

64. Respondent conducts the depolymerization of metal and stainless-steel discs and candle filters (filters) contaminated with various chemical polymers and polymer films received from the chemical film and polymer industry.

65. Respondent generates spent solvents, which are managed as D001/D035/F003/F005 hazardous waste flammable liquid (xylene, benzene, toluene, MEK, isopropanol), spent alcohol, which is managed as D001 hazardous waste flammable liquid (isopropanol), and spent chromium, which is managed as D007 hazardous waste.

66. On April 11, 2018, the EPA and South Carolina Department of Health and Environmental Control (SCDHEC) conducted a RCRA compliance evaluation inspection (CEI) at Respondent's facility. The EPA's findings of the CEI were documented in a report mailed to Respondent, dated June 19, 2018.

67. Following receipt of the CEI report, Respondent met with the EPA to respond to the alleged violations identified in the CEI and Respondent has provided numerous responses to these allegations and information requests made by the EPA over the prior four-year period.

68. During the April 11, 2018, CEI, the EPA observed that the Respondent was storing the hazardous waste isopropanol in two 5-gallon red safety containers in the laboratory that were not kept closed.

69. During the April 11, 2018, CEI, the EPA observed that the Respondent was storing the hazardous waste isopropanol in three 5-gallon red safety containers in the laboratory that were not marked or labeled with the words "Hazardous Waste" or with other words that identify the contents of the containers.

70. During the April 11, 2018, CEI, the EPA observed that Respondent was storing hazardous waste in one 55-gallon container marked with the date November 9, 2017, (on-site for 154 days) for more than 90 days in the Main 90-Day or Less Accumulation Area – Bay 8.

71. During the April 11, 2018, CEI, the EPA observed that Respondent was storing hazardous waste in 24 55-gallon containers without aisle space in the in the Main 90-Day or Less Accumulation Area – Bay 8.

72. During the April 11, 2018, CEI, the EPA observed that Respondent was storing hazardous waste in one 55-gallon container marked with the date November 9, 2017, that was not in good condition due to a dent and a cut in the metal, approximately at the container's midpoint in the Main 90-Day or Less Accumulation Area – Bay 8.

73. During the April 11, 2018, CEI, the EPA observed that Respondent was storing hazardous waste in one 55-gallon container marked with the date April 4, 2018, with a funnel inserted in the top opening of the container that was not kept closed in the IPA 90-Day or Less Accumulation Area.

74. During the April 11, 2018, CEI, the EPA reviewed the weekly inspection records from July 2014 to April 2018, of the Main 90-Day or Less Accumulation Area – Bay 8 and the IPA 90-Day or

Less Accumulation Area. The EPA observed that Respondent's inspection records were not identified with the full name of the person conducting the inspection for the date range mentioned above and the time the inspection was conducted was not recorded on the inspection record for the week of January 2, 2015, and September 18, 2015, of the Main 90-Day or Less Accumulation Area – Bay 8. The EPA observed that Respondent's inspection records did not provide comments on the container not in good condition in the Main 90-Day or Less Accumulation Area – Bay 8 and the hole in the secondary containment for the IPA 90-Day or Less Accumulation Area.

75. During the April 11, 2018, CEI, the EPA observed the Respondent did not have a record of an evaluation report for what the EPA alleges are two 150-gallon hazardous waste storage tanks connected in series by a threaded steel overflow pipe. Respondent contends that what the EPA alleges to be tanks are instead satellite accumulation (SAA) storage containers. This legal disagreement will be reflected throughout this remainder of this document by referring to the items as "storage units" or "unit systems" – reflecting that the EPA alleges these items are storage tanks or tank systems, but Respondent denies these allegations and contends the items in question are SAA containers. The records should have included a written assessment of the hazardous waste storage units showing that they were reviewed and certified by a qualified Professional Engineer attesting that the unit system has sufficient structural integrity. In addition, the Respondent did not show that the unit system was installed in accordance with the requirements of 25 S.C. Code Ann. Regs. 61-79.265.192(b) through (f) [40 C.F.R. § 265.192(b) through (f)] and that the unit system is acceptable for the storing and treating of hazardous waste. These written statements must also include the certification statement as required in 25 S.C. Code Ann. Regs. 61-79.270.11(d) [40 C.F.R. § 270.11(d)].

76. During the April 11, 2018, CEI, the EPA observed the Respondent did not use appropriate controls and practices to prevent spills and overflows from the storage units or secondary containment system. Evidence of a release was observed in the secondary containment system.

77. During the April 11, 2018, CEI, the EPA observed the Respondent did not conduct/document an inspection of the storage units and ancillary equipment at least once each operating day, or the data gathered from monitoring and leak detection equipment to ensure that the unit system is being operated according to its design.

78. The Respondent also did not have records to show that at least once each operating day it performed inspections of: overfill/spill equipment to ensure that it is in good working order; above ground portions of the unit system, if any, to detect corrosion or releases of waste; and the construction materials and the area immediately surrounding the externally accessible portion of the unit system, including the secondary containment system to detect erosion or signs of releases of hazardous waste.

79. During the April 11, 2018, CEI, the EPA observed that each piece of ancillary equipment associated with the storage units was not marked in such a manner that it could be distinguished readily from other pieces of equipment.

80. During the April 11, 2018, CEI, the EPA observed the ancillary equipment associated with the storage units. The Respondent's records did not include documentation that each pump in light liquid service was monitored monthly to detect leaks by the methods specified in 25 S.C. Code

Ann. Regs. 61-79.265.1063(b) [40 C.F.R. § 265.1063(b)] and each pump in light liquid service was checked by visual inspection each calendar week for indications of liquids dripping from the pump seal.

81. During the April 11, 2018, CEI, the EPA observed the ancillary equipment associated with the storage units. The Respondent's records did not include that each valve in gas/vapor or light liquid service was monitored monthly to detect leaks by the methods specified in 25 S.C. Code Ann. Regs. 61-79.265.1063(b) [40 C.F.R. § 265.1063(b)].

82. During the April 11, 2018, CEI, the EPA observed the ancillary equipment associated with the storage units. The Respondent's records did not include documentation that flanges, and other connectors are monitored within five (5) days by the method specified in 25 S.C. Code Ann. Regs. 61-79.265.1063(b) [40 C.F.R. § 265.1063(b)] if evidence of a potential leak is found by visual, audible, olfactory, or any other detection method.

83. During the April 11, 2018, CEI, the EPA observed the ancillary equipment associated with the storage units. The Respondent's records did not include the equipment identification number and hazardous waste management unit identification, approximate locations within the facility, type of equipment, percent-by-weight total organics in the hazardous waste stream at the equipment, hazardous waste state at the equipment, and the method of compliance with the standard.

84. During the April 11, 2018, CEI, the EPA observed storage units. The Respondent's records did not include annual visual inspections of the fixed roofs and closure devices on the storage units or records determining the maximum organic vapor pressure of the hazardous waste inside the storage units.

85. During the April 11, 2018, CEI, the EPA observed storage units. The Respondent's records did not include recording and maintaining the information specified in 25 S.C. Code Ann. Regs. 61-79.265.1090(b) through (j) [40 C.F.R. § 265.1090(b) through (j)], as applicable to the facility.

86. During the April 11, 2018, CEI, Respondent did not provide a record of the Exception Report Respondent submitted to the SCDHEC for manifest number 000214619 GGR, dated October 20, 2015, for the receipt of the manifest that did not show the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter.

87. During the April 11, 2018, CEI, Respondent provided hazardous waste training records. The Respondent did not provide records that consisted of the written job titles, job descriptions, and documentation of the hazardous waste training given and completed by laboratory and process operations technicians.

88. During the April 11, 2018, CEI, the Respondent provided the most recent revision of the contingency plan, dated July 13, 2010. Respondent's revised contingency plan dated July 13, 2010, included an out-of-date list of emergency coordinators. Respondent did not provide records to show that the local authorities were provided with a copy of the contingency plan.

89. During the April 11, 2018, CEI, the EPA observed three (3) open boxes of eight-foot used fluorescent lamps not marked with a date, one (1) open four-foot box of used fluorescent lamps not marked with a date, two (2) boxes of eight-foot used fluorescent lamps not marked or labeled

with the words "Universal Waste – Lamp(s)," "Waste Lamp(s)," or "Used Lamp(s)", and one (1) five- gallon container of broken used fluorescent lamps not marked or labeled with the words "Universal Waste – Lamp(s)," "Waste Lamp(s)," or "Used Lamp(s)".

90. During the April 11, 2018, CEI, the EPA also observed six (6) eight-foot used fluorescent lamps and one (1) four-foot used fluorescent lamp against the wall that were not in a closed container or package that was structurally sound, not marked with a date, and not marked or labeled with the words "Universal Waste – Lamp(s)," "Waste Lamp(s)," or "Used Lamp(s)".

91. During the April 11, 2018, CEI, the EPA observed that Respondent was storing hazardous waste in one (1) 55-gallon container that was not kept closed in the IPA 90-Day or Less Accumulation Area's metal secondary containment system that the EPA observed with a hole in the floor.

V. ALLEGED VIOLATIONS

92. Respondent is a "person" as defined in 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10].

93. Respondent is the "owner/operator" of a "facility" located at 109 East Newberry Avenue, Sumter, South Carolina, as those terms are defined in 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10].

94. Respondent generates waste that are "solid wastes" and "hazardous wastes" as defined in 25 S.C. Code Ann. Regs. 61-79.260.2 [40 C.F.R. § 260.2] and 25 S.C. Code Ann. Regs. 61-79.261.3 [40 C.F.R. § 261.3].

95. Respondent is a "large quantity generator" of "hazardous waste" who generates greater than or equal to one thousand (1,000) kilograms (2,200 pounds) of non-acute hazardous waste as those terms are defined in 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10].

96. Respondent accumulates less than 5,000 kilograms of Universal Waste and therefore is a SQHUW.

97. The Respondent had open SAA containers. The EPA therefore alleges Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the SAA Permit Exemption set forth in 25 S.C. Code Ann. Regs. 61-79.262.34(c)(1)(i) [40 C.F.R. § 262. 34(c)(1)(i) (2016)], by failing to keep its containers of hazardous waste closed when waste is not being added or removed as required by 25 S.C. Code Ann. Regs. 61-79.265.173(a) [40 C.F.R. § 265.173(a)].

98. The Respondent had SAA containers which either had no label or were labeled improperly. The EPA therefore alleges Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the SAA Permit Exemption set forth in 25 S.C. Code Ann. Regs. 61-79.262.34 (c)(1)(ii) [40 C.F.R. § 262.34(c)(1)(ii) (2016)], by failing to mark containers of hazardous waste with the words "Hazardous Waste" or with other words that identify the contents of the containers.

99. The Respondent was storing hazardous waste in one 55-gallon container marked with the date November 9, 2017, for more than 90 days in the Main 90-Day or Less Accumulation Area – Bay 8. The EPA therefore alleges Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in 25 S.C. Code Ann. Regs. 61-79.262.34(a)(1)(i) [40 C.F.R. § 262.34(a)(1)(i) (2016)], by storing hazardous waste in excess of 90 days without a permit or interim status, as required by 25 S.C. Code Ann. Regs. 61-79.262.34(b) [40 C.F.R. § 262.34(b) (2016)].

100. The Respondent was storing hazardous waste in 24 55-gallon containers without aisle space in the Main 90-Day or Less Accumulation Area – Bay 8. The EPA therefore alleges Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in 25 S.C. Code Ann. Regs. 61-79.262.34(a)(1)(i) [40 C.F.R. § 262.34(a)(1)(i) (2016)], by failing to comply with the aisle space requirements as required by 25 S.C. Code Ann. Regs. 61-79.265.35 [40 C.F.R. § 265.35].

101. The Respondent was storing hazardous waste in one (1) 55-gallon container marked with the date November 9, 2017, that was not in good condition due to a dent and a cut in the metal, approximately at the container's midpoint in the Main 90-Day or Less Accumulation Area – Bay 8. The EPA therefore alleges Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in 25 S.C. Code Ann. Regs. 61-79.262.34(a)(1)(i) [40 C.F.R. § 262.34(a)(1)(i) (2016)], by failing to comply when a container holding hazardous waste is not in good condition, or if it begins to leak, the generator must transfer the hazardous waste from this container to a container that is in good condition, or manage the waste in some other way as required by in 25 S.C. Code Ann. Regs. 61-79.265.171 [40 C.F.R. § 265.171].

102. The Respondent was storing hazardous waste in one (1) 55-gallon container marked with the date April 4, 2018, with an open funnel inserted in the top opening of the container in the IPA 90-Day or Less Accumulation Area. The EPA therefore alleges Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in 25 S.C. Code Ann. Regs. 61-79.262.34(a)(1)(i) [40 C.F.R. § 262.34(a)(1)(i) (2016)], by failing to keep containers of hazardous waste closed when waste is not being added or removed as required by 25 S.C. Code Ann. Regs. 61-79.265.173(a) [40 C.F.R. § 265.173(a)].

103. The Respondent did not provide comments on its inspection records documenting the condition of the container referenced in Paragraphs 72 and 101 or the hole in the secondary containment for the IPA 90-Day or Less Accumulation Area. The EPA therefore alleges Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set

forth in 25 S.C. Code Ann. Regs. 61-79.262.34(a)(1)(i) [40 C.F.R. § 262.34(a)(1)(i) (2016)], by failing to inspect areas where containers of hazardous waste are stored at least weekly to look for leaking and deterioration of containers caused by corrosion or other factors as required by 25 S.C. Code Ann. Regs. 61-79.265.174 [40 C.F.R. § 265.174].

104. The Respondent did not document on its weekly container inspection records the full name of the person conducting the inspection from July 2014 to April 2018 and did not record the time the inspection was conducted for the week of January 2, 2015, and September 18, 2015, for the Main 90-Day or Less Accumulation Area – Bay 8. The EPA therefore alleges Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in 25 S.C. Code Ann. Regs. 61-79.262.34(a)(1)(i) [40 C.F.R. § 262.34(a)(1)(i) (2016)], by failing to record inspections in an inspection log or summary and at a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions as required by 25 S.C. Code Ann. Regs. 61-79.265.15(d) [40 C.F.R. § 265.15(d)].

105. Respondent did not obtain and keep on file a written assessment of the storage units, reviewed, and certified by a qualified Professional Engineer, attesting that the system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste. The EPA therefore alleges Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in 25 S.C. Code Ann. Regs. 61-79.262.34(a)(1)(ii) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], by failing to obtain and keep on file at the facility written statements by those persons required to certify the design of the unit system, as required by 25 S.C. Code Ann. Regs. 61-79.265.192(g) [40 C.F.R. § 265.192(g)].

106. Respondent did not use appropriate controls and practices to prevent spills and overflows from the storage units or secondary containment systems. The EPA therefore alleges Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in 25 S.C. Code Ann. Regs. 61-79.262.34(a)(1)(ii) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], by failing to use appropriate controls and practices to prevent spills and overflow from the storage units and secondary containment system as required by 25 S.C. Code Ann. Regs. 61-79.265.194(b) [40 C.F.R. § 265.194(b)].

107. Respondent did not inspect, where present, at least once each operating day, data gathered from monitoring the storage units. The EPA therefore alleges Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in 25 S.C. Code Ann. Regs. 61-79.262.34(a)(1)(ii) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], by failing to, at least once each operating day, inspect data gathered from monitoring and leak detection equipment to ensure that the unit system is being operated according to its design as required by 25 S.C. Code Ann. Regs. 61-79.265.195(a) [40 C.F.R. § 265.195(a)].

108. Respondent did not conduct daily inspections of the storage units. The EPA therefore alleges Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in 25 S.C. Code Ann. Regs. 61-79.262.34(a) (1)(ii) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], by not inspecting, at least once each operating day, overfill/spill control equipment to ensure that it is in good working order; above ground portions of the unit system to detect corrosion or releases of waste; and the construction materials and the area immediately surrounding the externally accessible portion of the unit system, including secondary containment system to detect erosion or signs of releases of hazardous waste as required by 25 S.C. Code Ann. Regs. 61-79.265.195(b) [40 C.F.R. § 265.195(b)].

109. Respondent did not conduct daily inspections of the storage units' ancillary equipment that is not provided with secondary containment. The EPA therefore alleges Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in 25 S.C. Code Ann. Regs. 61-79.262.34(a)(1)(ii) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], by failing to conduct daily inspections of the storage units' ancillary equipment that is not provided with secondary containment as required by 25 S.C. Code Ann. Regs. 61-79.265.195(e) [40 C.F.R. § 265.195(e)].

110. Respondent did not mark each piece of equipment associated with the storage units in such a manner that it can be distinguished readily from other pieces of equipment. The EPA therefore alleges Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in 25 S.C. Code Ann. Regs. 61-79.262.34 (a)(1)(ii) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], by failing to mark each piece of equipment in such a manner that it can be distinguished readily from other pieces of equipment as required by 25 S.C. Code Ann. Regs. 61-79.265.1050(c) [40 C.F.R. § 265.1050(c)].

111. Respondent did not provide records of any monthly air monitoring activities or records of weekly visual inspections of the pumps associated with the storage units. The EPA therefore alleges Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in 25 S.C. Code Ann. Regs. 61-79.262.34 (a)(1)(ii) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], by failing to monitor each pump in light liquid service monthly to detect leaks by the methods specified in 25 S.C. Code Ann. Regs. 61-79.265.1063(b) [40 C.F.R. § 265.1063(b)] and by visual inspection each calendar week for indications of liquids dripping from the pump seal, as required by 25 S.C. Code Ann. Regs. 61-79.265.1052(a) [40 C.F.R. § 265.1052(a)].

112. Respondent did not provide records of any monthly air monitoring activities of the valves associated with the storage units. The EPA therefore alleges Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because

Respondent failed to meet a condition of the LQG Permit Exemption set forth in 25 S.C. Code Ann. Regs. 61-79.262.34(a)(1)(ii) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], by failing to monitor each valve in gas/vapor or light liquid service monthly to detect leaks by the methods specified in 15A NCAC 13A .0110 [40 C.F.R. § 265.1063(b)] as required by 25 S.C. Code Ann. Regs. 61-79.265.1057(a) [40 C.F.R. § 265.1057(a)].

113. Respondent did not provide records of any air monitoring of the flanges and other connectors for the unit systems. The EPA therefore alleges Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in 25 S.C. Code Ann. Regs. 61-79.262.34(a)(1)(ii) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], by failing to monitor flanges and other connectors for the unit system within 5 days by the method specified in 25 S.C. Code Ann. Regs. 61-79.265.1063(b) [40 C.F.R. § 265.1063(b)] if evidence of a potential leak is found by visual, audible, olfactory, or any other detection method as required by 25 S.C. Code Ann. Regs. 61-79.265.1058(a) [40 C.F.R. § 265.1058(a)].

114. Respondent did not identify pumps, valves, flanges, and other equipment connections for the unit systems as subject to air monitoring under Subpart BB; and did not meet the recordkeeping requirements under subpart BB. The EPA therefore alleges Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in 25 S.C. Code Ann. Regs. 61-79.262.34(a)(1)(ii) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], by failing to record, in the facility operating record, the equipment identification number and hazardous waste management unit identification; the approximate locations within the facility; the type of equipment, the percent-by weight total organics in the hazardous waste stream at the equipment; the hazardous waste state at the equipment; and the method of compliance with the standard for each piece of equipment to which subpart BB of part 265 applies, as required by 25 S.C. Code Ann. Regs. 61-79.265.1064(b)(1) [40 C.F.R. § 265.1064(b)(1)].

115. Respondent did not provide records on annual visual inspections of the fixed roofs and closure devices on the storage units or records on the determination for the maximum organic vapor pressure of the hazardous waste inside the units. The EPA therefore alleges Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in 25 S.C. Code Ann. Regs. 61-79.262.34(a)(1)(ii) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], by failing to visually inspect the fixed roof and its closure devices using Tank Level 1 control requirements to check for defects that could result in air pollutant emissions at least once every year; and by failing to maintain a record of the inspection in accordance with the requirements specified in 25 S.C. Code Ann. Regs. 61-79.265.1090(b) [40 C.F.R. § 265.1090(b)] as required by 25 S.C. Code Ann. Regs. 61-79.265.1085(c)(1-4) [40 C.F.R. § 265.1085(c)(1-4)].

116. Respondent did not provide records associated with the storage units that included recording and maintaining the information specified in 25 S.C. Code Ann. Regs. 61-79.265.1090(b) through (j) [40 C.F.R. § 265.1090(b) through (j)], as applicable to the facility. The EPA therefore alleges Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-

60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in 25 S.C. Code Ann. Regs. 61-79.262.34 (a) (1)(ii) [40 C.F.R. § 262.34(a)(1)(ii) (2016)], by failing to record and maintain the information as required by 25 S.C. Code Ann. Regs. 61-79.265.1090 [40 C.F.R. § 265.1090].

117. The Respondent did not provide a record of the Exception Report Respondent submitted to the SCDHEC for manifest number 000214619 GGR, dated October 20, 2015, for the receipt of the manifest that did not show the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter. The EPA therefore alleges Respondent violated 25 S.C. Code Ann. Regs. 61-79.262.42(a)(2) [40 C.F.R. § 262.42 (a)(2) (2016)], because Respondent failed to submit an Exception Report for the manifest that did not show the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter.

118. Respondent did not provide records consisting of the written job titles, job descriptions, and documentation of the hazardous waste training given and completed by laboratory and process operations technicians The EPA therefore alleges Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in 25 S.C. Code Ann. Regs. 61-79.262.34(a)(4) [40 C.F.R. § 262.34(a)(4) (2016)], by failing to maintain the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job; a written job description for each position at the facility related to hazardous waste management; a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position at the facility related to hazardous waste management; and records that document that the required training or job experience has been given to, and completed by, facility personnel as required by 25 S.C. Code Ann. Regs. 61-79.265.16(d)(1-4) [40 C.F.R. § 265.16(d)(1-4)].

119. Respondent did not provide records to show that the local authorities were provided with a copy of the revised contingency plan dated July 13, 2010. The EPA therefore alleges Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in 25 S.C. Code Ann. Regs. 61-79.262.34(a)(4) [40 C.F.R. § 262.34(a)(4) (2016)], by failing to maintain a record that a copy of the contingency plan and all revisions to the plan was submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services as required by 25 S.C. Code Ann. Regs. 61-79.265.53(b) [40 C.F.R. § 265.53(b)].

120. Respondent's revised contingency plan dated July 13, 2010, included an out-of-date list of emergency coordinators. The EPA therefore alleges Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in 25 S.C. Code Ann. Regs. 61-79.262.34(a)(4) [40 C.F.R. § 262.34(a)(4) (2016)], by failing to review and immediately amended the contingency plan, if necessary, whenever, the list of emergency

coordinators changes as required by 25 S.C. Code Ann. Regs. 61-79.265.54(d) [40 C.F.R. § 265.54(d)].

121. Respondent had open boxes of universal waste lamps. The EPA therefore alleges Respondent violated 25 S.C. Code Ann. Regs. 61-79.273.13(d)(1) [40 C.F.R. § 273.13(d)(1)], because Respondent failed to contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps; and that remain closed.

122. Respondent had boxes of universal waste lamps that were not labeled with the words "Universal Waste – Lamp(s)," "Waste Lamp(s)," or "Used Lamp(s)." The EPA therefore alleges Respondent violated 25 S.C. Code Ann. Regs. 61-79.273.14(e) [40 C.F.R. § 273.14(e)], because Respondent failed to label or mark each lamp or container of lamps clearly with one of the following phrases: "Universal Waste – Lamp(s)," "Waste Lamp(s)," or "Used Lamp(s)."

123. Respondent had boxes of universal waste lamps that were accumulating for longer than one year. The EPA therefore alleges Respondent violated 25 S.C. Code Ann. Regs. 61-79.273.15(a) & (c) [40 C.F.R. § 273.15(a) & (c)], because Respondent accumulated universal waste longer than one year and failed to be able to demonstrate the length of time that the universal waste has accumulated from the date that it became a waste or was received.

124. Respondent had one 55-gallon container of hazardous waste that was not kept closed in the IPA 90-Day or Less Accumulation Area's metal secondary containment system. The EPA observed a hole in the floor of the secondary containment system. The EPA therefore alleges Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in 25 S.C. Code Ann. Regs. 61-79.262.34(a)(1)(i) [40 C.F.R. § 262.34(a)(1)(i) (2016], by failing to maintain a containment system that was designed and operated as follows: a base must underlie the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed as required by 25 S.C. Code Ann. Regs. 61-79.265.175(b)(1) [40 C.F.R. § 265.175(b)(1)].

VI. TERMS OF AGREEMENT

125. The issuance of this CAFO simultaneously commences and concludes this proceeding, which upon performance of the conditions set forth herein, resolves all allegations from this CAFO. 40 C.F.R. § 22.13(b).

126. For the purpose of this proceeding only, as required by 40 C.F.R. § 22.18(b)(2), Respondent:

a. admits that the EPA has jurisdiction over the subject matter alleged in this CAFO;

b. neither admits nor denies the factual allegations set forth in this CAFO;

c. consents to the assessment of a civil penalty as stated below;

d. consents to the issuance of this compliance order;

e. consents to the conditions specified in this CAFO (which "conditions" are those obligations for performance under the CAFO);

f. waives any right to contest the allegations set forth in Section V (Alleged Violations) of this CAFO; and

g. waives its rights to appeal the Final Order accompanying this CAFO.

127. For the purpose of this proceeding, Respondent:

a. acknowledges that this CAFO constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;

b. waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CAFO only with respect to and limited to the enforcement of the CAFO, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706;

c. waives any rights it may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to compel compliance with the CAFO, and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action;

d. waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during any discussions with, or to be served with and reply to, any memorandum or communication addressed to the EPA officials where the purpose of such discussion, memorandum, or communication is to persuade such official to accept and issue this CAFO; and

e. agrees to comply with the terms of this CAFO.

128. Within 300 calendar days of receipt of the executed copy of this CAFO, Respondent shall submit to the EPA a certification signed by a duly authorized representative stating that the Facility is in compliance with the Act and its implementing regulations and that all the violations alleged in this CAFO have been corrected. This certification shall be as follows:

"I certify under penalty of law, to the best of my knowledge and belief, that all violations alleged in this CAFO have been corrected. All work was done under my direction or supervision according to a system designed to assure that qualified personnel implemented and completed the required tasks. This certification is based on my inquiry of the person(s) who performed the tasks, or those persons directly responsible for the person(s) who performed the tasks. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

129. The certification required to be submitted under this CAFO shall be emailed and a hard copy mailed to:

William Kappler, Physical Scientist
RCRA Enforcement Section

Chemical Safety and Land Enforcement Branch
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909
kappler.william@epa.gov

130. In accordance with 40 C.F.R. § 22.5, the individuals named in the certificate of service are authorized to receive service related to this proceeding and the parties agree to receive service by electronic means.

VII. TERMS OF PAYMENT

131. Respondent consents to the payment of a civil penalty, which was calculated in accordance with the Act, in the amount of **ONE HUNDRED NINETY THOUSAND DOLLARS ($190,000.00)**, which is to be paid within thirty (30) calendar days of the Effective Date of this CAFO.

132. Payment(s) shall be made by cashier's check, certified check, by electronic funds transfer (EFT), or by Automated Clearing House (ACH) (also known as REX or remittance express). If paying by check, the check shall be payable to: Treasurer, United States of America, and the Facility name and docket number for this matter shall be referenced on the face of the check.

a. If Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

United States Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

b. If Respondent sends payment by non-U.S. Postal express mail delivery, the payment shall be sent to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines & Penalties
1005 Convention Plaza
Mail Station: SL-MO-C2-GL
St. Louis, Missouri 63101
Contact Number: (314) 425-1819

c. If paying by EFT, Respondent shall transfer the payment to:

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, New York 10045

Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency"

d. If paying by ACH, Respondent shall remit payment to:

US Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking
Physical location of US Treasury facility:
5700 Rivertech Court
Riverdale, Maryland 20737
Contact: Craig Steffen, (513) 487-2091
REX (Remittance Express): 1-877-372-2457

133. Respondent shall send and email proof of payment, within 24 hours of payment of the civil penalty, to:

Regional Hearing Clerk
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
R4_Regional_Hearing_Clerk@epa.gov

and

William Kappler
Physical Scientist
Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division]
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
kappler.william@epa.gov

134. "Proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to the EPA requirements, in the amount due, and identified with the Facility name and "Docket No. RCRA-04-2021-2108(b)."

135. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to remit the civil penalty as agreed to herein, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the costs of processing and handling the delinquent claim. Accordingly, the EPA may require the Respondent to pay the following amounts on any amount overdue:

a. Interest. Interest will begin to accrue on the civil penalty from the Effective Date of this CAFO. If the civil penalty is paid within 30 days of the Effective Date of this CAFO,

Interest is waived. However, if the civil penalty is not paid in full within 30 days, Interest will continue to accrue on any unpaid portion until the unpaid portion of the civil penalty and accrued Interest are paid. Interest will be assessed at the rate of the United States Treasury tax and loan rate, as established by the Secretary of the Treasury, in accordance with 31 U.S.C. § 3717(a)(1), 31 C.F.R. § 901.9(b)(2), and 40 C.F.R. § 13.11(a).

b. Non-Payment Penalty. On any portion of a civil penalty or a stipulated penalty more than ninety (90) calendar days past due, Respondent must pay a non-payment penalty of not more than six percent (6%) per annum, which will accrue from the date the penalty payment became due and is not paid, as provided in 31 U.S.C. § 3717(e)(2) and 31 C.F.R. § 901.9(d). This non-payment penalty is in addition to charges which accrue or may accrue under subparagraphs (a) and (c) and will be assessed monthly. 40 C.F.R. § 13.11(c).

c. Monthly Handling Charge. Respondent must pay a late payment handling charge to cover the administrative costs of processing and handling the delinquent claim, based on either actual or average cost incurred. 31 C.F.R. § 901.9(b)(c), and 40 C.F.R. § 13.11(b). Administrative costs will be assessed monthly throughout the period the debt is overdue except as provided by 40 C.F.R. § 13.12.

136. In addition to what is stated in the prior Paragraph, if Respondent fails to timely pay any portion of the penalty assessed under this CAFO, the EPA may:

a. refer the debt to a credit reporting agency or a collection agency, 40 C.F.R. §§ 13.13 and 13.14;

b. collect the debt by administrative offset (i.e., the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, 40 C.F.R. Part 13, Subparts C and H;

c. suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, 40 C.F.R. § 13.17; and/or

d. refer the debt to the Department of Justice as provided in 40 C.F.R. § 13.33. In any such judicial action, the validity, amount, and appropriateness of the penalty and of this CAFO shall not be subject to review.

137. Penalties paid pursuant to this CAFO shall not be deductible for purposes of federal taxes.

VIII. WORK TO BE PERFORMED

138. Within ninety (90) calendar days of receipt of the executed copy of this CAFO, Respondent shall commence construction of the Project "Low Boiler Satellite Accumulation Building" (LBSAA), in accordance with the specifications shown in the Respondent's Facility Diagram, dated July 9, 2021, and delivered to EPA Region, 4 by electronic mail, on July 9, 2021. Construction of the LBSSA shall include:

139. Respondent shall partially remove the existing metal corrugated wall behind the existing storage units;

140. Respondent shall construct two (2) approximately 3-foot, 4-inch walkways from the Furnace Room/Process Area into the LBSSA;

141. Respondent shall construct side walls on the north and south sides of the existing storage units to enclose the LBSSA;

142. Respondent shall connect the north wall of the LBSSA to the existing Processing Building's wall;

143. Respondent shall construct a new front wall to enclose the new approximately 175-200-gallon tote (LBSAA Tote) inside the LBSSA;

144. Respondent shall construct an extension of the Processing Building's roof line to cover the LBSSA;

145. Respondent shall construct a secondary containment system inside the LBSSA. The secondary containment system shall be constructed with a liquid containment capacity of approximately 200-gallons, constructed with materials compatible with the hazardous waste stored in the LBSSA tote, and constructed with an expanded grating platform;

146. Respondent shall install two (2) windows and an eight-foot (8-foot) wide by eight-foot (8-foot) tall roll up metal door on the LBSSA;

147. Respondent shall install a lock(s) to secure the roll up metal door;

148. Respondent shall install a video camera positioned inside the LBSSA and shall monitor the LBSAA for releases and spills using an electronic monitoring screen (real time video monitoring), which will be located in the scheduling room/control room;

149. Respondent shall either purchase or construct a new approximately 175-200-gallon LBSAA Tote using an outside company and install the LBSAA Tote in the LBSSA to replace the storage units;

150. Respondent shall purchase or construct the LBSAA Tote made or lined with materials which will not react with, and is compatible with, the hazardous waste to be accumulated in the Tote and which LBSAA Tote will be a unit that can be utilized in compliance with DOT requirements when purchased, if reasonably available;

151. Respondent shall install a level gauge on the LBSAA Tote to electronically monitor the 55-gallon level, using the Programmable Logic Control (PLC) system; and

152. There will be a pressure relief valve installed on the LBSAA Tote.

153. Respondent shall maintain a log to document: the date when greater than 55-gallons of hazardous waste is accumulated in the LBSAA Tote; and the date the volume of hazardous waste in excess of 55-gallons has been transferred to the central accumulation area (CAA). The volume of waste

in excess of 55 gallons must be transferred within three (3) days of when the excess waste was accumulated.

154. Respondent shall give specific RCRA training to employees managing and handling hazardous waste in the LBSSA.

155. Respondent shall RCRA close the two (2) existing storage units, along with secondary containment, and applicable ancillary equipment (if removed or replaced) in the following manner:

(a) Respondent will remove material from the units in question;

(b) Will properly manage any material removed as hazardous waste;

(c) Will triple rinse the units and secondary containment and applicable ancillary equipment (if removed or replaced) using a technology capable of removing hazardous waste from the storage units, secondary containment and applicable ancillary equipment (if removed or replaced);

(d) Will test the rinse material;

(e) Will properly manage and dispose of the rinse material;

(f) Will make a determination that the storage units, secondary containment and applicable ancillary equipment (if removed or replaced) are decontaminated; and

(g) Will properly manage the empty/cleaned units in question, secondary containment and applicable ancillary equipment (if removed or replaced).

156. Within 300 days of receipt of the executed copy of this CAFO, Respondent shall submit to the EPA the certification as provided in Paragraph 128 of this CAFO, that Respondent completed all work required by this Work To Be Performed, Section VIII.

157. Respondent shall notify the EPA within five (5) business days prior to work commencing on construction of the LBSSA. Notification may be made electronically or in writing, and shall be to William Kappler, using the contact information as provided in paragraph 129.

158. Respondent shall within 60 days after commencing work on the LBSSA provided in Paragraph 138 of this CAFO, and every 60 days thereafter provide an update to EPA on the status of completing the work addressed-herein (until notification of completion of the project) (60 Day Report). The 60 Day Report shall include the status of any construction activities; completion of construction milestones; problems encountered or anticipated, together with implemented or proposed solutions; and status of operation and maintenance during construction activities. Respondent shall also provide a notification to the EPA when the work is completed (Notification of Completion). The 60 Day Report(s) and the Notification of Completion may be made to the EPA in writing, and/or electronically, and shall be provided to William Kappler, using the contact information as provided in paragraph 129.

159. The parties agree that the conditions identified in this Section VIII with respect to the LBSAA building and LBSAA Tote contained therein apply so long as Respondent is managing hazardous waste in the LBSAA building and in a SAA container. If Respondent ceases management of hazardous waste in this building (including by utilization of some exclusion or exemption from RCRA requirements for management of the material in question), the conditions identified in this Section VIII for management of hazardous waste in the LBSAA or LBSAA Tote would no longer apply, unless independently required by law independent of this CAFO.

IX. FORCE MAJEURE AND EXCUSABLE DELAY

160. Force majeure, for purposes of this CAFO, is defined as any event arising from causes not reasonably foreseen and beyond the control of Respondent or any person or entity controlled by Respondent, including but not limited to Respondent's contractors, that delays or prevents the timely performance of any obligation under this CAFO despite Respondent's best efforts to fulfill such obligation. The requirement that Respondent exercise "best efforts to fulfill such obligation" shall include, but not be limited to, best efforts to anticipate any potential force majeure event and address it before, during, and after its occurrence, such that any delay or prevention of performance is minimized to the greatest extent possible. Force majeure does not include increased costs of the Work to be performed under this CAFO; financial inability to complete the Work; minor precipitation events; or changed circumstances arising out of sale, lease, or transfer of Respondent's interest in any and/or all portions of the Facility.

161. If any event occurs or has occurred that may delay the performance of any obligation under this CAFO, whether or not caused by a force majeure event, Respondent shall contact by telephone and communicate orally with the EPA's Project Coordinator or, in his or her absence, or his or her Section Chief or, in the event both of the EPA's designated representatives are unavailable, the Director of the Enforcement and Compliance Assurance Division (ECAD) , EPA, Region 4, within seventy-two (72) hours of when Respondent first knew the event would cause a delay. Within five (5) calendar days thereafter, Respondent shall provide to the EPA in writing the anticipated duration of the delay; all actions taken or to be taken to prevent or minimize the delay; all other obligations affected by the force majeure event, and what measures, if any, taken or to be taken to minimize the effect of the event on those obligations; a schedule for implementation of any measures to be taken to prevent or mitigate the delay or the effect of the delay; Respondent's rationale for attributing such delay to a force majeure event if it intends to assert such a claim; and a statement as to whether, in the opinion of Respondent, such event may cause or contribute to an endangerment to public health, welfare or the environment. Respondent shall include with any notice all available documentation supporting its claim that the delay was attributable to a force majeure event.

162. If the EPA determines that the delay or anticipated delay is attributable to a force majeure event, the time for performance of such obligation under this CAFO that is affected by the force majeure event will be extended by the EPA for such time as the EPA determines is necessary to complete such obligation. An extension of the time for performance of such obligation affected by the force majeure event shall not, of itself, extend the time for performance of any other obligation, unless Respondent can demonstrate that more than one obligation was affected by the force majeure event. If the EPA determines that the delay or anticipated delay has been or will be caused by a force majeure event, the EPA will notify Respondent in writing of the length of the

extension, if any, for performance of such obligations affected by the force majeure event. EPA shall not unreasonably deny a good faith request for the occurrence of a force majeure event.

163. If the EPA disagrees with Respondent's assertion of a force majeure event, either party may pursue further legal action as would then be available to them. In any subsequent legal action, the potential existence of a force majeure event shall be available for consideration by the decision-making body as appropriate.

X. EFFECT OF CAFO

164. In accordance with 40 C.F.R. § 22.18(c), Respondent's full compliance with this CAFO shall only resolve Respondent's liability for federal civil penalties for the violations and facts specifically alleged above.

165. Full payment of the civil penalty, as provided in Section VII (Terms of Payment), shall not in any case affect the right of the EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. 40 C.F.R. § 22.18(c).

166. Any violation of this CAFO may result in a civil penalty for each day of continued noncompliance with the CAFO and/or the suspension or revocation of any federal or state permit issued to the violator, as provided in Section 3008(c) of the Act, 42 U.S.C § 6928(c).

167. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws or statutes, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit, except as provided herein.

168. Nothing herein shall be construed to limit the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment as provided under the Act.

169. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of both Parties, and approval of the Regional Judicial Officer.

170. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, authorized representatives, successors, and assigns. Respondent shall cause all persons, including independent contractors, contractors, and consultants acting under control of or for Respondent, to comply with the provisions hereof in connection with any activity subject to this CAFO

171. Any change in the legal status of the Respondent, or change in ownership, partnership, corporate or legal status relating to the Facility, will not in any way alter Respondent's obligations and responsibilities under this CAFO.

172. By signing this Consent Agreement, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO itself does not contain any confidential business information or personally identifiable information.

173. By signing this Consent Agreement, the Complainant and the undersigned representative of Respondent each certify that he or she is fully authorized to execute and enter into the terms and conditions of this CAFO and has the legal capacity to bind the party he or she represents to this CAFO.

174. By signing this Consent Agreement, both Parties agree that each party's obligations under this CAFO constitute sufficient consideration for the other party's obligations.

175. By signing this Consent Agreement, Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and continues to be, true, accurate, and complete, to the best of its knowledge, for each such submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

176. The EPA also reserves the right to revoke this CAFO and settlement penalty if and to the extent that the EPA finds, after signing this CAFO, that any information provided by Respondent was materially false or inaccurate at the time such information was provided to the EPA. If such false or inaccurate material was provided, the EPA reserves the right to assess and collect any and all civil penalties for any violation described herein. The EPA shall give Respondent notice of its intent to revoke, which shall not be effective until received by Respondent in writing.

177. Unless specifically stated otherwise in this CAFO, each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.

178. This CAFO shall not be construed to create rights in, or grant any cause of action to, any third party not party to this CAFO.

179. This CAFO may not be used as an admission of fact or law in any proceeding by any party other than EPA in its enforcement of this CAFO.

180. It is agreed between Complainant and Respondent, that Respondent does not waive any defenses of any kind prospectively by entering into this agreement, other than with respect to the enforcement of this CAFO in this matter.

181. For purposes of the identification requirement of Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii) and 26 C.F.R. § 162-21(b)(2), Section VIII (Work to be Performed) is restitution or required to come into compliance with the law.

XI. EFFECTIVE DATE

182. This CAFO shall become effective after execution of the Final Order by the Regional Judicial Officer, on the date of filing with the Hearing Clerk.

[Remainder of Page Intentionally Left Blank

Complainant and Respondent will Each Sign on Separate Pages.]

The foregoing Consent Agreement In the Matter of **Carolina Filters, Inc.,** Docket No. RCRA-04-2021-**2108(b),** is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:

R. Coles Dwight, III 2/15/22

Signature Date

Printed Name: Richard Coles Dwight, III

Title: CEO

Address: Carolina Filters, 109 E. Newberry Ave, Sumter SC 29150

The foregoing Consent Agreement In the Matter of **Carolina Filters, Inc.**, Docket No. RCRA-04-2021-**2108(b),** is Hereby Stipulated, Agreed, and Approved for Entry.

FOR COMPLAINANT:

KIMBERLY BINGHAM

Digitally signed by KIMBERLY BINGHAM
Date: 2022.02.28 11:27:06 -05'00'

Kimberly L. Bingham
Chief
Chemical Safety and Land Enforcement Branch

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

In the Matter of: Carolina Filters, Inc. 109 East Newberry Avenue Sumter, South Carolina 29151 EPA ID No.: SC0000037986 Respondent.	Docket No. RCRA-04-2021-2108(b) Proceeding Under Section 3008(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a)

The Regional Judicial Officer is authorized to ratify this Consent Agreement which memorializes a settlement between Complainant and Respondent. 40 C.F.R. §§ 22.4(b) and 22.18(b)(3). The foregoing Consent Agreement is, therefore, hereby approved, ratified and incorporated by reference into this Final Order in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, 40 C.F.R. Part 22.

The Respondent is hereby ORDERED to comply with all of the terms of the foregoing Consent Agreement effective immediately upon filing of this Consent Agreement and Final Order with the Regional Hearing Clerk. This Final Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

BEING AGREED, IT IS SO ORDERED.

TANYA FLOYD Digitally signed by TANYA FLOYD Date: 2022.03.02 13:05:15 -05'00'

Tanya Floyd
Regional Judicial Officer

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order, In the Matter of **Carolina Filters, Inc.**, Docket No. RCRA-04-2021-**2108(b)**, was filed and copies of the same were emailed to the parties as indicated below.

Via email to all parties at the following email addresses:

To Respondent:

Mr. Coles Dwight, CEO/Principal
Carolina Filters, Inc.
coles@carolinafilters.com
109 East Newberry Avenue
Sumter, South Carolina 29151
(404) 418-9718

Bernard F. Hawkins, Jr., Esq.
Nelson Mullins
Bernie.hawkins@nelsonmullins.com
(803) 255-9581

To EPA:

William Kappler, Physical Scientist
Kappler.William@epa.gov
(404) 562-8498

Joan Redleaf Durbin, Senior Attorney
Redleaf-Durbin.Joan@epa.gov
(404) 562-9544

Quantindra Smith,
Environmental Protection Specialist
Smith.Quantindra@epa.gov
(404) 562-8564

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

SHANNON RICHARDSON Digitally signed by SHANNON RICHARDSON Date: 2022.03.02 15:20:54 -05'00'

Shannon L. Richardson
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960