

FILED

Aug 04, 2025

6:14 pm

U.S. EPA REGION 4
HEARING CLERK

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:	)	Docket No. RCRA-04-2025-4002(b)
	)	
RJ Reynolds	)	
	)	
RJ Reynolds Tobacco Company	)	
4040 Reynolds Court	)	
Winston-Salem, NC 27105	)	
EPA ID. No. NC0991302664	)	EXPEDITED SETTLEMENT
	)	AGREEMENT AND
Respondent	)	FINAL ORDER
	)	
	)	
	)	

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (EPA) is authorized to enter into this Expedited Settlement Agreement (Agreement) pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. § 6928(a)) 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*, as codified at Title 40 of the Code of Federal Regulations (C.F.R.), Part 22.
2. The EPA has provided the North Carolina Department of Environmental Quality (NCDEQ) with notice of this action as required by Section 3008(a)(2) [42 U.S.C. § 6928(a)(2)].
3. RJ Reynolds Tobacco Company (Respondent) is the owner or operator of a facility located at 4040 Reynold's Court, Winston-Salem, North Carolina 27105 (Facility). The EPA inspected the Facility on December 5, 2023.
4. Having found that settlement is consistent with the provisions and objectives of RCRA and applicable regulations, the EPA and Respondent have agreed to settle this action pursuant to 40 C.F.R. § 22.18 and consent to the entry of this Agreement without the Respondent's admission of violation or adjudication of any issues of law or fact herein.
5. The EPA alleges that Respondent violated the following requirements of RCRA, and the EPA approved and authorized NCDEQ hazardous waste management program found in the North Carolina Solid Waste Management Law, N.C.G.S. §§ 130A-17 to -28 and 130A-290 to -310.22, and the North Carolina Hazardous Waste Management Rules, 15A NCAC

13A .0101 to .0119. 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. For ease of reference, the federal citations will follow in brackets.

- a. Pursuant to 15A NCAC 13A .0119(a) [40 C.F.R. § 273.9], Respondent is a large quantity handler of universal waste (LQHUW), as it accumulates over 5,000 kilograms of universal waste in a calendar year.
 - b. Pursuant to 15A NCAC 13A .0119(c) [40 C.F.R. § 273.34(a)], a LQHUW must clearly mark universal waste batteries, or a container or tank in which the batteries are contained, with one of the following phrases: "Universal Waste – Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)." At the time of the inspection, Respondent failed to clearly mark 36 pallets accumulating universal waste batteries with one of the following phrases: "Universal Waste – Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)," in violation of 15A NCAC 13A .0119(c) [40 C.F.R. § 273.34(a)].
 - c. Pursuant to 15A NCAC 13A .0119(c) [40 C.F.R. § 273.35(c)], a LQHUW must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. At the time of the inspection, Respondent failed to demonstrate the length of time that universal waste had been accumulated, in violation of 15A NCAC 13A .0119(c) [40 C.F.R. § 273.35(c)].
 - d. Pursuant to 15A NCAC 13A .0119(c) [40 C.F.R. § 273.32(a)(1)], a LQHUW must have sent written notification of universal waste management to NCDEQ, and received an EPA Identification Number, before meeting or exceeding the 5000 kilograms storage limit. At the time of the inspection, Respondent had accumulated 9,095 kilograms of universal waste. Respondent failed to send written notification of its universal waste management to NCDEQ, in violation of 15A NCAC 13A .0119(c) [40 C.F.R. § 273.32(a)(1)].
6. The EPA and Respondent agree that settlement of this matter for a civil penalty of **THREE THOUSAND SEVEN HUNDRED AND FIFTY DOLLARS (\$3,750.00)** is in the public interest.
 7. In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA, its implementing regulations, and the authorized State program; (2) admits that the EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; (5) waives any right to contest the allegations set forth herein; (6) waives its right to appeal the Final Order accompanying this Agreement pursuant to Section 3008(b) of RCRA and 40 C.F.R. Part 22; and (7) consents to

electronic service of the Agreement and Final Order to the individuals named in the Certificate of Service contained herein .

8. By signing this Agreement, Respondent waives any rights or defenses that it has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the Final Order accompanying this Agreement.
9. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the alleged violations have been corrected and that Respondent has submitted true and accurate documentation of such correction.
10. The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this Agreement and to execute and legally bind Respondent to it. Payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.
11. The EPA reserves all of its rights to take an enforcement action for any other past, present, or future violations by Respondent of RCRA or the authorized State program, any other federal statute or regulation, or this Agreement.
12. Each party shall bear its own attorney's fees, costs and disbursements incurred in this proceeding, if any.
13. This Agreement is binding on the Parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective on the date of filing (Effective Date).

FINAL ORDER

Pursuant to the authority of Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and according to the terms of this Agreement and Final Order, IT IS HEREBY ORDERED THAT:

14. Within thirty (30) calendar days of the Effective Date of this Agreement, Respondent must pay the civil penalty of **THREE THOUSAND SEVEN HUNDRED AND FIFTY DOLLARS (\$3,750.00)** using any method provided on the following website: <https://www.epa.gov/financial/makepayment>. Such payment shall identify Respondent by name and reference Docket No. **RCRA-04-2025-4002(b)**.
15. Within twenty-four (24) hours of payment, email proof of payment (e.g., a copy of the check or a statement of affirmation regarding electronic funds transfer), including Respondent's name, complete address, and docket number to the following:

U.S. Environmental Protection Agency

for Keriema S. Newman
Enforcement and Compliance Assurance Division

IT IS SO ORDERED:

Regional Judicial Officer Region 4

Date: _____

CERTIFICATE OF SERVICE

I certify that the foregoing Expedited Settlement Agreement and Final Order, In the Matter of RJ Reynolds Tobacco Company, Docket No. **RCRA-04-2025-4002(b)**, were 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: W. Scott Snow
Senior Manager - Environmental
RJ Reynolds Tobacco Company
snoww2@rjrt.com
(336) 741-2236

Christa Burger
Partner
Womble Bond Dickinson LLP
christa.burger@wbd-us.com
(336) 728-7029

Lori Hinnant
Owner
LPH Law, PLLC
lhinnant@lphlawpllc.com
(336) 817-5993

To EPA: Tarin Tischler
Life Scientist
tischler.tarin@epa.gov
(404) 562-9702

Joshua Lee
Assistant Regional Counsel
lee.joshua@epa.gov
(404) 562-9255

Shannon L. Richardson,
Regional Hearing Clerk
R4_Regional_Hearing_Clerk@epa.gov