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**U.S. EPA REGION 1
HEARING CLERK**

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY REGION 1**

IN THE MATTER OF:

Organic Dyes and Pigments, LLC
1 Crownmark Drive, Unit A
Lincoln, RI 02865

Proceeding under Section 3008(a) of
Resource Conservation and Recovery
Act, 42 U.S.C. § 6928(a)

Docket No. RCRA-01-2024-0058

**EXPEDITED SETTLEMENT
AGREEMENT**

EXPEDITED SETTLEMENT AGREEMENT

1. Complainant, the U.S. Environmental Protection Agency ("EPA"), is authorized to enter into this Expedited Settlement Agreement ("Agreement" or "ESA") pursuant to Section 3008 of the Resource Conservation and Recovery Act ("RCRA") and 40 C.F.R. § 22.13(b).
2. By copy of this Agreement, EPA is providing the Rhode Island Department of Environmental Management with notice of the referenced alleged violations of Subtitle C of RCRA as required by Section 3008(a)(2).
3. Organic Dyes and Pigments, LLC ("Respondent") is the owner or operator of the facility located at 1 Crownmark Drive, Unit A, Lincoln, RI 02865 ("Facility"). EPA conducted a compliance evaluation inspection at the Facility on November 7, 2023. EPA alleges that Respondent violated the following requirements of RCRA and the EPA-approved and authorized Rhode Island hazardous waste management program set forth at Rhode Island Rules 1.00-17.00 *et seq.*:
 - a. Failure to determine if a waste is a hazardous waste, as required Rhode Island Rule 1.7.3 (formerly Rhode Island Rule 5.8), which incorporates by reference 40 C.F.R. § 262.11 and 40 C.F.R. § 268.7(a).
 - b. Failure to properly train personnel to perform their duties relating to hazardous waste handling practices and emergency procedures, as required by Rhode Island Rule 1.7.12(J) (formerly Rhode Island Rule 5.2), which incorporates by reference 40 C.F.R. § 262.34(a)(4) which references 40 C.F.R. § 265.16.

c. Failure clearly mark and label containers where hazardous waste is stored with the words "Hazardous Waste" and other words that identify the contents of the container, as required by Rhode Island Rule 1.7.12(B) (formally Rhode Island Rule 5.4.(A)(1) and 5.4(C)).

d. Failure to maintain adequate prevention and preparedness equipment, at each location where hazardous waste is stored, which is required by Rhode Island Rule 1.7.12(I) (formally Rhode Island Rule 5.2) which incorporates 40 C.F.R. § 262.34(a)(4) which references 40 C.F.R. § 265.32.

e. Failure to distribute a copy of the contingency plan, and all revisions of the plan, to local police departments, local fire departments, local hospitals, Rhode Island Department of Environmental Management, and emergency response teams that may be called upon to provide emergency services, as required by Rhode Island Rule 1.7.12(K) (formally Rhode Island Rule 5.2), which incorporates 40 C.F.R. § 262.34(a)(4), which references 40 C.F.R. § 265.53.

4. EPA and Respondent agree that settlement of this matter for a civil penalty of eleven thousand two hundred fifty dollars (\$11,250) is in the public interest.
5. In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA and its implementing regulations, including the Rhode Island hazardous waste management regulations authorized by EPA; (2) admits that 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 the opportunity for a hearing to contest any issue of fact or law set forth herein; (6) waives its right to appeal the Final Order accompanying this Agreement pursuant to Section 3008(b) of RCRA; and (7) consents to electronic service of the filed ESA.
6. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violations have been corrected, and (2) Respondent is submitting proof of payment of the civil penalty with this Agreement.
7. 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. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.
8. EPA reserves all of its rights to take an enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
9. Each party shall bear its own costs and fees, if any.

10. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.

Pursuant to the authority of Section 3008(a) of RCRA, 42 U.S.C. §6938(a), and according to the terms of this Agreement:

11. Within thirty (30) calendar days of the effective date of this Agreement, Respondent shall pay the civil penalty of \$ 11,250 using any method provided on the following website: <https://www.epa.gov/financial/makepayment>. Such payment shall identify Respondent by name and include the docket number assigned to this Agreement by the Regional Hearing Clerk.

12. Within 24 hours of payment, Respondent shall 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:

Wanda Santiago, Regional Hearing Clerk
EPA, Region 1
r1_hearing_clerk_filings@epa.gov


Ryan Maisano, Physical Scientist
EPA, Region 1
maisano.ryan@epa.gov

13. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this ESA shall be claimed by Respondent as a deduction for federal, state or local income tax purposes.

14. This Agreement shall be effective upon filing by the Regional Hearing Clerk for EPA, Region 1. Unless otherwise stated, all time periods state herein shall be calculated in calendar days from such date.

15. Complainant and Respondent, by entering into this ESA, each give their respective consent to accept digital signatures hereupon. Respondent further consents to accept electronic service of the fully executed ESA, by electronic mail, to the following addresses: jdamelio@organicdye.com or cturner@organicdye.com. Respondent understands that this e-mail address may be made public when the ESA and Certificate of Service are filed and uploaded to a searchable database. Complainant has provided Respondent with a copy of the EPA Region 1 Regional Judicial Officer's Authorization of EPA Region 1 Part 22 Electronic Filing System for Electronic Filing and Service of Documents Standing order, dated June 19, 2020. Electronic signatures shall comply with, and be maintained in accordance with, that Order.

IT IS SO AGREED,



John D'Amelio
President
Organic Dyes and Pigments, LLC

Date: 9/13/24

APPROVED BY EPA:

James Chow, Director
Enforcement and Compliance Assurance Division
EPA, Region 1

Date: _____

IT IS SO ORDERED:

LeAnn Jensen
Regional Judicial Officer
EPA, Region 1

Date: _____