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**U.S. EPA REGION 4
HEARING CLERK**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

In the Matter of:

**Mercedes-Benz Vans, LLC,
8501 Palmetto Commerce Parkway,
Ladson, South Carolina 29456
EPA ID No.: SCR000768093**

Respondent.

Docket No. RCRA-04-2025-4000(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 an administrative penalty assessment proceeding brought under Section 3008(a) of the Resource Conservation and Recovery Act (RCRA or the Act), 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* (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. Having found that settlement is consistent with the provisions and objectives of the Act and applicable regulations, the Parties have agreed to settle this action pursuant to 40 C.F.R. § 22.18 and consent to the entry of this CAFO without the Respondent's admission of violation or adjudication of any issues of law or fact herein.

II. PARTIES

4. The Complainant is the Director of the Enforcement and Compliance Assurance Division, United States Environmental Protection Agency (EPA) 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.
5. The Respondent is Mercedes-Benz Vans, LLC, a limited liability company doing business in the State of South Carolina. This proceeding pertains to the Respondent's facility located at 8501 Palmetto Commerce Parkway, Ladson, South Carolina 29456 (Facility).

III. GOVERNING LAW

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 implement a hazardous waste program in lieu of the federal program set forth in RCRA. The requirements of the authorized State program are found in the South Carolina Hazardous Waste Management Act (SCHWMA), S.C. Code Ann. §§ 44-56-10 *et seq.*, and the South Carolina Hazardous Waste Management Regulations, S.C. Code Ann. Regs. 61-79.260-270, 61-79.273, and 61-79.279.
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), the 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 S.C. Code Ann. Regs. 61-79.262 [40 C.F.R. Part 262].
12. 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], 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 S.C. Code Ann. Regs. 61-79.264 (permitted) and S.C. Code Ann. Regs. 61-79.265 (interim status) [40 C.F.R. Parts 264 (permitted) and 265 (interim status)].
13. Pursuant to 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 by being stored in lieu of being disposed.

14. Pursuant to 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 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 S.C. Code Ann. Regs. 61-79.261.4(b) [40 C.F.R. § 261.4(b)].
15. Pursuant to S.C. Code Ann. Regs. 61-79.261.3(a)(2)(i) and 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 S.C. Code Ann. Regs. 61-79.261.21 to 61-79.261.24 [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 S.C. Code Ann. Regs. 61-79.261.20 and 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 S.C. Code Ann. Regs. 61-79.261.20 and 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 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.
18. Pursuant to S.C. Code Ann. Regs. 61-79.261.3(a)(2)(ii) and 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 S.C. Code Ann. Regs. 61-79.261, Subpart D [40 C.F.R. Part 261, Subpart D].
19. Listed hazardous wastes include the F-Listed wastes from nonspecific sources identified in S.C. Code Ann. Regs. 61-79.261.31 [40 C.F.R. § 261.31].
20. Pursuant to S.C. Code Ann. Regs. 61-79.261.31(a) [40 C.F.R. § 261.31(a)], a solid waste is a listed hazardous waste from a non-specific source and identified by EPA Hazardous Waste Number F003 if it exhibits the characteristic of ignitability (D001) and contains any of the following spent non-halogenated solvents: xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, or methanol; a spent solvent mixture/blend containing, before use, only the above spent non-halogenated solvents; or a spent solvent mixture/blend containing, before use, one or more of the above non-halogenated solvents, and, a total of ten percent or more (by volume) of one or more of the solvents identified by EPA Hazardous Waste Numbers F001, F002, F004, or F005; or still bottoms from the recovery of these spent solvents and spent solvent mixtures.
21. Pursuant to S.C. Code Ann. Regs. 61-79.261.31(a) [40 C.F.R. § 261.31(a)], a solid waste is a listed hazardous waste from a non-specific source and identified by EPA Hazardous Waste Number F005 if it exhibits the characteristic of ignitability (D001) or toxicity (D004 to D0043) and contains any of the following spent non-halogenated solvents: toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol, or 2-nitropropane; a spent solvent mixture/blend containing, before use, a total of ten percent or more (by volume)

of one or more of the foregoing non-halogenated solvents or those solvents identified by Hazardous Waste Number F001, F002, or F004; or still bottoms from the recovery of these spent solvents and spent solvent mixtures.

22. Pursuant to 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 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 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 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], a “person” includes an individual, trust, firm, joint stock company, Federal Agency, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body.
25. Pursuant to 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 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], a “large quantity generator” (LQG) includes a generator who generates greater than or equal to 1,000 kilograms (2,200 pounds) of non-acute hazardous waste in a calendar month.
27. Pursuant to 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.
28. Pursuant to S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], “container” means “any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.”
29. Pursuant to S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], “treatment” means “any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.”
30. Pursuant to S.C. Code Ann. Regs. 61-79.268.2(g) [40 C.F.R. § 268.2(g)], “debris” is any solid waste exceeding a 60-millimeter particle size that is intended for disposal and that is: a manufactured object; or plant or animal matter; or natural geologic material. However, the following materials are not debris: any material for which a specific treatment standard is provided in Subpart D of S.C. Code Ann. Regs. 61-79.268 [40 C.F.R. Part 268, Subpart D],

namely lead acid batteries, cadmium batteries, and radioactive lead solids; process residuals such as smelter slag and residues from the treatment of waste, wastewater, sludges, or air emission residues; and intact containers of hazardous waste that are not ruptured and that retain at least 75% of their original volume. 61-79.268 [40 C.F.R. Part 268 Subpart D], namely lead acid batteries, cadmium batteries, and radioactive lead solids; process residuals such as smelter slag and residues from the treatment of waste, wastewater, sludges, or air emission residues; and intact containers of hazardous waste that are not ruptured and that retain at least 75% of their original volume.

31. Pursuant to S.C. Code Ann. Regs. 61-79.268.2(h) [40 C.F.R. § 268.2(h)], "hazardous debris" is debris that contains a hazardous waste listed in Subpart D of S.C. Code Ann. Regs. 61-79.261 [40 C.F.R. Part 261, Subpart D], or that exhibits a characteristic of hazardous waste identified in Subpart C of S.C. Code Ann. Regs. 61-79.261 [40 C.F.R. Part 261, Subpart C].
32. Pursuant to S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], a "wipe" is defined as "a woven or non-woven shop towel, rag, pad, or swab made of wood pulp, fabric, cotton, polyester blends, or other material," and a "solvent-contaminated wipe" is a "wipe" that, after use or after cleaning up a spill, either: (i) contains one or more of the F001 through F005 solvents listed in S.C. Code Ann. Regs. 61-79.261.31 [40 C.F.R. § 261.31] or the corresponding P- or U- listed solvents found in S.C. Code Ann. Regs. 61-79.261.33 [40 C.F.R. § 261.33]; (ii) exhibits a hazardous characteristic found in S.C. Code Ann. Regs. 61-79.261, Subpart C [40 C.F.R. Part 261, Subpart C] when that characteristic results from a solvent listed in S.C. Code Ann. Regs. 61-79.261 [40 C.F.R. Part 261]; and/or (iii) exhibits only the hazardous waste characteristic of ignitability found in S.C. Code Ann. Regs. 61-79.261.21 [40 C.F.R. § 261.21] due to the presence of one or more solvents that are not listed in S.C. Code Ann. Regs. 61-79.261 [40 C.F.R. Part 261].
33. Pursuant to S.C. Code Ann. Regs. 61-79.261.4(b)(18) [40 C.F.R. § 261.4(b)(18)], solvent-contaminated wipes, except for wipes that are hazardous waste due to the presence of trichloroethylene, that are sent for disposal are not hazardous wastes from the point of generation, provided that the conditions listed in S.C. Code Ann. Regs. 61-79.261.4(b)(18) [40 C.F.R. § 261.4(b)(18)] are met (hereinafter referred to as the "Solvent-Contaminated Disposable Wipe Exclusion").
34. Pursuant to S.C. Code Ann. Regs. 61-79.262.11 [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in S.C. Code Ann. Regs. 61-79.261.2 [40 C.F.R. § 261.2], must make an accurate determination as to whether that waste is a hazardous waste using the methods articulated in S.C. Code Ann. Regs. 61-79.262.11 [40 C.F.R. § 262.11].
35. Pursuant to S.C. Code Ann. Regs. 61-79.262.15(a) [40 C.F.R. § 262.15(a)], a generator may accumulate as much as 55 gallons of non-acute hazardous waste and/or either one quart of liquid acute hazardous waste at or near the 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 the requirements of S.C. Code Ann. Regs. 61-79.124, 264,

and 270 [40 C.F.R. Parts 124, 264, and 270], provided that the generator complies with the satellite accumulation area (SAA) conditions listed in S.C. Code Ann. Regs. 61-79.262.15(a) [40 C.F.R. § 262.15(a)] (hereinafter referred to as the "SAA Permit Exemption").

36. Pursuant to S.C. Code Ann. Regs. 61-79.262.15(a)(4)-(5) [40 C.F.R. § 262.15(a)(4)-(5)], which is a condition of the SAA Permit Exemption, a generator is required to keep containers of hazardous waste closed at all times during accumulation, except when adding, removing, or consolidating waste, or when temporary venting of a container is necessary for the proper operation of equipment, or to prevent dangerous situations, such as build-up of extreme pressure; and a generator is required to mark or label its containers with the words "Hazardous Waste" and an indication of the hazards of the contents.
37. Pursuant to S.C. Code Ann. Regs. 61-79.262.17(a) [40 C.F.R. § 262.17(a)], a LQG may accumulate hazardous waste on-site for 90 days or less 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], provided that the generator complies with the conditions listed in S.C. Code Ann. Regs. 61-79.262.17(a) [40 C.F.R. § 262.17(a)] (hereinafter referred to as the "LQG Permit Exemption").
38. Pursuant to S.C. Code Ann. Regs. 61-79.262.17(a)(6), [40 C.F.R. § 262.17(a)(6)], which incorporates S.C. Code Ann. Regs. 61-79.262.251 [40 C.F.R. § 262.251], and is a condition of the LQG Permit Exemption, a generator is required to maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.
39. Pursuant to S.C. Code Ann. Regs. 61-79.262.17(a)(6) [40 C.F.R. § 262.17(a)(6)], which incorporates S.C. Code Ann. Regs. 61-79.262.262(b) [40 C.F.R. § 262.262(b)] and is a condition of the LQG Permit Exemption, a generator that is otherwise amending its contingency plan must at that time submit a quick reference guide of the contingency plan to local emergency responders (i.e., police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services) or, as appropriate, the Local Emergency Planning Committee. Pursuant to S.C. Code Ann. Regs. 61-79.262.262(b)(4)-(8) [40 C.F.R. § 262.262(b)(4)-(8)], the quick reference guide must include the following elements: "(4) A map of the facility showing where hazardous wastes are generated, accumulated and treated and routes for accessing these wastes; (5) A street map of the facility in relation to surrounding businesses, schools and residential areas to understand how best to get to the facility and also evacuate citizens and workers; (6) The locations of water supply (e.g., fire hydrant and its flow rate); (7) The identification of on-site notification systems (e.g., a fire alarm that rings off site, smoke alarms); and (8) The name of the emergency coordinator(s) and twenty-four (24) hour, seven (7)-days-a-week emergency telephone number(s) or, in the case of a facility where an emergency coordinator is continuously on duty, the emergency telephone number for the emergency coordinator."
40. Pursuant to S.C. Code Ann. Regs. 61-79.262.17(a)(7)(iv)(B) and (D) [40 C.F.R. § 262.17(a)(7)(iv)(B) and (D)], which are conditions of the LQG Permit Exemption, the generator

must maintain at the facility records that include, among others, a written job description for each position at the facility related to hazardous waste management and records documenting that the required training or job experience has been given to, and completed by, facility personnel.

IV. FINDINGS OF FACTS

41. The Respondent's facility is an assembly plant that includes a Body Shop, Paint Body Shop, and Expanded Assembly Building in Ladson, South Carolina that assembles Sprinter and eSprinter vans for the United States and Canadian markets.
42. The Respondent's Hazardous Waste Generator Notification (EPA Form 8700-12) dated March 4, 2024, characterized the Facility as a LQG of hazardous waste. According to waste profile records, the Respondent's waste streams have included used solvent and paint waste designated with various EPA Waste Codes, including, but not limited to, D001, D035, F003, and F005.
43. On April 10, 2024, EPA inspectors, accompanied by inspectors for the South Carolina Department of Health and Environmental Control (now the South Carolina Department of Environmental Services), conducted an unannounced RCRA compliance evaluation inspection (CEI) at the Facility. The EPA's results of this CEI were provided to the Respondent in a report dated July 2, 2024.
44. At the time of the CEI, the inspectors observed that the Respondent had not made accurate hazardous waste determinations on the following wastes:
 - a. One 5-gallon step container labeled "Excluded Solvent Contaminated Wipes Non-Hazardous, Flammable" in a Rework Area, which held paint-contaminated personal protective equipment (PPE). A Facility representative stated that the PPE was hazardous debris and not a wipe.
 - b. One 55-gallon container labeled "Excluded Solvent Contaminated Wipes Non-Hazardous, Flammable," but which held hazardous debris and not wipes, in a Touch-Up Paint Mix Room.
 - c. A red one-gallon container labeled "spent OzzyJuice®" with at least one inch of clear yellow liquid in the Paint Shop Maintenance Area. Facility representatives were unable to identify the contents of the container.
45. At the time of the CEI, the inspectors observed the following open containers in SAAs, with no one actively adding or removing waste, and the containers were not labeled with the words "Hazardous Waste" or an indication of the hazards of the contents:
 - a. One 5-gallon container with hazardous waste paint debris sitting on plastic and surrounded by absorbent pads near the primer purge recovery system.
 - b. Two mop buckets with solvent-contaminated water in the Mix Room Storage Area.

46. At the time of the CEI, the inspectors observed the following:
- a. The primer purge recovery system's grated secondary containment underneath a pump contained a release of primer paint. Facility representatives explained that the release happened the day before the CEI and was being allowed to dry before being cleaned up.
 - b. A bin in the loading area outside the mix room Area was labeled "Scrap Metal Bin" and contained paint-contaminated PPE and multiple paint containers, many of which still contained paint and some of which had drained into the bottom of the bin. The inspectors observed hazardous waste paint (D001, D035, F003, F005) released inside the scrap metal bin.
47. At the time of the CEI, the inspectors reviewed the Contingency Plan, dated December 2019, and revised February 2023. The quick reference guide did not include a map of the Facility showing where hazardous wastes are generated, accumulated, and treated; a street map of the facility; the locations of water supply; the identification of on-site notification systems; or the name of the emergency coordinator(s).
48. At the time of the CEI, the inspectors observed the Respondent was unable to produce the following records:
- a. The job descriptions for the contract employees managing hazardous waste.
 - b. The training records for three of the Respondent's employees responsible for signing and/or managing the hazardous waste manifests and records.
49. On July 30, 2024, the Respondent provided all but one of the records described in the preceding paragraph to the EPA and explained that such records were present at the Facility during the CEI, although they were not provided to the EPA at that time. The exception was one employee's hazardous waste training record that was not present at the Facility during the CEI. On April 17, 2024, the Respondent obtained a copy of the missing training record and included it in the Facility's onsite files.

V. ALLEGED VIOLATIONS

50. The Respondent is a "person" as defined in S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10].
51. The Respondent is the "owner" and "operator" of a "facility" located in Ladson, South Carolina, as those terms are defined in S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10].
52. The Respondent is a "LQG" of wastes that are "solid wastes" and "hazardous wastes" as those terms are defined in S.C. Code Ann. Regs. 61-79.260.10, 61-79.261.2, and 61-79.261.3 [40 C.F.R. §§ 260.10, 261.2, and 261.3].

53. The Respondent failed to make accurate hazardous waste determinations for three containers of solid waste: Two containers marked as "Excluded Solvent Contaminated Wipes Non-Hazardous, Flammable" that contained hazardous debris; and one container marked as "Spent Ozzyjuice®." The EPA therefore alleges that the Respondent violated S.C. Code Ann. Regs. 61-79.262.11 [40 C.F.R. § 262.11] by failing to make accurate hazardous waste determinations on solid waste generated at its Facility.
54. The Respondent failed to close and label three containers of hazardous waste in SAAs. The EPA therefore alleges that the 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 the Respondent failed to meet the conditions of the SAA Permit Exemption found in S.C. Code Ann. Regs. 61-79.262.15(a)(4)-(5) [40 C.F.R. § 262.15(a)(4)-(5)], by failing to keep containers of hazardous waste closed and by failing to mark and label containers of hazardous waste in accordance with S.C. Code Ann. Regs. 61-79.262.15(a)(4)-(5) [40 C.F.R. § 262.15(a)(4)-(5)].
55. The Respondent failed to maintain and operate the Facility to minimize the possibility of any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment by failing to remediate spills of hazardous waste paint in two areas of the Facility. The EPA therefore alleges that the 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 the Respondent failed to meet a condition of the LQG Permit Exemption found in S.C. Code Ann. Regs. 61-79.262.17(a)(6)] [40 C.F.R. § 262.17(a)(6)], by not complying with the maintenance and operation requirements in S.C. Code Ann. Regs. 61-79.262.251 [40 C.F.R. § 262.251].
56. The Respondent failed to include all required information in the quick reference guide after the Respondent revised its Contingency Plan. The EPA therefore alleges that the 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 the Respondent failed to meet a condition of the LQG Permit Exemption found in S.C. Code Ann. Regs. 61-79.262.17(a)(6) [40 C.F.R. § 262.17(a)(6)], by not complying with the quick reference guide requirements in S.C. Code Ann. Regs. 61-79.262.262(b)(4)-(8) [40 C.F.R. § 262.262(b)(4)-(8)].
57. The Respondent failed to maintain all required training records for the employees responsible for managing hazardous waste. The EPA therefore alleges that the 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 waste without a permit or interim status, because the Respondent failed to meet a condition of the LQG Permit Exemption found in S.C. Code Ann. Regs. 61-79.262.17(a)(7)(iv)(D) [40 C.F.R. § 262.17(a)(7)(iv)(D)], by not complying with hazardous waste recordkeeping requirements.

VI. STIPULATIONS

58. The issuance of this CAFO simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).
59. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), the 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 Section IV (Findings of Facts) of this CAFO;
 - c. consents to the assessment of a civil penalty as stated below;
 - d. consents to the conditions specified in this CAFO;
 - e. waives any right to contest the allegations set forth in Section V (Alleged Violations) of this CAFO; and
 - f. waives its rights to appeal the Final Order accompanying this CAFO.
60. For the purpose of this proceeding, the Respondent:
- a. agrees that this CAFO states a claim upon which relief may be granted against the Respondent;
 - b. acknowledges that this CAFO constitutes an enforcement action for purposes of considering the Respondent's compliance history in any subsequent enforcement actions;
 - c. waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that the Respondent may have with respect to any issue of fact or law set forth in this CAFO, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706;
 - d. 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;
 - e. 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 EPA officials where the purpose of such discussion, memorandum, or communication is to persuade such official to accept and issue this CAFO;
 - f. agrees to comply with the terms of this CAFO; and

- g. waives any rights or defenses that the Respondent 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 Consent Agreement.

61. By executing this CAFO, the Respondent certifies to the best of its knowledge that the Respondent is currently in compliance with all relevant requirements of the SCHWMA, S.C. Code Ann. §§ 44-56-10 *et seq.*, and the South Carolina Hazardous Waste Management Regulations, S.C. Code Ann. Regs. 61-79.260-270, 61-79.273, and 61-79.279, and the Act and its implementing regulations and that all violations alleged herein, which are neither admitted nor denied, have been corrected.
62. 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

63. The Respondent consents to the payment of a civil penalty, which was calculated in accordance with the Act, in the amount of **FIFTY-ONE THOUSAND THREE HUNDRED DOLLARS [\$51,300.00]**, which is to be paid within 30 days of the Effective Date of this CAFO.
64. The Respondent shall pay the civil penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the following EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions, see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>. In addition, the Respondent shall identify every payment with the Respondent's name and the docket number of this CAFO, Docket No. RCRA-04-2025-4000(b).
65. The Respondent shall send proof of payment, within 24 hours of payment of the civil penalty, to:

Regional Hearing Clerk
R4_Regional_Hearing_Clerk@epa.gov

and

Sarah Rowell
Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division
rowell.sarah@epa.gov

and

U.S. Environmental Protection Agency
Cincinnati Finance Center

66. "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 EPA requirements, in the amount due, and identified with the Respondent's name and Docket No. RCRA-04-2025-4000(b).
67. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if the Respondent fails to remit the civil penalty as agreed to herein, the 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 more than 90 days past due, the 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); and
 - c. Monthly Handling Charge. The 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 costs incurred. 31 C.F.R. § 901.9(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.
68. In addition to what is stated in the prior Paragraph, if the 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 (see 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 (see 40 C.F.R. Part 13, Subparts C and H;

- c. suspend or revoke the Respondent's licenses or other privileges, or suspend or disqualify the Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds (see 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.

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

70. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, the EPA is required to send a completed Form 1098-F ("Fines, Penalties, and Other Amounts") to the Internal Revenue Service (IRS) annually with respect to any court order and settlement agreement (including administrative settlements), that requires a payor to pay an aggregate amount that the EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with a law." The EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (for example, a copy of Form 1098-F). In order to provide the EPA with sufficient information to enable it to fulfill these obligations, the EPA herein requires, and the Respondent herein agrees, that:

- a. The Respondent shall complete a Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- b. The Respondent shall therein certify that its completed Form W-9 includes the Respondent's correct Tax Identification Number (TIN) or that the Respondent has applied and is waiting for issuance of a TIN;
- c. The Respondent shall email its completed Form W-9 to the EPA's Cincinnati Finance Center Region 4 contact, Jessica Henderson (Henderson.Jessica@epa.gov), on or before the date that the Respondent's initial penalty payment is due, pursuant to Paragraph 62 of this CAFO, and the EPA recommends encrypting Form W-9 email correspondence; and
- d. In the event that the Respondent has certified in its completed Form W-9 that it has applied for a TIN and that TIN has not been issued to the Respondent by the date that its initial penalty payment is due, then the Respondent, using the same email address identified in the preceding subparagraph, shall further:
 - i. notify the EPA's Cincinnati Finance Center of this fact, via email, by the date that the Respondent's initial penalty payment is due; and

- ii. provide the EPA's Cincinnati Finance Center with the Respondent's TIN, via email, within five (5) days of the Respondent's issuance and receipt of the TIN.
- e. Failure to comply with providing Form W-9 or TIN may subject the Respondent to a penalty. See 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1.

VIII. EFFECT OF CAFO

- 71. In accordance with 40 C.F.R. § 22.18(c), the Respondent's full compliance with this CAFO shall only resolve the Respondent's liability for federal civil penalties for the violations and facts specifically alleged above.
- 72. Full payment of the civil penalty, as provided in Section VII (Terms of Payment) shall satisfy the requirements of this CAFO; but, shall not in any case affect the right of the EPA or the United States to pursue other equitable relief or criminal sanctions for any violations of law. 40 C.F.R. § 22.18(c).
- 73. 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).
- 74. Nothing in this CAFO shall relieve the 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 expressly provided herein.
- 75. Nothing herein shall be construed to limit the power of the EPA to undertake any action against the Respondent or any person in response to conditions that may present an imminent and substantial endangerment as provided under the Act.
- 76. 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.
- 77. The provisions of this CAFO shall apply to and be binding upon the Respondent and its successors and assigns. The Respondent shall direct its officers, directors, employees, agents, trustees, and authorized representatives to comply with the provisions of this CAFO, as appropriate.
- 78. 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 the Respondent's obligations and responsibilities under this CAFO.

79. By signing this Consent Agreement, the Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information or personally identifiable information.
80. By signing this Consent Agreement, the Complainant and the undersigned representative of the Respondent each certify that each person is fully authorized to execute and enter into the terms and conditions of this CAFO and has the legal capacity to bind the Party represented by that person to this CAFO.
81. 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.
82. By signing this Consent Agreement, the 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 for each such submission, response, and statement. The 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.
83. 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 the 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 the Respondent notice of its intent to revoke, which shall not be effective until received by the Respondent in writing.
84. Unless specifically stated otherwise in this CAFO, each Party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.
85. It is the intent of the Parties that the provisions of this CAFO are severable. If any provision or authority of this CAFO or the application of this CAFO to any Party or circumstances is held by any judicial or administrative authority to be invalid or unenforceable, the application of such provisions to other Parties or circumstances and the remainder of the CAFO shall remain in force and shall not be affected thereby.

IX. EFFECTIVE DATE

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

[Remainder of Page Intentionally Left Blank]

Complainant and the Respondent will Each Sign on Separate Pages.]

The foregoing Consent Agreement, *In the Matter of Mercedes-Benz Vans, LLC*, Docket No. RCRA-04-2025-4000(b), is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:

Signature

Date

Printed Name:

Title:

Address:

06/05/25

Johannes Kellermann

CEO

8501 Palmetto Commerce Parkway

The foregoing Consent Agreement, *In the Matter of Mercedes-Benz Vans, LLC*, Docket No. RCRA-04-2025-4000(b), is Hereby Stipulated, Agreed, and Approved for Entry.

FOR COMPLAINANT:

Keriema S. Newman
Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 4

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

In the Matter of:

**Mercedes-Benz Vans, LLC ,
8501 Palmetto Commerce Parkway,
Ladson, South Carolina 29456**
EPA ID No.: **SCR000768093**,

Respondent.

Docket No. **RCRA-04-2025-4000(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 the Complainant and the 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.

Regional Judicial Officer

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order, *In the Matter of Mercedes-Benz Vans, LLC*, Docket No. **RCRA-04-2025-4000(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:

Respondent: Alison Raffety
Deputy General Counsel
Mercedes-Benz Vans, LLC
alison.raffety@mercedes-benz.com
(843) 323-5195

EPA: Sarah Rowell
Environmental Engineer
rowell.sarah@epa.gov
(404) 562-9418

Casey F. Bradford
Associate Regional Counsel
bradford.casey@epa.gov
(404) 562-9602

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