



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

AUG 22 2013

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Annette R. Drachman
General Counsel
Medical University of South Carolina
274 Calhoun Street
MSC 204
Charleston, SC 29425

Re: Medical University of South Carolina
Consent Agreement and Final Order, Docket Number: RCRA-04-2013-4010(b)

Dear Ms. Drachman:

Enclosed is a copy of the fully executed Consent Agreement and Final Order (CA/FO) as filed with the Regional Hearing Clerk (RHC) in the above referenced matter. The CA/FO was effective upon filing with the RHC and payment of the \$39,600.00 civil penalty is due within thirty (30) days of the effective date of the CA/FO.

As a reminder, copies of any payments should be submitted to both of the following individuals:

Patricia Bullock
Regional Hearing Clerk
U.S. EPA, Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960

And to:

Nancy McKee, Environmental Scientist
North Compliance and Enforcement Section
RCRA & OPA Enforcement and Compliance Branch
RCRA Division
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

If you have any questions, please feel free to contact me at (404) 562-9441 or dixit.naeha@epa.gov.

Sincerely,

A handwritten signature in black ink that reads "Naeha Dixit". The signature is written in a cursive, flowing style.

Naeha Dixit
Assistant Regional Counsel

Enclosures

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:)	DOCKET NO.: RCRA-04-2013-4010(b)
)	
Medical University of South Carolina)	
171 Ashley Avenue)	Proceeding Under Section 3008(a) of the
Charleston, South Carolina 29425)	Resource Conservation and Recovery Act,
EPA ID No.: EPA ID # SCD069316271)	42 U.S.C. § 6928(a)
)	
Respondent)	
_____)	

RECEIVED
EPA REGION IV
2013 AUG 27 PM 3:18
HEARING CLERK

CONSENT AGREEMENT

I. NATURE OF THE ACTION

1. This is a civil administrative enforcement action, pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), ordering compliance with the requirements of the South Carolina Hazardous Waste Management Act, S.C. Code § 44-56-30, as amended, [Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939f], and the South Carolina Hazardous Waste Management Regulations (SCHWMR) promulgated pursuant thereto and set forth at S.C. Code Ann. Regs. 61-79, as amended [Title 40 of the Code of Federal Regulations (C.F.R.), Parts 260 through 270]. This action seeks the imposition of civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for violations of S.C. Code Ann. §§ 48-1-10 *et seq.* and 44-56-30 *et seq.* [Section 3005 of RCRA, 42 U.S.C. § 6925] and S.C. Code Ann. Regs. 61-79.260 through 61-79.270 [40 C.F.R. Parts 260 through 270].
2. The *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, which govern this action and are promulgated at 40 C.F.R. Part 22, provide that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order (CA/FO). 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).
3. Complainant and Respondent have conferred for the purpose 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 CA/FO, and Respondent hereby agrees to comply with the terms of this CA/FO.

II. THE PARTIES

4. Complainant is the Chief, RCRA and OPA Enforcement and Compliance Branch, RCRA Division, United States Environmental Protection Agency (EPA) Region 4. Complainant is authorized to issue the instant CA/FO pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and applicable delegations of authority.
5. Respondent is Medical University of South Carolina (MUSC), a public university organized under the laws of the State of South Carolina (State). Respondent operates a university located at 171 Ashley Avenue, Charleston, South Carolina 29425 (Facility).

III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the 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 the South Carolina Hazardous Waste Management Act, S.C. Code Ann. § 44-56-10 *et seq.*, the South Carolina Pollution Control Act, S.C. Code Ann. § 48-1-100 *et seq.*, and the SCHWMR, S.C. Code Ann. Regs. 61-79.260 through 61-79.270.
7. Pursuant to Section 3008(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 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 CA/FO.
11. Section 44-56-30 of the South Carolina Code of Laws [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 of the South Carolina Code of Laws [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)].

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. 61-79.261.30(a) [40 C.F.R. § 261.30(a)], 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].
16. Pursuant to S.C. Code Ann. Regs. 61-79.261.20 [40 C.F.R. § 261.20], a solid waste that exhibits any of the characteristics identified in S.C. Code Ann. Regs. 61-79.261.21-24 [40 C.F.R. §§ 261.21-24] is a characteristic hazardous waste and is provided with the EPA hazardous waste numbers D001 through D043.
17. 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 261 [40 C.F.R. Part 261], or whose act first causes a hazardous waste to become subject to regulation.”
18. 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.”
19. 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.
20. 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.”
21. Pursuant to S.C. Code Ann. Regs. 61-79.273.9 [40 C.F.R. § 273.9], “universal waste” means any of the hazardous wastes subject to the universal waste requirements of S.C. Code Ann. Regs. 61-79.273 [40 C.F.R. Part 273], which include batteries, pesticides, mercury containing equipment, and lamps.
22. Pursuant to S.C. Code Ann. Regs. 61-79.273.9 [40 C.F.R. § 273.9], a “universal waste handler” is a generator of universal waste.
23. Pursuant to S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], “storage” means the holding of a hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

24. 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 determine if that waste is a hazardous waste using one of the methods articulated in S.C. Code Ann. Regs. 61-79.262.11 [40 C.F.R. § 262.11].
25. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(c)(1) [40 C.F.R. § 262.34(c)(1)], a generator may accumulate as much as 55 gallons of 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 of the South Carolina Code of Laws [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with S.C. Code Ann. Regs. 61-79.262.34(a) [40 C.F.R. § 262.34(a)], provided that the generator complies with the satellite accumulation area conditions listed in S.C. Code Ann. Regs. 61-79.262.34(c)(1)(i)-(ii) [40 C.F.R. § 262.34(c)(1)(i)-(ii)] (hereinafter referred to as the “SAA Permit Exemption”).
26. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(c)(1)(ii) [40 C.F.R. § 262.34(c)(1)(ii)], which is a condition of the SAA Permit Exemption, a generator is required to mark satellite accumulation containers either with the words “Hazardous Waste” or with other words that identify the contents of the containers.
27. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(c)(1)(i) [40 C.F.R. § 262.34(c)(1)(i)], which incorporates S.C. Code Ann. Regs. 61-79.265.173(a) [40 C.F.R. § 265.173(a)], which is a condition of the SAA Permit Exemption, a generator is required keep containers of hazardous waste closed during storage except for when it is necessary to add or remove waste.
28. Pursuant to S.C. Code Ann. Regs. 61-79.262.34(a) [40 C.F.R. § 262.34(a)], 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 Section 44-56-60 of the South Carolina Code of Laws [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)] (hereinafter referred to as the “LQG Permit Exemption”).
29. Pursuant to S.C. Code Ann. Regs. 61-79.270.1(c) [40 C.F.R. § 270.1(c)], a permit is required to store hazardous waste onsite.
30. Pursuant to S.C. Code Ann. Regs. 61-79.270.2 [40 C.F.R. § 270.2], a “permit” is an authorization, license, or equivalent control document issued by the South Carolina Department of Health and Environmental Control (SCDHEC) to implement the requirements of S.C. Code Ann. Regs. 62-79.270 and 62-79.124 [40 C.F.R. Parts 270 and 124].
31. Pursuant to S.C. Code Ann. Regs. 61-79.268.50(b) [40 C.F.R. § 268.50(b)], an owner and/or operator of a treatment, storage or disposal facility may store land disposal restricted wastes onsite for up to one (1) year without proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.

IV. EPA ALLEGATIONS AND DETERMINATIONS

32. Respondent is a “person” as defined in S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10].
33. Respondent is the “owner” and “operator” of a “facility” located in Charleston, South Carolina, as those terms are defined in S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10].
34. Respondent is a “generator” of “hazardous waste” as those terms are defined in S.C. Code Ann. Regs. 61-79.260.10 and 61-79.261.3 [40 C.F.R. §§ 260.10 and 261.3].
35. Respondent is a state university with a medical center and six colleges for the education of a broad range of health professionals, biomedical scientists, and other health related personnel.
36. Respondent generates hazardous waste as a result of laboratory operations and facility maintenance. Respondent is a LQG of hazardous waste.
37. Respondent is currently notified as a LQG with the SCDHEC.
38. Respondent received a RCRA hazardous waste storage permit (permit #SCD 069 316 271) from SCDHEC on September 28, 2009, which became effective on October 30, 2009.
39. On May 1, 2012, inspectors from the EPA and the SCDHEC (hereinafter the Inspectors) conducted a RCRA Compliance Evaluation Inspection (CEI) of the Respondent’s facility. At that time, several violations of RCRA were observed. Within a week of the CEI, Respondent corrected all of the violations. The findings of the CEI were documented in the EPA RCRA CEI Report, dated November 6, 2012, and the SCDHEC CEI Report, dated December 11, 2012.
40. During the CEI, the Inspectors observed that Respondent failed to conduct waste determinations on the following solid wastes, which were later determined to be hazardous wastes:
 - a. The contents of one (1) four-liter container connected to a high performance liquid chromatograph (HPLC) machine located in the New Drug Discovery Building Laboratory Room #421. On May 3, 2012, Respondent provided EPA with documentation that this waste was determined to be a 50/50 mixture of waste methanol and water.
 - b. The contents of one (1) one-gallon container located in the New Drug Discovery Building Laboratory Room #422. On May 3, 2012, Respondent provided the EPA with documentation that this waste was a mixture of waste hexane and acetone.
 - c. The contents of one (1) five-gallon container located in the New Drug Discovery Building Laboratory Room #427. On May 3, 2012, Respondent provided the EPA with documentation that this waste was a 50/50 mixture of waste acetonitrile and water.
41. The EPA therefore alleges that Respondent violated S.C. Code Ann. Regs. 61-79.262.11 [40 C.F.R. § 262.11] by failing to make a hazardous waste determination on three (3) solid wastes generated at its Facility.

42. During the CEI, the Inspectors observed that the Respondent failed to mark the following containers with the words “Hazardous Waste” or with other words that properly identified the contents of the containers containing hazardous waste:
- a. One (1) 15-gallon container of broken fluorescent lamps located in the Basic Science Building – Maintenance/Universal Waste Storage Area.
 - b. Two (2) 1-gallon containers of waste ethyl alcohol, a hazardous waste, located in the Basic Science Building Laboratory Room #404.
 - c. One (1) four-liter container of a 50/50 mixture of waste methanol and water located in the New Drug Discovery Building Laboratory Room #421.
 - d. One (1) one-gallon container of waste hexane and acetone located in the New Drug Discovery Building Laboratory Room #422.
 - e. One (1) five-gallon container of a 50/50 mixture of waste acetonitrile and water located in the New Drug Discovery Building Laboratory Room #427.
43. The EPA therefore alleges Respondent violated Section 44-56-60 of the South Carolina Code of Laws [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 by not complying with S.C. Code Ann. Regs. 61-79.262.34(c)(1)(ii) [40 C.F.R. § 262.34(c)(1)(ii)].
44. On May 3, 2012, Respondent provided EPA with photographic documentation that the six (6) containers of hazardous wastes in the SAAs identified in Paragraph 42 were properly labeled with the words “Hazardous Waste.”
45. During the CEI, the Respondent failed to keep the following containers storing hazardous waste closed when waste was not being added or removed:
- a. One (1) 15-gallon container of broken fluorescent lamps located in the Basic Science Building – Maintenance/Universal Waste Storage Area.
 - b. Two (2) five-gallon containers of a 50/50 mixture of waste acetonitrile and water located in the New Drug Discovery Building Laboratory Room #427.
 - c. One (1) two-liter container of waste acetonitrile located in the Strom Thurmond Building Room #409.
46. The EPA therefore alleges Respondent violated Section 44-56-60 of the South Carolina Code of Laws [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 given in S.C. Code Ann. Regs. 61-79.262.34(c)(1)(i) [40 C.F.R. § 262.34(c)(1)(i)], by not complying with S.C. Code Ann. Regs. 61-79.265.173(a) [40 C.F.R. § 265.173(a)].
47. On May 3, 2012, Respondent provided the EPA with photographic documentation that the containers of hazardous wastes identified in Paragraph 45 were closed.
48. Condition VI.B.2. of the Respondent’s RCRA hazardous waste storage permit prohibits the storage of hazardous wastes restricted from land disposal under S.C. Code Ann. Regs. 61-79.268

[40 C.F.R. Part 268] unless the Respondent complies with the requirements of S.C. Code Ann. Regs. 61-79.268 Subpart E [40 C.F.R. Part 268, Subpart E].

49. During the CEI, the Inspectors discovered that the Respondent was storing one (1) 30-gallon container of waste hydrofluoric acid in the Facility's permitted hazardous waste storage area. The accumulation date marked on the container was dated April 12, 2011, which was seventeen (17) days over the one (1) year storage limit.
50. The EPA therefore alleges Respondent violated its hazardous waste storage permit and Section 44-56-60 of the South Carolina Code of Laws [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing a hazardous waste restricted from for longer than one (1) year.
51. On May 3, 2012, Respondent provided the EPA with a copy of the hazardous waste manifest, which showed that the 30-gallon container of waste hydrofluoric acid identified in Paragraph 49 had been shipped off for disposal on May 2, 2012.

V. TERMS OF AGREEMENT

Based on the foregoing Preliminary Statements, Allegations and Determinations, the parties agree to the following:

52. For the purposes of this CA/FO, Respondent admits the jurisdictional allegations set out in the above paragraphs pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.
53. Respondent neither admits nor denies the factual allegations and determinations set out in this CA/FO.
54. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement.
55. Respondent waives its right to challenge the validity of this CA/FO and the settlement of the matters addressed in this CA/FO based on any issue related to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*
56. Respondent 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 CA/FO.
57. Respondent 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 CA/FO, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.
58. The parties agree that the settlement of this matter is in the public interest and that this CA/FO is consistent with the applicable requirements of RCRA.
59. Respondent, by signing this CA/FO, certifies that Respondent is currently in compliance with RCRA and the authorized State hazardous waste program.

60. The parties agree that compliance with the terms of this CA/FO shall resolve the violations alleged and the facts stipulated to in this CA/FO.
61. Each party will pay its own costs and attorneys' fees.

VI. PAYMENT OF CIVIL PENALTY

62. Respondent consents to the payment of a civil penalty in the amount of thirty-nine thousand six hundred DOLLARS (\$39,600.00), which is to be paid within thirty (30) calendar days of the effective date of this CA/FO.
63. Payment 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. 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

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
SL-MO-C2-GL
St. Louis, Missouri 63101
(314) 418-1028

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"

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: John Schmid, (202) 874-7026
REX (Remittance Express): 1-866-234-5681

64. Respondent shall submit a copy of the payment to the following individuals:

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

And to:

Nancy McKee, Environmental Scientist
North Compliance and Enforcement Section
RCRA and OPA Enforcement and Compliance Branch
RCRA Division, US EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8909

65. If Respondent fails to remit the civil penalty as agreed to herein, the EPA is required 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. Interest, at the statutory judgment rate provided for in 31 U.S.C. § 3717, will therefore begin to accrue on the civil penalty if not paid within 30 calendar days after the effective date of this Consent Agreement. Pursuant to 31 U.S.C. § 3717, Respondent must pay the following amounts on any amount overdue:

- a. Interest. Any unpaid portion of a civil penalty or stipulated penalty must bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Interest will therefore begin to accrue on a civil penalty or stipulated penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 4 C.F.R. § 102.13(c).
- b. Monthly Handling Charge. Respondent must pay a late payment handling charge of fifteen dollars (\$15.00) on any late payment, with an additional charge of fifteen dollars (\$15.00) for each subsequent thirty (30) calendar-day period over which an unpaid balance remains.
- c. 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 six percent (6%) per annum, which will accrue from the date the penalty payment became due and is not paid. This non-payment is in addition to charges which accrue or may accrue under subparagraphs (a) and (b).

66. Penalties paid pursuant to this CA/FO are not deductible for federal purposes under 26 U.S.C. § 162(f).

VII. PARTIES BOUND

67. This CA/FO shall be binding on Respondent and its successors and assigns. Respondent shall cause its officers, directors, employees, agents, and all persons, including independent contractors, contractors, and consultants acting under or for Respondent, to comply with the provisions hereof in connection with any activity subject to this CA/FO.
68. No change in ownership, partnership, corporate or legal status relating to the Facility will in any way alter Respondent's obligations and responsibilities under this CA/FO.
69. The undersigned representative of Respondent hereby certifies that she or he is fully authorized to enter into this CA/FO and to execute and legally bind Respondent to it.

VIII. RESERVATION OF RIGHTS

70. Notwithstanding any other provision of this CA/FO, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should the EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at Respondent's Facility may present an imminent and substantial endangerment to human health or the environment.
71. Complainant reserves the right to take enforcement action against Respondent for any future violations of RCRA and the implementing regulations and to enforce the terms and conditions of this CA/FO.
72. Except as expressly provided herein, nothing in this CA/FO shall constitute or be construed as a release from any civil or criminal claim, cause of action, or demand in law or equity for any liability Respondent may have arising out of, or relating in any way to, the storage, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from Respondent's Facility.

IX. OTHER APPLICABLE LAWS

73. All actions required to be taken pursuant to this CA/FO shall be undertaken in accordance with the requirements of all applicable local, state, and Federal laws and regulations. Respondent shall obtain or cause its representatives to obtain all permits and approvals necessary under such laws and regulations.

X. SERVICE OF DOCUMENTS

74. A copy of any documents that Respondent files in this action shall be sent to the following attorney who represents EPA in this matter and who is authorized to receive service for EPA in this proceeding:

Naeha Dixit
Associate Regional Counsel
Office of RCRA, OPA and UST Legal Support
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-9441

75. A copy of any documents that Complainant files in this action shall be sent to the following individual who represents Respondent in this matter and who is authorized to receive service for Respondent in this proceeding:

Annette R. Drachman
General Counsel
Medical University of South Carolina
274 Calhoun Street
MSC 204
Charleston, SC 29425
(843) 792-4063

And

Wayne Brannan
Director
MUSC Risk Management
326 Calhoun Street
MSC 184
Charleston, SC 29425
(843) 792-3055

XI. SEVERABILITY

76. It is the intent of the parties that the provisions of this CA/FO are severable. If any provision or authority of this CA/FO or the application of this CA/FO 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 CA/FO shall remain in force and shall not be affected thereby.

[CONTINUED ON TO NEXT PAGE]

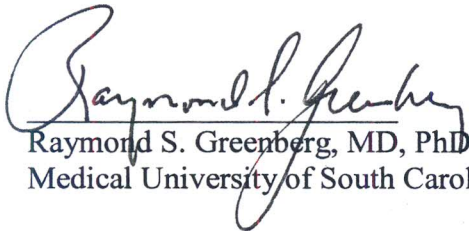
XII. EFFECTIVE DATE

77. The effective date of this CA/FO shall be the date on which the CA/FO is filed with the Regional Hearing Clerk.

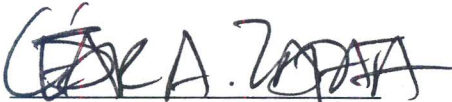
In the matter of Medical University of South Carolina, Docket No. RCRA-04-2013-4010(b):

AGREED AND CONSENTED TO:

Medical University of South Carolina

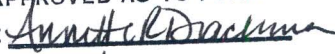
By:  Dated: 08/16/13
Raymond S. Greenberg, MD, PhD, President
Medical University of South Carolina

United States Environmental Protection Agency

By:  Dated: 08/22/13
César A. Zapata, Chief
RCRA and OPA Enforcement and Compliance Branch
RCRA Division

OFFICE OF THE
GENERAL COUNSEL
MUSC/MUHA

- APPROVED AS TO FORM -

By: 
Date: 8/16/13

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:)	DOCKET NO.: RCRA-04-2013-4010(b)
)	
Medical University of South Carolina)	
171 Ashley Avenue)	Proceeding Under Section 3008(a) of the
Charleston, South Carolina 29425)	Resource Conservation and Recovery Act,
EPA ID No.: EPA ID # SCD069316271)	42 U.S.C. § 6928(a)
)	
Respondent)	
_____)	

FINAL ORDER

The foregoing Consent Agreement is 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 Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

BEING AGREED, IT IS SO ORDERED this 27th day of August, 2013.

BY: Susan B. Schub
Susan B. Schub
Regional Judicial Officer
EPA Region 4

I hereby certify that I have this day filed the original and a true and correct copy of the foregoing Consent Agreement and the attached Final Order (CA/FO), in the Matter of Medical University of South Carolina, Docket Number: RCRA-04-2013-4010(b), and have served the parties listed below in the manner indicated:

Naeha Dixit
Associate Regional Counsel
Office of RCRA, OPA and UST Legal Support
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

(Via EPA's electronic mail)

Quantindra Smith
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(Via EPA's electronic mail)

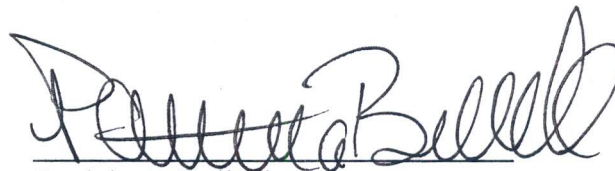
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(Via Certified Mail - Return Receipt
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Wayne Brannan
Director
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Charleston, SC 29425

(Via Certified Mail - Return Receipt
Requested)

Date: 8-27-13



Patricia A. Bullock
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-9511