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

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

IN THE MATTER OF:)

C.I.L. Electroplating, Inc.)
125 Glenn Street)
Lawrence, MA 01843)

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

Docket No. RCRA-01-2025-0033

**CONSENT AGREEMENT
AND FINAL ORDER**

CONSENT AGREEMENT

I. PRELIMINARY STATEMENT

1. The U.S. Environmental Protection Agency (“EPA”), Region 1, alleges that C.I.L. Electroplating, Inc. (“C.I.L.” or “Respondent”), has violated the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. §§ 6901–6987, and regulations promulgated or authorized pursuant to RCRA, at C.I.L.’s metal plating and finishing facility in Lawrence, Massachusetts. EPA Region 1 (“Complainant”) and C.I.L. (together, the “Parties”) have agreed to settle this matter through this Consent Agreement and Final Order (“CAFO”). EPA’s procedural regulations governing administrative enforcement actions and settlements are set out in the Consolidated Rules of Practice (“Consolidated Rules”) at 40 C.F.R. Part 22. Pursuant to 40 C.F.R. § 22.13(b) of the Consolidated Rules, this CAFO simultaneously commences and concludes this action.

2. EPA has given notice of this RCRA enforcement action to Massachusetts pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

3. The Parties have agreed that settlement of this matter is in the public interest and that entry of this CAFO without further litigation is the most appropriate means of resolving the matter.

II. BACKGROUND FACTS

4. C.I.L. is a Massachusetts corporation that owns and operates a metal plating and finishing facility at 125 Glenn Street in Lawrence, Massachusetts (the “Facility”).

5. On October 18 and 19, 2023, EPA representatives conducted a hazardous waste compliance evaluation inspection (“EPA Inspection”) at the Facility.

6. At various times after the EPA Inspection, C.I.L. provided follow-up compliance information to EPA.

III. ALLEGED RCRA VIOLATIONS

A. RCRA Statutory and Legal Framework

7. Pursuant to Subtitle C of RCRA, 42 U.S.C. §§ 6921–6939e, EPA has promulgated regulations, codified at 40 C.F.R. Parts 260 through 271, that set forth standards and requirements applicable to generators of hazardous waste and to owners and operators of facilities that treat, store, or dispose of hazardous waste.

8. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, EPA may authorize a state to administer the RCRA hazardous waste program in lieu of the federal program when EPA deems the state program to be equivalent to the federal program.

9. On January 24, 1985, EPA granted final authorization to Massachusetts to administer its hazardous waste program in lieu of the federal program. *See* 50 Fed. Reg. 3344 (January 24, 1985). That authorization became effective on February 7, 1985. Effective November 30, 1998, October 12, 1999, March 12, 2004, March 31, 2008, August 23, 2010, and

March 7, 2022, Massachusetts received final authorization for additional hazardous waste rules. The federally authorized Massachusetts regulations, together with other state hazardous waste regulations, are codified in Title 310, Chapter 30 of the Code of Massachusetts Regulations ("C.M.R."), 310 C.M.R. 30.000 *et seq.* (the "Massachusetts Hazardous Waste Regulations").

10. Pursuant to Sections 3006(g) and 3008(a) of RCRA, 42 U.S.C. §§ 6926(g) and 6928(a), EPA may enforce violations of the requirements of RCRA by issuing administrative orders to assess civil penalties and require compliance.

11. Pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended through 2015 ("FCPIAA"), and the FCPIAA's implementing regulations set out at 40 C.F.R. Part 19, violations of RCRA-related requirements that occur after November 2, 2015, for which penalties are assessed on or after December 27, 2023, are currently subject to penalties of up to \$90,702 per day for each violation. *See* 88 Fed. Reg. 247 (Dec. 27, 2023).

B. General Allegations

12. Respondent is a corporation and a "person" within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 310 C.M.R. 30.010. At all times relevant to the allegations set forth in this CAFO, Respondent has been the "owner" and "operator" of the Facility as defined in Section 1004(5) of RCRA, 42 U.S.C. § 6903(4) and 310 C.M.R. 30.010.

13. At all times relevant to the allegations set forth in this CAFO, Respondent's Facility generated "hazardous waste" as defined in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), and 310 C.M.R. 30.010. Respondent is, therefore, subject to the standards for generators of hazardous waste set forth in the Massachusetts Hazardous Waste Regulations, 310 C.M.R. 30.000 *et seq.*

14. Respondent has never applied for or obtained a license for the treatment, storage,

or disposal of hazardous wastes (“TSD license”) at the Facility.

15. In order to store hazardous waste for 90 days or less without obtaining a TSD license or having interim status, Respondent’s Facility must comply with the conditions found in the applicable provisions of the Massachusetts Hazardous Waste Regulations, 310 C.M.R. 30.000 *et seq.*

16. At all times relevant to the allegations set forth in this CAFO, Respondent stored less than 5,000 kilograms of mercury containing lamps at the Facility. Respondent was thus a “small quantity handler of universal waste,” as defined in 310 C.M.R. 30.010.

C. RCRA Violations

Count 1: Failure to Obtain a License for Hazardous Waste Storage Beyond 90 Days

17. Paragraphs 1 through 16 are incorporated by reference as if fully set forth herein.

18. Pursuant to 310 C.M.R. 30.801, a facility must obtain a valid TSD license from the Massachusetts Department of Environmental Protection for the storage of hazardous waste for longer than 90 days. *See also* 310 C.M.R. 30.341(8) (requiring a Large Quantity Generator accumulating hazardous waste in excess of 90 days to comply with the requirements of 310 CMR 30.500 through 30.900, or if eligible, the interim status provisions of 310 CMR 30.099); 310 C.M.R. 30.501(2)(a) (allowing facilities to store hazardous waste for *less than* 90 days without a license provided that certain requirements are met).

19. At the time of the EPA Inspection, Respondent had been storing approximately 1,030 gallons of hazardous waste for longer than 90 days at its Facility without obtaining a license, according to the dated labels on the containers holding the hazardous waste. Specifically, three (3) 325-gallon containers of hazardous waste were stored for 135, 118 and 110 days, respectively; and one (1) 55-gallon container was stored for 92 days in Respondent’s main

accumulation area 1 (“MAA1”) for hazardous waste.

20. As alleged in Paragraph 14 above, Respondent never obtained a TSD license for the Facility. Because Respondent stored hazardous waste for greater than 90 days without having obtained a TSD license for the Facility, Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 C.M.R. 30.801(1).

**Count 2: Failure to Maintain Adequate Aisle Space Between
Hazardous Waste Containers**

21. Paragraphs 1 through 20 are incorporated by reference as if fully set forth herein.

22. Pursuant to 310 C.M.R. 30.342(1)(c), which incorporates by reference 310 C.M.R. 30.685(4), and 310 C.M.R. 30.341(1)(e)(6), a facility must maintain adequate aisle space to allow for inspections of containers storing hazardous waste and the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency.

23. At the time of the EPA Inspection, there were eighteen (18) 55-gallon containers, and five (5) 325-gallon containers of hazardous waste stored at the Main Accumulation Area No. 1 (“MAA1”) of the Facility’s Chemical Storage Area without aisle space between rows of containers, and without aisle space between containers and the walls.

24. Accordingly, Respondent failed to maintain adequate aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment within the Facility’s MAA1, as required by 310 C.M.R. 30.342(1)(c), which incorporates by reference 310 C.M.R. 30.685(4), and 310 C.M.R. 30.341(1)(e)(6). By failing to comply with this requirement, Respondent failed to meet the storage conditions for generators and was required to have a license pursuant to Section 3005 of

RCRA, 42 U.S.C. § 6925, and 310 C.M.R. 30.801(1).

25. Because Respondent did not have a TSD license for the Facility, Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 C.M.R. 30.801(1).

Count 3: Failure to Conduct Hazardous Waste Determinations

26. Paragraphs 1 through 25 are incorporated by reference as if fully set forth herein.

27. Pursuant to 310 C.M.R. 30.302 any person who generates a waste shall determine if that waste is a hazardous waste. Pursuant to 310 C.M.R. 30.750(1)(a), which incorporates by reference 40 C.F.R. § 268.7(a), a generator of hazardous waste must adequately characterize the waste to determine if it has to be treated before it can be land disposed.

28. At the time of the EPA Inspection, Respondent had failed to make hazardous waste determinations for the following containers:

- a. One (1) unlabeled and undated 5-gallon container filled with solid sludge material that was left open near the satellite accumulation area of the Facility's Wastewater Treatment Area;
- b. Two (2) approximately 3-gallon unlabeled containers collecting waste generated by an atomic absorption spectrometer located in the Facility's chemical lab; and
- c. Approximately twenty (20) containers of expired materials/chemicals, ranging in size from approximately one to 55 gallons, located at the Facility's chemical storage area.

29. By failing to make hazardous waste determinations for the containers listed in Paragraph 28 above, Respondent violated 310 C.M.R. 30.302 and 310 C.M.R. 30.750(1)(a) which incorporates by reference 40 C.F.R. § 268.7(a).

Count 4: Failure to Conduct Weekly Inspections of Hazardous Waste Containers

30. Paragraphs 1 through 29 are incorporated by reference as if fully set forth herein.

31. Pursuant to 310 C.M.R. 30.342(1)(d), which incorporates by reference 310 C.M.R. 30.686 (“Inspections”), an owner or operator must conduct inspections at least weekly of areas where hazardous waste containers are stored to look for leaks and for deterioration caused by corrosion or other factors.

32. At the time of the EPA Inspection, Respondent had not inspected all three main accumulation areas in the Facility’s Chemical Storage Area for multiple weeks in 2021, 2022 and 2023.

33. Accordingly, Respondent failed to conduct weekly inspections of hazardous waste containers, as required by 310 C.M.R. 30.342(1)(d), which incorporates by reference 310 C.M.R. 30.686. By failing to comply with this requirement, Respondent failed to meet the storage conditions for generators and was required to have a license pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 C.M.R. 30.801(1).

34. Because Respondent did not have a TSD license for the Facility, Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 C.M.R. 30.801(1).

Count 5: Failure to Date Containers of Hazardous Waste

35. Paragraphs 1 through 34 are incorporated by reference as if fully set forth herein.

36. Pursuant to 310 C.M.R. 30.341(2)(d), a generator must label the side of each hazardous waste container, excluding containers in satellite accumulation, with an accumulation start date (that is, the date upon which each period of accumulation begins).

37. At the time of the EPA Inspection, there was one (1) 325-gallon tote located at the Facility’s Main Accumulation Area No. 2 (“MAA2”) adjacent to the Large Equipment

Refurbishing Area; one (1) 325-gallon tote of hazardous waste, metal hydroxide sludge with no date located at Main Accumulation Area No. 3 (“MAA3”) in the Wastewater Treatment Area; and seven (7) 325-gallon undated totes of hazardous waste located at the Temporary Storage Area in the Chemical Storage Area.

38. Accordingly, Respondent failed to label the hazardous waste containers listed in Paragraph 37 above, with an accumulation start date, as required by 310 C.M.R. 30.341(2)(d). By failing to comply with this requirement, Respondent failed to meet the storage conditions for generators and was required to have a license pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 C.M.R. 30.801(1).

39. Because Respondent did not have a TSD license for the Facility, Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 C.M.R. 30.801(1).

Count 6: Failure to Label Containers of Hazardous Waste

40. Paragraphs 1 through 39 are incorporated by reference as if fully set forth herein.

41. Pursuant to 310 C.M.R. 30.341(2)(a)-(c) and 310 C.M.R. 30.340(6), which references 310 C.M.R. 30.341(2), a generator must mark and label each container of hazardous waste with the words “Hazardous Waste”, the hazardous waste identified in words, and the type of hazard(s) associated with the waste(s) indicated in words.

42. At the time of the EPA Inspection, the following nine (9) containers were not labeled with some or all of the required information:

- a. One (1) unlabeled 325-gallon tote in MAA2 adjacent to the Large Equipment Refurbishing Area;
- b. One (1) unlabeled 325-gallon open tote in MAA3 in the Wastewater Treatment Area;

- c. One (1) 5-gallon satellite accumulation container lacking the “Hazardous Waste” marking despite being used to collect cyanide waste in the Chemical Lab satellite accumulation area; and
- d. Six (6) unmarked and unlabeled 325-gallon totes of hazardous waste in the Temporary Storage Area of the Chemical Storage area.

43. Accordingly, Respondent failed to label the hazardous waste containers listed in Paragraph 42 above, with the words “Hazardous Waste” and/or other information, as required by 310 C.M.R. 30.341(2)(a)-(c) and 310 C.M.R. 30.340(6), which references 310 C.M.R. 30.341(2). By failing to comply with this requirement, Respondent failed to meet the storage conditions for generators and was required to have a license pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 C.M.R. 30.801(1).

44. Because Respondent did not have a TSD license for the Facility, Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 C.M.R. 30.801(1).

Count 7: Failure to Address All On-Site Hazardous Waste Management Units in the Contingency Plan

45. Paragraphs 1 through 44 are incorporated by reference as if fully set forth herein.

46. Pursuant to 310 C.M.R. 30.341(1)(b)(3), a facility’s contingency plan must address all on-site hazardous waste management units.

47. At the time of the EPA Inspection, Respondent’s contingency plan did not include information that addresses its hazardous waste management units. The contingency plan did not address the hazardous waste stored on-site or the areas where hazardous waste is stored.

48. Accordingly, Respondent failed to address all on-site hazardous waste management units in the Facility’s Contingency Plan as required by 310 C.M.R. 30.341(1)(b)(3).

By failing to comply with this requirement, Respondent failed to meet the storage conditions for generators and was required to have a license pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 C.M.R. 30.801(1).

49. Because Respondent did not have a TSD license for the Facility, Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 C.M.R. 30.801(1).

Count 8: Failure to Provide Contingency Plan to Local Authorities

50. Paragraphs 1 through 49 are incorporated by reference as if fully set forth herein.

51. Pursuant to Rule 310 C.M.R. 30.341(1)(c), which incorporates by reference 310 C.M.R. 30.522, a generator is required to provide a copy of its contingency plan (for coordination and response to hazardous waste releases, fires, or explosions), and all revisions to the plan, to all local police departments, fire departments, hospitals, local boards of health and State and local emergency response teams that may be called upon to provide emergency services.

52. At the time of the EPA Inspection, Respondent had not provided copies of the Facility's contingency plan to local fire departments, hospitals, and State or local emergency response teams other than the Lawrence Police Department.

53. Accordingly, Respondent failed to provide a copy of the Facility's contingency plan to required local authorities and entities as set out in 310 C.M.R. 30.341(1)(c) and 310 C.M.R. 30.522. By failing to comply with this requirement, Respondent failed to meet the storage conditions for generators and was required to have a license pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 C.M.R. 30.801(1).

54. Because Respondent did not have a TSD license for the Facility, Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 C.M.R. 30.801(1).

Count 9: Failure to Provide Hazardous Waste Training

55. Paragraphs 1 through 54 are incorporated by reference as if fully set forth herein.

56. Pursuant to 310 C.M.R. 30.341(1)(a), which incorporates by reference 310 C.M.R. 30.516, personnel assigned to the management of hazardous waste shall successfully complete a program of instruction or on-the-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with 310 C.M.R. 30.00. Personnel must receive initial hazardous waste training within six months of their employment or assignment to hazardous waste management responsibilities and receive an annual review of the initial training.

57. At the time of the EPA Inspection, one (1) Facility employee who was assigned to the management of hazardous waste had not received hazardous waste training in 2021 and 2022. Additionally, two (2) other employees assigned to manage hazardous waste had never been trained in hazardous waste management.

58. Accordingly, Respondent failed to provide initial hazardous waste training and/or provide annual reviews of hazardous waste training for Facility personnel managing hazardous waste as required by 310 C.M.R. 30.341(1)(a), which incorporates by reference 310 C.M.R. 30.516 ("Personnel Training"). By failing to comply with this requirement, Respondent failed to meet the storage conditions for generators and was required to have a license pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 C.M.R. 30.801(1).

59. Because Respondent did not have a TSD license for the Facility, Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 C.M.R. 30.801(1).

Count 10: Failure to Keep Hazardous Waste Containers Closed

60. Paragraphs 1 through 59 are incorporated by reference as if fully set forth herein.

61. Pursuant to 310 C.M.R. 30.342(1)(c), which incorporates by reference 310

C.M.R. 30.685 (“Management of Containers”), a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

62. At the time of the EPA Inspection, one (1) 5-gallon container used to collect cyanide waste was equipped with an open funnel in the Facility’s Chemical Lab’s satellite accumulation area; one (1) 325-gallon container with metal hydroxide sludge was open in MAA3 in the Wastewater Treatment Area; and one (1) 55-gallon container of waste paint was equipped with an open funnel in Wastewater Treatment Area’s satellite accumulation area. Waste was not being added to or removed from these containers at the time of the EPA Inspection.

63. Accordingly, Respondent failed to keep containers of hazardous waste closed, as required by 310 C.M.R. 30.342(1)(c), which incorporates by reference 310 C.M.R. 30.685. By failing to comply with this requirement, Respondent failed to meet the storage conditions for generators and was required to have a license pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 C.M.R. 30.801(1).

64. Because Respondent did not have a TSD license for the Facility, Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 C.M.R. 30.801(1).

Count 11: Failure to Comply with Universal Waste Labeling, Dating and Packaging Requirements for Mercury-Containing Lamps

65. Paragraphs 1 through 64 are incorporated by reference as if fully set forth herein.

66. Pursuant to 310 C.M.R. 30.1034(5)(a), a small quantity handler of universal waste must contain any mercury-containing lamp in a closed container or package that is maintained to prevent leakage and immediately cleanup any broken mercury-containing lamps and store them in a closed container. Pursuant 310 C.M.R. 30.1034(6)(c), a small quantity handler of universal

waste must further mark or label the container holding such universal waste with the waste-generation or reception date.

67. At the time of the EPA Inspection, there were approximately thirty-six (36) used fluorescent lamps that were left in a pile in the Facility's mezzanine without any of the required markings or labels. Additionally, five (5) closed boxes with twelve (12) used lamps per box were left in the mezzanine that lacked the required markings and labels. Neither the loose lamps, nor the boxes of lamps were labeled with any of the required information for waste lamps. Additionally, the 36 loose fluorescent lamps were not contained in any type of container or package. Neither the loose lamps, nor the boxes of lamps were dated and there was no documentation showing the earliest date the universal waste lamps became a waste.

68. Accordingly, Respondent failed to comply with universal waste labeling, dating, and packaging requirements for mercury-containing lamps, in violation of 310 C.M.R. 30.1034(5) and 310 C.M.R. 30.1034(6).

IV. GENERAL TERMS

69. The terms of this CAFO shall apply to and be binding on Respondent, its successors, and its assigns.

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

- i. Admits that EPA has jurisdiction over the subject matter alleged in this CAFO;
- ii. Neither admits nor denies the specific factual allegations contained in Section III of this CAFO;
- iii. Consents to the assessment of a civil penalty as stated below;
- iv. Consents to the issuance of any specified compliance or corrective action order;

- v. Consents to the conditions specified in this CAFO;
- vi. Consents to any stated permit action;
- vii. Waives its right to request a hearing, any right to contest the allegations in this CAFO and its right to appeal this CAFO.

71. Respondent admits that the CAFO states claims upon which relief can be granted against Respondent. Respondent waives any right to a judicial or administrative hearing or appeal regarding this CAFO, and to otherwise contest the allegations of this CAFO. Respondent consents to personal jurisdiction in any action to enforce this CAFO in the United States District Court for the District of Massachusetts, and waives any rights in law or equity to challenge EPA's authority 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.

72. By signing this Consent Agreement, Respondent waives any rights or defenses that 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 the Consent Agreement.

73. Respondent consents to the assessment of the civil penalty set out in Section VI below. Respondent also consents to the issuance of any compliance provisions and any conditions specified in this CAFO.

V. COMPLIANCE CERTIFICATION AND COMPLIANCE ORDER

74. As of the effective date of this CAFO, Respondent certifies that the Facility is in compliance with RCRA and the federal and state hazardous waste regulations promulgated thereunder, including but not limited to the Massachusetts Hazardous Waste Regulations cited in Paragraphs 17 through 68 above.

75. Respondent further certifies that it has completed the following RCRA compliance actions at the Facility or, alternatively, that it has applied for a permit for the Facility pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, and 310 C.M.R. 30.801(1).

- i. Respondent is maintaining adequate aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment within the Facility, in accordance with 310 C.M.R. 30.342(1)(c), which incorporates by reference 310 C.M.R. 30.685(4) and 310 C.M.R. 30.341(1)(e)(6);
- ii. Respondent is making adequate and timely hazardous waste determinations for all of its waste, in accordance with 310 C.M.R. 30.302 and 310 C.M.R. 30.750(1)(a);
- iii. Respondent is conducting weekly inspections of all hazardous waste containers, in accordance with 310 C.M.R. 30.342(1)(d), which incorporates by reference 310 C.M.R. 30.686;
- iv. Respondent is labeling all hazardous waste containers at the Facility (except containers in SAAs) with an accumulation start date, in accordance with 310 C.M.R. 30.341(2)(d);
- v. Respondent is properly labeling all hazardous waste containers at the Facility with the words “Hazardous Waste,” identifying the hazardous waste(s) (e.g., acetone, toluene), and indicating the type of hazard(s) associated with the waste(s) (e.g., ignitable, toxic, dangerous when wet), in accordance with 310 C.M.R. 30.341(2)(a)-(c) and 310 C.M.R. 30.340(6), which references 310 C.M.R. 30.341(2)(a)-(c);
- vi. Respondent has revised the Facility’s contingency plan to include information on

areas where hazardous wastes are being stored, in accordance with 310 C.M.R. 30.341(1)(b)(3);

- vii. Respondent is keeping all containers of hazardous waste closed, except when necessary to add or remove waste, in accordance with 310 C.M.R. 30.342(1)(c);
- viii. Respondent has provided the Facility's contingency plan to all required local authorities and entities, in accordance with Rule 310 C.M.R. 30.341(1)(c) and 310 C.M.R. 30.522;
- ix. Respondent is keeping all mercury-containing lamps in a closed container or package; maintaining the containers or packages to prevent leakage; immediately cleaning up any broken mercury-containing lamps and storing them in a closed container; and is marking or labeling the container holding such universal waste with the waste-generation or reception date, in accordance with 310 C.M.R. 30.1034(5) and 310 C.M.R. 30.1034(6).

76. Additionally, within 30 days of the effective date of this CAFO, Respondent shall provide all required hazardous waste training for Facility personnel managing hazardous waste, in accordance with 310 C.M.R. 30.341(1)(a), which incorporates by reference 310 C.M.R. 30.516.

VI. CIVIL PENALTY

77. Respondent agrees to pay a penalty of \$136,383 within 30 days of the effective date of this CAFO. The CAFO shall become effective on the date it is filed with the Regional Hearing Clerk.

78. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA

website: <https://www.epa.gov/financial/makepayment>. For additional instructions see:

<https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

79. When making a payment, Respondent shall:

- i. Identify every payment with the Respondent's name (i.e., "C.I.L. Electroplating, Inc.") and the docket number of this Agreement, RCRA-01-2025-0033.
- ii. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following person(s):

Wanda Santiago, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
Via electronic mail to:
rl_hearing_clerk_filings@epa.gov

and

Jaegun Lee, Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
Via electronic mail to:
Lee.Jaegun@epa.gov

and

U.S. Environmental Protection Agency
Cincinnati Finance Center
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

"Proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or 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 appropriate docket number and Respondent's name.

80. Interest, Charges, and Penalties on Late Payments. Pursuant to 31 U.S.C. § 3717,

31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay the full amount of the Assessed Penalty per this Agreement, EPA is authorized to recover, in addition to the amount of the unpaid Assessed Penalty, the following amounts.

- i. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within 30 days, interest accrued is waived. If the Assessed Penalty is not paid in full within 30 days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States the rate of interest is set at the IRS standard underpayment rate, any lower rate would fail to provide the Respondent adequate incentive for timely payment.
- ii. Handling Charges. Respondent will be assessed monthly a charge to cover EPA's costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Agreement, EPA will assess a charge to cover the costs of handling any unpaid amounts for the first 30-day period after the Filing Date. Additional handling charges will be assessed every 30 days, or any portion thereof, until the unpaid portion of the Assessed Penalty as well as any accrued interest, penalties, and other charges are paid in full.
- iii. Late Payment Penalty. A late payment penalty of 6 percent per annum, will be assessed monthly on all debts, including any unpaid portion of the Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than 90 days. Any such amounts will accrue from the Filing Date.

81. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges

and penalties per this Agreement, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following.

- i. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.
- ii. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.
- iii. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17.
- iv. Refer this matter to the United States Department of Justice for litigation and collection, per 40 C.F.R. § 13.33.

82. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

83. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

84. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service ("IRS") annually, a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement

(including administrative settlements), that require a payor to pay an aggregate amount that 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." EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number ("TIN"), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

- i. Respondent shall complete an IRS Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- ii. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
- iii. Respondent shall email its completed Form W-9 to EPA's Cincinnati Finance Center at chalifoux.jessica@epa.gov, within 30 days after the Final Order ratifying this Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and
- iv. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Center, via the email address identified in the

preceding sub-paragraph, with Respondent's TIN within five (5) days of Respondent's receipt of a TIN issued by the IRS.

VII. EFFECT OF SETTLEMENT

85. This CAFO constitutes a settlement by EPA of all claims for federal civil penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), for the alleged violations set out in Section III.C of this CAFO.

86. Nothing in this CAFO shall be construed to limit the authority of EPA or the United States to undertake any action against Respondent for criminal activity, or to respond to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment. EPA reserves all rights and remedies available to it to enforce the provisions of this CAFO, RCRA and its implementing regulations and permits, and any other federal, state, or local law or regulation.

87. This CAFO shall not relieve Respondent of its obligations to comply with all applicable provisions of federal or state law, and this CAFO shall not be construed to be a ruling or determination regarding any issue related to any federal, state, or local permit. Except as provided in Paragraph 84 above, compliance with this CAFO shall not be a defense to any action subsequently commenced pursuant to environmental laws and regulations administered by EPA.

88. Each Party shall bear its own costs, disbursements, and attorneys' fees in connection with this enforcement action, and each Party specifically waives any right to recover such costs, disbursements, or fees from the other Party pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable law.

89. The Parties' undersigned representatives certify that they are fully authorized by their respective Party to enter into the terms and conditions of this CAFO and to execute and

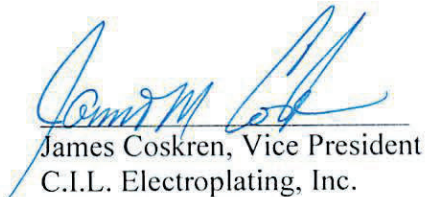
legally bind their Party to it.

90. Complainant and Respondent, by entering into this Consent Agreement, each give their respective consent to accept digital signatures hereupon. Respondent further consents to accept electronic service of the fully executed CAFO, by electronic mail, to jgardella@cmbg3.com and jimc@cilinc.com. Respondent understands that this e-mail address may be made public when the CAFO 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.

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

92. In accordance with 40 C.F.R. § 22.31(b), the effective date of this CAFO is the date on which this CAFO is filed, either in person or electronically via email, with the Regional Hearing Clerk.

FOR RESPONDENT:


James Coskren, Vice President
C.I.L. Electroplating, Inc.

Date: 8/22/25

FOR COMPLAINANT:

JAMES CHOW Digitally signed by JAMES CHOW
Date: 2025.09.08 14:10:23 -04'00'

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

Dated via electronic signature

FINAL ORDER

Pursuant to 40 C.F.R. § 22.18(b)-(c) of EPA's Consolidated Rules of Practice, the foregoing Consent Agreement resolving *In the Matter of C.I.L. Electroplating.*, Docket Number RCRA-01-2025-0033, is incorporated by reference into this Final Order and is hereby ratified. Respondent is ordered to comply with the terms of this Consent Agreement and pay the civil penalty amount specified in the Consent Agreement in the manner indicated. The terms of the Consent Agreement shall become effective on the date this Order is filed with the Regional Hearing Clerk.

It is so ORDERED.

**MICHAEL
KNAPP**

 Digitally signed by
MICHAEL KNAPP
Date: 2025.09.09 12:13:51
-04'00'

Michael J. Knapp
Regional Judicial Officer
United States Environmental Protection Agency
Region 1

Dated via electronic signature