UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
Philadelphia, Pennsylvania

In the Matter of:	:	
	:	
Cavalier Printing Ink Company, Inc.	:	**U.S. EPA Docket No. RCRA-03-2021-0116**
2807 Transport Street	:	
Richmond, Virginia 23234	:	**Proceeding under Section 3008(a) and (g) of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. § 6928(a) and (g).**
Respondent.	:	

CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III ("Complainant") and Cavalier Printing Ink Company, Inc. ("Respondent") (collectively the "Parties"), pursuant to Sections 3008(a) and (g) of the Solid Waste Disposal Act, commonly known as the Resource Conservation and Recovery Act of 1976, as amended by *inter alia*, the Hazardous and Solid Waste Amendments of 1984 (collectively referred to hereinafter as "RCRA" or the "Act"), 42 U.S.C. §§ 6928(a) and (g), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits ("Consolidated Rule of Practice"), 40 C.F.R. Part 22. RCRA § 3008(a)(1), 42 U.S.C. § 6928(a)(1), authorizes the Administrator of the U.S. Environmental Protection Agency ("EPA") to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator, who, in turn, has delegated it to the Complainant. This Consent Agreement and the attached Final Order resolve Complainant's civil penalty claims against Respondent under RCRA for the violations alleged herein.

2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

JURISDICTION

3. The U.S. Environmental Protection Agency has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.

4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(4).

5. EPA notified the Virginia Department of Environmental Quality ("VADEQ") of its intended enforcement action by letter dated April 16, 2019. VADEQ had no objection to the enforcement action.

GENERAL PROVISIONS

6. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.

7. Except as provided in Paragraph 6, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.

8. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.

9. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in **this Consent Agreement, Compliance Order and Final Order** and waives its right to appeal the accompanying Final Order.

10. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.

11. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

12. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.

13. On December 18, 1984, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A, EPA granted the Commonwealth of Virginia final authorization to administer a state hazardous waste management program in lieu of the federal hazardous waste program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e, which is set forth in the authorized Commonwealth of Virginia Hazardous Waste

Management Program, 9 VAC 20-60-12 *et seq*. The authorized provisions of Virginia's hazardous waste management program through this authorization, have become requirements of RCRA Subtitle C and are enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). EPA reauthorized amendments to the Virginia hazardous waste management program on June 20, 2003, on July 30, 2008 and again on November 4, 2013 (with revisions not relevant here), and the authorized revisions became effective as requirements of RCRA Subtitle C on those dates.

14. When EPA last authorized the Virginia hazardous waste regulations on November 4, 2013, EPA approved Virginia's incorporation by reference of the federal regulations which were in effect as of July 1, 2010, including, among other things, incorporation of 40 C.F.R. § 262.34 (Accumulation Time, which lists the requirements for the generator permit exemption). As a result, 40 C.F.R. § 262.34 (2010) is the currently enforceable version of that RCRA regulation in Virginia. On November 28, 2016, EPA re-codified the generator permit exemption, effective on May 30, 2017. The federal requirements previously found in 40 C.F.R. § 262.34 are now re-codified at 40 C.F.R. §§ 262.15 - 262.17. The Code of Federal Regulation citations used herein, when referring to the Federal regulations incorporated by the Virginia's hazardous waste management program, are to the 2010 Federal regulations.

15. For the times relevant to the alleged violations contained herein, Cavalier Printing Ink Company, Inc. was a corporation, organized under the laws of the Commonwealth of Virginia in 1970. As such, Cavalier Printing Ink Company, Inc. was a 'person' as that term is defined in Section 1004(15) of RCRA, 42 U.S.C. Section 6903(15), 40 C.F.R. § 260.10 and as incorporated by reference in 9 VAC 20-60-260.

16. For the times relevant to the alleged violations contained herein, and as of 2017, the Respondent operated at the facility located at 2807 Transport Street, Richmond, Virginia 23234 (hereinafter "the Facility").

17. The Facility began operations in 1984.

18. The Facility produces solvent and non-solvent inks.

19. The Respondent identifies the wastes produced at its Facility with the following hazardous waste codes: D001, D002, D008, D010, D019, D022, D035, D036, F003 and F005, as listed in 40 C.F.R. Part 261, which is incorporated by reference into 9 VAC 20-60-261.

20. On September 12, 2018, inspectors from EPA and VADEQ conducted a Compliance Evaluation Inspection ("inspection") of the Facility.

21. At all times relevant to the alleged violations set forth in this Consent Agreement, Respondent is, and has been, the "operator" of the Facility, as that term is defined in 9 VAC 20-60-260.

22. At various times throughout its operation of the Facility, Respondent has used the fictitious name of "Cavalier Ink and Coatings." Cavalier Printing Ink Company, Inc. has remained the official name of the Respondent and its business at all times relevant to the Consent Agreement. Respondent at times used the fictitious name of Cavalier Ink and Coatings primarily in customer contact and for marketing reasons.

23. The Facility has been assigned RCRA EPA ID # VAD980918304 for the generation of hazardous waste. The Facility does not have a permit or interim status for the treatment, disposal or storage of hazardous wastes.

24. At all times relevant to the alleged violations set forth in this Consent Agreement, Respondent reported as a Large Quantity Generator ("LQG") under RCRA.

25. At all times relevant to the alleged violations set forth in this Consent Agreement, and as described below, Cavalier Printing Ink Company, Inc. is, and has been, a "generator" of "solid waste" and "hazardous waste" at the Facility, as those terms are defined in 9 VAC 20-60-260.

26. At all times relevant to the alleged violations set forth in this Consent Agreement, and as described below, Cavalier Printing Ink Company, Inc. is, and has been, engaged in the temporary "storage" of "solid waste" and "hazardous waste" in "containers" at the Facility, as those terms are defined in 9 VAC 20-60-260.

27. On the basis of EPA's findings during the Inspection and other information provided by the Respondent, EPA concludes that Respondent has violated certain requirements and provisions of RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g, and certain provisions of the authorized Commonwealth of Virginia Hazardous Waste Management Program, 9 VAC 20-60-12 *et seq*.

Count I
Operating a Treatment, Storage or Disposal Facility Without a Permit or Interim Status

28. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.

29. 9 VAC 20-60-270.A, which incorporates by reference 40 C.F.R. Part 270 with exceptions not relevant herein, and Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), require that a person may not own or operate a hazardous waste storage, treatment or disposal facility unless such person has first obtained a permit for the facility or has qualified for interim status for the facility.

30. RCRA § 3005(e), 42 U.S.C. § 6925(e), provides, in pertinent part, that any person who owns or operates a facility required to have a permit under RCRA § 3005, which facility was in existence on November 19, 1980, or is in existence on the effective date of statutory or regulatory provisions that render the facility subject to the requirement to

have a permit, has complied with the notification requirements of RCRA § 3010(a), 42 U.S.C. § 6930(a), and has applied for a permit under RCRA § 3005, shall be treated as having been issued such permit (i.e, "interim status") until such time as final administrative disposition of such application is made.

31. Respondent does not have a permit, pursuant to Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), or 9 VAC 20-60-270, which incorporates by reference 40 C.F.R. §§ 270.1(b) and 270.70, for the treatment or storage of hazardous waste at the Facility.

32. Respondent does not have interim status pursuant to Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), or 9 VAC 20-60-270, which incorporates by reference 40 C.F.R. § 270.1(b), for the treatment or storage of hazardous waste at the Facility.

33. 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.34 with exceptions not relevant herein, allows for a generator of hazardous waste to operate without a permit or interim status if the generator meets certain accumulation, storage, labeling and inspection permit exemption requirements.

34. The Respondent did not qualify for the temporary accumulation exemption to the permit requirement found in 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.34 with exceptions not relevant herein, because Respondent did not comply with each of the applicable exemption conditions for its management of hazardous waste as stated below.

35. 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.34(a) (pertaining to "Accumulation Time"), provides that a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that:

(1) The waste is placed:

(i) In containers and the generator complies with the applicable requirements of subparts I, AA, BB, and CC of 40 CFR Part 265; and/or

* * *

(2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;

(3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste"; …

36. At the time of the September 12, 2018 inspection, and in requested documentation provided subsequent to the inspection, shipping manifests showed that the facility failed

to meet the 90-day temporary storage limitation for hazardous waste stored on-site in several instances, while continuously producing hazardous waste:

1. On September 12, 2016 (390 days after the facility's previous hazardous waste shipment of (35) 55-gallon containers on August 20, 2015) Cavalier shipped a total of (70) 55-gallon containers of hazardous waste offsite. Manifest #000228530GRR **(300 days greater than 90 days.)**
2. On February 28, 2017 (117 days after the facility's previous hazardous waste shipment of (16) 55-gallon containers on November 4, 2016) Cavalier shipped a total of (39) 55-gallon containers of hazardous waste offsite. Manifest #000236517GRR **(27 days greater than 90 days.)**
3. On February 22, 2018 (360 days after the facility's previous hazardous waste shipment) Cavalier shipped a total of (12) 55-gallon containers of hazardous waste offsite. Manifest #000248820GRR **(270 days greater than 90 days.)**
4. On April 4, 2019 (407 days after the facility's previous hazardous waste shipment of (12) 55-gallon containers on February 22, 2018) Cavalier shipped a total of (85) 55-gallon containers of hazardous waste offsite. Manifest #000266745GRR **(317 days greater than 90 days.)**

37. In failing to comply with the accumulation time of 90 days or less exemption to the permit requirement found in 9 VAC 20-60-262, for the instances cited above, the Respondent did not qualify for the permit exemption, and engaged in the storage of hazardous waste without a permit. Therefore, Respondent was in violation of 9 VAC 20-60-270.A and is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

38. At the time of the September 12, 2018 inspection, one (1) 55-gallon container of non-conforming solvent labeled as "solid waste" was located in the 90-day hazardous waste accumulation area. The 55-gallon container was not marked with a start accumulation date. The container was shipped as hazardous waste on 4/4/2019, listed under UN1210, Waste Printing Ink, which is classified as a RCRA Ignitable Waste with the RCRA Ignitable Hazardous Waste Code D001.

39. Respondent failed to meet the conditions of the permit exemption at 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.34(a) (pertaining to "Accumulation Time"), specifically for 40 C.F.R. § 262.34(a)(2) and (3) respectively, due to failure to mark the date upon which the period of accumulation began for the above 55-gallon container of D001 hazardous waste, and for the failure to mark the 55-gallon container clearly with the words "hazardous waste."

40. 9 VAC 20-60-262, which incorporates 40 C.F.R. § 262.34(a)(1)(i) by reference, which in turn incorporates by reference the requirements of Subpart I of 40 C.F.R. Part 265, including 40 C.F.R. § 265.174, requires that generators of hazardous waste conduct adequate weekly inspections of areas where hazardous waste containers are stored.

41. At the time of the September 12, 2018 inspection, the inspectors requested weekly

inspection documents for review but were told that the documents could not be provided at that time because the individual responsible for their maintenance was not present. The documents, weekly inspection logs, were provided via email on October 9, 2018, 28 days after the inspection.

42. The logs indicated that, for every weekly inspection conducted, the Facility had no containers of hazardous waste accumulating onsite. The weekly inspection logs that show zero containers of hazardous waste accumulating onsite were inconsistent with the hazardous waste manifests for the Facility. A review of the hazardous waste manifests provided indicate that the facility made offsite shipments of hazardous waste containers during the periods covered by the inspection logs.

43. Due to the failure to accurately document onsite conditions in the weekly inspection logs, Respondent failed to meet the conditions of the permit exemption at 9 VAC 20-60-262, which incorporates 40 C.F.R. § 262.34(a)(1)(i) by reference, which in turn incorporates by reference the requirements of Subpart I of 40 C.F.R. Part 265, including 40 C.F.R. § 265.174.

44. 9 VAC 20-60-262, which incorporates 40 C.F.R. § 262.34(a)(4) by reference, which in turn incorporates by reference the requirements of Subpart I of 40 C.F.R. Part 265, including 40 C.F.R. § 265.16, requires, as a condition of the permit exemption, that generators of hazardous waste provide annual hazardous waste refresher training for personnel and keep records of the training provided.

45. The Respondent did not possess records of annual hazardous waste refresher training for key personnel, which are required by 40 C.F.R. § 265.16 to document that the Respondent has performed the required annual hazardous waste refresher training for personnel.

46. Respondent failed to meet the conditions of the permit exemption at 9 VAC 20-60-262, which incorporates 40 C.F.R. § 262.34(a)(4) by reference, which in turn incorporates by reference the requirements of Subpart I of 40 C.F.R. Part 265, including 40 C.F.R. § 265.16

47. 9 VAC 20-60-262, which incorporates 40 C.F.R. § 262.34(a)(4) by reference, which in turn incorporates Subpart D of 40 C.F.R. Part 265, including 40 C.F.R. §265.54, requires a facility to update its contingency plan when there has been a change in the Emergency Coordinator.

48. At the time of the July 15, 2019 Request for Information response from Respondent, the Respondent provided a copy of the contingency plan, which still contained the name of the Emergency Coordinator who had retired five months earlier, on December 15, 2018. Respondent was required to update the Contingency Plan as of December 15, 2018, to reflect a change in the Emergency Coordinator to a new person responsible for fulfilling that role.

49. Due to the failure to update the Contingency Plan to reflect a change in the Emergency Coordinator, Respondent failed to meet the conditions of the permit exemption at 9 VAC 20-60-262, which incorporates 40 C.F.R. § 262.34(a)(4) by reference, which in turn incorporates by reference the requirements of Subpart D of 40 C.F.R. Part 265, including 40 C.F.R. §265.54.

50. In failing to comply with the accumulation time of 90 days or less exemption to the permit conditions found in 9 VAC 20-60-262, which incorporates by reference 40 C.F.R. § 262.34(a), the Respondent did not qualify for the permit exemption, and engaged in the storage of hazardous waste without a permit. Therefore, Respondent was in violation of 9 VAC 20-60-270.A and is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

Count II
Failure to Make a Hazardous Waste Determination

51. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.

52. 9 VAC 20-60-262, which incorporates 40 C.F.R. § 262.11 by reference, requires a generator of solid waste to make a hazardous waste determination.

53. At the time of the inspection, one 55-gallon container labeled as "solid waste" was located in the 90-day accumulation area at the Facility. The 55-gallon container was labeled as "solid waste." The 55-gallon container was eventually shipped out as a RCRA-classified D001 category hazardous waste, which is hazardous due to its ignitability characteristic.

54. At the time of the inspection, a box of spent fluorescent lamps was observed discarded in the dumpster near the Facility loading dock.

55. The Respondent did not make waste determinations on the solid waste or the lamps.

56. In failing to comply with the requirement to make waste determinations on the 55-gallon container of solid waste or the lamps found in 9 VAC 20-60-262, which incorporates 40 C.F.R. § 262.11 by reference, the Respondent was in violation of 9 VAC 20-60-262, and is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

Count III
Requirement to Provide Annual Review of Hazardous Waste Training and to Retain Training Records until Closure of Facility

57. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.

58. 9 VAC 20-60-264, which incorporates 40 C.F.R. § 264.16(c) and (e) by reference, requires facilities that store hazardous waste to provide annual hazardous waste refresher training for personnel and to keep records of such training until closure of the facility.

59. The Respondent did not possess records of annual hazardous waste refresher training at the time of the inspection. In addition, Respondent did not provide records of required annual refresher training for its primary environmental compliance manager in a July 15, 2019 response to EPA's June 4, 2019 Request for Information Letter.

60. In failing to comply with the requirement to provide and keep records of annual hazardous waste refresher training for personnel until closure of the facility, found in 9 VAC 20-60-264, which incorporates 40 C.F.R. § 264.16(c) and (e) by reference, Respondent was in violation of 9 VAC 20-60-264, and is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

Count IV
Failure to Update the Facility Contingency Plan When There Has Been a Change in the Emergency Coordinator

61. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.

62. 9 VAC 20-60-264, which incorporates 40 C.F.R. § 264.54 by reference, requires a facility to update its contingency plan when there has been a change in the Emergency Coordinator.

63. At the time of the July 15, 2019 Request for Information response from Respondent, the Respondent provided a copy of the contingency plan, which still contained the name of the Emergency Coordinator who had retired five months earlier, on December 15, 2018. Respondent was required to update the Contingency Plan as of December 15, 2018, to reflect a change in the Emergency Coordinator to a new person responsible for fulfilling that role.

64. In failing to comply with the requirement to update the Facility Contingency Plan when there has been a change in the Emergency Coordinator, Respondent was in violation of 9 VAC 20-60-264, which incorporates 40 C.F.R. § 264.54 by reference, and is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

Count V
Requirement to Conduct Adequate Weekly Inspections of Areas Where Hazardous Waste Containers Are Stored

65. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.

66. 9 VAC 20-60-264, which incorporates 40 C.F.R. § 264.174 by reference, requires a facility that stores hazardous waste to conduct adequate weekly inspections of areas where hazardous waste containers are stored.

67. At the time of the September 12, 2018 inspection, the inspectors requested documents for review but were told that the documents could not be provided at that time because the individual responsible for their maintenance was not present. The documents, weekly inspection logs, were provided via email on October 9, 2018, 28 days after the inspection.

68. The logs provided via email on October 9, 2018 indicated that, for every weekly inspection conducted, the Facility had no containers of hazardous waste accumulating onsite. The weekly inspection logs that show zero containers of hazardous waste accumulating onsite were inconsistent with the hazardous waste manifests for the Facility. A review of the hazardous waste manifests provided indicate that the facility made offsite shipments of hazardous waste containers during the periods covered by the inspection logs.

69. Since the weekly inspections conducted at the Facility during the October 2017 to October 2018 period did not accurately reflect the actual presence of containers of hazardous waste at the Facility, the weekly inspections were not adequate, as required by 9 VAC 20-60-264, which incorporates 40 C.F.R. § 264.174 by reference.

70. In failing to comply with the requirement to provide adequate weekly inspections, Respondent was in violation of 9 VAC 20-60-264, which incorporates 40 C.F.R. § 264.174 by reference, and is subject to the assessment of penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

CIVIL PENALTY

71. In settlement of EPA's claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **THREE-THOUSAND** dollars **($3,000.00)**, which Respondent shall be liable to pay in accordance with the terms set forth below.

72. The civil penalty is based upon EPA's consideration of a number of factors, including the penalty criteria ("statutory factors") set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), including the following: the seriousness of the violation and any good faith efforts to comply with the applicable requirements. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA's October, 1990 RCRA Civil Penalty Policy, as revised in June 2003 and May 2020 ("RCRA Penalty Policy"), which reflect the statutory penalty criteria and factors set forth at Section 3008(a)(3) and (g) of RCRA, 42 U.S.C. §§ 6928(a)(3) and (g), the appropriate Adjustment of Civil Monetary Penalties for Inflation, pursuant to 40 C.F.R. Part 19, and

the applicable EPA memoranda addressing EPA's civil penalty policies to account for inflation.

73. The civil penalty is also based upon an analysis of Respondent's ability to pay a civil penalty. This analysis was based upon financial information submitted to EPA by Respondent.

74. Based upon this analysis EPA has determined that the Respondent is unable to pay a civil penalty in excess of the dollar amount set forth in Paragraph 71, above, in settlement of the above-captioned action.

75. Payment of the civil penalty amount, and any associated interest, administrative fees, and late payment penalties owed, shall be made by either cashier's check, certified check or electronic wire transfer, in the following manner:

a. All payments by Respondent shall include reference to Respondent's name and address, and the Docket Number of this action, *i.e.*, **U.S. EPA Docket Number RCRA-03-2021-0116**;

b. All checks shall be made payable to the "United States Treasury";

c. All payments made by check and sent by regular mail shall be addressed and mailed to:

U.S. Environmental Protection Agency
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

d. For additional information concerning other acceptable methods of payment of the civil penalty amount see:

https://www.epa.gov/financial/makepayment

e. A copy of Respondent's check or other documentation of payment of the penalty using the method selected by Respondent for payment shall be sent simultaneously by email to:

Daniel T. Gallo
Assistant Regional Counsel
gallo.dan@epa.gov

and

U.S. EPA Region III Regional Hearing Clerk
R3_Hearing_Clerk@epa.gov.

76. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.

77. Payment of the civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).

78. INTEREST: In accordance with 40 C.F.R § 13.11(a)(1), interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the date that a copy of the fully executed and filed Consent Agreement and Final Order is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalties that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R § 13.11(a).

79. ADMINISTRATIVE COSTS: The costs of the EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives – Case Management*, Chapter 9, EPA will assess a $15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional $15.00 for each subsequent thirty (30) days the penalty remains unpaid.

80. LATE PAYMENT PENALTY: A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

81. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.

COMPLIANCE ORDER

82. As a condition of this settlement, Respondent is hereby ORDERED, pursuant to Section 3008(a) of the Act, 42 U.S.C. § 6928(a), and does consent, to implement and execute the following:

1. Respondent has hired a Third-Party consultant to thoroughly address hazardous waste management issues that exist at the Facility and in its operations. The Third-Party consultant shall examine the facility's operations and develop appropriate Hazardous Waste Management Standard Operating Procedures ("SOPs") for the Facility.

2. Qualifications. Respondent has represented that the Third-Party Consultant it has hired has adequate staff to perform the relevant requirements. At a minimum, the Third-Party Consultant has a working process knowledge of Respondent's operations or similar operations, and expertise and competence in the applicable regulatory programs under federal and state environmental laws.

3. Respondent shall submit to EPA a draft written report of the results of the Third-Party consultant's review of the Facility's operations and a draft set of SOPs to Eric Greenwood, Enforcement Officer, at greenwood.eric@epa.gov, within sixty (60) days of the filing of this Consent Agreement and Final Order.

4. EPA, along with VADEQ if necessary, shall review the draft report and draft SOPs. Based upon EPA's review and comments, Respondent shall submit a final written report and final set of SOPs for the Facility within 120 days from the filing of the Consent Agreement and Final Order.

5. Within 150 days of the filing of this Consent Agreement, Respondent shall implement the final SOPs at its Facility and shall submit to EPA, to Eric Greenwood, Enforcement Officer, at greenwood.eric@epa.gov, adequate records and documentation to substantiate its implementation of the final SOPs.

6. Respondent shall pay all costs of and cooperate fully with Third-Party Consultants. Respondent shall provide each Third-Party Consultant access to all records, personnel, and parts of the Facility that the Third-Party Consultant deems reasonably necessary to effectively perform its duties under the Compliance Order Requirements.

83. For purposes of the identification requirement of Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. §162(f)(2)(A)(ii), performance of the Paragraph above is restitution or required to come into compliance with law.

GENERAL SETTLEMENT CONDITIONS

84. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best

of Respondent's knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.

85. Respondent certifies that any information or representation it has supplied or made to EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, **including information about respondent's ability to pay a penalty**, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

CERTIFICATION OF COMPLIANCE

84. Respondent has indicated that it has entered into a contract with a third-party environmental consultation firm to provide regulatory guidance.
85. Respondent certifies to EPA, upon personal investigation and to the best of its knowledge and belief, that it is currently in compliance in regard to the violations alleged in this Consent Agreement.

OTHER APPLICABLE LAWS

86. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of the RCRA, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

87. This Consent Agreement and Final Order resolves only EPA's claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and Final Order. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder and any other federal law or

regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

EXECUTION /PARTIES BOUND

88. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By his or her signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

EFFECTIVE DATE

89. The effective date of this Consent Agreement and Final Order is the date on which the Final Order, signed by the Regional Administrator of EPA, Region III, or his/her designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

ENTIRE AGREEMENT

90. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

For Respondent: Cavalier Printing Ink Company, Inc.

Date: 9/22/2021 By: _____

Omar Hassan, President
Cavalier Printing Ink Company, Inc.

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement & Compliance Assurance Division of the United States Environmental Protection Agency, Region III, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

Date: 9/27/21 By: Melvin, Karen Digitally signed by Melvin, Karen Date: 2021.09.27 11:41:33 -04'00'

Karen Melvin, Director
Enforcement & Compliance Assurance Division
U.S. EPA – Region III
Complainant

Attorney for Complainant:

Date: 9/27/21 By: DANIEL GALLO Digitally signed by DANIEL GALLO Date: 2021.09.27 13:15:47 -04'00'

Daniel T. Gallo
Assistant Regional Counsel
U.S. EPA – Region III

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

Philadelphia, Pennsylvania

In the Matter of:	:	
	:	
Cavalier Printing Ink Company, Inc.	:	**U.S. EPA Docket No. 03-2021-0116**
2807 Transport Street	:	
Richmond, Virginia 23234	:	**Proceeding under Section 3008(a) and (g) of**
	:	**the Resource Conservation and Recovery Act**
Respondent.	:	**(RCRA), as amended,**
	:	**42 U.S.C. § 6928(a) and (g).**
	:	
	:	
	:	
	:	
	:	
	:	

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III, and Respondent, Cavalier Printing Ink Company, Inc., have executed a document entitled "Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22, with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA's October 1990 RCRA Civil Penalty Policy, as revised in June, 2003 and May, 2020 ("RCRA Penalty Policy"), which reflects the statutory penalty criteria and factors set forth at Sections 3008(a)(3) and (g) of RCRA, 42 U.S.C. §§ 6982(a)(3) and (g), the appropriate *Adjustment of Civil Monetary Penalties for Inflation,* pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA's civil penalty policies to account for inflation.

NOW, THEREFORE, PURSUANT TO Section 3008(a) of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. § 6928(a) and (g), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of ***THREE THOUSAND DOLLARS ($3,000.00)***, in accordance with the payment provisions set forth in the Consent Agreement and in 40 C.F.R. § 22.31(c), and comply

with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of the Resource Conservation and Recovery Act and the regulations promulgated thereunder.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

Date: 9/28/21 By: JOSEPH LISA Digitally signed by JOSEPH LISA Date: 2021.09.28 08:30:23 -04'00'

Joseph J. Lisa
Regional Judicial and Presiding Officer
U.S. EPA Region III