

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

In the Matter of:

Saati Americas Corporation
201 Fairview Street Extension
Fountain Inn, South Carolina 29644,
EPA ID No.: SCD980841944

Respondent.

Docket No. **RCRA-04-2022-2109(b)**

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

CONSENT AGREEMENT

I. NATURE OF ACTION

1. This is an administrative penalty assessment proceeding brought under Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a) (RCRA or the Act) and Sections 22.13(b) and 22.18 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at Title 40 of the Code of Federal Regulations (C.F.R.), Part 22.
2. This Consent Agreement and the attached Final Order shall collectively be referred to as the CAFO.
3. Having found that settlement is consistent with the provisions and objectives of the Act and applicable regulations, the Parties have agreed to settle this action pursuant to 40 C.F.R. § 22.18 and consent to the entry of this CAFO without adjudication of any issues of law or fact herein.

II. PARTIES

4. Complainant is the Chief of the Chemical Safety and Land Enforcement Branch, Enforcement and Compliance Assurance Division, United States Environmental Protection Agency, Region 4, who has been delegated the authority on behalf of the Administrator of the EPA to enter into this CAFO pursuant to 40 C.F.R. Part 22 and Section 3008(a) of the Act.
5. Respondent is Saati Americas Corporation, a New York corporation doing business in the State of South Carolina. This proceeding pertains to Respondent's facility located at 201 Fairview Street Extension, Fountain Inn, South Carolina (Facility).

III. GOVERNING LAW

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the State of South Carolina (State) has received final authorization to 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 SCHWMA, S.C. Code Ann. § 44-56-10 *et seq.* [Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939g], and 25 S.C. Code Ann. Regs. 61-79.260-266, 268, and 270, and 61-79.273 and 61-79.279, [Title 40 of the Code of Federal Regulations (C.F.R.), Parts 260 through 266, 268, 270, 273 and 279].
7. Pursuant to Section 3006(g) of RCRA, 42 U.S.C. § 6926(g), the requirements established by the Hazardous and Solid Waste Amendments of 1984 (HSWA), Pub. L. 98-616, are immediately effective in all states regardless of their authorization status and are implemented by the EPA until a state is granted final authorization with respect to those requirements. The State has received final authorization for certain portions of HSWA, including those recited herein.
8. Although the EPA has granted the State authority to enforce its own hazardous waste program, the EPA retains jurisdiction and authority to initiate an independent enforcement action pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2). This authority is exercised by the EPA in the manner set forth in the Memorandum of Agreement between the EPA and the State.
9. As the State's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations for the violations of those authorized provisions alleged herein will be to the authorized State program; however, for ease of reference, the federal citations will follow in brackets.
10. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), Complainant has given notice of this action to the State before issuance of this CAFO.
11. Section 44-56-30 of the SCHWMA, S.C. Code Ann. § 44-56-30 [Section 3002(a) of RCRA, 42 U.S.C. § 6922(a)], requires the promulgation of standards applicable to generators of hazardous waste. The implementing regulations for these standards are found at 25 S.C. Code Ann. Regs. 61-79 Part 262 [40 C.F.R. Part 262].
12. Section 44-56-60 of the SCHWMA, S.C. Code Ann. § 44-56-60 [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 25 S.C. Code Ann. Regs. 61-79 Part 264 (permitted) and 25 S.C. Code Ann. Regs. 61-79 Part 265 (interim status) [40 C.F.R. Parts 264 (permitted) and 265 (interim status)].
13. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.2 [40 C.F.R. § 261.2], a "solid waste" is any discarded material that is not otherwise excluded from the regulations. A discarded material includes any material that is abandoned by being stored in lieu of being disposed.
14. Pursuant to 25 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 25 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 25 S.C. Code Ann. Regs. 61-79.261.4(b) [40 C.F.R. § 261.4(b)].
15. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.3(a)(2)(i) and 25 S.C. Code Ann. Regs. 61-79.261.20 [40 C.F.R. §§ 261.3(a)(2)(i) and 261.20], solid wastes that exhibit any of the characteristics identified in 25 S.C. Code Ann. Regs. 61-79.261.21-24 [40 C.F.R. §§ 261.21-24] are

characteristic hazardous waste and are provided with the EPA Hazardous Waste Numbers D001 through D043.

16. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.20 and 25 S.C. Code Ann. Regs. 61-79.261.21 [40 C.F.R. §§ 261.20 and 261.21], a solid waste that exhibits the characteristic of ignitability is a hazardous waste and is identified with the EPA Hazardous Waste Number D001.
17. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.20 and 25 S.C. Code Ann. Regs. 61-79.261.22 [40 C.F.R. §§ 261.20 and 261.22], a solid waste that exhibits the characteristic of corrosivity is a hazardous waste and is identified with the EPA Hazardous Waste Number D002.
18. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.20 and 25 S.C. Code Ann. Regs. 61-79.261.23 [40 C.F.R. §§ 261.20 and 261.23], a solid waste that exhibits the characteristic of reactivity is a hazardous waste and is identified with the EPA Hazardous Waste Number D003.
19. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.20 and 25 S.C. Code Ann. Regs. 61-79.261.24 [40 C.F.R. §§ 261.20 and 261.24], a solid waste that exhibits the characteristic of toxicity is a hazardous waste and is identified with the EPA Hazardous Waste Number associated with the toxic contaminant causing it to be hazardous. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.24 [40 C.F.R. § 261.24], a solid waste that exhibits the characteristic of toxicity for lead is identified with the EPA Hazardous Waste Number D008.
20. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.20 and 25 S.C. Code Ann. Regs. 61-79.261.24 [40 C.F.R. §§ 261.20 and 261.24], a solid waste that exhibits the characteristic of toxicity is a hazardous waste and is identified with the EPA Hazardous Waste Number associated with the toxic contaminant causing it to be hazardous. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.24 [40 C.F.R. § 261.24], a solid waste that exhibits the characteristic of toxicity for silver is identified with the EPA Hazardous Waste Number D011.
21. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.20 and 25 S.C. Code Ann. Regs. 61-79.261.24 [40 C.F.R. §§ 261.20 and 261.24], a solid waste that exhibits the characteristic of toxicity is a hazardous waste and is identified with the EPA Hazardous Waste Number associated with the toxic contaminant causing it to be hazardous. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.24 [40 C.F.R. § 261.24], a solid waste that exhibits the characteristic of toxicity for 1,1 dichloroethylene is identified with the EPA Hazardous Waste Number D029.
22. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.20 and 25 S.C. Code Ann. Regs. 61-79.261.24 [40 C.F.R. §§ 261.20 and 261.24], a solid waste that exhibits the characteristic of toxicity is a hazardous waste and is identified with the EPA Hazardous Waste Number associated with the toxic contaminant causing it to be hazardous. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.24 [40 C.F.R. § 261.24], a solid waste that exhibits the characteristic of toxicity for methyl ethyl ketone is identified with the EPA Hazardous Waste Number D035.
23. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.3(a)(2)(ii) and 25 S.C. Code Ann. Regs. 61-79.261.30 [40 C.F.R. §§ 261.3(a)(2)(ii) and 261.30], a solid waste is a listed "hazardous waste" if it is listed in 25 S.C. Code Ann. Regs. 61-79 Part 261 Subpart D [40 C.F.R. Part 261, Subpart D].
24. Listed hazardous wastes include the F-Listed wastes from nonspecific sources identified in 25 S.C. Code Ann. Regs. 61-79.261.31(a) [40 C.F.R. § 261.31(a)].

25. Pursuant to 25 S.C. Code Ann. Regs. 61-79.261.31 [40 C.F.R. § 261.31] the following solid wastes are listed hazardous wastes and are identified with the EPA Hazardous Waste Number F005: spent non-halogenated solvents: toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol, and 2-nitropropane; all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002, or F004; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.
26. Pursuant to 25 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 25 S.C. Code Ann. Regs. 61-79.261 [40 C.F.R. Part 261], or whose act first causes a hazardous waste to become subject to regulation.
27. Pursuant to 25 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.
28. Pursuant to 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], a “person” includes an individual or corporation.
29. Pursuant to 25 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.”
30. Pursuant to 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], “storage” means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.
31. Pursuant to 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], “container” means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.
32. Pursuant to 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], a Large Quantity Generator is a generator who generates greater than or equal to one thousand (1,000) kilograms (2,200 pounds) of non-acute hazardous waste in a calendar month.
33. Pursuant to 25 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 25 S.C. Code Ann. Regs. 61-79.261.2 [40 C.F.R. § 261.2], must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations, using the following methods in 25 S.C. Code Ann. Regs. 61-79.262.11 [40 C.F.R. § 262.11].
34. Pursuant to 25 S.C. Code Ann. Regs. 61-79.262.17 [40 C.F.R. § 262.17] a LQG may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, as required by Sections 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with 25 S.C. Code Ann. Regs. 61-79.124, 264-267, and 270, provided that the generator complies with the conditions listed in 25 S.C. Code Ann. Regs. 61-79.262.17 [40 C.F.R. § 262.17], (hereinafter referred to as the “LQG Permit Exemption”).

35. Pursuant to 25 S.C. Code Ann. Regs. 61-79.262.17(a)(5)(i)(B) [40 C.F.R. § 262.17(a)(5)(i)(B)], which is a condition of the LQG Permit Exemption, a generator must mark or label its container with an indication of the hazards of the contents.
36. Pursuant to 25 S.C. Code Ann. Regs. 61-79.262.17(a)(6) [40 C.F.R. § 262.17(a)(6)], which incorporates 25 S.C. Code Ann. Regs. 61-79.262.261(e) [40 C.F.R. § 262.261(e)], and is a condition of the LQG Permit Exemption, the contingency plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications, and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.
37. Pursuant to 25 S.C. Code Ann. Regs. 61-79.262.17(a)(6) [40 C.F.R. § 262.17(a)(6)], which incorporates 25 S.C. Code Ann. Regs. 61-79.262.262(a) [40 C.F.R. § 262.262(a)], and is a condition of the LQG Permit Exemption, the generator must submit a copy of the contingency plan and all revisions to all local emergency responders (*i.e.*, police departments, fire departments, hospitals and State and local emergency response teams that may be called upon to provide emergency services).
38. Pursuant to 25 S.C. Code Ann. Regs. 61-79.262.17(a)(7)(i)(A) [40 C.F.R. § 262.17(a)(7)(i)(A)], which is a condition of the LQG Permit Exemption, facility personnel must successfully complete a program of classroom instruction, online training (*e.g.*, computer-based or electronic), or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this part. The large quantity generator must ensure that this program includes all the elements described in the document required under 25 S.C. Code Ann. Regs. 61-79.262.17(a)(7)(i)(A) [40 C.F.R. § 262.17(a)(7)(i)(A)].
39. Pursuant to 25 S.C. Code Ann. Regs. 61-79.262.17(a)(7)(iv)(A, B, D) [40 C.F.R. § 262.17(a)(7)(iv)(A), (B), (D)], which is a condition of the LQG Permit Exemption, the generator must maintain training records that include, among others: the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job; a written job description for each position; and records documenting that the training required has been given to and completed by facility personnel.
40. Pursuant to 25 S.C. Code Ann. Regs. 61-79.265.15(d) [40 C.F.R. § 265.15(d)], which is a condition of the LQG Permit Exemption, the owner or operator must record inspections in an inspection log or summary. He must keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

IV. FINDINGS OF FACTS

41. Respondent's process operations consist of the Protection and Composite Division, the Chemical Division, the Filtration Division, and the Print Division. The Protection and Composite Division warps, weaves, finishes and coats protective fiber to produce armored vests and helmets. The Chemical Division mixes water-soluble chemicals for customers in the screen-printing industry. The Filtration Division cuts, assembles, and prepares mono-filtering mesh products for related industries. The Print Division is a sales group that offers support to the screen-printing industry.

42. Respondent is a large quantity generator of hazardous waste with EPA ID Number SCD980841944, who generates greater than or equal to one thousand (1,000) kilograms (2,200 pounds) of hazardous waste in a calendar month.
43. Respondent generates waste resin and solvent from the Coating Line, a D001/D035/F005 hazardous waste (methyl ethyl ketone); waste gunpowder and lead residue from the Ballistics Laboratory, a D003/D008 hazardous waste; expired ink containing silver, a D011 hazardous waste; waste waterproofing chemical from the Tenter Process, a D029 hazardous waste (1,1 dichloroethylene); and waste corrosive, a D002 hazardous waste.
44. Respondent stores hazardous waste in containers in the central accumulation area for 90-days or less.
45. On June 17, 2021, the EPA and SCDHEC conducted a RCRA compliance evaluation inspection (CEI) at Respondent's Facility. The EPA's findings of the CEI were documented in a report mailed to Respondent, dated September 1, 2021.
46. During the June 17, 2021 CEI, the EPA observed that the Respondent generated solid waste from the Tenter Process and the Ballistics Laboratory and failed to conduct and/or did not document an accurate waste determination on the following solid waste: Tenter waterproofing wastewater, Tenter process drain solids, Tenter waterproofing for reuse, Tenter aged/out of spec waterproofing, Ballistics Laboratory fabric for recycle, treated fabric that is non-recyclable, test panels, floor sweepings, waste clay, waste clay pieces impacted with Aramid yarn, waste clay from the laboratory oven, waste return air filters, waste mop water, waste gunpowder and lead residue, waste gloves, and waste cleaning wipes. Following the CEI, the Respondent conducted and provided accurate waste determinations on the solid wastes identified in this paragraph.
47. During the June 17, 2021 CEI, the EPA observed that the Respondent was storing a 0.5-gallon container of expired ink (silver ink 191) in the central accumulation area for 90-days or less that was not marked or labeled with an indication of the hazards of the container contents.
48. During the June 17, 2021 CEI, the EPA observed the Respondent's contingency plan failed to include a list of all emergency and spill control equipment and a brief outline of the equipment's capability.
49. During the June 17, 2021 CEI, the EPA observed the Respondent failed to submit a copy of the contingency plan to the State (SCDHEC) emergency response team that may be called upon to provide emergency services.
50. During the June 17, 2021 CEI, the EPA observed the Respondent failed to give RCRA training to an employee that manages hazardous waste.
51. During the June 17, 2021 CEI, the EPA observed the Respondent failed to maintain training records for one employee that includes: the job title for the position related to hazardous waste management, the name of the employee; a written job description for the position; and records documenting that the training was given to and completed by the employee.
52. During the June 17, 2021 CEI, the EPA observed the Respondent failed to document weekly container inspections for the weeks between December 18, 2019, and December 30, 2019, and for the week between July 10, 2020, and July 24, 2020.

V. ALLEGED VIOLATIONS

53. Respondent is a "person" as defined in 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10].
54. Respondent is the "owner/operator" of a "facility" located at 201 Fairview Street Extension, Fountain Inn, South Carolina, as those terms are defined in 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10].
55. Respondent generates waste that are "solid wastes" and "hazardous wastes" as defined in 25 S.C. Code Ann. Regs. 61-79.261.2 [40 C.F.R. § 261.2] and 25 S.C. Code Ann. Regs. 61-79.261.3 [40 C.F.R. § 261.3].
56. Respondent is a "generator" of "hazardous waste" as those terms are defined in 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10] and 25 S.C. Code Ann. Regs. 61-79.261.3 [40 C.F.R. § 261.3].
57. Respondent is a "large quantity generator" of "hazardous waste" who generates greater than or equal to one thousand (1,000) kilograms (2,200 pounds) of non-acute hazardous waste in a calendar month as those terms are defined in 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10].
58. At the time of the inspection, Respondent did not conduct and/or did not document an accurate waste determination on all solid waste generated at the Facility's Tenter Process and the Ballistics Laboratory. The EPA therefore alleges that Respondent violated 25 S.C. Code Ann. Regs. 61-79.262.11 [40 C.F.R. § 262.11], by failing to make an accurate hazardous waste determination on all solid waste generated at its Facility.
59. At the time of the inspection, Respondent was storing hazardous waste in a container in the central accumulation area for 90-days or less which was not marked or labeled with an indication of the hazards of the contents. The EPA therefore alleges Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in 25 S.C. Code Ann. Regs. 61-79.262.17(a)(5)(i)(B) [40 C.F.R. § 262.17(a)(5)(i)(B)], by failing to mark or label a container with an indication of the hazards of the contents.
60. At the time of the inspection, Respondent's contingency plan failed to include a list of all emergency and spill control equipment and brief outline of the equipment's capability. The EPA therefore alleges Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in 25 S.C. Code Ann. Regs. 61-79.262.17 (a)(6) [40 C.F.R. § 262.17(a)(6)], by failing to include a list of all emergency and spill control equipment and brief outline of the equipment's capability as required by 25 S.C. Code Ann. Regs. 61-79.262.261(e) [40 C.F.R. § 262.261(e)].
61. At the time of the inspection, Respondent failed to submit a copy of the contingency plan to the State (SCDHEC) emergency response team that may be called upon to provide emergency services. The EPA therefore alleges Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of

the LQG Permit Exemption set forth in 25 S.C. Code Ann. Regs. 61-79.262.17(a)(6) [40 C.F.R. § 262.17(a)(6)], by failing to submit a copy of the contingency plan, to the State (SCDHEC) emergency response team that may be called upon to provide emergency services as required by 25 S.C. Code Ann. Regs. 61-79.262.262(a) [40 C.F.R. § 262.262(a)].

62. At the time of the inspection, Respondent failed to give RCRA training to an employee that manages hazardous waste. The EPA therefore alleges Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in 25 S.C. Code Ann. Regs. 61-79.262.17(a)(7)(i)(A) [40 C.F.R. § 262.17(a)(7)(i)(A)], by failing to give RCRA training to an employee that manages hazardous waste.
63. At the time of the inspection, Respondent failed to maintain training records for an employee that included: the job title for the position related to hazardous waste management, the name of the employee; a written job description for the position; and records documenting that the training was given to and completed by an employee. The EPA therefore alleges Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in 25 S.C. Code Ann. Regs. 61-79.262.17(a)(7)(iv)(A, B, D) [40 C.F.R. § 262.17(a)(7)(iv) (A, B, D)], by failing to maintain RCRA training records for an employee that manages hazardous waste.
64. At the time of the inspection, Respondent failed to document weekly container inspections for the week between December 18, 2019, and December 30, 2019, and for the week between July 10, 2020, and July 24, 2020. The EPA therefore alleges Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in 25 S.C. Code Ann. Regs. 61-79.265.15(d) [40 C.F.R. § 265.15(d)], by failing to document weekly container inspections.

VI. STIPULATIONS

65. The issuance of this CAFO simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).
66. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:
- a. admits that the EPA has jurisdiction over the subject matter alleged in this CAFO;
 - b. neither admits nor denies the factual allegations set forth in Section IV (Findings of Facts) of this CAFO;
 - c. consents to the assessment of a civil penalty as stated below;
 - d. consents to the conditions specified in this CAFO;
 - e. waives any right to contest the allegations set forth in Section V (Alleged Violations) of this CAFO; and

- f. waives its rights to appeal the Final Order accompanying this CAFO.
67. For the purpose of this proceeding, Respondent:
- a. agrees that this CAFO states a claim upon which relief may be granted against Respondent;
 - b. acknowledges that this CAFO constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;
 - c. waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CAFO, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706;
 - d. waives any rights it may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to compel compliance with the CAFO, and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action;
 - e. waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during any discussions with, or to be served with and reply to, any memorandum or communication addressed to the EPA officials where the purpose of such discussion, memorandum, or communication is to persuade such official to accept and issue this CAFO; and
 - f. agrees to comply with the terms of this CAFO.
68. By executing this CAFO, Respondent certifies to the best of its knowledge that Respondent is currently in compliance with all relevant requirements of the Act and its implementing regulations, and that all violations alleged herein, which are neither admitted nor denied, have been corrected.
69. In accordance with 40 C.F.R. § 22.5, the individuals named in the certificate of service are authorized to receive service related to this proceeding and the parties agree to receive service by electronic means.

VII. TERMS OF PAYMENT

70. Respondent consents to the payment of a civil penalty, which was calculated in accordance with the Act, in the amount of **FIFTY-TWO THOUSAND DOLLARS (\$52,000.00)**, which is to be paid within thirty (30) calendar days of the Effective Date of this CAFO.
71. Payment(s) 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.
- a. 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

- b. 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
Mail Station: SL-MO-C2-GL
St. Louis, Missouri 63101
Contact Number: (314) 425-1819

- c. 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"

- d. 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: Craig Steffen, (513) 487-2091
REX (Remittance Express): 1-877-372-2457

72. Respondent shall send proof of payment, within 24 hours of payment of the civil penalty, to:

Regional Hearing Clerk
U.S. EPA, Region 4
61 Forsyth Street, SW
Atlanta Georgia 30303
R4_Regional_Hearing_Clerk@epa.gov

and

William Kappler
Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division
U.S. EPA, Region 4
61 Forsyth Street, SW
Atlanta Georgia 30303
kappler.william@epa.gov

73. "Proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to the EPA requirements, in the amount due, and identified with the Facility name and "Docket No. RCRA-04-2022-2109(b)."
74. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to remit the civil penalty as agreed to herein, the EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the costs of processing and handling the delinquent claim. Accordingly, the EPA may require the Respondent to pay the following amounts on any amount overdue:
- a. Interest. Interest will begin to accrue on the civil penalty from the Effective Date of this CAFO. If the civil penalty is paid within 30 days of the Effective Date of this CAFO, Interest is waived. However, if the civil penalty is not paid in full within 30 days, Interest will continue to accrue on any unpaid portion until the unpaid portion of the civil penalty and accrued Interest are paid. Interest will be assessed at the rate of the United States Treasury tax and loan rate, as established by the Secretary of the Treasury, in accordance with 31 U.S.C. § 3717(a)(1), 31 C.F.R. § 901.9(b)(2), and 40 C.F.R. § 13.11(a).
 - b. Non-Payment Penalty. On any portion of a civil penalty or a stipulated penalty more than ninety (90) calendar days past due, Respondent must pay a non-payment penalty of not more than six percent (6%) per annum, which will accrue from the date the penalty payment became due and is not paid, as provided in 31 U.S.C. § 3717(e)(2) and 31 C.F.R. § 901.9(d). This non-payment penalty is in addition to charges which accrue or may accrue under subparagraphs (a) and (c) and will be assessed monthly. 40 C.F.R. § 13.11(c).
 - c. Monthly Handling Charge. Respondent must pay a late payment handling charge to cover the administrative costs of processing and handling the delinquent claim, based on either actual or average cost incurred. 31 C.F.R. § 901.9(b)(c), and 40 C.F.R. § 13.11(b). Administrative costs will be assessed monthly throughout the period the debt is overdue except as provided by 40 C.F.R. § 13.12.
75. In addition to what is stated in the prior Paragraph, if Respondent fails to timely pay any portion of the penalty assessed under this CAFO, the EPA may:
- a. refer the debt to a credit reporting agency or a collection agency, 40 C.F.R. §§ 13.13 and 13.14;
 - b. collect the debt by administrative offset (i.e., the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal

Revenue Service for offset against income tax refunds, 40 C.F.R. Part 13, Subparts C and H;

- c. suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, 40 C.F.R. § 13.17; and/or
- d. refer the debt to the Department of Justice as provided in 40 C.F.R. § 13.33. In any such judicial action, the validity, amount, and appropriateness of the penalty and of this CAFO shall not be subject to review.

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

VIII. EFFECT OF CAFO

77. In accordance with 40 C.F.R. § 22.18(c), Respondent's full compliance with this CAFO shall only resolve Respondent's liability for federal civil penalties for the violations and facts specifically alleged above.
78. Full payment of the civil penalty, as provided in Section VII (Terms of Payment), shall not in any case affect the right of the EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. 40 C.F.R. § 22.18(c).
79. Any violation of this CAFO may result in a civil penalty for each day of continued noncompliance with the CAFO and/or the suspension or revocation of any federal or state permit issued to the violator, as provided in Section 3008(c) of the Act, 42 U.S.C § 6928(c).
80. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws or statutes, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit, except as expressly provided herein.
81. Nothing herein shall be construed to limit the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment as provided under the Act.
82. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of both Parties, and approval of the Regional Judicial Officer.
83. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, authorized representatives, successors, and assigns.
84. Any change in the legal status of the Respondent, or change in ownership, partnership, corporate or legal status relating to the Facility, will not in any way alter Respondent's obligations and responsibilities under this CAFO.
85. By signing this Consent Agreement, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information or personally identifiable information.

86. By signing this Consent Agreement, the Complainant and the undersigned representative of Respondent each certify that he or she is fully authorized to execute and enter into the terms and conditions of this CAFO and has the legal capacity to bind the party he or she represents to this CAFO.
87. By signing this Consent Agreement, both Parties agree that each party's obligations under this CAFO constitute sufficient consideration for the other party's obligations.
88. By signing this Consent Agreement, Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and continues to be, true, accurate, and complete for each such submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.
89. The EPA also reserves the right to revoke this CAFO and settlement penalty if and to the extent that the EPA finds, after signing this CAFO, that any information provided by Respondent was materially false or inaccurate at the time such information was provided to the EPA. If such false or inaccurate material was provided, the EPA reserves the right to assess and collect any and all civil penalties for any violation described herein. The EPA shall give Respondent notice of its intent to revoke, which shall not be effective until received by Respondent in writing.
90. Unless specifically stated otherwise in this CAFO, each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.
91. It is the intent of the parties that the provisions of this CAFO are severable. If any provision or authority of this CAFO or the application of this CAFO to any party or circumstances is held by any judicial or administrative authority to be invalid or unenforceable, the application of such provisions to other parties or circumstances and the remainder of the CAFO shall remain in force and shall not be affected thereby.

IX. EFFECTIVE DATE

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

[Remainder of Page Intentionally Left Blank

Complainant and Respondent will Each Sign on Separate Pages.]

The foregoing Consent Agreement In the Matter of **Saati Americas Corporation**, Docket No. **RCRA-04-2022-2109(b)**, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR COMPLAINANT:

Kimberly L. Bingham
Chief
Chemical Safety and Land Enforcement Branch
Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency, Region 4

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

In the Matter of:

Saati Americas Corporation
201 Fairview Street Extension
Fountain Inn, South Carolina 29644
EPA ID No.: SCD980841944

Respondent.

Docket No. **RCRA-04-2022-2109(b)**

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

The Regional Judicial Officer is authorized to ratify this Consent Agreement which memorializes a settlement between Complainant and Respondent. 40 C.F.R. §§ 22.4(b) and 22.18(b)(3). The foregoing Consent Agreement is, therefore, hereby approved, ratified and incorporated by reference into this Final Order in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, 40 C.F.R. Part 22.

The Respondent is hereby ORDERED to comply with all of the terms of the foregoing Consent Agreement effective immediately upon filing of this Consent Agreement and Final Order with the Regional Hearing Clerk. This Final Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

BEING AGREED, IT IS SO ORDERED.

Tanya Floyd
Regional Judicial Officer

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order, in the Matter of **Saati Americas Corporation**, Docket No. **RCRA-04-2022-2109(b)**, were filed and copies of the same were emailed to the parties as indicated below.

Via email to all parties at the following email addresses:

To Respondent: Luigi Bergomi
 Chief Financial Officer
 Saati Americas Corporation
 201 Fairview St. Extension
 Fountain Inn, South Carolina 29644
 lbergomi@saati.com

Alice Kowalske
EHS Lead
Saati Americas Corporation
201 Fairview St. Extension
Fountain Inn, South Carolina 29644
akowalske@saati.com

To EPA: William Kappler
 Physical Scientist
 kappler.william@epa.gov

F. Marshall Binford, Jr.
Associate Regional Counsel
binford.marshall@epa.gov

Quantindra Smith
Environmental Protection Specialist
smith.quantindra@epa.gov

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

Shannon L. Richardson
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960