UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

In the Matter of:

ChromaScape, LLC,
1514 Bushy Park Road, Goose Creek, South Carolina 29445,
EPA ID No.: **SCR000767848**

Respondent.

Docket No. **RCRA-04-2026-4000(b)**

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

CONSENT AGREEMENT

I. NATURE OF ACTION

1. This is an administrative penalty assessment proceeding brought under Section 3008(a) of the Resource Conservation and Recovery Act (RCRA or the Act), 42 U.S.C. § 6928(a), and Sections 22.13(b) and 22.18 of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (Consolidated Rules), as codified at Title 40 of the Code of Federal Regulations (C.F.R.), Part 22.

2. This Consent Agreement and the attached Final Order shall collectively be referred to as the CAFO.

3. Having found that settlement is consistent with the provisions and objectives of the Act and applicable regulations, the Parties have agreed to settle this action pursuant to 40 C.F.R. § 22.18 and consent to the entry of this CAFO without the Respondent's admission of violation or adjudication of any issues of law or fact herein.

II. PARTIES

4. Complainant is the Director, Enforcement and Compliance Assurance Division, United States Environmental Protection Agency (EPA) Region 4, who has been delegated the authority on behalf of the Administrator of the EPA to enter into this CAFO pursuant to 40 C.F.R. Part 22 and Section 3008(a) of the Act.

5. The Respondent is **ChromaScape, LLC**, a limited liability company doing business in the State of South Carolina. This proceeding pertains to the Respondent's facility located at **1514 Bushy Park Road, Goose Creek, South Carolina, 29445** (Facility).

III. GOVERNING LAW

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the State of South Carolina (State) has received final authorization to implement a hazardous waste program in lieu of the federal program set forth in RCRA. The requirements of the authorized State program are found in the South Carolina Hazardous Waste Management Act (SCHWMA), S.C. Code Ann. §§ 44-56-10 *et seq*. [Subtitle C of RCRA, 42 U.S.C. §§ 6921 *et seq.*], and the South Carolina Hazardous Waste Management Regulations (SCHWMR), S.C. Code Ann. Regs. 61-79.260-270 and 61-79.273 [40 C.F.R. Parts 260 through 270 and 273].

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 S.C. Code Ann. Regs. 61-79.262 [40 C.F.R. Part 262].

12. Section 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925], sets forth the requirement that a facility treating, storing, or disposing of hazardous waste must have a permit or interim status. The implementing regulations for this requirement are found at S.C. Code Ann. Regs. 61-79.264 (permitted) and S.C. Code Ann. Regs. 61-79.265 (interim status)] [40 C.F.R. Parts 264 (permitted) and 265 (interim status).

13. Pursuant to S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], a "container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

14. Pursuant to S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], a "generator" is defined as any person, by site, whose act or process produces hazardous waste identified or listed in S.C. Code Ann. Regs. 61-79.261 [40 C.F.R. Part 261], or whose act first causes a hazardous waste to become subject to regulation.

15. Pursuant to S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], a "large quantity generator" (LQG) is a generator who generates greater than or equal to 1,000 kilograms (2,200 pounds (lbs)) of non-acute hazardous waste; or greater than one kilogram (2.2 lbs) of acute hazardous waste in a calendar month.

16. Pursuant to S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], a "facility" includes "all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste."

17. Pursuant to S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], a "person" includes an individual, trust, firm, joint stock company, Federal Agency, corporation (including a government corporation), partnership, association, State, municipality, commission, or political subdivision of a State.

18. Pursuant to S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], an "owner" is "the person who owns a facility or part of a facility" and an "operator" is "the person responsible for the overall operation of a facility."

19. Pursuant to S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], a "solvent-contaminated wipe" includes a wipe that, after use or after cleaning up a spill exhibits only the hazardous waste characteristic of ignitability found in S.C. Code Ann. Regs. 61-79.261.21 [40 C.F.R. § 261.21] due to the presence of one or more solvents that are not listed in S.C. Code Ann. Regs. 61-79.261 [40 C.F.R. Part 261].

20. Pursuant to S.C. Code Ann. Regs. 61-79.261.2 [40 C.F.R. § 261.2], a "solid waste" is any discarded material that is not otherwise excluded from the regulations. A discarded material includes any material that is abandoned by being stored in lieu of being disposed.

21. Pursuant to S.C. Code Ann. Regs. 61-79.261.3 [40 C.F.R. § 261.3], a solid waste is a "hazardous waste" if it meets any of the criteria set forth in S.C. Code Ann. Regs. 61- 79.261.3(a)(2) [40 C.F.R. § 261.3(a)(2)] and is not otherwise excluded from regulation as a hazardous waste by S.C. Code Ann. Regs. 61-79.261.4(b) [40 C.F.R. § 261.4(b)].

22. Pursuant to S.C. Code Ann. Regs. 61-79.261.3(a)(2)(i) and 261.20 [40 C.F.R. §§ 261.3(a)(2)(i) and 261.20], solid wastes that exhibit any of the characteristics identified in S.C. Code Ann. Regs. 61-79.261.21-24 [40 C.F.R. §§ 261.21-24] are characteristic hazardous waste and are provided with the EPA Hazardous Waste Numbers D001 through D043.

23. Pursuant to S.C. Code Ann. Regs. 61-79.261.20 and 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.

24. Pursuant to S.C. Code Ann. Regs. 61-79.261.20 and 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.

25. Pursuant to S.C. Code Ann. Regs. 61-79.261.20 and 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 Numbers D004-D043, which correspond to the toxic contaminant causing it to be hazardous.

26. Pursuant to S.C. Code Ann. Regs. 61-79.261.3(a)(2)(ii) and 261.30 [40 C.F.R. §§ 261.3(a)(2)(ii) and 261.30], a solid waste is a listed "hazardous waste" if it is listed in S.C. Code Ann. Regs. 61-79.261, Subpart D [40 C.F.R. Part 261, Subpart D].

27. Listed hazardous wastes include the K-listed wastes from specific sources identified in S.C. Code Ann. Regs. 61-79.261.32 [40 C.F.R. § 261.32].

28. Listed hazardous wastes include the P- and U-Listed wastes identified in S.C. Code Ann. Regs. 61-79.261.33 [40 C.F.R. § 261.33].

29. Pursuant to S.C. Code Ann. Regs. 61-79.261.4(b)(18) [40 C.F.R. § 261.4(b)(18)], solvent-contaminated wipes, except for wipes that are hazardous waste due to the presence of trichloroethylene, that are sent for disposal are not hazardous wastes from the point of generation, provided that the conditions listed in S.C. Code Ann. Regs. 61-79.261.4(b)(18) [40 C.F.R. § 261.4(b)(18)] are met (hereinafter referred to as the "Solvent-Contaminated Disposable Wipe Exclusion").

30. Pursuant to S.C. Code Ann. Regs. 61-79.261.4(b)(18)(ii) [40 C.F.R. § 261.4(b)(18)(ii)], which is a condition of the Solvent-Contaminated Disposable Wipe Exclusion, the solvent-contaminated wipes may be accumulated by the generator for up to 180 days from the start date of accumulation for each container prior to being sent for disposal.

31. Pursuant to S.C. Code Ann. Regs. 61-79.262.11 [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in S.C. Code Ann. Regs. 61-79.261.2 [40 C.F.R. § 261.2], must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations.

32. Pursuant to S.C. Code Ann. Regs. 61-79.262.17 [40 C.F.R. § 262.17], an LQG may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, as required by S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in S.C. Code Ann. Regs. 61-79.262.17 [40 C.F.R. § 262.17] (hereinafter referred to as the "LQG Permit Exemption").

33. Pursuant to 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, an LQG must mark or label its containers with the following: "(B) An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 C.F.R. Part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 C.F.R. § 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704)."

34. Pursuant to S.C. Code Ann. Regs. 61-79.262.17(a)(5)(i)(C) [40 C.F.R. § 262.17(a)(5)(i)(C)], which is a condition of the LQG Permit Exemption, an LQG must mark or label its containers with the date upon which each period of accumulation begins clearly visible for inspection on each container.

35. Pursuant to S.C. Code Ann. Regs. 61-79.262.17(a)(6) [40 C.F.R. § 262.17(a)(6)], which incorporates S.C. Code Ann. Regs. 61-79.262.261(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, the location and a physical description of each item on the list, and a brief outline of its capabilities.

36. Pursuant to S.C. Code Ann. Regs. 61-79.262.17(a)(6) [40 C.F.R. § 262.17(a)(6)], which incorporates S.C. Code Ann. Regs. 61-79.262.262 [40 C.F.R. § 262.262] and is a condition of the LQG Permit Exemption, the LQG must submit a copy of the contingency plan and its quick reference guide (QRG), 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). The documents may also be submitted to the Local Emergency Planning Committee, as appropriate.

37. Pursuant to 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 LQG must ensure that this program includes all the elements described in the document required under paragraph (a)(7)(iv)(C) of this section."

38. Pursuant to S.C. Code Ann. Regs. 61-79.262.17(b) [40 C.F.R. § 262.17(b)], which is a condition of the LQG Permit Exemption, an LQG who accumulates hazardous waste for more than 90 days is subject to the requirements of S.C. Code Ann. Regs. 61-79.124, 264 through 268, and 270, and the notification requirements of Section 44-56-120 of the SCHWMA and Section 3010 of RCRA for treatment, storage, and disposal facilities, unless it has been granted an extension to the 90-day period.

39. Pursuant to S.C. Code Ann. Regs. 61-79.262.41, an authorized State requirement that is more stringent than the federal biennial reporting requirement found in 40 C.F.R. § 262.41, an LQG

who ships any hazardous waste offsite to a treatment, storage, or disposal facility within the United States must prepare and, no later than thirty (30) days after the end of each calendar quarter, submit a written report to the Department including, but not limited to, the information listed in S.C. Code Ann. Regs. 61-79.262.41(a)(1)-(8) unless otherwise indicated.

40. Pursuant to S.C. Code Ann. Regs. 61-79.273.9 [40 C.F.R. § 273.9], an "aerosol can" means a non-refillable receptacle containing a gas compressed, liquefied, or dissolved under pressure, the sole purpose of which is to expel a liquid, paste, or powder and fitted with a self-closing release device allowing the contents to be ejected by the gas.

41. Pursuant to S.C. Code Ann. Regs. 61-79.273.9 [40 C.F.R. § 273.9], a "battery" means a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

42. Pursuant to S.C. Code Ann. Regs. 61-79.273.9 [40 C.F.R. § 273.9], a "small quantity handler of universal waste" (SQHUW) means a universal waste handler who does not accumulate 5,000 kilograms or more of universal waste (batteries, pesticides, mercury-containing equipment, lamps, or aerosol cans, calculated collectively) at any time.

43. Pursuant to S.C. Code Ann. Regs. 61-79.273.14(a) [40 C.F.R. § 273.14(a)], a SQHUW must label universal waste batteries (i.e., each battery), or a container in which the batteries are contained, with any one of the following phrases: "Universal Waste—Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies);".

44. Pursuant to S.C. Code Ann. Regs. 61-79.273.14(f) [40 C.F.R. § 273.14(f)], a SQHUW must label universal waste aerosol cans (i.e., each aerosol can), or a container in which the aerosol cans are contained, with any of the following phrases: "Universal Waste—Aerosol Can(s)," "Waste Aerosol Can(s)," or "Used Aerosol Can(s)".

45. Pursuant to S.C. Code Ann. Regs. 61-79.273.15(c) (40 C.F.R. § 273.15(c)], a SQHUW who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by using any of the following methods listed in S.C. Code Ann. Regs. 61-79.273.15(c)(1)-(6) [40 C.F.R. § 273.15(c)(1)-(6)].

IV. FINDINGS OF FACTS

46. The Respondent owns and operates the Facility, located at 1514 Bushy Park Road, Goose Creek, South Carolina.

47. The Respondent is a manufacturer of colorants and additives for a variety of applications while serving multiple markets. Respondent's products are used in the following industries: wood mulch, printing inks, paper, recycled rubber, and specialty solutions.

48. The Respondent generates 1,000 kilograms or more of hazardous waste or one kilogram or more of acute hazardous waste in a calendar month. The hazardous waste generated at the Facility includes hazardous waste with the characteristics of ignitability, corrosivity, and toxicity, and listed hazardous wastes.

49. The Respondent most recently notified as a LQG of hazardous waste and a SQHUW on April 9, 2024.

50. On April 9, 2025, the EPA and the South Carolina Department of Environmental Services (DES) conducted a RCRA compliance evaluation inspection (CEI) at the Respondent's Facility.

51. On June 25, 2025, the EPA mailed the Respondent an Opportunity to Show Cause Letter (Show Cause Letter) and a CEI Report documenting its findings from the April 9, 2025, CEI.

52. On June 27, 2025, the Respondent provided the EPA a response to the Show Cause Letter and CEI Report.

53. At the time of the CEI, the EPA inspectors observed that solvent contaminated wipes in one 5-gallon closed yellow container labeled "Excluded Solvent-Contaminated Wipes," with an accumulation start date of June 29, 2020, in Building C9-1 Lab, Spectral Lab Room, had been stored for more than 180 days.

54. At the time of the CEI, the EPA inspectors observed that the Respondent had not made a hazardous waste determination on the following hazardous wastes: an 8-ounce jar that contained an unknown waste inside a 30-gallon closed container labeled "Excluded-Solvent Contaminated Wipes" on the second floor of Building C9-1; one 2-gallon container of High-Performance Liquid Chromatography (HPLC) waste labeled with methanol, water, and dye as the contents in the laboratory in Building C9-1; and all the liquid laboratory waste from the HPLC and Ultra Performance Liquid Chromatography (UPLC) machines located in Building C9-1 sent to the wastewater treatment plant.

55. At the time of the CEI, the EPA inspectors observed four 55-gallon hazardous waste containers in the Central Accumulation Area (CAA) that were missing an indication of the hazards of the contents.

56. At the time of the CEI, the EPA inspectors observed four 55-gallon hazardous waste containers in the CAA that did not have an accumulation start date.

57. At the time of the CEI, the EPA inspectors observed that the emergency equipment list in the Facility's contingency plan did not include the location and a physical description of each item on the list, and a brief outline of each item's capabilities.

58. At the time of the CEI, the EPA inspectors observed that a copy of the Facility's contingency plan and its QRG were most recently submitted to the Berkeley County Emergency Management Agency, State Emergency Response Commission Chemical Safety Board, and the onsite Fire Department in November 2021. There were no records available demonstrating that

the contingency plan and its QRG were submitted to local emergency responders after the 2022 update.

59. At the time of the CEI, the EPA inspectors reviewed RCRA-specific training records. The EPA inspectors observed that laboratory employees were not included in the training records provided. Furthermore, the Facility representative stated that laboratory employees, who operate processes that generate hazardous waste and/or determine when laboratory chemicals—which may be classified as ignitable, corrosive, reactive, and or toxic in nature—become a hazardous waste, did not receive RCRA-specific training.

60. At the time of the CEI, the EPA inspectors observed six 55-gallon containers of hazardous waste in the CAA that had been accumulating for more than 90 days without the Facility having first received an extension.

61. At the time of the CEI, during the review of the Respondent's quarterly reports, the EPA inspectors observed that the Respondent had underreported quantities of hazardous waste that had been shipped offsite in January 2023, March 2023, January 2024, and February 2024.

62. At the time of the CEI, the EPA inspectors observed one 5-gallon container of used lithium-ion batteries labeled "Universal Waste" in Maintenance Building B10-3. The container was missing the word "batteries."

63. At the time of the CEI, the EPA inspectors observed one 1-foot cardboard box of spent universal waste aerosol cans in Building C9-1 Lab, Spectral Lab Room, that was not labeled "Universal Waste—Aerosol Can(s)," "Waste Aerosol Can(s)," or "Used Aerosol Can(s)."

64. At the time of the CEI, the EPA inspectors observed that the Respondent was unable to demonstrate the length of time that the universal waste, in one 1-foot cardboard box of spent aerosol cans in Building C9-1 Lab, Spectral Lab Room, and one 5-gallon container of used lithium-ion batteries in the Maintenance Building B10-3, had been accumulated from the date that the universal waste became a waste.

V. ALLEGED VIOLATIONS

65. The Respondent is a "person" as defined in S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10].

66. The Respondent is the "owner" and "operator" of a "facility" located at 1514 Bushy Park Road, Goose Creek, South Carolina, as those terms are defined in S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10].

67. The Respondent is a "generator" of "solid waste" and "hazardous waste" as those terms are defined in S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], S.C. Code Ann. Regs. 61-79.261.2 [40 C.F.R. § 261.2], and S.C. Code Ann. Regs. 61-79.261.3 [40 C.F.R. § 261.3], respectively.

68. The Respondent was an "LQG" of hazardous waste and a "SQHUW" as those terms are defined in S.C. Code Ann. Regs. 61-79.260.10 and 273.9 [40 C.F.R. §§ 260.10 and 273.9] on the date of the inspection.

69. The Respondent managed and stored solvent contminated wipes in a 5-gallon container in the Building C9-1 Lab, Spectral Lab Room for over 180 days. The EPA therefore alleges that the Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing hazardous waste without a permit or interim status, because Respondent failed to comply with the 180-day accumulation time limit for contaminated wipes required by the Solvent-Contaminated Disposable Wipe Exclusion set forth in S.C. Code Ann. Regs. 61-79.261.4(b)(18)(ii) [40 C.F.R. § 261.4(b)(18)(ii)].

70. The Respondent failed to make hazardous waste determinations for one 8-ounce jar of waste material inside a 30-gallon closed container labeled "Excluded-Solvent Contaminated Wipes" in Building C9-1, and liquid laboratory wastes which include wastes generated from the HPLC and UPLC machines in the laboratory in Building C9-1. The EPA therefore alleges that Respondent violated S.C. Code Ann. Regs. 61-79.262.11 [40 C.F.R. § 262.11] by failing to make a hazardous waste determination on solid waste generated at its Facility.

71. The Respondent failed to mark four 55-gallon hazardous waste containers in the CAA with an indication of the hazard of the contents. The EPA therefore alleges that the Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing hazardous waste without a permit or interim status, because Respondent failed to comply with the marking and labeling requirement in 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.

72. The Respondent failed to label four 55-gallon hazardous waste containers in the CAA with an accumulation start date. The EPA therefore alleges that the Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing hazardous waste without a permit or interim status, because Respondent failed to comply with the marking and labeling requirement in S.C. Code Ann. Regs. 61-79.262.17(a)(5)(i)(C) [40 C.F.R. § 262.17(a)(5)(i)(C)], which is a condition of the LQG Permit Exemption.

73. The Respondent failed to include the location, a physical description, and a brief outline of the capabilities of each item on the emergency equipment list within the Facility's contingency plan. The EPA therefore alleges that the Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing waste without a permit or interim status, because the Respondent failed to meet a condition of the LQG Permit Exemption set forth in S.C. Code Ann. Regs. 61-79.262.17(a)(6) [40 C.F.R. § 262.17(a)(6)], by not complying with the contingency plan requirement in S.C. Code Ann. Regs. 61-79.262.261(e) [40 C.F.R. § 262.261(e)].

74. The Respondent failed to submit the amended contingency plan and its QRG to local authorities after the contingency plan was amended in 2022. The EPA therefore alleges that the

Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing waste without a permit or interim status, because the Respondent failed to meet a condition of the LQG Permit Exemption set forth in 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, its QRG, and all revisions to all local emergency responders as required by S.C. Code Ann. Regs. 61-79.262.262 [40 C.F.R. § 262.262].

75. The Respondent failed to provide hazardous waste training to laboratory employees who handle hazardous waste. The EPA therefore alleges that the Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing hazardous waste without a permit or interim status, because Respondent failed comply with the personnel training requirement in 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.

76. The Respondent accumulated six 55-gallon containers of hazardous waste in the CAA for over 90 days. The EPA therefore alleges that the Respondent violated Section 44-56-60(a)(2) and (b) of the SCHWMA [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing hazardous waste in excess of 90 days without a permit or interim status, because Respondent failed to obtain an extension to the less than 90-day storage limit as required by of S.C. Code Ann. Regs. 61-79.262.17(b) [40 C.F.R. § 262.17(b)].

77. The Respondent submitted quarterly reports for January 2023, March 2023, January 2024, and February 2024 to SCDES which had underreported quantities of hazardous waste that were shipped offsite. The EPA therefore alleges that the Respondent violated the reporting requirements of S.C. Code Ann. Regs. 61-79.262.41 [40 C.F.R. § 262.41].

78. The Respondent failed to properly label one 5-gallon container of universal waste batteries in Maintenance Building B10-3. The EPA therefore alleges that the Respondent violated S.C. Code Ann. Regs. 61-79.273.14(a) [40 C.F.R. § 273.14(a)], by failing to label or mark each universal waste battery or the container in which the batteries are contained clearly with any one of the following phrases: “Universal Waste—Battery(ies),” or “Waste Battery(ies),” or “Used Battery(ies).”

79. The Respondent failed to properly label one 1-foot cardboard box of spent universal waste aerosol cans in Building C9-1 Lab, Spectral Lab Room. The EPA therefore alleges that the Respondent violated S.C. Code Ann. Regs. 61-79.273.14(f) [40 C.F.R. § 273.14(f)], by failing to label or mark the container of spent aerosol cans with any of the following phrases: “Universal Waste—Aerosol Can(s),” “Waste Aerosol Can(s),” or “Used Aerosol Can(s).”

80. The Respondent failed to demonstrate the length of time that two boxes of universal waste had been stored. The EPA therefore alleges that the Respondent violated S.C. Code Ann. Regs. 61-79.273.15(c) [40 C.F.R. § 273.15(c)], by failing to demonstrate the length of time that the Facility’s universal waste had been accumulated from the date that the universal waste became a waste or was recieved.

VI. STIPULATIONS

81. The issuance of this CAFO simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).

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

a. admits that the EPA has jurisdiction over the subject matter alleged in this CAFO;

b. neither admits nor denies the factual allegations set forth in Section IV (Findings of Facts) of this CAFO;

c. consents to the assessment of a civil penalty as stated below;

d. consents to the conditions specified in this CAFO;

e. waives any right to contest the allegations set forth in Section V (Alleged Violations) of this CAFO; and

f. waives its rights to appeal the Final Order accompanying this CAFO.

83. For the purpose of this proceeding, the Respondent:

a. agrees that this CAFO states a claim upon which relief may be granted against the Respondent;

b. acknowledges that this CAFO constitutes an enforcement action for purposes of considering the Respondent's compliance history in any subsequent enforcement actions;

c. waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that the Respondent may have with respect to any issue of fact or law set forth in this CAFO, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706;

d. waives any rights it may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to compel compliance with the CAFO, and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action;

e. waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during any discussions with, or to be served with and reply to, any memorandum or communication addressed to EPA officials where the purpose of such discussion, memorandum, or communication is to persuade such official to accept and issue this CAFO;

f. waives any rights or defenses that the Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the Final Order accompanying the Consent Agreement; and

g. agrees to comply with the terms of this CAFO.

84. By executing this CAFO, the Respondent certifies to the best of its knowledge that the Respondent is currently in compliance with all relevant requirements of the SCHWMA, S.C. Code Ann. §§ 44-56-10 *et seq.*, and the SCHWMR, S.C. Code Ann. Regs. 61-79.260-270 and 273, and the Act and its implementing regulations, and that all violations alleged herein, which are neither admitted nor denied, have been corrected.

85. 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

86. The Respondent consents to the payment of a civil penalty, which was calculated in accordance with the Act, in the amount of **ONE HUNDRED FIVE THOUSAND TWO HUNDRED AND SEVEN DOLLARS ($105,207.00)**, which is to be paid within thirty (30) days of the Effective Date of this CAFO.

87. The Respondent shall pay the civil penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the following EPA website: https://www.epa.gov/financial/makepayment. For additional instructions, see: https://www.epa.gov/financial/additional-instructions-making-payments-epa. In addition, the Respondent shall identify every payment with the Respondent's name and the docket number of this CAFO, Docket No. RCRA-04-2026-4000(b).

88. The Respondent shall send proof of payment, within twenty-four (24) hours of payment of the civil penalty, to:

Regional Hearing Clerk
R4_Regional_Hearing_Clerk@epa.gov

and

Kayla Acosta
RCRA Enforcement Section
Enforcement and Compliance Assurance Division
acosta.kayla@epa.gov

and

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov

89. "Proof of payment" means, as applicable, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the Respondent's name and Docket No. **RCRA-04-2026-4000(b)**.

90. 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 and 13.12, if the Respondent fails to timely pay the full amount of the civil penalty per this CAFO, the EPA is authorized to recover, in addition to the amount of the unpaid civil penalty, the following amounts:

a. Interest. Interest will begin to accrue on the civil penalty from the Effective Date of this CAFO. If the civil penalty is paid in full within thirty (30) days, interest accrued is waived. If the civil penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the civil 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 large corporate underpayment rate, as any lower rate would fail to provide Respondent adequate incentive for timely payment.

b. Handling Charges. The Respondent will be assessed a monthly charge to cover the EPA's costs of processing and handling overdue debts. If the Respondent fails to pay the civil penalty in accordance with this CAFO, the EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Effective Date. Additional handling charges will be assessed every thirty (30) days, or any portion thereof, until the unpaid portion of the civil penalty as well as any accrued interest, penalties, and other charges are paid in full.

c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum will be assessed monthly on all debts, including any unpaid portion of the civil penalty, interest, penalties, and other charges, that remain delinquent more than ninety (90) days. Any such amounts will accrue from the date of delinquency.

91. 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 civil penalty amount.

92. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if the Respondent fails to timely pay any portion of the civil penalty, interest, or other charges and penalties per this this CAFO, the EPA may take additional actions. Such actions the EPA may take include, but are not limited to, the following:

a. refer the debt to a credit reporting agency or a collection agency (*see* 40 C.F.R. §§ 13.13 and 13.14);

b. collect the debt by administrative offset (i.e., the withholding of money payable by the United States 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 (*see* 40 C.F.R. Part 13, Subparts C and H);

c. suspend or revoke the Respondent's licenses or other privileges, or suspend or disqualify the Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds (*see* 40 C.F.R. § 13.17); and/or

d. refer the matter 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.

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

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

a. The Respondent shall complete a Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at https://www.irs.gov/pub/irs-pdf/fw9.pdf;

b. The Respondent shall therein certify that its completed Form W-9 includes Respondent's correct Tax Identification Number (TIN) or that the Respondent has applied and is waiting for issuance of a TIN;

c. The Respondent shall email its completed Form W-9 to the EPA's Cincinnati Finance Center Region 4's contact, Jessica Henderson (Henderson.Jessica@epa.gov), on or before the date that Respondent's initial penalty payment is due, pursuant to Paragraph 86 of this CAFO, and the EPA recommends encrypting Form W-9 email correspondence; and

d. In the event that the Respondent has certified in its completed Form W-9 that it has applied for a TIN and that TIN has not been issued to the Respondent by the date that its initial penalty payment is due, then the Respondent, using the same email address identified in the preceding sub-paragraph, shall further:

i. notify the EPA's Cincinnati Finance Center of this fact, via email, by the date that the Respondent's initial penalty payment is due; and

ii. provide the EPA's Cincinnati Finance Center with the Respondent's TIN, via email, within five (5) days of the Respondent's issuance and receipt of the TIN.

95. Failure to comply with providing Form W-9 or TIN may subject the Respondent to a penalty. *See* 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1.

VIII. EFFECT OF CAFO

96. In accordance with 40 C.F.R. § 22.18(c), the Respondent's full compliance with this CAFO shall only resolve the Respondent's liability for federal civil penalties for the violations and facts specifically alleged above.

97. Full payment of the civil penalty, as provided in Section VII (Terms of Payment) shall satisfy the requirements of this CAFO; but shall not in any case affect the right of the EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. 40 C.F.R. § 22.18(c).

98. 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).

99. Nothing in this CAFO shall relieve the Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws or statutes, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit, except as expressly provided herein.

100. Nothing herein shall be construed to limit the power of the EPA to undertake any action against the Respondent or any person in response to conditions that may present an imminent and substantial endangerment as provided under the Act.

101. 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.

102. The provisions of this CAFO shall apply to and be binding upon the Respondent and its successors and assigns. The Respondent shall direct its officers, directors, employees, agents,

trustees, and authorized representatives to comply with the provisions of this CAFO, as appropriate.

103. Any change in the legal status of the Respondent, or change in ownership, partnership, corporate or legal status relating to the Facility, will not in any way alter the Respondent's obligations and responsibilities under this CAFO.

104. By signing this Consent Agreement, the Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information or personally identifiable information.

105. By signing this Consent Agreement, the Complainant and the undersigned representative of the Respondent each certify that each person is fully authorized to execute and enter into the terms and conditions of this CAFO and has the legal capacity to bind the Party represented by that person to this CAFO.

106. 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.

107. By signing this Consent Agreement, the Respondent certifies that the information it has supplied concerning the settlement of this enforcement matter was at the time of submission, and continues to be, true, accurate, and complete for each such submission, response, and statement. The Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

108. The EPA also reserves the right to revoke this CAFO and settlement penalty if and to the extent that the EPA finds, after signing this CAFO, that any information provided by the Respondent was materially false or inaccurate at the time such information was provided to the EPA. If such false or inaccurate material was provided, the EPA reserves the right to assess and collect any and all civil penalties for any violation described herein. The EPA shall give the Respondent notice of its intent to revoke, which shall not be effective until received by the Respondent in writing.

109. Unless specifically stated otherwise in this CAFO, each Party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.

110. 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

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

[Remainder of Page Intentionally Left Blank

Complainant and Respondent will Each Sign on Separate Pages.]

The foregoing Consent Agreement *In the Matter of* ***ChromaScape, LLC,*** Docket No. **RCRA-04-2026-4000(b)**, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:

[signature] 6/29/26

Signature Date

Printed Name: Devlin Riley

Title: CEO

Address: 7555 E. Pleasant Valley Rd., Ste 101 Independence, OH 44131

The foregoing Consent Agreement *In the Matter of **ChromaScape, LLC***, Docket No. **RCRA-04-2026-4000(b),** is Hereby Stipulated, Agreed, and Approved for Entry.

FOR COMPLAINANT:

KERIEMA NEWMAN

Digitally signed by KERIEMA NEWMAN
Date: 2026.07.08 09:54:16 -04'00'

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

In the Matter of: **ChromaScape, LLC** **1514 Bushy Park Road, Goose Creek, South Carolina 29445** EPA ID No.: **SCR000767848** Respondent.	Docket No. **RCRA-04-2026-4000(b)** Proceeding Under Section 3008(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a)

FINAL ORDER

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

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

BEING AGREED, IT IS SO ORDERED.

MICHELE WETHERINGTON
Digitally signed by MICHELE WETHERINGTON
Date: 2026.07.09 13:07:09 -04'00'

Regional Judicial Officer

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order*, In the Matter of* ***ChromaScape, LLC***, Docket No. **RCRA-04-2026-4000(b)**, were filed and copies of the same were emailed to the Parties as indicated below.

<u>Via email to all Parties at the following email addresses:</u>

Respondent: Joseph P. Koncelik
Attorney
Tucker Ellis LLP
joseph.koncelik@tuckerellis.com
216-696-2373

EPA: Kayla Acosta
Physical Scientist
acosta.kayla@epa.gov
404-562-8451

Ryan Jones
Associate Regional Counsel
jones.ryan.a@epa.gov
404-562-8130

Colleen E. Michuda
Supervisory Attorney
michuda.colleen@epa.gov
404-562-9685

Shannon Richardson
Digitally signed by Shannon Richardson
Date: 2026.07.13 08:37:36 -04'00'

____
Regional Hearing Clerk
R4_Regional_Hearing_Clerk@epa.gov