



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

APR 07 2015

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Ms. Katrina Howard  
Risk Manager  
Pathology and Cytology Laboratories  
290 Big Run Road  
Lexington, Kentucky 40503

Re: Consent Agreement and Final Order – Docket No.: RCRA-04-2015-4004(b)  
Pathology and Cytology Laboratories

Dear Ms. Howard:

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

If you have any questions, please feel free to contact Raj Aiyar, of my staff, at (404) 562-8993.

Sincerely,

A handwritten signature in blue ink that reads "CÉSAR A. ZAPATA".

César A. Zapata  
Chief, RCRA and OPA Enforcement and  
Compliance Branch  
RCRA Division

Enclosures

cc: Jay Ingle, Esq., Jackson Kelly PLLC

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4**

IN THE MATTER OF:	)	DOCKET NO.: RCRA-04-2015-4004(b)
	)	
Pathology and Cytology Laboratories, Inc.	)	Proceeding Under Section 3008(a) of the
290 Big Run Road	)	Resource Conservation and Recovery Act,
Lexington, Kentucky 40503	)	42 U.S.C. § 6928(a)
EPA ID No.: KYD 071 324 099	)	
	)	
Respondent	)	

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EPA REGION IV  
2015 APR -7 PM 2:45  
HEARING CLERK

**CONSENT AGREEMENT**

**I. NATURE OF THE ACTION**

1. This is a civil administrative enforcement action, pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), ordering compliance with the requirements of Subchapter 46 of Chapter 224 of the Kentucky Revised Statutes (KY. REV. STAT. ANN.) [Subtitle C of RCRA, 42 U.S.C. §§ 6921 *et seq.*], and the regulations promulgated pursuant thereto and set forth at Title 401 Kentucky Administrative Regulations (KY. ADMIN. REG.), Chapters 30-40 [Title 40 of the Code of Federal Regulations (C.F.R.), Parts 260 through 270]. This action seeks the imposition of civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for violations of KY. REV. STAT. ANN. §§ 224.46-012, *et seq.*, [Section 3005 of RCRA, 42 U.S.C. § 6925] and KY. ADMIN. REG. Chapters 30-40 [40 C.F.R. Parts 260 through 270].
2. The *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, which govern this action and are promulgated at 40 C.F.R. Part 22, provide that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order (CA/FO). 40 C.F.R. §§ 22.13(b), and 22.18(b)(2) and (3).
3. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to settle this action. Accordingly, before any testimony has been taken upon the pleadings and without any admission of violation or adjudication of any issue of fact or law and in accordance with 40 C.F.R. § 22.13(b), Complainant and Respondent have agreed to the execution of this CA/FO, and Respondent hereby agrees to comply with the terms of this CA/FO.

## II. THE PARTIES

4. Complainant is the Chief, Enforcement and Compliance Branch, Resource Conservation and Restoration Division, United States Environmental Protection Agency (EPA) Region 4. Complainant is authorized to issue the instant CA/FO pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and applicable delegations of authority.
5. Respondent is Pathology and Cytology Laboratories, Inc., a corporation organized under the laws of Kentucky. Respondent is the owner and operator of a medical laboratory specialized in pathology and cytology, located at 290 Big Run Road, Lexington, Kentucky, 40503 (the Facility).

## III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the Commonwealth of Kentucky (Kentucky or 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 in KY. REV. STAT. ANN. § 224.46-012, *et seq.*, and 401 KY. ADMIN. REG. Chapters 30-40.
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. Kentucky 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 CA/FO.
11. KY. REV. STAT. ANN. § 224.46-510(1) [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 in 401 KY. ADMIN. REG. Chapter 32 [40 C.F.R. Part 262].
12. KY. REV. STAT. ANN. § 224.46-520(1) [Section 3004(a) of RCRA, 42 U.S.C. § 6924], requires the promulgation of standards applicable to owners and operators of hazardous waste treatment, storage, and disposal facilities. The implementing regulations for these requirements are found at 401 KY. ADMIN. REG. Chapter 34 [40 C.F.R. Part 264].

13. KY. REV. STAT. ANN. § 224.46-520(1) [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 401 KY. ADMIN. REG. Chapters 34, 35 and 36 (40 C.F.R. Parts 264, 265, and 270).
14. Pursuant to 401 KY. ADMIN. REG. 31:010 Section 2 [40 C.F.R. § 261.2], a “solid waste” is any discarded material that is not otherwise excluded from the regulations, and a “discarded material” includes any material that is abandoned by being stored in lieu of being disposed of, burned, or incinerated.
15. Pursuant to 401 KY. ADMIN. REG. 31:010 Section 3 [40 C.F.R. § 261.3], a “solid waste” is a “hazardous waste” if it meets any of the criteria set forth and is not otherwise excluded from regulations as a hazardous waste under 401 KY. ADMIN. REG. 31:010 Section 4(2) [40 C.F.R. § 261.4(b)], and it meets any of the criteria specified in 401 KY. ADMIN. REG. 31:010 Section 3 [40 C.F.R. § 261.3(a)(2)].
16. Pursuant to 401 KY. ADMIN. REG. 31:030 Section 2 [40 C.F.R. § 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 401 KY. ADMIN. REG. 31:040 Section 2 [40 C.F.R. § 261.31(a)], waste methanol and waste alcohol, as spent non-halogenated solvents from non-specific sources, are F003 hazardous wastes listed for the characteristic of ignitability.
18. Pursuant to 401 KY. ADMIN. REG. 31:005 Section 1 [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 401 KY. ADMIN. REG. 31:010 Section 3 [40 C.F.R. Part 261], or whose act first causes a hazardous waste to become subject to regulation.
19. Pursuant to 401 KY. ADMIN. REG. 31:005 [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.”
20. Pursuant to 401 KY. ADMIN. REG. 31:005 Section 1 [40 C.F.R. § 260.10], a “person” includes a corporation.
21. Pursuant to 401 KY. ADMIN. REG. 31:005 Section 1 [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.”
22. Pursuant to 401 KY. ADMIN. REG. 32:010 Section 2 [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in 401 KY. ADMIN. REG. 31:010 Section 2 [40 C.F.R. § 261.2], must determine if that waste is a hazardous waste.

23. Pursuant to 401 KY. ADMIN. REG. 32:030 Section 5(1) [40 C.F.R. § 262.34(c)(1)], a generator may accumulate as much as 55 gallons of hazardous waste in containers at or near the point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or without having interim status, as required by KY. REV. STAT. ANN. § 224.46-520(1) [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with 401 KY. ADMIN. REG. 32:030 Section 5 [40 C.F.R. § 262.34(a)], provided that the generator complies with the satellite accumulation area conditions listed in 401 KY. ADMIN. REG. 32:030 Section 5(1) [40 C.F.R. § 262.34(c)] (hereinafter referred to as the “SAA Permit Exemption”).
24. Pursuant to 401 KY. ADMIN. REG. 32:030 Section 5(1) [40 C.F.R. § 262.34(c)(1)(ii)], which is a condition of the SAA Permit Exemption, a generator is required to mark satellite accumulation containers either with the words “Hazardous Waste” or with other words that identify the contents of the containers.
25. Pursuant to 401 KY. ADMIN. REG. 32:030 Section 5(1) [40 C.F.R. § 262.34(d)], a generator of greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month is a Small Quantity Generator (SQG) and may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status, as required KY. REV. STAT. ANN. § 224.46-520(1) [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in 401 KY. ADMIN. REG. 32:030 Section 5(1) [40 C.F.R. § 262.34(d)(1)-(5)] (hereinafter referred to as the “SQG Permit Exemption”).
26. Pursuant to 401 KY. ADMIN. REG. 32:030 Section 5(1) [40 C.F.R. § 262.34(d)(4)], which incorporates 401 KY. ADMIN. REG. 32:030 Section 5(1) [40 C.F.R. § 262.34(a)(2) & (3)], 401 KY. ADMIN. REG. 35:030 Section 6 [40 C.F.R. § 265.35] and 401 KY. ADMIN. REG. 35:180 Section 6 [40 C.F.R. § 265.173(a)], and is a condition of the SQG Permit Exemption, a generator is required to label or clearly mark each container accumulating hazardous waste with the words “Hazardous Waste,” is required to ensure that the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container, is required to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, and is required to keep containers of hazardous waste closed when waste is not being added or removed, respectively.

#### **IV. EPA ALLEGATIONS AND DETERMINATIONS**

27. Respondent is a “person” as defined in 401 KY. ADMIN. REG. 31:005 Section 1 [40 C.F.R. § 260.10].
28. Respondent is the “owner” and “operator” of a “facility” located at 290 Big Run Road, Lexington, Kentucky 40503, as those terms are defined in 401 KY. ADMIN. REG. 31:005 Section 1 [40 C.F.R. § 260.10].
29. Respondent is a “generator” of “hazardous waste” as those terms are defined in KY. ADMIN. REG. 31:005 Section 1 [40 C.F.R. § 260.10] and 401 KY. ADMIN. REG. 31:010 Section 3 [40 C.F.R. § 261.3].
30. During the CEI, the Respondent was registered as a SQG as defined in Paragraph 23.

31. On February 28, 2013, the EPA conducted a compliance evaluation inspection (CEI) at the Facility. The findings of the CEI were documented in a report mailed to Respondent, dated December 9, 2014.
32. At the time of the CEI, the EPA observed that Respondent, as part of the Facility operations, generates spent methanol and spent alcohol, hazardous solid wastes carrying both the D001 (characteristic) and F003 (listed) waste code designations.
33. At the time of the CEI, the EPA observed that Respondent had not made an adequate hazardous waste determination on the methanol and alcohol wastes generated at the Facility.
34. The EPA therefore alleges that Respondent violated 401 KY. ADMIN. REG. 32:010 Section 2 [40 C.F.R. § 262.11] by failing to make a hazardous waste determination on the spent methanol and spent alcohol wastes generated at the Facility.
35. At the time of the CEI, the EPA observed that Respondent had failed to label various containers accumulating hazardous waste in satellite accumulation areas at the Facility with the words "Hazardous Waste" or with other words that identify the contents of the containers.
36. The EPA therefore alleges Respondent violated KY. REV. STAT. ANN. § 224.46-520(1) [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the SAA Permit Exemption by not complying with the hazardous waste labeling requirements of 401 KY. ADMIN. REG. 32:030 Section 5(1) [40 C.F.R. § 262.34(c)(1)(ii)].
37. At the time of the CEI, the EPA observed that Respondent had failed to label, close, date and ensure adequate aisle space was provided to containers of hazardous waste in the Facility's hazardous waste storage area.
38. The EPA therefore alleges Respondent violated KY. REV. STAT. ANN. § 224.46-520(1) [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 SQG Permit Exemption set forth in 401 KY. ADMIN. REG. 32:030 Section 5(1) [40 C.F.R. § 262.34(d)(4)] by not complying with the labeling requirements, container closure requirements, dating requirements, and aisle space requirements in 401 KY. ADMIN. REG. 32:030 Section 5(1) [40 C.F.R. § § 262.34(a)(2) & (3)], 401 KY. ADMIN. REG. 35:030 Section 6 [40 C.F.R. § 265.35] and 401 KY. ADMIN. REG. 35:180 Section 6 [40 C.F.R. § 265.173(a)].

## **V. TERMS OF AGREEMENT**

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

39. For the purposes of this CA/FO, Respondent admits the jurisdictional allegations set out in the above paragraphs pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.

40. Respondent neither admits nor denies the factual allegations and determinations set out in this CA/FO.
41. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement.
42. Respondent waives its right to challenge the validity of this CA/FO and the settlement of the matters addressed in this CA/FO based on any issue related to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*
43. Respondent waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during any discussions with, or to be served with and reply to, any memorandum or communication addressed to EPA officials where the purpose of such discussion, memorandum, or communication is to persuade such official to accept and issue this CA/FO.
44. Respondent waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CA/FO, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. § § 701-706.
45. The parties agree that the settlement of this matter is in the public interest and that this CA/FO is consistent with the applicable requirements of RCRA.
46. Respondent, by signing this CA/FO, certifies that Respondent is currently in compliance with RCRA and the authorized Kentucky hazardous waste program.
47. The parties agree that compliance with the terms of this CA/FO shall resolve the violations alleged and the facts stipulated to in this CA/FO.
48. Each party will pay its own costs and attorneys' fees.

#### **VI. PAYMENT OF CIVIL PENALTY**

49. Respondent consents to the payment of a civil penalty in the amount of TWELVE THOUSAND FOUR HUNDRED DOLLARS (\$12,400), which is to be paid within thirty (30) calendar days of the effective date of this CA/FO.
50. 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. If Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

United States Environmental Protection Agency  
**Fines and Penalties**  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197-9000

If Respondent sends payment by non-U.S. Postal express mail delivery, the payment shall be sent to:

U.S. Bank  
Government Lockbox 979077  
**U.S. EPA Fines & Penalties**  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, Missouri 63101  
(314) 425-1818

If paying by EFT, Respondent shall transfer the payment to:

Federal Reserve Bank of New York  
ABA: 021030004  
Account Number: 68010727  
SWIFT address: FRNYUS33  
33 Liberty Street  
New York, New York 10045  
Field Tag 4200 of the Fedwire message should read:  
"D 68010727 Environmental Protection Agency"

If paying by ACH, Respondent shall remit payment to:

US Treasury REX / Cashlink ACH Receiver  
ABA: 051036706  
Account Number: 310006, Environmental Protection Agency  
CTX Format Transaction Code 22 – checking  
Physical location of US Treasury facility:  
5700 Rivertech Court  
Riverdale, Maryland 20737  
Contact: John Schmid, (202) 874-7026  
REX (Remittance Express): 1-866-234-5681

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

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

And to:

Raj Aiyar, Environmental Engineer  
Hazardous Waste Enforcement and Compliance Section  
Enforcement and Compliance Branch  
RCR Division, US EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8909



52. If Respondent fails to remit the civil penalty as agreed to herein, the EPA is required to assess interest and penalties on debts owed to the United States and a charge to cover the costs of processing and handling the delinquent claim. Interest, at the statutory judgment rate provided for in 31 U.S.C. § 3717, will therefore begin to accrue on the civil penalty if not paid within thirty (30) calendar days after the effective date of this CA/FO or, if paying in installments, not paid in accordance with the installment schedule provided above. Pursuant to 31 U.S.C. § 3717, Respondent must pay the following amounts on any amount overdue:
- a. Interest. Any unpaid portion of a civil penalty or stipulated penalty must bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Interest will therefore begin to accrue on a civil penalty or stipulated penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 4 C.F.R. § 102.13(c).
  - b. Monthly Handling Charge. Respondent must pay a late payment handling charge of fifteen dollars (\$15.00) on any late payment, with an additional charge of fifteen dollars (\$15.00) for each subsequent thirty (30) calendar-day period over which an unpaid balance remains.
  - c. Non-Payment Penalty. On any portion of a civil penalty or a stipulated penalty more than ninety (90) calendar days past due, Respondent must pay a non-payment penalty of six percent (6%) per annum, which will accrue from the date the penalty payment became due and is not paid. This non-payment is in addition to charges which accrue or may accrue under subparagraphs (a) and (b).
53. Penalties paid pursuant to this CA/FO are not deductible for federal purposes under 26 U.S.C. § 162(f).

## VII. PARTIES BOUND

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

## VIII. RESERVATION OF RIGHTS

57. Notwithstanding any other provision of this CA/FO, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should the EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at Respondent's Facility may present an imminent and substantial endangerment to human health or the environment.

58. Complainant reserves the right to take enforcement action against Respondent for any future violations of RCRA and the implementing regulations and to enforce the terms and conditions of this CA/FO.
59. Except as expressly provided herein, nothing in this CA/FO shall constitute or be construed as a release from any civil or criminal claim, cause of action, or demand in law or equity for any liability Respondent may have arising out of, or relating in any way to, the storage, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from Respondent's Facility.

#### **IX. OTHER APPLICABLE LAWS**

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

#### **X. SERVICE OF DOCUMENTS**

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

Roberto X. Busó  
Associate Regional Counsel  
Office of RCRA, OPA and UST Legal Support  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960  
(404) 562-8530

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

Jay Ingle, Esq.  
Jackson Kelly PLLC  
175 East Main Street, Suite 500  
Lexington, Kentucky 40507  
(859) 288-2813

#### **XI. SEVERABILITY**

63. It is the intent of the parties that the provisions of this CA/FO are severable. If any provision or authority of this CA/FO or the application of this CA/FO to any party or circumstances is held by any judicial or administrative authority to be invalid or unenforceable, the application of such

provisions to other parties or circumstances and the remainder of the CA/FO shall remain in force and shall not be affected thereby.

**XII. EFFECTIVE DATE**

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

***[SIGNATURE BLOCK FOLLOWS ON NEXT PAGE]***

*In the matter of Pathology and Cytology Laboratories, Inc., Docket No. RCRA-04-2015-4004(b):*

**AGREED AND CONSENTED TO:**

*Pathology and Cytology Laboratories, Inc.*

By:  Dated: 3/13/15  
F. Lee Picklesimer, M.D., F.C.A.P. President and Medical Director

**United States Environmental Protection Agency**

By:  Dated: 3/23/15  
César A. Zapata  
Chief, Enforcement and Compliance Branch  
Resource Conservation and Restoration Division

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4


IN THE MATTER OF:	)	DOCKET NO.: RCRA-04-2015-4004(b)
	)	
Pathology and Cytology Laboratories Inc.	)	
290 Big Run Road	)	Proceeding Under Section 3008(a) of the
Lexington, Kentucky 40503	)	Resource Conservation and Recovery Act,
EPA ID No.: KYD 071 324 099	)	42 U.S.C. § 6928(a)
	)	
Respondent	)	
_____	)	

**FINAL ORDER**

The foregoing Consent Agreement is hereby approved, ratified and incorporated by reference into this Final Order in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, 40 C.F.R. Part 22. The Respondent is hereby ORDERED to comply with all of the terms of the foregoing Consent Agreement effective immediately upon filing of this Consent Agreement and Final Order with the Regional Hearing Clerk. This Order disposes of this matter pursuant to 40 C.F.R. § § 22.18 and 22.31.

BEING AGREED, IT IS SO ORDERED this 7 day of April, 2015.

BY:



Carol F. Baschon  
Acting Regional Judicial Officer  
EPA Region 4

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served the original and a true and correct copy of the foregoing RCRA Consent Agreement and the attached Final Order, In the matter of Pathology and Cytology Laboratories, Inc., Docket No. RCRA-04-2015-4004(b), on the parties listed below in the manner indicated:

Roberto X. Buso  
Associate Regional Counsel  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

(Via EPA's internal mail)

Quantindra Smith  
Enforcement and Compliance Branch  
Resource Conservation and Restoration Division  
U.S. Environmental Protection Agency, Region4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

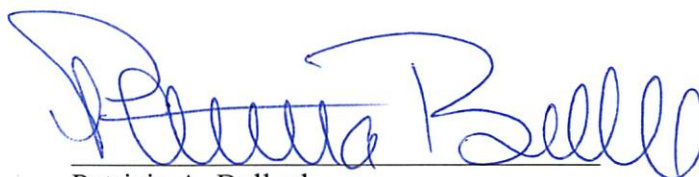
(Via EPA's internal mail)

Jay Ingle, ESQ  
Jackson Kelly, PLLC  
175 East Main Street, Suite 500  
Lexington, Kentucky 40507

(Via certified mail)

Date: \_\_\_\_\_

4-7-15



Patricia A. Bullock  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303