

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

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EPA REGION 6

IN THE MATTER OF:

Laboratory Corporation of America

RESPONDENT

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Consent Agreement and Final Order
USEPA Docket No. RCRA-06-2019-0941

CONSENT AGREEMENT AND FINAL ORDER

I. PRELIMINARY STATEMENT

1. This Consent Agreement and Final Order ("CAFO") is entered into by the United States Environmental Protection Agency, Region 6 ("EPA" or "Complainant") and Respondent, Laboratory Corporation of America ("Respondent" or "LabCorp") and concerns the facility located at 6603 First Park Ten, San Antonio, Texas, 78213 ("Facility").
2. Notice of this action has been given to the State of Texas, under Section 3008(a)(2) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a)(2)¹.

¹ On December 26, 1984, the State of Texas received final authorization for its base Hazardous Waste Management Program (49 FR 48300). Subsequent revisions have been made to the Texas Hazardous Waste Program and authorized by the EPA. Except as otherwise provided, all citations found within this CAFO are to the "EPA-Approved Texas Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program" dated November 2014, incorporated by reference under 40 C.F.R. § 272.2201(c)(1)(i) effective on February 26, 2016. 80 Fed. Reg. 80672 (December 28, 2015); 40 C.F.R. § 272.2201: Texas State-Administered Program: Final Authorization. References and citations to the "EPA-Approved Texas Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program" may vary slightly from the State of Texas' published version. The corresponding C.F.R. citations are also provided.

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11. Respondent operates the Facility.
12. The Facility is within North American Industrial Classification System codes 621511 (Medical Laboratories).
13. The Facility is a "facility" within the meaning of 30 Texas Admin. Code § 335.1(61) [40 C.F.R. § 260.10].
14. From April through May of 2019, EPA conducted a RCRA record review of the Facility's activities as a generator of hazardous waste. Respondent regularly submitted, in accordance with Texas law, an annual waste summary, which disclosed the quantity of hazardous waste generated at the Facility.
15. EPA discovered that Respondent generated, and offered for transport and treatment, hazardous wastes as defined in 30 Texas Admin. Code § 335.1 (70), [40 C.F.R. §§ 261.21, 261.22, 261.24, and 261.33].
16. Based on its review, EPA determined that Respondent generated hazardous waste at the facility in quantities that exceeded the threshold amount of 100 kilograms of non-acute hazardous waste in a month, corresponding to Small Quantity Generator (SQG) status under 30 Texas Admin. Code, Chapter 335, Subchapter C, [40 C.F.R. Part 262], for the periods that such wastes remained onsite.
17. Respondent is a "generator" of "hazardous waste" as those terms are defined in 30 Texas Admin. Code §§ 335.1(66) & (70) [40 C.F.R. § 260.10].
18. As a generator of hazardous waste, Respondent is subject to Sections 3002 and 3010 of RCRA, 42 U.S.C. §§ 6922 and 6930, and the regulations set forth in 30 Texas Admin. Code Chapter 335, Subchapter C, [40 C.F.R Part 262].

IV. ALLEGED VIOLATIONS

Claim 1: Notification Requirements

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submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Copies of all documents required by this CAFO shall be sent to the following:

U.S. EPA, Region 6
1201 Elm Street, Suite 500
Enforcement and Compliance Assurance Division (ECDST)
ATTN: David Riley
Dallas, Texas 75270-2102

Where required, notice shall be sent electronically by email to David Riley, at riley.david@epa.gov.

VI. TERMS OF SETTLEMENT

A. Penalty

25. Pursuant to the authority granted in Section 3008 of RCRA, 42 U.S.C. § 6928, and upon consideration of the enumerated statutory factors, the applicable penalty policies, and the entire record herein, including the above referenced Findings of Fact and Conclusions of Law, it is ordered that Respondent be assessed an amount of \$16,995.00.

26. This amount shall be paid within thirty (30) calendar days of the effective date of this CAFO and made payable to Treasurer, United States of America.

27. The following are Respondent's options for transmitting the amount due:

Checks sent via U.S. Postal Mail (including certified mail) or U.S. Postal Service Express

Mail should be remitted to:

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

Checks sent via Overnight Mail (non-U.S. Postal Service) should be remitted to:

and a charge to cover the cost of processing and handling a delinquent claim. Interest on the amount assessed in this CAFO will begin to accrue on the effective date of the CAFO and will be recovered by EPA on any amount of the amount due that is not paid within thirty (30) calendar days of the payment due date and will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a). Moreover, the costs of the Agency's administrative handling overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). EPA will also assess a \$15.00 administrative handling charge for administrative costs on unpaid amounts for the thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) day period the amount remains unpaid. In addition, a penalty charge of up to six percent per year will be assessed monthly on any portion of the debt which remains delinquent more than ninety (90) days. 40 C.F.R. § 13.11(b). Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

B. Costs

30. Each party shall bear its own costs and attorney's fees. Furthermore, Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under the Equal Access to Justice Act (5 U.S.C. § 504), as amended by the Small Business Regulatory Enforcement Fairness Act (P.L. 04-121), and any regulations promulgated pursuant to those Acts.

C. Termination and Satisfaction

31. When Respondent believes that it has complied with all the requirements of this CAFO, including compliance with the Compliance Order and payment of the assessed amount, Respondent shall also certify this in writing and in accordance with the certification language set forth in Section V (Compliance Order). Unless EPA objects in writing within sixty (60) days of

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**THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS CONSENT
AGREEMENT AND FINAL ORDER:**


FOR THE RESPONDENT:

Date: 12/11/2019


Laboratory Corporation of America

FOR THE COMPLAINANT:

Date: 12-13-19


Cheryl T. Seager
Director
Enforcement and
Compliance Assurance Division


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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of December, 2019, the original of the foregoing Consent Agreement and Final Order was hand delivered to the Regional Hearing Clerk, U.S. EPA - Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, and that a true and correct copy of the CAFO was sent to the following by the method below:

CERTIFIED MAIL -- RETURN RECEIPT REQUESTED 70100780000073669185

Dennis Fitzpatrick, Environmental Manager
Laboratory Corporation of America
6603 First Park Ten
San Antonio, TX 78213


Ms. Lori Jackson
Paralegal