

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:)	Docket No. RCRA-02-2024-7204
)	
)	
Immco Diagnostics)	
)	EXPEDITED SETTLEMENT AGREEMENT
)	AND
)	FINAL ORDER
Respondent)	
)	
)	
_____)	

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) is authorized to enter into this Expedited Settlement Agreement (hereafter referred to as “Agreement”) pursuant to Section 3008 of the Resource Conservation and Recovery Act, as amended (“RCRA”) and 40 C.F.R. § 22.13(b).
2. EPA has notified the State of New York of this action.
3. Immco Diagnostics (hereafter “Respondent”) is the owner or operator of the Immco Diagnostics located at 10 Earhart Drive, Suite 100, Buffalo NY 14221 (“Facility”). The EPA conducted a review of e-manifest data of hazardous waste shipments from this Facility and had discussions with Respondent regarding its findings.
4. EPA has determined that Respondent failed to have an EPA identification number prior to transporting or offering for transport hazardous waste from its Facility. Specifically, during the years 2020-2023 Respondent shipped hazardous waste from its Facility using hazardous waste manifest(s) without having received an EPA identification number in violation of Title 6 N.Y.C.R.R. Section 372.2(a)(3).
5. The EPA and Respondent agree that settlement of this matter for a civil penalty of **one thousand two hundred and fifty dollars (\$1,250.00)** is in the public interest.
6. In signing this Agreement, Respondent: (1) admits that it is subject to RCRA and New York State’s authorized hazardous waste program; (2) admits that EPA has jurisdiction over Respondent and Respondent’s conduct as described herein; (3) neither admits nor denies the allegations contained herein; (4) consents to the assessment of this penalty; (5) waives the opportunity for a hearing pursuant to Section 3008(b) of RCRA to contest any issue of fact or law set forth herein; (6) waives its right to appeal the Final Order accompanying this Agreement; and (7) consents to electronic service of the final Agreement.

7. By its signature below Respondent certifies that no portion of the civil penalty paid by Respondent pursuant to the requirements of this Agreement will be claimed by Respondent as a deduction for federal income tax purposes.
8. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) it is currently a very small quantity generator of hazardous waste with no expectation of again generating more than 100 kg of hazardous waste per month and, as a consequence, is currently exempt from the regulatory requirement cited in Paragraph 4 above, and (2) Respondent has submitted proof of payment of the civil penalty in connection with this Agreement.
9. The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this Agreement and to execute and legally bind Respondent to it. Respondent consents to service of the Expedited Settlement Agreement and Final Order upon it by an employee of EPA other than the Regional Hearing Clerk and consents to service by email.
10. Full payment of the penalty described in Paragraph 5 above shall only resolve Respondent's liability under RCRA for federal civil penalties for the violation and facts described in Paragraph 4. Full payment of this penalty shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive relief or other equitable relief or criminal sanctions for any violation of law.
11. Each party shall bear its own costs and fees, if any.
12. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), shall be effective upon the filing of the Final Order with the Regional Hearing Clerk for EPA, Region 2.

IT IS SO AGREED,

RESPONDENT:

Immco Diagnostics

Name of individual signing (type or print):

Name (Signature)

Date

Title (print)

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COMPLAINANT:

**Kathleen Anderson, Director
Enforcement and Compliance Assurance Division**

Date: _____

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FINAL ORDER

The Regional Judicial Officer of the U.S. Environmental Protection Agency, Region 2, ratifies the foregoing Expedited Settlement Agreement. This Agreement, entered into by the parties to this matter, is hereby approved, incorporated herein, and issued as an Order pursuant to Section 3008 of the Act and 40 C.F.R. § 22.18(b)(3). The Effective Date of this Order shall be the date of its filing with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 2, New York, New York. 40 C.F. R. § 22.31 (b).

IT IS SO ORDERED:

**Helen Ferrara, Regional Judicial Officer
Environmental Protection Agency – Region 2
290 Broadway
New York, New York 10007-1866**

Date: _____