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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

IN THE MATTER OF:)

Stowers Institute for Medical Research)
4949 Rockhill Road,)
Kansas City, MO 64110)

CONSENT AGREEMENT
AND FINAL ORDER

RCRA ID No. MOD055453187)

Respondent.)

Docket No. RCRA-07-2012-0001

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

The United States Environmental Protection Agency (EPA), Region 7 (Complainant) and Stowers Institute for Medical Research, (Respondent) have agreed to a settlement of this action before the filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (Consolidated Rules of Practice), 40 Code of Federal Regulations (C.F.R.) §§ 22.13(b) and 22.18(b)(2).

Jurisdiction

This administrative action is being conducted pursuant to Sections 3008(a) and (g) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA or the Act), and the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. § 6928(a) and (g), and in accordance with the Consolidated Rules of Practice.

1. This Consent Agreement and Final Order (CA/FO) serves as notice that the EPA has reason to believe that Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925.

Parties

2. The Complainant is the Chief of the RCRA Waste Enforcement and Materials Management Branch in the Air and Waste Management Division of the EPA, Region 7, as duly

delegated from the Administrator of the EPA.

3. The Respondent is Stowers Institute for Medical Research, a not for profit corporation. Respondent is a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

Statutory and Regulatory Framework

4. The State of Missouri has been granted authorization to administer and enforce a hazardous waste program pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926. The State of Missouri has adopted by reference the federal regulations cited herein at pertinent parts in the Missouri Code of State Regulations (C.S.R.) in Title 10, Division 25. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes EPA to enforce the provisions of the authorized State program and the regulations promulgated thereunder. When the EPA determines that any person has violated or is in violation of any RCRA requirement, EPA may issue an order assessing a civil penalty for any past or current violation and/or require immediate compliance or compliance within a specified time period pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928. In the case of a violation of any RCRA requirement, where such violation occurs in a state which is authorized to implement a hazardous waste program pursuant to Section 3006 of RCRA, EPA shall give notice to the state in which such violation has occurred or is occurring prior to issuing an order. The State of Missouri has been notified of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

5. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), authorizes a civil penalty of not more than \$25,000 per day for violations of Subchapter III of RCRA (Hazardous Waste Management). This figure has been adjusted upward for inflation pursuant to the Civil Monetary Penalties Inflation Adjustment Rule, 40 C.F.R. Part 19, so that penalties of up to \$32,500 per day are now authorized for violations of Subchapter III of RCRA that occur after March 15, 2004 though January 12, 2009. For violations of Subchapter III of RCRA that occur after January 12, 2009, penalties of up to \$37,500 per day are now authorized.

General Factual Allegations

6. Respondent is a not for profit medical research institution which owns and operates a facility located at 4949 Rockhill Road, Kansas City, Missouri (Facility). Respondent has approximately 600,000 square feet under roof. Respondent has approximately 510 employees that include about 400 scientists working out of about 40 laboratories. Respondent's Environmental Health and Safety division has three employees that all share some of the Respondent's RCRA responsibilities.

7. The regulations for determining whether a waste is a solid and/or hazardous waste

are set forth at 10 C.S.R. 25-4.261, which incorporate by reference the regulations at 40 C.F.R. Part 261.

8. Respondent Facility has been assigned a RCRA facility identification number of MOD055453187.

9. On or about January 5th and 6th, 2011, an EPA representative conducted a Compliance Evaluation Inspection at Respondent's Facility at 4949 Rockhill Road, Kansas City, Missouri (hereinafter "the EPA inspection").

10. At the time of the EPA inspection, Respondent was operating as a "Small Quantity Generator" of hazardous wastes, pursuant to 10 C.S.R. 25-5.262, which incorporates 40 C.F.R. Part 262 by reference. 40 C.F.R. § 262(d) defines a "Small Quantity Generator" as one who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month.

Violations

11. The allegations stated in paragraphs 1 through 10 are re-alleged and incorporated as if fully set forth herein. Complainant hereby states and alleges that Respondent has violated RCRA and federal and state regulations promulgated there under, as follows:

Count 1

FAILURE TO MAKE A HAZARDOUS WASTE DETERMINATION

12. The regulations at 10 C.S.R. 25-5.262(1) and by incorporation 40 C.F.R. § 262.11 requires that a person who generates a solid waste must determine if that waste is a hazardous waste.

13. At the time of the EPA inspection it was determined that the Respondent failed to make a hazardous waste determination of the following solid waste streams at the facilities, and is, therefore in violation of 10 C.S.R. 25-5.262(1) and by incorporation 40 C.F.R. § 262.11:

- a) One container of 0.25 N Hydrochloric Acid (11.5 ml) (D002)
- b) One container of 0.5 M Hydrochloric Acid (14 ml) (D002)
- c) One container of Methanol (50 ml) (D001)
- d) One container of 50% Methanol (100 ml) (D001)
- e) One container of Paraformaldehyde powder (25 ml container – but unknown weight of solid) (D001)
- f) 20-30 used solvent (lacquer thinner, acetone, and lacquer) rags generated every six months (D001, D035, F003, F005)
- g) Eight containers of DyeSaver 2 reagent (~32 pounds) (removed on line one of manifest

number 000343165WAS)

- h) Five rolls (approximately 0.26 pounds) per month of spent autoclave indicator tape (D008)

Count 2

**OPERATING AS A TREATMENT, STORAGE, OR DISPOSAL FACILITY
WITHOUT A RCRA PERMIT OR RCRA INTERIM STATUS**

14. The allegations stated in paragraphs 1 through 13 are re-alleged and incorporated as if fully set forth herein.

15. Section 3005 of RCRA, 42 U.S.C. § 6925, R.S.Mo. 260.390.1(1), and the regulations at 10 C.S.R. 25-7.270 incorporating by reference 40 C.F.R. § 270.1(b), require each person owning or operating a facility for the treatment, storage, or disposal of a hazardous waste identified or listed under Subchapter C of RCRA to have a permit for such activities.

16. At the time of the EPA inspection Respondent did not have a permit or interim status for the Facility.

17. The regulations at 10 C.S.R. 25-5.262(1), which incorporate by reference 40 C.F.R. § 262.34(d), allow a "Small Quantity Generator", to accumulate hazardous waste in containers on-site for up to one hundred and eighty (180) days without a permit or without interim status, provided certain conditions are met, including those listed in 40 C.F.R. § 262.34(d). These conditions include compliance with other hazardous waste regulatory requirements, particularly those listed in 40 C.F.R. § 262.34(a)(2) and (3).

18. The regulations at 10 C.S.R. 25-5.262(1), which incorporate by reference 40 C.F.R. § 262.34(e), allow a "Small Quantity Generator", who must transport his waste off-site a distance of more than 200 miles, to accumulate hazardous waste in containers on-site for up to two hundred and seventy (270) days without a permit or without interim status, provided certain conditions are met, including those listed in 40 C.F.R. § 262.34(d). These conditions include compliance with other hazardous waste regulatory requirements, particularly those listed in 40 C.F.R. § 262.34(a)(2) and (3).

19. The regulations at 10 C.S.R. 25-5.262(1), which incorporate by reference 40 C.F.R. § 262.34(c), allow a generator of hazardous waste to accumulate up to 55 gallons of hazardous waste in containers at or near any 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 interim status and without complying with 40 C.F.R. § 262.34(c) provided he complies with 40 C.F.R. §§ 265.171, 265.172, and 265.173(a), and marks his containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.

20. At the time of the inspection, Respondent was not complying with various hazardous waste regulatory requirements, as described below. Therefore, Respondent did not meet the exception to the regulation that allows generators to store hazardous waste at a facility for up to one hundred-eighty (180) or two hundred-seventy (270) days, as the circumstances would otherwise allow, without a permit or interim status so long as they meet hazardous waste regulatory requirements.

Failure to Comply with Generator Requirements
Storage Container Accumulation Time

21. The regulations at 10 C.S.R. 25-5.262(1), which incorporate by reference 40 C.F.R. § 262.34(e), allow a "Small Quantity Generator", who must transport his waste off-site a distance of more than 200 miles, to accumulate hazardous waste in containers on-site for up to two hundred and seventy (270) days without a permit or without interim status, provided certain conditions are met, including those listed in 40 C.F.R. § 262.34(d). At the time of the EPA inspection, a pail containing one gallon of D001/F003 mixed hazardous radioactive waste, which required transport off-site was stored at the Facility for more than two hundred and seventy (270) days, in violation of 10 C.S.R. 25-5.262(1), and by incorporation 40 C.F.R. § 262.34(e).

Satellite Storage Accumulation Time

22. Missouri regulation 10 C.S.R. 25-5.262(2)(C)(3), requires generators to remove accumulated waste within one (1) year from the date satellite storage begins, irrespective of the quantity of hazardous waste in the satellite storage area. Missouri regulation 10 C.S.R. 25-5.262(2)(C)3, also requires that once the one (1) year period is reached the accumulated waste must be transferred to the one-hundred eighty (180) day storage area.

23. During the EPA inspection of the Facility, it was noted that the following satellite storage containers were stored for greater than one year, in violation of 10 C.S.R. 25-5.262(2)(C)3:

- a. One-liter satellite accumulation flask containing about 50-milliliters of isopropanol, water, ethanol, and sodium iodine in Building 3 – Room 203;
- b. Based on the form labeled "Chemical Waste Bins Awaiting Removal from Site," the following bins were stored for greater than one year:
 - i. Bin 11299 of TAE, Tris Base, Acetic Acid, EDTA, Ethidium Bromid was stored from 11/30/08 through 12/23/09;
 - ii. Bin 11301 of Ethanol, Isopropanol, Methanol, and Water was stored between 11/18/08 and 11/23/09;
 - iii. Bin 11524 of water 40%, Isopropanol 40%, Ethanol 19%, glacial acetic acid 1%, tris base <1%, SDS/EDTA, sodium chloride/sodium iodide <1% was stored between 11/11/08 and 11/23/09;

- iv. Bin 11532 of Paraformaldehyde >4%, Methanol >10%, PBS was stored between 8/14/08 and 11/23/09;
- v. Bin 3327 of S35 with 10% acetic acid & 25% isopropanol was stored between 4/28/08 and 6/1/09;
- vi. Bin 9052 of Acid Phenol and Chloroform was stored between 10/31/07 and 10/30/09; and
- vii. Bin 9853 of Isopropanol 25%, Acetic Acid 10% was stored between 1/16/08 and 1/22/09.

Failure to locate a satellite accumulation container of hazardous waste at or near the point of generation

24. The regulations at 10 CSR 25-5.262(2)(C)3, incorporating 40 CFR 262.34(c)(1), require that satellite accumulation containers be stored at or near the point of generation.

25. At the time of the EPA inspection it was documented that a satellite accumulation container of D001 hazardous waste was generated in Room 663 of the Facility but was located in Room 661A during the inspection. These two locations are a significant distance apart and, thus, the hazardous waste was not stored at or near the point of its generation in violation of the regulations at 10 CSR 25-5.262(2)(C)3, incorporating 40 CFR 262.34(c)(1).

Failure to date satellite accumulation containers

26. The regulations at 10 CSR 25-5.262(2)(C)3, require that satellite accumulation containers be marked with the beginning date of satellite storage.

27. At the time of the EPA inspection it was documented that the following satellite accumulation containers were not dated in violation of the regulations at 10 CSR 25-5.262(2)(C)3:

- a. a bottle that contained about one-quart of 40% methanol, 25% acetic acid, and 35% water in Building 3 – Room 511 - D001;
- b. a one-quart bottle about half-full of phenol chloroform waste in Building 3 – Room 511 – D022;
- c. a half-full, 2-liter jug of radioactive mixed waste that contained 100% acetone and Coomassie stain in Building 3 – Room 427 – D001;
- d. an approximately 2.5 gallon jug with 0.5 gallons of spent xylene in Building 2 – Room 457 – F003; and
- e. an approximately 5-liter jug with about one-liter of alcohol still bottoms in Building 2 – 457 – F003/D001.

Failure to close satellite accumulation containers

28. The regulation at 10 CSR 25-5.262(2)(C)3, incorporating 40 CFR 262.34(c)(1)(i), and, by reference within 40 CFR 262.34(c)(1)(i), incorporating 40 CFR 265.173(a), requires that satellite accumulation containers be closed during storage except when it is necessary to add or remove waste.

29. During the EPA inspection of the Facility, it was noted that the following satellite accumulation containers were not closed and were not in the process of receiving or being emptied of waste, in violation of 10 CSR 25-5.262(2)(C)3, incorporating 40 CFR 262.34(c)(1)(i), and, by reference within 40 CFR 262.34(c)(1)(i), incorporating 40 CFR 265.173(a):

- a. an approximately full, about one-quart, red bag containing open vials of 2mercaptoethanol-1 in Building 3 – Room 435 – D001;
- b. an approximately full, 4-liter jug of radioactive mixed waste that contained methanol and acetic acid in Building 3 – Room 433 – D001; and
- c. a 4-liter jug of silver nitrate waste in Building 2 – Room 357 – D011.

Failure to properly label storage containers with starting accumulation dates

30. The regulation at 10 C.S.R. 25-5.262(1), and by incorporation 40 C.F.R. § 262.34(d)(4), which references by 40 C.F.R. § 262.34(a)(2), requires that the date upon which each period of accumulation begins be clearly marked and visible for inspection on each container.

31. During the EPA inspection of the Facility, the inspector observed a one-gallon container of D001/F003 radioactive mixed waste was dated January 22, 2009. The inspector observed that the one-gallon container with the date of January 22, 2009, was placed into a larger storage drum dated June 1, 2009. Based on the January 22, 2009, date, the storage drum was not dated with the date of the oldest container lab packed inside.

32. Respondent violated 10 C.S.R. 25-5.262(1), and by incorporation 40 C.F.R. § 262.34(d)(4) and 40 C.F.R. § 262.34(a)(2) by not properly dating the four (4) containers at the Facility.

Failure to Make Emergency Arrangements with Local Hospital

33. The regulations at 10 CSR 25-5.262(2)(C), incorporating 40 CFR 262.34(d)(4), incorporating 40 CFR 265.37(a)(4), require that a Facility must have a contingency plan describing arrangements agreed to with a local hospital to coordinate emergency services.

34. During the inspection, the Respondent's representative stated that arrangements had been not been made with the local hospital to coordinate emergency services. These lack of

arrangements constitute a violation of 10 CSR 25-5.262(2)(C), incorporating 40 CFR 262.34(d)(4), incorporating 40 CFR 265.37(a)(4).

Failure to notify as a exempt resource recovery facility that reclaims less than 1,000 kilograms per month of spent hazardous waste

35. The regulation at 10 CSR 25-9.020(2)(B) requires an exempt resource facility that reclaims less than 1,000 kilograms per month of spent hazardous waste to notify the Missouri Department of Natural Resources (MDNR) concerning the details of this recovery process.

36. The Facility qualifies as an “exempt resource facility” under this regulation.

37. During the EPA inspection, the inspector observed a still that is utilized to reclaim spent hazardous waste solvents. The facility representative reported to the inspector that the amount of reclaimed hazardous waste from the still is less than 1,000 kilograms per month. The facility representative also informed the inspector that Respondent had not notified MDNR about these resource recovery activities, which is a violation of 10 CSR 25-9.020(2)(B).

III. CONSENT AGREEMENT

38. Respondent and EPA agree to the terms of this CAFO. This CAFO and its Attachments shall constitute the complete agreement between the parties respecting the subject matter hereof.

39. Respondent admits the jurisdictional allegations of this CAFO and agrees not to contest EPA’s jurisdiction in this proceeding or any subsequent proceeding to enforce the terms of this CAFO.

40. Respondent neither admits nor denies the factual allegations and legal conclusions set forth in this CAFO.

41. Respondent waives its right to a judicial or administrative hearing on any issue of fact or law set forth above, and its right to appeal the proposed Final Order portion of this CAFO.

42. Respondent and Complainant agree to conciliate the matters set forth in this CAFO without the necessity of a formal hearing and to bear their respective costs and attorney’s fees.

43. This CAFO addresses and resolves all civil claims for the RCRA violations set forth in the herein. Complainant reserves the right to take any enforcement action with respect to any other violations of RCRA or any other applicable law.

44. Nothing contained in this CAFO shall alter or otherwise affect Respondent's obligation to comply with all applicable federal, state, and local environmental statutes and regulations and applicable permits.

45. Respondent certifies that, to the best of its knowledge, Respondent's Facility which is the subject of this CAFO, is in compliance with RCRA, 42 U.S.C. 6901 et seq. and all regulations promulgated thereunder. The effect of this settlement is conditional upon the accuracy of this and all other of Respondent's representations to EPA memorialized in this consent agreement and final order.

46. The effect of settlement is conditioned upon the completion of the requirements of this CAFO as specified in the portion of the Final Order entitled "Section B. Compliance Actions".

47. The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this CAFO and to execute and legally bind Respondent to it.

48. **Late Payment Provisions:** Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on a civil or stipulated penalty if it is not paid by the date required. Interest will be assessed at a rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b). A charge will be assessed to cover the costs of debt collection including processing and handling costs and attorneys fees. In addition, a non-payment penalty charge of six (6) percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. Any such non-payment penalty charge on the debt will accrue from the date the penalty payment becomes due and is not paid. 31 C.F.R. §§ 901.9(c) and (d).

49. Respondent understands that failure to pay any portion of the civil penalty on the date the same is due may result in the commencement of a civil action in Federal District Court to collect said penalty, along with interest thereon at the applicable statutory rate.

Effective Date

50. This CAFO shall be effective upon entry of the Final Order by the Regional Judicial Officer for EPA, Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

Reservation of Rights

51. Except as expressly provided in this CAFO, EPA reserves the right to enforce the

terms of the Final Order portion of this CAFO by initiating a judicial or administrative action under Section 3008 of RCRA, 42 U.S.C. § 6928, and to seek penalties against Respondent in an amount not to exceed Thirty-two Thousand Five Hundred Dollars (\$32,500) per day per violation pursuant to Section 3008(c) and/or Section 3008(g) of RCRA, for each day of non-compliance with the terms of the Final Order, or to seek any other remedy allowed by law. Pursuant to the Civil Monetary Penalties Inflation Adjustment Rule, 40 C.F.R. Part 19, penalties of up to \$32,500 per day are now authorized for violations of Subchapter III of RCRA that occur after March 15, 2004, though January 12, 2009. For violations of Subchapter III of RCRA that occur after January 12, 2009, penalties of up to \$37,500 per day are now authorized.

52. Complainant reserves the right to take enforcement action against Respondent for any future violations of RCRA and its implementing regulations and to enforce the terms and conditions of this CA/FO.

53. Except as expressly provided herein, nothing in this CA/FO shall constitute or be construed as a release from any claim (civil or criminal), cause of action, or demand in law or equity by or against any person, firm, partnership, entity, or corporation for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, 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.

54. Notwithstanding any other provisions of the CA/FO, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should EPA find that the future 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 and the environment.

55. The headings in this CA/FO are for convenience of reference only and shall not affect interpretation of this CA/FO.

56. The provisions of this CA/FO shall be deemed satisfied upon a written determination by Complainant that Respondent has fully implemented the actions required in the Final Order.

FINAL ORDER

Pursuant to the authority of Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and according to the terms of this CA/FO, IT IS HEREBY ORDERED THAT:

A. Payment of Civil Penalty

1. Within thirty (30) days of the effective date of this CA/FO, Respondent will pay a civil penalty of Twenty-Three Thousand Six Hundred Seventy-Three Dollars (\$23,673). The payment must be received at the address below on or before 30 days after the effective date of the Final Order (the date by which payment must be received shall hereafter be referred to as the "due date"). Such payment shall identify Respondent by name and docket number and shall be by certified or cashier's check made payable to the "United States Treasury" and sent to:

US Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, Missouri 63197-9000.

2. Wire transfers should be directed to the Federal Reserve Bank of New York:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read
"D 68010727 Environmental Protection Agency"

3. A copy of the payment documentation shall also be mailed to EPA's representative identified in paragraph 8 below, and to:

Regional Hearing Clerk
U.S. EPA Region 7
901 North 5th Street
Kansas City, Kansas 66101

and to:

Raymond C. Bosch
Office of Regional Counsel
U.S. EPA Region 7
901 N. 5th Street
Kansas City, Kansas 66106.

4. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this CA/FO shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.

B. Compliance Actions

5. Respondent shall take the following action beginning no later than thirty (30) days after the effective date of the CAFO, and on an ongoing basis thereafter for a period of one year:

a. Perform Laboratory Cleanouts, defined as "evaluations conducted under the direction of The Stowers Institute for Medical Research's Environmental Health and Safety (EH&S) unit, with input from waste generating laboratories, of the inventories of unused chemicals and other materials in laboratories that meet the definition of 'solid waste' pursuant to 40 CFR § 261.2 and the Respondent's SOP document EHSOP Number 200, dated March 12, 2010 and entitled *Chemical Waste Management, Distribution, and Disposal* as well as the subsequent staging and removal of those chemicals or other unwanted materials from the laboratories," throughout the Institute. Laboratory Cleanouts will be conducted on a laboratory-by-laboratory basis. For a laboratory which is determined by EH&S to warrant removal of chemicals and/or other materials, the staging and removal of such items will be initiated within thirty (30) days of the evaluation of that laboratory. EH&S shall oversee complete two Laboratory Cleanouts within a one year period.

b. Respondent shall provide the following documentation to Region 7 beginning no later than ninety (90) days after the effective date of the CAFO, and on a quarterly basis thereafter until thirty (30) days after the one-year anniversary of the effective date of the CAFO:

(1) copies of inventories and hazardous waste manifests created or received by the Institute during that quarter for wastes generated and for chemicals and/or other unwanted materials disposed of as the result of Laboratory Cleanouts. Vendor manifests will be provided at the end of the quarter in which they are received by the Institute, which may not be the same quarter as when the inventories are provided;

(2) documentation of proper labeling and dating of hazardous waste and satellite accumulation containers at the end of each quarter. Such documentation

shall consist of digital photographs that depict properly labeled and dated containers from no less than 10 laboratory areas, to be selected by EH&S;

(3) copies of available EH&S inspection reports for hazardous waste containers in the hazardous waste collection storage room at the end of the previous quarter.

C. Submittals

6. All documents required to be submitted to EPA pursuant to this Final Order shall be sent to:

Nicole Moran, AWMD/WEMM
U.S. EPA Region 7
901 North 5th Street
Kansas City, Kansas 66101
E-mail: moran.nicole@epa.gov

D. Parties Bound

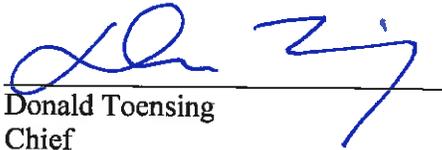
7. This Final Order portion of this CAFO shall apply to and be binding upon Complainant and Respondent, and Respondent's agents, successors and/or assigns. Respondent shall ensure that all contractors, employees, consultants, firms or other persons or entities acting for Respondent with respect to matters included herein comply with the terms of this CAFO.

FOR COMPLAINANT:

U.S. ENVIRONMENTAL PROTECTION AGENCY

1-30-12

Date

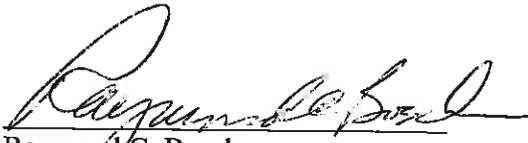


Donald Toensing
Chief

Waste Enforcement and
Materials Management Branch
Air and Waste Management Division

1-31-12

Date

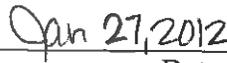


Raymond C. Bosch
Assistant Regional Counsel

FOR RESPONDENT:

STOWERS INSTITUTE FOR
MEDICAL RESEARCH

Signature 
David A. Welte
Executive Vice President &
General Counsel


Date

IT IS SO ORDERED. This Final Order is effective upon its final entry by the Regional Judicial Officer.

Jan. 31, 2012
Date

Robert Patrick
Robert Patrick
Regional Judicial Officer

IN THE MATTER OF Stowers Institute for Medical Research, Respondent
Docket No. RCRA-07-2012-0001

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Order was sent this day in the following manner to the addressees:

Copy hand delivered to
Attorney for Complainant:

Raymond C. Bosch
Assistant Regional Counsel
Region 7
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Francis X. Lyons
Bryan Cave LLP
161 N. Clark Street, Suite 4300
Chicago, Illinois 60601-3315

Dated: 1/31/12


Kathy Robinson
Hearing Clerk, Region 7