

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 3  
Philadelphia, Pennsylvania 19103**



<b>IN THE MATTER OF:</b>	)	<b>DOCKET NO.: RCRA-03-2026-0014</b>
	)	
<b>Nemours Children’s Hospital</b>	)	
	)	
<b>Respondent,</b>	)	<b>EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER</b>
	)	
<b>Nemours Children’s Hospital</b>	)	<b>Proceeding under Section</b>
<b>1600 Rockland Road</b>	)	<b>3008(a) and (g) of the Resource</b>
<b>Wilmington DE 19803</b>	)	<b>Conservation and Recovery Act, as</b>
	)	<b>amended, 42 U.S.C. § 6928(a) and (g)</b>
<b>Facility</b>	)	
	)	
	)	

**EXPEDITED SETTLEMENT AGREEMENT**

1. Nemours Children’s Hospital, Delaware (“Respondent”), and the Acting Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 (“Complainant”) enter into this Expedited Settlement Agreement (“Agreement”) pursuant to Section 3008(a) and (g) of the Resource Conservation and Recovery Act (“RCRA”), as amended, 42 U.S.C § 6928(a) and (g), and the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (“Consolidated Rules of Practice”), 40 C.F.R. Part 22 (with specific reference to 40 C.F.R. §§ 22.13(b), 22.18(b)(2), and (3)). The Administrator has delegated the authority to enter into this Agreement to the Regional Administrator who, in turn, has delegated it to the Complainant.
2. The U.S. Environmental Protection Agency, Region 3 (“EPA”) has jurisdiction over this matter pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), and 40 C.F.R. §§ 22.1(a)(4) and 22.4 of the Consolidated Rules of Practice.
3. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), EPA has authorized the State of Delaware to administer a hazardous waste management program in lieu of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g. The provisions of the current authorized Delaware Hazardous Waste Management Program, codified at the Delaware Regulations Governing Hazardous Waste (“DeRGHW”), have thereby become requirements of RCRA Subtitle C and are enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).
4. On September 5, 2025, EPA sent a letter to the State of Delaware, through the Department

- of Natural Resources and Environmental Control ("DNREC"), giving prior notice of this enforcement action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
5. At its facility, located at 1600 Rockland Road, Wilmington, DE 19803 ("Facility"), Respondent operates a 3-million square foot Children's hospital on a 1.6-million-acre property. The Hospital is a pediatric Level 1 trauma facility with 208 in-person rooms in addition to outpatient services. On February 7, 2020, Respondent submitted a notification to DNREC that the Facility was a small quantity generator ("SQG") of hazardous waste at the Facility, and DNREC assigned RCRA ID No. DED984066563 to the Facility. Respondent does not have a permit for the treatment, storage or disposal of hazardous waste at the Facility.
  6. Complainant alleges that, at all times relevant to the allegations described in this Agreement, Respondent was and continues to be a corporation and is therefore a "person," as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and DeRGHW, and at all times relevant to the allegations in this Agreement was the "operator" and the "owner" of a "facility," described in Paragraph 5, as the terms "facility", "owner" and "operator" are defined in DeRGHW § 260.10.
  7. At all times relevant to the allegations described in this Agreement, Respondent "stored" crushed fluorescent lamps (D009), lab pack- nonacute wastes (D001, D011, D022, F001), lab pack- acute waste (D001, D002, D003, P030, U123), isopropyl alcohol (D001), formalin (U122), xylene (D001, F003), formic acid (U123), and pharmaceutical waste (D001, D004, D005, D006, D007, D008), which are "hazardous waste(s)" at the Facility, as the terms "stored" and "hazardous waste" are defined in 40 C.F.R. § 260.10, as incorporated by reference in DeRGHW § 260.10.
  8. On February 27, 2025, EPA representatives conducted a Compliance Evaluation Inspection at the Facility to determine compliance with the applicable hazardous waste regulations.
  9. Based on the observations during the Inspection, Complainant alleges and finds that Respondent failed to comply with specific requirements of Subtitle C of RCRA, 42 U.S.C. §§ 6921 et seq., its implementing regulations at 40 C.F.R. Parts 262, 264, 265, and the federally-authorized Delaware hazardous waste management regulations set forth in the DeRGHW Parts 260 – 279, and Parts 122 and 124.
  10. Complainant has identified the following violations at the Facility:
    - a. On February 27, 2025, Respondent operated the Facility without a permit or interim status, in violation of DeRGHW § 122.1(c). At the time of the inspection, Respondent failed to comply with the conditions for the temporary storage of hazardous waste by a generator that are required pursuant to DeRGHW 262.17, which incorporates by reference 40 C.F.R. § 262.17, and therefore failed to qualify for an exemption from the permitting/interim status requirements. The following acts or omissions

prevented Respondent from meeting the regulatory permit exemption conditions set forth at DeRGHW § 262.15 and § 262.16:

- (1) Respondent failed to keep closed containers of hazardous waste, as required by DeRGHW § 262.17(b)(2)(iii)(A);
  - i. In room GCN-017, the Inspector observed three (3) 55-gallon drums of hazardous waste. Two (2) of the three (3) 55-gallon drums were observed open with unsecured tops.
- (2) Respondent failed to mark containers of hazardous waste with an accumulation start date, as required by DeRGHW § 262.17(b)(6)(i)(C).
  - i. In room GCN-017, the Inspector observed approximately 70 black hazardous waste containers on top of yellow secondary containment pallets. Many of the containers (~30 containers) holding hazardous waste were observed without an accumulation start date.
- b. On February 27, 2025, Respondent failed to keep closed containers of hazardous waste, in violation of DeRGHW § 264.173(a). The inspector observed (3) 55-gallon drums of hazardous waste in room GCN-017. Two (2) of the three (3) 55-gallon drums were observed open with unsecured tops.
- c. On February 27, 2025, Respondent failed to provide adequate aisle space to allow the unobstructed movement of personnel, in violation of DeRGHW § 264.35. The inspector observed approximately 70 black hazardous waste containers on top of yellow secondary containment pallets. The containers were stacked two (2) to three (3) high and three (3) containers deep on the containment pad. The containers could not be observed for spill control, container condition, or accumulation start date.
- d. On February 27, 2025, Respondent failed to make available hazardous waste manifests signed by the designated facility at the time of the inspection in violation of DeRGHW § 264.74(a). During the records review, the inspector requested to review manifests signed and returned from designated facilities where the Respondent shipped hazardous waste. Respondent was unable to provide the signed copies of manifests at the time of the inspection.
- e. On February 27, 2025, Respondent failed to keep closed containers of universal waste lamps as required by DeRGHW § 273.13(d)(1). The inspector observed 29 open boxes of universal waste lamps being accumulated in the transformer room that were staged to be shipped.
- f. On February 27, 2025, Respondent failed to mark containers of universal waste with

an accumulation start date or demonstrate the length of time the universal waste lamps had accumulated as required by DeRGHW § 273.15(c). In the transformer room, the inspector observed 29 boxes of universal waste lamps that were not marked with an accumulation start date that were staged to be shipped. Respondent was also unable to demonstrate the length of time the universal waste lamps had been stored on-site.

11. Complainant and Respondent agree that settlement of this matter for a total penalty of **SEVEN THOUSANT FIVE HUNDRED DOLLARS (\$7,500.00)** is in the public interest. In calculating this amount, Complainant considered the statutory factors set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3).
12. Respondent agrees that, within 30 days of the effective date of this Agreement, Respondent shall make a payment of **\$7,500.00**. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using one of the electronic payment options provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions relating to electronic payment options, see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>. Respondent acknowledges that EPA has provided adequate notification that, prior to the Effective Date, in accordance with Executive Order 14247: Modernizing Payments To and From America's Bank Account, EPA ceased accepting paper checks as a form of payment of civil penalties and EPA only accepts specific electronic methods of payments as provided on the above website.
13. Within 24 hours of payment, Respondent shall also send proof of payment (confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer), by electronic mail to:

Andrew Dutton Van Woert, Enforcement Officer (3ED22)  
U.S. EPA, Region 3  
[vanwoert.andrew@epa.gov](mailto:vanwoert.andrew@epa.gov)

and

Regional Hearing Clerk (3RC00)  
U.S. EPA, Region 3  
[R3\\_Hearing\\_Clerk@epa.gov](mailto:R3_Hearing_Clerk@epa.gov)

14. In signing this Agreement, Respondent: admits the jurisdictional allegations in this Agreement; neither admits nor denies the specific factual allegations in this Agreement, except as provided in the jurisdictional admission above; agrees not to contest EPA's jurisdiction with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement the Agreement; expressly waives its right to a hearing on

- any issue of law or fact in this Agreement and any right to appeal the accompanying Final Order; consents to the issuance of the Agreement and agrees to comply with its terms; agrees to bear its own costs and attorney's fees; and agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.
15. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that (1) the alleged violations have been corrected, and (2) any documentation or information provided to EPA was true and accurate.
  16. This Agreement and the attached Final Order constitute a settlement by EPA of its claims for civil penalties for the violations alleged in this Agreement.
  17. By signing this Agreement, Respondent waives any rights or defenses that 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 Agreement.
  18. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Sections 22.18(c) and 22.31(a) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under the RCRA, the RCRA regulations promulgated, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Agreement, following its filing with the Regional Hearing Clerk.
  19. Late payment of the agreed upon penalty may subject Respondent to interest, administrative costs and late payment penalties in accordance with 40 C.F.R. § 13.11.
  20. This Agreement is effective upon filing, in accordance with 40 C.F.R. § 22.31(b).
  21. The undersigned representative certifies that she/he is fully authorized to execute this Agreement and to legally bind Nemours Children's Hospital, Delaware.
  22. As permitted under 40 CFR § 22.6, the Regional Hearing Clerk will serve copies of this Agreement and Final Order by e-mail to the parties at the following valid e-mail addresses: [vanwoert.andrew@epa.gov](mailto:vanwoert.andrew@epa.gov) (for Complainant), and [timothy.munson@nemours.org](mailto:timothy.munson@nemours.org) (for Respondent).
  23. By signing this Agreement, Respondent acknowledges that this Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge

and belief, this Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.

**For Respondent:** Nemours Children's Hospital, Delaware

Date: 03/06/26

By: *Timothy J. Munson*  
Timothy Munson  
Sr Director Facilities and Construction

**For Complainant: U.S. Environmental Protection Agency, Region 3**

After reviewing the Agreement and other pertinent matters, I, the undersigned Acting Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

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*[Digital Signature and Date]*

Acting Director

Enforcement and Compliance Assurance Division

**FILED**

**Apr 13, 2026**

**3:00 pm**

**U.S. EPA REGION 3  
HEARING CLERK**

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 3  
Philadelphia, Pennsylvania 19103**

**IN THE MATTER OF:**

**Nemours Children’s Hospital, Delaware**

**Respondent,**

**Nemours Children’s Hospital**

**1600 Rockland Road**

**Wilmington DE 19803,**

**Facility**

**DOCKET NO.: RCRA-03-2026-0014**

**EXPEDITED SETTLEMENT AGREEMENT AND  
FINAL ORDER**

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

**FINAL ORDER**

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22 (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)), the Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

The Respondent is hereby ORDERED to comply with all of the terms of the Consent Agreement.

The effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

\_\_\_\_\_  
*[Digital Signature and Date]*

Regional Judicial Officer

U.S. EPA - Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 3  
Philadelphia, Pennsylvania 19103

In the Matter of:	:	
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Nemours Children’s Hospital, Delaware	:	
1600 Rockland Road	:	U.S. EPA Docket No. RCRA-03-2026-0014
Wilmington DE 19803	:	
	:	
Respondent.	:	Proceeding under Section
	:	3008(a) and (g) of the Resource
	:	Conservation and Recovery Act, as
Nemours Children’s Hospital	:	amended, 42 U.S.C. § 6928(a) and (g)
1600 Rockland Road	:	
Wilmington DE 19803	:	
	:	
Facility	:	

**CERTIFICATE OF SERVICE**

I certify that the foregoing ***Expedited Settlement Agreement and Final Order*** was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the ***Expedited Settlement Agreement and Final Order***. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

**Timothy Munson, Sr Director**  
**Nemours Children’s Hospital**  
**timothy.munson@nemours.org**  
**1600 Rockland Road**  
**Wilmington DE 19803**

**Andrew Dutton Van Woert**  
**Enforcement Officer**  
**U.S. EPA, Region 3**  
**[vanwoert.andrew@epa.gov](mailto:vanwoert.andrew@epa.gov)**

\_\_\_\_\_  
[Digital Signature and Date]  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 3