FILED
Feb 09, 2026
2:40 pm
U.S. EPA REGION 3
HEARING CLERK

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

IN THE MATTER OF: **Christiana Care Health Services** **Respondent,** **Christiana Care Health Services-Christiana Hospital** **4755 Ogletown Stanton Road** **Newark, DE 19718,** **Facility**	)))))))))))))	**DOCKET NO.: RCRA-03-2026-0034** **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)**

EXPEDITED SETTLEMENT AGREEMENT

1. Christiana Care Health Services ("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, 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 Regulations Governing Hazardous Waste ("DRGHW"), codified at Parts 260 – 279, and Parts 122 and 124, 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 the 4755 Ogletown Stanton Road ("Facility"), Respondent operates the Christiana Hospital facility, a healthcare facility with in-patient and out-patient services. The Facility generates hazardous waste pharmaceuticals in the pharmacies, laboratories, and medical units. The Facility generates hazardous waste in the laboratories and maintenance areas. Hazardous waste generated by the Facility includes, but is not limited to, spent solvent, used wipes, used aerosol cans, waste lamps, and waste batteries. On February 24, 2022, Respondent submitted a notification to DNREC that the Facility was a small quantity generator and a healthcare facility. DNREC assigned RCRA ID No. DED984071225.

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 DRGHW § 122.2, 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 40 C.F.R. § 260.10, as incorporated by reference in DRGHW § 260.10.

7. At all times relevant to the allegations described in this Agreement, Respondent stored hazardous waste pharmaceuticals and hazardous laboratory waste with EPA Hazardous Waste Code, D002, 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 DRGHW § 260.10.

8. On February 26, 2025, EPA representatives conducted a Compliance Evaluation Inspection ("the 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 State of Delaware hazardous waste management regulations set forth in the DRGHW, §§ 122 et seq.

10. Complainant has identified the following violations at the Facility:

    a. On February 26, 2025, Respondent failed to label or mark universal waste batteries, in violation of DRGHW § 273.14. During the Inspection in the Biohazard Accumulation Room, EPA Inspectors observed one (1) container of universal waste batteries that was not labeled with the words "Universal Waste-Battery(ies)," or

"Waste Battery(ies)," or "Used Battery(ies)".

b. On February 26, 2025, Respondent failed to make a hazardous waste determination, in violation of DRGHW § 262.11. During the Inspection, in the Lower-Level Pharmacy, EPA Inspectors observed solvent contaminated wipes in the general trash.

c. On February 26, 2025, Respondent failed to keep a container of hazardous waste closed at all times during accumulation, except when adding, removing, or consolidating waste, in violation of DRGHW § 262.34(c)(1)(i), which references 265.173(a). During the Inspection of the lab, EPA Inspectors observed a 30-gallon satellite accumulation container with an open attached funnel. The Facility representative closed the funnel at the time of inspection.

d. On February 26, 2025, Respondent failed to label its satellite accumulation containers with the words "Hazardous Waste" or with other words to identify the contents, in violation of DRGHW § 262.34(c)(1)(ii).

1. During the Inspection in the laboratory, EPA Inspectors observed a xylene recycler and an alcohol recycler. The waste collection containers at the bottom of the recyclers had labels that were illegible. The Facility representative labeled the containers with the phrase "Hazardous Waste" at the time of inspection.

2. During the Inspection, the EPA Inspectors observed waste pharmaceutical containers in the pharmacies, medical unit nursing stations, and laboratories that were not labeled with the words "Hazardous Waste" or with other words to describe the contents.

11. Complainant and Respondent agree that settlement of this matter for a total penalty of **FIVE THOUSAND DOLLARS ($5,000.00)** 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 **$ 5,000.00**. Respondent shall pay the assessed penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: https://www.epa.gov/financial/makepayment. For additional instructions 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:

Nicole Okino, Enforcement Officer/Inspector (3ED22)
U.S. EPA, Region 3
okino.nicole@epa.gov

and

Regional Hearing Clerk (3RC00)
U.S. EPA, Region 3
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 Christiana Health Care Services.

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: okino.nicole@epa.gov (for Complainant), and nkirby@christianacare.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: Christiana Care Health Services

Date: 1/9/2026 By: Nancy J. Kirby

Nancy Kirby
Occupational Safety Manager

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.

ANDREA BAIN Digitally signed by ANDREA BAIN
Date: 2026.02.05 15:38:39 -05'00'

[*Digital Signature and Date*]
Andrea Bain, Acting Director
Enforcement and Compliance Assurance Division

FILED
Feb 09, 2026
2:40 pm
U.S. EPA REGION 3
HEARING CLERK

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

IN THE MATTER OF:	)	**DOCKET NO.: RCRA-03-2026-0034**
Christiana Care Health Services	)	
Respondent,	)	**EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER**
Christiana Care Health Services- Christiana Hospital **4755 Ogletown Stanton Road** **Newark, DE 19718**	)	**Proceeding under Section 3008(a) and (g) of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6928(a) and (g)**
Facility	)	

FINAL ORDER

Complainant, the Acting Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency - Region 3, and Respondent, Christiana Care Health Services, have executed a document entitled "Expedited Settlement Agreement," which I hereby ratify as a Consent Agreement in accordance with 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 terms of the foregoing Expedited Settlement Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

NOW, THEREFORE, PURSUANT TO 3008 of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Section 6991e, and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **FIVE THOUSAND DOLLARS ($5,000.00)**, in accordance with the payment provisions set forth in the Expedited Settlement Agreement, and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Expedited Settlement Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all

applicable provisions of Subtitle C of the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6921 et seq., and the regulations promulgated thereunder.

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

JEFFREY NAST Digitally signed by JEFFREY NAST
Date: 2026.02.09 13:52:28 -05'00'

[*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:	:	
	:	
Christiana Care Health Services	:	
PO Box 1668	:	**U.S. EPA Docket No. RCRA-03-2026-0034**
Wilmington, DE 19899	:	
	:	**Proceeding under Section 3008 of**
Respondent.	:	**the Resources Conservation and Recovery**
	:	**ACT, as amended, 41 U.S.C § 6928**
Christiana Care Health Services-		
Christiana Hospital	:	
4755 Ogletown Stanton Road	:	
Newark, DE 19718	:	
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:

Nancy Kirby, Occupational Safety Manager
Christiana Care Health Services- Christiana Hospital
4755 Ogletown Stanton Road
Newark, DE 19718
nkirby@christianacare.org

Nicole Okino
Enforcement Officer/Inspector
U.S. EPA, Region 3
Okino.nicole@epa.gov

BEVIN ESPOSITO Digitally signed by BEVIN ESPOSITO
Date: 2026.02.09 14:41:57 -05'00'

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