



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 15 2009

REPLY TO THE ATTENTION OF:

LR-8J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Laura M. Gillespie
Hologic, Inc.
502 South Rosa Road
Madison, Wisconsin 53719

Re: Consent Agreement and Final Order
Third Wave Technologies, Inc. (wholly owned subsidiary of Hologic)
EPA I.D. No.: WIR000048330
Docket No: **RCRA-05-2010-0007**

Dear Ms. Gillespie:

Enclosed, please find an original signed fully-executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The original was filed on DEC 15 2009, with the Regional Hearing Clerk.

Please pay the civil penalty in the amount of \$87,400 in the manner prescribed in paragraph 84 of the CAFO, and reference all checks with the number BD 2751042R008 and docket number RCRA-05-2010-0007. Also, enclosed is a *Notice of Securities and Exchange Commission Registrant's Duty to Disclose Environmental Legal Proceedings*. Your payment is due within 30 calendar days of the effective date of the CAFO. Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in cursive script that reads "Willie H. Harris".

Willie H. Harris, P.E.
Chief, RCRA Branch
Land and Chemicals Division

Enclosures

subsidiary of Hologic.

5. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

6. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

7. Respondent consents to the assessment of the civil penalty specified in this CAFO, and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

8. Jurisdiction for this action is conferred upon EPA by Sections 2002(a)(1), 3006(b), and 3008 of RCRA; 42 U.S.C. §§ 6912(a)(1), 6926(b), and 6928.

9. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

10. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

11. Respondent certifies that it is complying fully with RCRA, 42 U.S.C. §§ 6901 – 6939 and the regulations at 40 C.F.R. §§ 260.1 – 279.82.

Statutory and Regulatory Background

12. EPA has promulgated regulations, codified at 40 C.F.R. Parts 260 through 279, governing generators and transporters of hazardous waste and facilities that treat, store, and dispose of hazardous waste, pursuant to sections 3002, 3003, and 3004, of RCRA, 42 U.S.C. §§ 6922, 6923, and 6924.

13. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, the Administrator of EPA

may authorize a state to administer the RCRA hazardous waste program in lieu of the federal program when the Administrator finds that the state program meets certain conditions. Any violation of regulations promulgated pursuant to Subtitle C (Sections 3001-3023 of RCRA, 42 U.S.C. §§ 6921-6939e) or any state provision authorized pursuant to Section 3006 of RCRA, constitutes a violation of RCRA, subject to the assessment of civil penalties and issuance of compliance orders as provided in Section 3008 of RCRA, 42 U.S.C. § 6928.

14. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the Administrator of EPA granted the State of Wisconsin final authorization to administer a state hazardous waste program in lieu of the federal government's base RCRA program effective January 31, 1986. 51 Fed. Reg. 3783 (January 31, 1986).

15. Under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), EPA may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified period of time, or both. The Administrator of EPA may assess a civil penalty of up to \$25,000 per day for each violation of Subtitle C of RCRA according to Section 3008 of RCRA, 42 U.S.C. § 6928. The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, required EPA to adjust its penalties for inflation on a periodic basis. Pursuant to the Civil Monetary Penalty Inflation Adjustment Rule, published at 40 C.F.R. Part 19, EPA may assess a civil penalty of up to \$32,500 per day for each violation of Subtitle C of RCRA that occurred after March 15, 2004.

Factual Allegations and Alleged Violations

16. Respondent was and is a "person" as defined by WAC NR 600.03(170), 40 C.F.R. § 260.10, and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

17. Respondent owns a plant located at 502 South Rosa Road, Madison, Wisconsin (the

Plant).

18. On July 24, 2008, Respondent acquired Third Wave, located in Madison, Wisconsin.

19. Respondent operates the Plant located at 502 South Rosa Road, Madison, Wisconsin.

20. On February 7, 2007, EPA conducted an inspection of the Plant.

21. The Plant consists of land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste.

22. During the inspection, the inspector physically inspected the Plant, took photographs, and reviewed facility records.

23. Respondent fabricates molecular diagnostics and develops test methods, through a synthesis process, for use by laboratories in the health industry.

24. At the time of the inspection, the hazardous waste storage tank at the Plant contained approximately 50 to 75 gallons of hazardous waste solvent.

25. On May 18, 2007, EPA issued an Information Request to Third Wave, now a wholly owned subsidiary of Respondent, Hologic, under the authority of Section 3007 of RCRA, 42 U.S.C. § 6927.

26. On or about July 2, 2007, Third Wave submitted a response to EPA's Information Request.

27. Third Wave's response to EPA's Information Request indicated that, between April 27, 2004, and December 20, 2006, hazardous waste solvent was stored in the hazardous waste storage tank at the Plant for nine-hundred and sixty-eight (968) days

28. At all times relevant to this Complaint, Respondent created solid wastes including

acetonitrile, toluene, tetrahydrofuran, methanol, pyrdine or acetic acid.

29. Respondent's processes at the Plant produce several hazardous wastes identified or listed in WAC NR Chapter 605 or cause a hazardous waste to become subject to regulation under WAC NR 600-685 and 40 C.F.R. Parts 260-270.

30. Respondent is a "generator," as that term is defined in WAC NR 600.03(117) and 40 C.F.R. § 260.10.

31. Respondent is subject to the regulations promulgated pursuant to Subtitle C of RCRA, 42 U.S.C. §§ 6921-6930, or the analogous Wisconsin regulations as part of the applicable state hazardous waste management program for the state of Wisconsin, or both.

32. During calendar years 2003, 2004, 2005 and 2006, Respondent produced 100 kilograms (220 pounds) or more but less than 1000 kilograms (2,205 pounds) of hazardous waste in a calendar month.

Count 1

Failure to Apply for and Obtain a License to Store Hazardous Waste, Due to Storage of Hazardous Waste for More Than One-Hundred-Eighty Days and Being an Operator of a Storage Facility.

33. Complainant incorporates paragraphs 1 through 32 of this Complaint as though set forth in this paragraph.

34. In order to avoid the need for a hazardous waste storage license, a small quantity generator may accumulate hazardous waste on-site in containers or tanks for no more than 180 days. See WAC NR §§ 610.08(1)(n), 610.08(5) [40 C.F.R. § 262.34(f)].

35. Between April 27, 2004, and December 20, 2006, Respondent accumulated 1,845 gallons (12,400 pounds) of hazardous waste solvent.

36. Between April 27, 2004, and December 20, 2006, there were 968 days during which hazardous waste solvent was stored in the hazardous waste tank at the Plant.

37. Between April 27, 2004, and December 20, 2006, Respondent stored hazardous wastes in the hazardous waste storage tank at the Plant for more than 788 days beyond the 180 days allowed under the applicable regulations.

38. Respondent failed to comply with the above-referenced 180-day storage condition for a storage license exemption set forth in WAC NR §§ 610.08(1)(n), and therefore became the operator of a hazardous waste treatment, storage or disposal facility. See WAC NR §§ 610.08(5)(c).

39. In order to avoid the need for a hazardous waste storage license, a small quantity generator accumulating hazardous waste in tanks shall ensure that the date the current period of accumulation began shall be clearly marked and visible for inspection on each tank. See WAC NR §§ 610.08(1)(p)13., 610.08(5) [40 C.F.R. § 262.34(d)(4)].

40. At the time of the February 7, 2007 inspection of the Plant, approximately 50-75 gallons of hazardous waste solvent had accumulated in the hazardous waste storage tank at the Plant.

41. At the time of the February 7, 2007 inspection of the Plant, there was no date on the hazardous waste storage tank to mark the current period of hazardous waste accumulation.

42. Respondent failed to comply with the above-referenced condition for a storage license exemption set forth in WAC NR §§ 610.08(1)(p)13, and therefore became the operator of a hazardous waste treatment, storage or disposal facility. See WAC NR §§ 610.08(5)(c).

43. A small quantity generator who accumulates hazardous waste in a tank on-site for more than 180 days in non-compliance with WAC NR §§ 610.08(1)(n), or who does not meet

each of the other conditions for a storage license exemption set forth in WAC NR § 610.08(1) - (3) [40 C.F.R. § 262.34(d)], is an operator of a hazardous waste storage facility, and is subject to storage facility requirements in WAC NR 630, 640 and 645, and required to apply for and obtain a hazardous waste storage license. See WAC NR §§ 610.08(5)(c) [40 C.F.R. §262.34(f)]; WAC NR §§ 680.30, 680.31, 680.32(2) [40 C.F.R. 270.1(c), 270.10(a)-(d), 270.13].

44. On failing to comply with the conditions for a storage license exemption referenced above, Respondent became an operator of a hazardous waste storage facility, and was required to apply for and to obtain a hazardous waste storage license and to comply with applicable storage facility requirements.

45. Respondent did not apply for or obtain a hazardous waste storage license.

46. Respondent's failure to apply for and to obtain a hazardous waste storage license violated the licensing requirements for a RCRA storage facility. WAC NR §§ 680.30-680.32 [40 C.F.R. § 270.1(c)].

47. Therefore, Respondent stored hazardous waste in the hazardous waste storage tank at the Plant without a hazardous waste storage license, in violation of Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a)&(e).

48. Respondent's violation of Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a)&(e), and the regulations at WAC NR §§ 680.30-680.32 [40 C.F.R. § 270.1(c)], subjects Respondent to an order for compliance and civil penalties under Section 3008 of RCRA, 42 U.S.C. § 6928.

COUNT II

Failure to Ensure, As a Small Quantity Generator Who Accumulates At Least 1,000 Kilograms but Not More Than 6,000 Kilograms of Hazardous Waste, That All Employees Required to Be Trained Take Part in an Annual Review of the Training; and Failure to

Maintain Records That Document That the Training and Annual Review Requirements Have Been Given to and Completed by All Employees Required to Be Trained.

49. Complainant incorporates paragraphs 1 through 32 of this Complaint as though set forth in this paragraph.

50. The regulation at WAC NR § 610.08(5) provides that a small quantity generator may accumulate hazardous waste onsite in containers or tanks for 180 days or less without a storage license if the small quantity generator meets the requirements of, *inter alia*, WAC NR § 610.08(1) and (2).

51. WAC NR 610.08(1)(v) requires, *inter alia*, that, if a small quantity generator accumulates at least 1000 kg but not more than 6000 kg of hazardous waste, the generator shall ensure that all employees required to be trained in hazardous waste management procedures take part in an annual review of the initial training, and maintain records that document that the training and annual review requirements have been given to and completed by all employees required to be trained. See WAC NR § 610.08(1)(v)2.-3.; 610.08(5). This is also a requirement of owners and operators of hazardous waste storage facilities under WAC NR § 630.16(3) and (d)(4) [40 C.F.R. § 264.16(c) and (d)(4)].

52. According to the Third Wave's response to EPA's Information Request, Respondent accumulated hazardous waste solvent in the hazardous waste storage tank at the Plant at a rate of approximately 580 pounds (263 kg) per month.

53. During calendar year 2005, Respondent accumulated at least 1000 kg of hazardous waste solvents in the hazardous waste storage tank at the Plant.

54. During calendar year 2006, Respondent accumulated at least 1000 kg of hazardous waste solvents in the hazardous waste storage tank at the Plant.

55. At the time of the February 7, 2007 inspection, Respondent's representative, Mr. Daniel Viegut, stated that he was the only employee who is involved with hazardous waste management at the facility.

56. Respondent was required to ensure that Mr. Viegut received an annual review of the initial hazardous waste training during the years 2005 and 2006, when at least 1,000 kilograms of waste solvent had accumulated in the hazardous waste storage tank.

57. At the time of the February 7, 2007 inspection, training records indicated that Mr. Viegut was initially trained on hazardous waste management and emergency procedures performed by Ashland Environmental Services, and received annual refresher training in 2003. However, there was no documentation indicating that Mr. Viegut had received an annual review of the initial hazardous waste training since 2003.

58. The regulation at WAC NR § 610.08(5) provides that a small quantity generator who accumulates hazardous waste on-site in containers or tanks without a storage license, and who does not meet the requirements of WAC NR 610.08(1) to (3), is an operator of a hazardous waste storage facility and is subject to the storage facility requirements in, *inter alia*, WAC NR 630.

59. By failing to comply with the requirements of WAC NR § 610.08(1)(v)2-3, Respondent became an operator of a hazardous waste storage facility, and became subject to, *inter alia*, the requirements of WAC NR 630.

60. By failing to ensure that Mr. Viegut received an annual review of the initial hazardous waste training during the years 2005 and 2006, when at least 1,000 kilograms of waste solvent had accumulated in the hazardous waste storage tank, Respondent violated the above-referenced storage facility training and training-documentation requirements set forth at WAC

NR §§ 630.16 and 610.08(1)(v)2-3.

61. Respondent's violations of WAC NR §§ 630.16 and 610.08(1)(v)2-3 subject Respondent to an order for compliance and civil penalties under Section 3008 of RCRA, 42 U.S.C. § 6928.

COUNT III

**Failure to Inspect All Tanks Used for Accumulating Hazardous Waste;
Failure to Document the Inspections Required Pursuant to the Provisions of WAC NR
§§ 610.08(1)(P)1. A.-B., and 2., and 630.15(1)-(3); and Failure to Maintain the Inspection
Records On-Site for a Period of Not Less Than Three Years from the Date of the
Inspection.**

62. Complainant incorporates paragraphs 1 through 32 of this Complaint as though set forth in this paragraph.

63. The regulation at WAC NR § 610.08(5) provides that a small quantity generator may accumulate hazardous waste onsite in containers or tanks for 180 days or less without a storage license if the small quantity generator meets the requirements of, *inter alia*, WAC NR § 610.08(1) and (2).

64. WAC NR 610.08(1)(p)1 requires, *inter alia*, that a small quantity generator shall inspect all tanks used for accumulating hazardous waste at least weekly to detect corrosion or leaking at fixtures or seams; and for evidence of erosion or obvious signs of leakage in the immediate surrounding area of the tank and spill containment structures. See WAC NR §§ 610.08(1)(p)1. a. and b.; 610.08(5); [40 C.F.R. §§ 262.34(d)(3)]. These are also requirements of owners and operators of hazardous waste storage facilities under WAC NR §§ 630.15(1)-(3), WAC NR 645.11 [40 C.F.R. §§ 264.15(a)-(c), 264.195].

65. WAC NR 610.08(1)(p)2 requires that a small quantity generator shall inspect all hazardous waste accumulation tanks at least once each operating day to ensure that

discharge, overflow and spill control equipment, including waste feed cutoff, bypass and drainage systems are in good working order, and to ensure that each tank is being operated according to its design by gathering data from monitoring and leak detection equipment, such as pressure or temperature gauges. See WAC NR §§ 610.08(1)(p)2; 610.08(5); [40 C.F.R. §§ 262.34(d)(3)].

These are also requirements of owners and operators of hazardous waste storage facilities under WAC NR

§§ 630.15(1)-(3), WAC NR 645.11 [40 C.F.R. §§ 264.15(a)-(c), 264.195].

66. During 2005 and 2006, Respondent failed to inspect the tank used for accumulating hazardous waste at the Plant at least weekly.

67. During 2005 and 2006, Respondent failed to inspect the tank used for the accumulation of hazardous waste at the Plant at least once each operating day.

68. Respondent violated the above-referenced storage facility hazardous waste storage tank inspection requirements.

69. WAC NR 610.08(1)(p)3 requires that a small quantity generator shall record tank inspections in an inspection log, and that these records shall be kept for at least 3 years from the date of the tank inspection. At a minimum, these records shall include the date and time of inspection, the name of the inspector, a notation of the observations made such as the condition of each tank and the date and nature of any repairs or other remedial actions taken. See WAC NR §§ 610.08(1)(p)3.; 610.08(5). This is also a requirement of owners and operators of hazardous waste storage facilities under WAC NR § 630.15(4) and 645.11 [40 C.F.R. §§ 264.15(d), 264.195].

70. At the time of the February 7, 2007 inspection, there were no inspection logs or other records indicating that hazardous waste tank inspections had been conducted.

71. Respondent violated the above-referenced storage facility hazardous waste storage tank inspection documentation requirement.

72. The regulation at WAC NR § 610.08(5) provides that a small quantity generator who accumulates hazardous waste on-site in containers or tanks without a storage license, and who does not meet the requirements of WAC NR 610.08(1) to (3), is an operator of a hazardous waste storage facility and is subject to the storage facility requirements in, *inter alia*, WAC NR 645, and the licensing requirements for storage facilities in WAC NR § 680.

73. By failing to comply with the requirements of WAC NR § 610.08(1)(p), Respondent became an operator of a hazardous waste storage facility, and became subject to, *inter alia*, the requirements of WAC NR 645.

74. By failing to perform the required tank inspections, and by failing to record such tank inspections, as described in paragraphs 66-72, above, Respondent violated the requirements of WAC NR §§ 645.11 and 610.08(1)(p).

75. Respondent's violations of the regulations at WAC § NR § 645.11, WAC NR § 610.08(1)(p)1.a and b, and WAC NR § 610.08(1)(p)3 subject Respondent to an order for compliance and civil penalties under Section 3008 of RCRA, 42 U.S.C. § 6928.

COUNT IV

Failure to attempt to make service arrangements, as appropriate, for the type of waste handled at the facility and the potential need for the services. Where state or local authorities decline to participate in these arrangements, the facility shall document their refusal in the operating record.

76. Complainant incorporates paragraphs 1 through 32 of this Complaint as though set forth in this paragraph.

77. The regulation at WAC NR § 610.08(5) provides that a small quantity generator

who accumulates hazardous waste on-site in containers or tanks without a storage license, and who does not meet the requirements of WAC NR 610.08(1) to (3), is an operator of a hazardous waste storage facility and is subject to the storage facility requirements in, *inter alia*, WAC NR 630, and the licensing requirements for storage facilities in WAC NR § 680.

78. WAC NR § 610.08(1)(q) requires, *inter alia*, that a small quantity generator shall comply with WAC NR § 630.21.

79. WAC NR § 630.21, as incorporated into WAC NR § 610.08(1)(q), provides, *inter alia*, that a small quantity generator shall attempt to make service arrangements, as appropriate, for the type of waste handled at the facility and the potential need for the services. Where state or local authorities decline to participate in these arrangements, the small quantity generator shall document their refusal in the operating record. These arrangements are: familiarize police, fire departments, emergency response teams and contractors, and hospitals with the layout of the facility, properties of the hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to the facility, possible evacuation routes, and the types of injuries or illnesses which could result from fires, explosions or discharges at the facility. See WAC NR §§ 610.08(1)(q), 630.21(6)(a), (c) and (d); 610.08(5) [40 C.F.R. §§ 262.34(d)(4), 265.37(a)(1), (a)(3), (a)(4) and (b)]. This is also a requirement of owners and operators of hazardous waste storage facilities under WAC NR § 630.21(6)(a), (c) and (d) [40 C.F.R. § 264.37(a)(1), (a)(3), (a)(4) and (b)].

80. On the date of the inspection, Respondent had not attempted to make the service arrangements described in paragraph 79, above (except for arrangements with the local fire department). Specifically, Respondent had not attempted to make such service arrangements with the local police department(s), hospitals, contractors and emergency response teams.

81. By failing to make the service arrangements described in paragraph 79, above, Respondent violated the requirements of WAC NR § 630.21(6)(a), (c) and (d).

82. Respondent's violation of WAC NR § 630.21(6)(a), (c) and (d) subjects Respondent to an order for compliance and civil penalties under Section 3008 of RCRA, 42 U.S.C. § 6928.

Civil Penalty

83. Pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and considering the seriousness of the violations and any good faith efforts to comply with the applicable requirements Complainant initially proposed a penalty amount of \$97,150. During settlement negotiations, and considering U.S.EPA's *RCRA Civil Penalty Policy*, dated June 23, 2003, Complainant determined that an appropriate civil penalty to settle this action is \$87,400.

84. Within 30 days after the effective date of this CAFO, Respondent must pay a \$87,400, civil penalty for the RCRA violations. Respondent must pay the penalty by sending a cashier's or certified check, payable to the "Treasurer, United States of America," to:

[for checks sent by regular U.S. Postal Service mail]

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

[for checks sent by express mail]

U.S. Bank
Government Lockbox 979077 U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

The check must state the case title, the docket number of this CAFO and the billing document number.

85. A transmittal letter, stating, Respondent's name, the case title, Respondent's complete address, the case docket number and the billing document number must accompany the payment. Respondent must send a copy of the check and transmittal letter to:

Regional Hearing Clerk (E-9J)
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Bryan Gangwisch (LR-8J)
RCRA Branch
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Robert L. Thompson (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

86. This civil penalty is not deductible for federal tax purposes.

87. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

General Provisions

88. This CAFO resolves only Respondent's liability for federal civil penalties for the violations and facts alleged in the CAFO.

89. This CAFO does not affect the right of the U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of

law.

90. This CAFO does not affect Respondent's responsibility to comply with RCRA and other applicable federal, state, local laws or permits.

91. This CAFO is a "final order" for purposes of 40 C.F.R. § 22.31, the U.S. EPA's RCRA Civil Penalty Policy, and the U.S. EPA's Hazardous Waste Civil Enforcement Response Policy (December 2003).

92. The terms of this CAFO bind Respondent, its successors, and assigns.

93. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

94. Each party agrees to bear its own costs and attorney's fees in this action.

95. This CAFO constitutes the entire agreement between the parties.


Hologic, Inc., Respondent

12/3/09
Date


Hologic, Inc.

U. S. Environmental Protection Agency, Complainant

12-11-09
Date


Margaret M. Guerriero
Director
Land and Chemicals Division

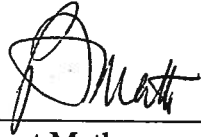
In the Matter of:
Hologic, Inc.
Docket No. RCRA-05-2010-0007

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

Date

12-11-09



Bharat Mathur
Acting Regional Administrator
United States Environmental Protection Agency
Region 5

RECEIVED

DEC 15 2009

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

CASE NAME: THIRD WAVE TECHNOLOGIES, INC. (HOLOGIC, INC.)
DOCKET NO: RCRA-05-2010-0007

CERTIFICATE OF SERVICE

I hereby certify that today I filed the original of this **Consent Agreement and Final Order** and this **Certificate of Service** in the office of the Regional Hearing Clerk (E-13J), United States Environmental Protection Agency, Region V, 77 West Jackson Boulevard, Chicago, Illinois 60604 -3590.

I further certify that I then caused a true and correct copy of the filed document to be mailed on the date below, via Certified Mail, Return Receipt Requested to:

Ms. Laura M. Gillespie
Hologic, Inc.
502 South Rosa Road
Madison, WI 53719

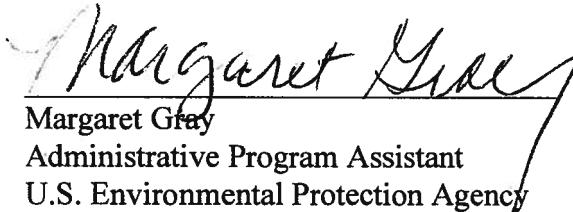
Certified Mail Receipt #

RECEIVED

DEC 15 2009

**REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY**

Dated: Dec 15 2009


Margaret Gray
Administrative Program Assistant
U.S. Environmental Protection Agency

Region V
RCRA Branch
Land and Chemicals Division LR-8J
77 W. Jackson Blvd, Chicago, IL 60604-3590