



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

SEP 02 2011

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Scott Bakotic
Chief Financial Officer
Bako Pathology Associates, LLC
6240 Shiloh Road
Alpharetta, Georgia 30005

Re: Bako Pathology Associates, LLC
Executed Consent Agreement and Final Order, Docket Number: RCRA-04-2011-4011(b)

Dear Mr. Bakotic:

Please find enclosed a copy of the fully executed Consent Agreement and Final Order (CA/FO) in the above referenced matter. The CA/FO was effective upon filing and payment of the \$10,000.00 is due within thirty (30) days of the effective date of the CA/FO.

Please do not hesitate to contact me at (404) 562-9441 with any questions concerning this matter.

Sincerely,

A handwritten signature in cursive script that reads "Naeha Dixit".

Naeha Dixit
Assistant Regional Counsel
Office of Environmental Accountability

Enclosure

II. THE PARTIES

4. Complainant is the Chief, RCRA and OPA Enforcement and Compliance Branch, RCRA Division, Region 4, United States Environmental Protection Agency (the EPA).
5. Respondent is Bako Pathology Associates, LLC doing business as Bako Pathology Services, LLC, a corporation incorporated under the laws of the State of Georgia (Georgia or the State) and doing business in Georgia. At the time of the December 7, 2010, Compliance Evaluation Inspection (CEI) conducted by the EPA, the facility was located at 2001 Westside Parkway, Suite 290, Alpharetta, Georgia 30004. The Respondent has subsequently relocated to a new facility located at 6240 Shiloh Road, Alpharetta, Georgia 30005.

III. PRELIMINARY STATEMENTS

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), Georgia has received final authorization from the EPA to carry out certain portions of a hazardous waste program in lieu of the federal program set forth in RCRA. The requirements of the Georgia authorized program are found at GA. CODE ANN. § 12-8-60 through 12-8-83 and GA. COMP. R. AND REGS. 391-3-11.01 through 391-3-11.18.
7. Pursuant to Section 3006(g) of RCRA, 42 U.S.C. § 6926(g), the requirements established by the Hazardous and Solid Waste Amendments of 1984 (HSWA), Pub. L. 98-616, are immediately effective in all states regardless of their authorization status and are implemented by the EPA until a state is granted final authorization with respect to those requirements. Georgia has received final authorization for certain portions of HSWA, including those recited herein.
8. Although the EPA has granted the State authority to enforce its own hazardous waste program, the EPA retains jurisdiction and authority to initiate an independent enforcement action pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2). The EPA exercises this authority in the manner set forth in the Memorandum of Agreement between the EPA and the State of Georgia.
9. As Georgia's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations for the violations alleged herein will be to the authorized Georgia program, however, for ease of reference the federal citations will follow in parentheses.
10. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), Complainant has given notice of this action to the State before issuance of this CA/FO.
11. GA. CODE ANN. § 12-8-64(1)(A) (Section 3002(a) of RCRA, 42 U.S.C. § 6922(a)) requires the promulgation of standards applicable to generators of hazardous waste. The implementing regulations for these requirements are found at GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. Part 262).
12. GA. CODE ANN. § 12-8-64(1)(A) (Section 3004 of RCRA, 42 U.S.C. § 6924) requires the promulgation of regulations establishing standards applicable to owners and operators of hazardous waste treatment, storage and disposal facilities. The implementing regulations for these requirements are found at GA. COMP. R. AND REGS. 391-3-11-.10(2) (40 C.F.R. Parts 264 and 268 (land disposal restrictions)).

13. GA. CODE ANN. § 12-8-66 (Section 3005 of RCRA, 42 U.S.C. § 6925) sets forth the requirement that a facility treating, storing, or disposing of hazardous waste must either have a permit or achieve interim status. The implementing regulations for this requirement are found at GA. COMP. R. AND REGS. 391.3-11-.10(1) and (2) (40 C.F.R. Parts 264 (permitted) and 265 (interim status)).
14. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.07(1) (40 C.F.R. § 261.2), the term “solid waste” means any discarded material that is not otherwise excluded by regulation. A discarded material includes any material that is abandoned by being stored in lieu of being disposed.
15. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.07(1) (40 C.F.R. § 261.3), a solid waste is a “hazardous waste” if the solid waste meets any of the criteria set out in GA. COMP. R. AND REGS. 391-3-11-.07(1) (40 C.F.R. § 261.3(a)(2)) and it is not otherwise excluded from regulation as a hazardous waste by operation of GA. COMP. R. AND REGS. 391-3-11-.07(1) (40 C.F.R. § 261.4(b)).
16. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.02(1) (40 C.F.R. § 260.10), the term “person” means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, municipality, commission, or political subdivision or any agency, board, department or bureau of a state or the federal government.
17. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.02(1) (40 C.F.R. § 260.10), the term “generator” means any person, by site, whose act or process produces hazardous waste identified or listed in GA. COMP. R. AND REGS. 391-3-11-.07(1) (40 C.F.R. Part 261) or whose act first causes a hazardous waste to be subject to regulation.
18. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.02(1) (40 C.F.R. § 260.10), the term “facility” means all contiguous land and structures, other appurtenances and improvements on the land, used for treating, storing or disposing of hazardous waste.
19. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.02(1) (40 C.F.R. § 260.10), the term “owner” means the person who owns a facility or part of a facility and the term “operator” means the person responsible for the overall operation of a facility.
20. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. § 262.11), a person who generates a solid waste must determine if that waste is a hazardous waste.
21. Pursuant to GA. COMP. R. & REGS. 391-3-11-.08(1) (40 C.F.R. § 262.12(a)), a generator must not treat, store, dispose of, transport or offer for transportation hazardous waste without having received an EPA identification number from the State.
22. Pursuant to GA. COMP. R. & REGS. 391-3-11-.08(1) (40 C.F.R. § 262.20(a)(1)), a generator who transports, or offers for transport a hazardous waste for off-site treatment, storage or disposal or a treatment, storage and disposal facility who offers for transport a rejected hazardous waste load, must prepare a Manifest (OMB Control number 2050-0039) on EPA Form 8700-22, and, if necessary, EPA Form 8700-22 A, according to the instructions included in the Appendix to 40 C.F.R. Part 262. The instructions direct generators to enter the appropriate United States Department of Transportation description, including proper shipping name, hazard class, identification number, and packing group, in Item 9b of EPA Form 8700-22.

23. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. § 262.34(d)), a generator of greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month is a Small Quantity Generator (“SQG”) and may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that the generator complies with the management requirements listed in GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. § 262.34(d)(1)-(5)) (hereinafter referred to as the “permit exemption”).
24. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. § 262.34(a)), a generator of greater than 1,000 kilograms of hazardous waste in a calendar month is a Large Quantity Generator (“LQG”) and may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status provided that the generator complies with the management requirements listed in GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. § 262.34(a)).
25. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. § 262.34 (d)(5)(ii)(A-C)), a condition of the permit exemption requires a generator to post the following information next to the telephone: (A) The name and telephone number of the emergency coordinator; (B) location of fire extinguishers and spill control material, and, if present, fire alarm; and (C) the telephone number of the fire department, unless the facility has a direct alarm.
26. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. § 262.34(d)(5)(iii)), a condition of the permit exemption requires a generator to ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies.
27. Pursuant to GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. § 262.34(d)(4)), a condition of the permit exemption requires a generator to comply with GA. COMP. R. AND REGS. 391-3-11-.10(1) (40 C.F.R. § 265.37), which requires a generator to make arrangements, as appropriate for the type of waste handled at the facility and the potential need for services, with local emergency responders.

IV. The EPA’S ALLEGATIONS AND DETERMINATIONS

28. Respondent is a “person” within the meaning of GA. COMP. R. AND REGS. 391-3-11-.02(1) (40 C.F.R. § 260.10).
29. At all times relevant to this CA/FO, Respondent was the “owner” and/or “operator” of a “facility” located at 2001 Westside Parkway, Suite 290, Alpharetta, Forsyth County, Georgia as those terms are defined in GA. COMP. R. AND REGS. 391-3-11-.02(1) (40 C.F.R. § 260.10).
30. Respondent operated a podiatric pathology laboratory. Operations performed at the facility involved laboratory pathology sample preparation and diagnostic services, consisting of the diagnosis of podiatric pathology tissue samples. The facility performed a full spectrum of anatomic pathology testing with specialization in dermatophology, bone pathology and pathology of bone tissue. The facility also performed the diagnosis of the small fiber peripheral neuropathy by performing Epidermal Nerve Fiber Density (ENFD) testing.
31. The facility consisted of several specialized laboratories, which included the main - histology (pathology) laboratory, the immunohistochemistry ENFD laboratory and the microbiology laboratory. The facility managed hazardous waste in containers located at satellite accumulation

areas within each laboratory's designated area and at the Less Than 180-Day Central Hazardous Waste Accumulation Area.

32. Respondent's most recent Hazardous Waste Generator Notification to Georgia, dated April 19, 2010, characterized the facility as a LQG for three hazardous waste streams: ignitable hazardous waste (D001), corrosive hazardous waste (D002) and listed hazardous waste (F003).
33. Respondent, as a result of its operations at the facility, is a generator of hazardous waste.
34. On December 7, 2010, representatives of the EPA performed a RCRA CEI of the Respondent's facility located at 2001 Westside Parkway, Suite 290, Alpharetta, Georgia 30004. The findings of the CEI were documented in a RCRA inspection report dated August 1, 2011.
35. On December 21, 2010, the EPA issued an Information Request Pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927 (Information Request), to obtain additional facts and information on the Respondent's hazardous waste management operations.
36. On or about January 2011, Respondent submitted information in response to the EPA's Information Request.
37. On August 1, 2011, the EPA issued a Notice of Violation/Request for Information Pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927 (NOV/Information Request), to Respondent identifying alleged violations of RCRA that the EPA noted during the CEI and from Respondent's response to the December 21, 2010, Information Request and seeking additional information.
38. At the time of the December 7, 2010 CEI, Respondent had not made hazardous waste determinations on certain solid wastes generated at its facility including, the spent solvent, spent alcohol and other chemical waste streams generated in the ENFD Laboratory, the spent paper towels and wastewater generated in the Microbiology Laboratory, the spent block pads and cotton swabs generated in the Microbiology Laboratory and the absorbent pads used to respond to a spill of hazardous waste on the floor of the Less Than 180-Day Central Hazardous Waste Accumulation Area.
39. The EPA therefore alleges that Respondent violated GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. § 262.11) by failing to make a hazardous waste determination on solid waste generated at its facility.
40. At the time of the December 7, 2010 CEI, the EPA reviewed the facility's hazardous waste manifests and observed that from December 2008 to the time of the CEI the facility generated greater than 100 kilograms but less than 1,000 kilograms of hazardous waste each calendar month, making it an SQG. However, the facility failed to notify the State of its activity as a hazardous waste generator and obtain an EPA identification number until April 19, 2010.
41. The EPA therefore alleges that Respondent violated GA. COMP. R. AND REGS. 391-3-11-.08(1) (40 C.F.R. § 262.12(a)) by failing to obtain an EPA identification number from the State prior to treating, storing, disposing of, transporting or offering for transportation hazardous waste.
42. Based on conditions observed during the December 7, 2010 CEI and on information disclosed by the Respondent in its August 8, 2011 response to the EPA's August 1, 2011 NOV/Information Request, the EPA observed that the facility did not prepare a Manifest (OMB Control number 2050-0039) on

EPA Form 8700-22 prior to offering for transport a hazardous waste for off-site treatment, storage or disposal, according to the instructions included in the Appendix to 40 C.F.R. Part 262. Specifically in its response, Respondent revealed that hazardous waste was periodically shipped to an off-site treatment, storage or disposal facility between May 2010 and December 2010. The Respondent's hazardous waste manifests did not identify all of the hazardous waste constituents for the hazardous waste stream in Item 9b of EPA Form 8700-22.

43. The EPA therefore alleges that Respondent violated GA. COMP. R. & REGS. 391-3-11-.08(1) (40 C.F.R. § 262.20(a)(1)) by failing to prepare a Manifest (OMB Control number 2050-0039) on EPA Form 8700-22 according to the instructions included in the Appendix to 40 C.F.R. Part 262.
44. At the time of the December 7, 2010 CEI, Respondent had not posted emergency contact information, the location of fire extinguishers, spill control material and fire alarms and the telephone number of the fire department next to the telephone at its facility.
45. The EPA therefore alleges that Respondent violated GA. CODE ANN. § 12-8-66 (Section 3005(a) of RCRA, 42 U.S.C. § 6925), for storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the permit exemption by not complying with GA. COMP. R. & REGS. 391-3-11-.08(1) (40 C.F.R. § 262.34(d)(5)(ii)(A-C)).
46. At the time of the December 7, 2010 CEI, the EPA did not observe any specific informal or formal off-site or on-site RCRA training to employees that are managing and/or handling hazardous waste and/or signing hazardous waste manifests to ensure that all employees are thoroughly familiar with proper hazardous waste handling and emergency procedures.
47. The EPA therefore alleges that Respondent violated GA. CODE ANN. § 12-8-66 (Section 3005(a) of RCRA, 42 U.S.C. § 6925), for storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the permit exemption by not complying with GA. COMP. R. & REGS. 391-3-11-.08(1) (40 C.F.R. § 262.34(d)(5)(iii)).
48. At the time of the December 7, 2010 CEI, the EPA observed that the Respondent had not attempted to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for services: (a) arrangements to familiarize police department and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility and possible evacuation routes; (b) agreements with State emergency response teams, emergency response contractors and equipment suppliers; and (c) arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions or releases at the facility.
49. The EPA therefore alleges that Respondent violated GA. CODE ANN. § 12-8-66 (Section 3005(a) of RCRA, 42 U.S.C. § 6925), for storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the permit exemption in GA. COMP. R. & REGS. 391-3-11-.08(1) (40 C.F.R. § 262.34(d)(4)) by not complying with GA. COMP. R. & REGS. 391-3-11-.10(1) (40 C.F.R. § 265.37).

V. TERMS OF AGREEMENT

Based on the foregoing Allegations and Determinations, the parties agree to the following:

- 50. For the purposes of this CA/FO, Respondent admits the jurisdictional allegations set out in the paragraphs above pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.
- 51. Respondent neither admits nor denies the factual allegations or the alleged violations set out in this CA/FO.
- 52. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement.
- 53. Respondent waives its right to challenge the validity of this CA/FO and the settlement of the matters addressed in this CA/FO based on any issue related to the Paperwork Reduction Act.
- 54. Respondent waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during any discussions with, or to be served with and reply to, any memorandum or communication addressed to the EPA officials where the purpose of such discussion, memorandum or communication is to persuade such official to accept and issue this CA/FO.
- 55. The parties agree that the settlement of this matter is in the public interest and that this CA/FO is consistent with the applicable requirements of RCRA.
- 56. Respondent, by signing this CA/FO, certifies that Respondent is currently in compliance with RCRA and the authorized Georgia hazardous waste program.
- 57. The parties agree that compliance with the terms of this CA/FO shall resolve the violations alleged and facts stipulated to in this CA/FO.
- 58. Each party will pay its own costs and attorneys' fees.

VI. PAYMENT OF CIVIL PENALTY

- 59. Respondent consents to the payment of a civil penalty in the amount of TEN THOUSAND DOLLARS (US \$10,000.00), which is to be paid in accordance with the following schedule:

Payment shall be made <i>no later than</i>	Payment Amount
Thirty (30) calendar days following the effective date of this CA/FO.	U.S. \$10,000.00

- 60. Payment shall be made by cashier's check, certified check, by electronic funds transfer (EFT), or by Automated Clearing House (ACH) (also known as REX or remittance express). If paying by check, the check shall be payable to: **Treasurer, United States of America**, and the facility name and docket number for this matter shall be referenced on the face of the check. If Respondent elects to send payment by the U.S. Postal Service, the payment shall be addressed to:

United States Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

If Respondent elects to send payment by non-U.S. Postal express mail delivery, the payment shall be sent to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines and Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, Missouri 63101
(314) 418-1028

If paying by EFT, Respondent shall transfer the payment to:

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency"

If paying by ACH, Respondent shall remit payment to:

PNC Bank
ABA: 051036706
Account Number: 310006
CTX Format Transaction Code 22 – checking
Environmental Protection Agency
808 17th Street, N.W.
Washington, DC 20074
Contact: Jesse White, (301) 887-6548

61. Respondent shall submit a copy of the payment to the following addresses:

Acting Regional Hearing Clerk
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

And to:

Frank Ney, Acting Chief
RCRA and OPA Enforcement and Compliance Branch
RCRA Division
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

62. If Respondent fails to remit the civil penalty as agreed to herein, the EPA is required to assess interest and penalties on debts owed to the United States and a charge to cover the costs of processing and handling the delinquent claim. Interest, at the statutory judgment rate provided for in 31 U.S.C. § 3717, will therefore begin to accrue on the civil penalty if it is not paid within thirty (30) calendar days after the effective date of this Consent Agreement. Pursuant to 31 U.S.C. § 3717, Respondent must pay the following amounts on any amount overdue:
- (a) Interest. Any unpaid portion of a civil penalty must bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Interest will therefore begin to accrue on a civil penalty or stipulated penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 4 C.F.R. § 102.13(c).
 - (b) Monthly Handling Charge. Respondent must pay a late payment handling charge of fifteen dollars (\$15.00) on any late payment, with an additional charge of fifteen dollars (\$15.00) for each subsequent thirty (30) calendar day period over which an unpaid balance remains.
 - (c) Non-Payment Penalty. On any portion of a civil penalty more than ninety (90) calendar days past due, Respondent must pay a non-payment penalty of six percent (6%) per annum, which will accrue from the date the penalty payment became due and is not paid. This non-payment penalty is in addition to charges which accrue or may accrue under subparagraphs (a) and (b) of this Paragraph.
63. Penalties paid pursuant to this CA/FO are not deductible for federal tax purposes under 26 U.S.C. § 162(f).

VII. PARTIES BOUND

64. This CA/FO shall be binding upon Respondent and its successors and assigns. Respondent shall cause its officers, directors, employees, agents and all persons, including independent contractors, contractors and consultants acting under or for Respondent, to comply with the provisions hereof in connection with any activity subject to this CA/FO.
65. No change in ownership, partnership, corporate or legal status relating to the facility will in any way alter Respondent's obligations and responsibilities under this CA/FO.
66. The undersigned representative of Respondent hereby certifies that she or he is fully authorized to enter into this CA/FO and to execute and legally bind Respondent to it.

VIII. RESERVATION OF RIGHTS

67. Notwithstanding any other provision of this CA/FO, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should the EPA find that the 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 or the environment.
68. Complainant reserves the right to take enforcement action against Respondent for any future violations of RCRA and the implementing regulations and to enforce the terms and conditions of this CA/FO.
69. Except as expressly provided herein, nothing in this CA/FO shall constitute or be construed as a release from any civil or criminal claim, cause of action or demand in law or equity for any liability Respondent may have arising out of, or relating in any way to, the transportation, storage, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from Respondent's facility.
70. This CA/FO may be amended or modified only by written agreement executed by both the EPA and Respondent.

IX. OTHER APPLICABLE LAWS

71. All actions required to be taken pursuant to this CA/FO shall be undertaken in accordance with the requirements of all applicable local, state, and Federal laws and regulations. Respondent shall obtain or cause its representatives to obtain all permits and approvals necessary under such laws and regulations.

X. SERVICE OF DOCUMENTS

72. A copy of any documents that Respondent files in this action shall be sent to the following attorney who represents the EPA in this matter and who is authorized to receive service for the EPA in the proceeding:

Naeha Dixit
Associate Regional Counsel
Office of RCRA, OPA and UST Legal Support
U.S. EPA – Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-9441

73. A copy of any documents that Complainant files in this action shall be sent to the following individual who represents the Respondent in this matter and who is authorized to receive service for the Respondent in this proceeding:

Mr. Scott Bakotic
Chief Financial Officer
Bako Pathology Associates, LLC
6240 Shiloh Road
Alpharetta, Georgia 30005

XI. SEVERABILITY

74. It is the intent of the parties that the provisions of this CA/FO are severable. If any provision or authority of this CA/FO or the application of this CA/FO to any party or circumstances is held by any judicial or administrative authority to be invalid or unenforceable, the application of such provisions to other parties or circumstances and the remainder of the CA/FO shall remain in force and shall not be affected thereby.


XII. EFFECTIVE DATE

75. The effective date of this CA/FO shall be the date on which the CA/FO is filed with the Regional Hearing Clerk.

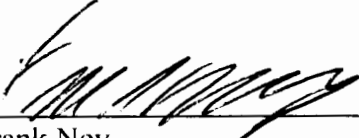
In the matter of Bako Pathology Associates, LLC, Docket No. RCRA -04-2011-4011(b)

AGREED AND CONSENTED TO:

Bako Pathology Associates, LLC

By:  Dated: 8.29.2011
Mr. Bradley W. Bakotic
Principal Partner

U.S. Environmental Protection Agency

By:  Dated: 8/30/11
Frank Ney
Acting Chief
RCRA and OPA Enforcement and Compliance Branch
RCRA Division

CERTIFICATE OF SERVICE

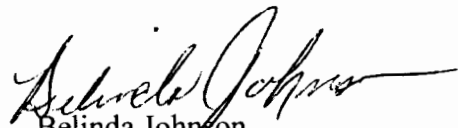
I hereby certify that I have this day filed the original and a true and correct copy of the foregoing Consent Agreement and the attached Final Order (CA/FO), in the Matter of Bako Pathology Associates, LLC, Docket Number: RCRA-04-2011-4011(b), and have served copies on each of the parties listed below in the manner indicated:

Naeha Dixit (Via the EPA's internal mail)
Associate Regional Counsel
Office of RCRA, OPA and UST Legal Support
U.S. EPA – Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-9441

Mr. Scott Bakotic (Via Certified Mail- Return Receipt Requested)
Chief Financial Officer
Bako Pathology Associates, LLC
6240 Shiloh Road
Alpharetta, Georgia 30005

Quantindra Smith (Via the EPA Electronic Mail)
RCRA and OPA Enforcement and
Compliance Branch
U.S. EPA - Region 4
61 Forsyth St., S.W.
Atlanta, Georgia 30303

Date: 9/2/11


Belinda Johnson
Acting Regional Hearing Clerk
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
(404) 562-9686

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:)	Docket Number: RCRA-04-2011-4011(b)
)	
Bako Pathology Associates, LLC)	Proceeding under Section 3008(a)
6240 Shiloh Road)	of the Resource Conservation and
Alpharetta, Georgia 30005)	Recovery Act, 42 U.S.C. § 6928(a)
)	
EPA ID No.: GAR 000 060 384)	
Formerly EPA ID No.:)	
GAR 000 058 495)	
)	
Respondent)	
)	

FINAL ORDER

The foregoing Consent Agreement is hereby approved, ratified and incorporated by reference into this Final Order in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, 40 C.F.R. Part 22. The Respondent is hereby ORDERED to comply with all of the terms of the foregoing Consent Agreement effective immediately upon filing of this Consent Agreement and Final Order with the Regional Hearing Clerk. This Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

BEING AGREED, IT IS SO ORDERED this 1st day of Sept., 2011.

BY: Susan B. Schub
Susan B. Schub
Regional Judicial Officer
EPA Region 4