

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

FILED

Dec 05, 2025

7:50 am

U.S. EPA REGION 5
HEARING CLERK

In the Matter of:)	Docket No.: RCRA-05-2026-0010
)	
Protestant Memorial Medical Center Inc.)	Proceeding to Commence and Conclude
Belleville, Illinois)	an Action to Assess a Civil Penalty
US EPA ID: ILD079886479)	Under Section 3008(a) of the Resource
)	Conservation and Recovery Act,
Respondent.)	42 U.S.C. § 6928(a)
)	

Consent Agreement and Final Order
Preliminary Statement

1. This is an administrative action commenced and concluded under Section 3008(a) of the Solid Waste Disposal Act, as amended, also known as the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), and Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules) as codified at 40 C.F.R. Part 22.

2. The Complainant is the Director of the Enforcement and Compliance Assurance Division, United States Environmental Protection Agency (U.S. EPA), Region 5.

3. U.S. EPA provided notice of commencement of this action to the State of Illinois pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

4. Respondent is Protestant Memorial Medical Center Inc., a corporation doing business in the State of Illinois.

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 U.S. EPA by Sections 3006 and 3008 of RCRA, 42 U.S.C. §§ 6926 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. 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 consent agreement.

Statutory and Regulatory Background

11. U.S. 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 3001 – 3007, and 3013, among others, of RCRA, 42 U.S.C. §§ 6921 – 6927, and 6934.

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

13. 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 U.S. EPA granted the State of Illinois 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. 3778 (January 31, 1986).

15. Under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), U.S. 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 U.S. EPA may assess a civil penalty of up to \$121,275 per day for each violation of Subtitle C of RCRA that occurred after November 2, 2015 pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. Part 19.

Factual Allegations and Alleged Violations

16. Respondent is a "person" as defined by 35 Ill. Adm. Code § 720.110, 40 C.F.R. § 260.10, and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

17. Respondent is the "owner" or "operator," as those terms are defined under 35 Ill. Admin. Code § 720.110 and 40 C.F.R. § 260.10, of a facility located at 4500 Memorial Drive Belleville, Illinois 62223 (Facility).

18. At all times relevant to this CAFO, Respondent's Facility consisted of land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste.

19. Respondent's Facility is a "facility" as that term is defined under 35 Ill. Admin. Code

§ 720.110 and 40 C.F.R. § 260.10.

20. At all times relevant to this CAFO, Respondent used the solvents xylene, methanol, and alcohol to clean medical equipment.

21. At all times relevant to this CAFO, while cleaning the medical equipment, Respondent generated solvent waste, specifically, spent solvents xylene, methanol, and alcohol, which it collected in one, three, thirty, and fifty-five-gallon containers and stored in the hazardous waste central accumulation areas and satellite accumulation areas.

22. At all times relevant to this Complaint, Respondent held spent solvents xylene, methanol, and alcohol, discarded materials, for temporary periods in containers before shipping the material from the Facility for treatment, storage, disposal, burning or incineration elsewhere.

23. Respondent characterized its spent solvents xylene and methanol as hazardous waste code F003, and its spent solvent alcohol as hazardous waste code D001.

24. Respondent stored, transported, disposed of, or otherwise handled its spent solvents xylene, methanol, and alcohol in “containers,” as that term is defined under 35 Ill. Admin. Code § 721.102 and 40 C.F.R. § 260.10.

25. At all times relevant to this CAFO, Respondent’s spent solvents xylene, methanol, and alcohol were a “solid waste,” as that term is defined under 35 Ill. Admin. Code § 721.102 and 40 C.F.R. § 261.2.

26. At all times relevant to this CAFO, Respondent’s spent solvents xylene, methanol, and alcohol were a “hazardous waste,” as that term is defined under 35 Ill. Admin. Code § 721.103 and 40 C.F.R. § 261.3.

27. At all times relevant to this CAFO, Respondent used lamps for lighting in facility operations.

28. At all times relevant to this CAFO, while operating, Respondent generated waste lamps, which it collected in large cardboard containers and stored in the same area that it stores its “universal waste,” as that term is defined in 35 Ill. Admin. Code § 733.109 and 40 C.F.R. § 273.9, referred to as the Universal Waste Storage Area.

29. At all times relevant to this CAFO, Respondent held waste lamps, a discarded material, for temporary periods in large cardboard containers before the material is shipped from the Facility for treatment, storage, disposal, burning or incineration elsewhere.

30. Respondent stored, transported, disposed of, or otherwise handled its waste lamps in “containers,” as that term is defined under 35 Ill. Admin. Code § 721.102 and 40 C.F.R. § 260.10.

31. At all times relevant to this CAFO, Respondent’s waste lamps were a “solid waste,” as that term is defined under 35 Ill. Admin. Code § 721.102 and 40 C.F.R. § 261.2.

32. At all times relevant to this CAFO, Respondent’s waste lamps were a “hazardous waste,” as that term is defined under 35 Ill. Admin. Code § 721.103 and 40 C.F.R. § 261.3.

33. At all times relevant to this CAFO, Respondent’s holding of spent solvents xylene, methanol, and alcohol, and waste lamps in containers constituted hazardous waste “storage,” as that term is defined under 35 Ill. Admin. Code § 720.110 and 40 C.F.R. § 260.10.

34. Respondent is a “generator,” as that term is defined in 35 Ill. Admin. Code § 720.110 and 40 C.F.R. § 260.10.

35. The Facility was generating and managing hazardous waste after November 19, 1980.

36. On May 16, 2023, U.S. EPA conducted a Compliance Evaluation Inspection of the Facility (the Inspection).

37. On June 4, 2024, U.S. EPA issued a Notice of Potential Violation and Opportunity to Confer to Respondent alleging certain violations of RCRA discovered during the inspection.

38. On July 3, 2024, Respondent submitted to U.S. EPA a written response to the Notice of Potential Violation and Opportunity to Confer.

39. At all times relevant to this CAFO, the State of Illinois had not issued a permit to Respondent to treat, store, or disposed of hazardous waste at its Facility.

40. At all times relevant to this CAFO, Respondent did not have interim status for the treatment, storage, or disposal of hazardous waste at its Facility.

41. On or about October 21, 2010, Respondent submitted a Hazardous Waste Notification to EPA for the Facility.

42. The Hazardous Waste Notification indicated that Respondent is a Large Quantity Generator.

43. At all times relevant to this CAFO, the Facility generated more than 1000 kg of hazardous waste during at least one calendar month in a calendar year.

Count 1: Storage of Hazardous Waste Without a Permit or Interim Status

44. Complainant incorporates Paragraphs 1 through 43 of this CAFO as though set forth in this paragraph.

45. Pursuant to 3005(a) of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270, the treatment, storage, or disposal of hazardous waste by any person who has not applied for or received a permit is prohibited.

46. Pursuant to 35 Ill. Adm. Code § 722.134, however, and subject to certain exceptions, a generator of hazardous waste may accumulate hazardous waste on-site for 90 days or less without having a permit or interim status, provided that the generator complies with all

applicable conditions set forth in 35 Ill. Adm. Code § 722.134, including, but not limited to, requirements for owners and operators in 35 Ill. Adm. Code § 725.

47. A generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 725 and the permit requirements of 35 Ill. Adm. Code §§ 703.121, 703.180, and 705.121 unless the generator has been granted an extension to the 90-day period. Storage for more than 90 days subjects the generator of hazardous waste to the requirement to either obtain a permit or achieve interim status.

48. At all times relevant to this CAFO, Respondent had not been granted an extension to accumulate hazardous waste for more than 90 days.

49. Similarly, the failure to comply with any of the conditions of 35 Ill. Adm. Code § 722.134 subjects the generator of hazardous waste to the requirements of 35 Ill. Adm. Code 725 and the permit requirements of 35 Ill. Adm. Code §§ 703.121, 703.180, and 705.121.

50. In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, it must clearly mark each container holding hazardous waste with the date upon which each period of accumulation begins as required by 35 Ill. Admin. Code § 722.134(a)(2).

51. At the time of the inspection, Respondent failed to mark six containers holding hazardous waste with the accumulation start date without obtaining or applying for a permit. Specifically, Respondent failed to mark one 55-gallon drum holding spent solvents xylene, methanol, and alcohol, two large containers holding waste lamps, and three medium containers holding waste lamps.

52. In order for a generator of hazardous waste to maintain its exemption from the

requirement to have an operating permit or interim status, it must label or mark each container holding hazardous waste clearly with the words “Hazardous Waste” as required by 35 Ill.

Admin. Code § 722.134(a)(3).

53. At the time of the inspection, Respondent failed to mark five containers holding hazardous waste with the words “Hazardous Waste” without obtaining or applying for a permit. Specifically, Respondent failed to mark two 1-gallon containers holding spent solvents xylene, methanol, and alcohol, one 3-gallon container holding wipes contaminated with spent solvents xylene, methanol, and alcohol, and two large containers holding waste lamps.

54. Accordingly, Respondent failed to satisfy the conditions for maintaining its exemption from the requirement that it have an operating permit or interim status.

55. As a result of Respondent’s failure to meet the applicable conditions for the generator exemption provided by 35 Ill. Adm. Code § 722.134, Respondent became an operator of a hazardous waste treatment, storage, and disposal facility (TSDF).

56. Respondent’s storage of hazardous waste without a permit or interim status violated Section 3005 of RCRA, 42 U.S.C. § 6925(a) and the requirements of 35 Ill. Adm. Code §§ 703.121, 703.180, and 705.121.

Count 2: Failure to Properly Store Containers

57. Complainant incorporates Paragraphs 1 through 55 of this CAFO as though set forth in this paragraph.

58. As an operator of a TSDF, Respondent is subject to the requirements of 35 Ill. Adm. Code § 725.273(a).

59. 35 Ill. Admin. Code § 725.273(a) requires the owner or operator of a TSDF to always keep a container holding hazardous waste closed during storage, except when it is

necessary to add or remove waste.

60. At the time of the inspection, Respondent failed to keep seven containers holding hazardous waste closed during storage, when waste was not being added or removed. Specifically, Respondent failed to keep closed one 30-gallon drum and three 1-gallon containers holding spent solvents xylene, methanol, and alcohol, one hanging container holding hazardous waste pharmaceuticals, and two large containers holding waste lamps.

61. Respondent's failure to keep containers holding hazardous waste closed during storage, except when it is necessary to add or remove waste violated 35 Ill. Admin. Code § 725.273(a).

Count 3: Failure to Inspect Hazardous Waste Storage Area

62. Complainant incorporates Paragraphs 1 through 55 of this CAFO as though set forth in this paragraph.

63. As an operator of TSDF, Respondent is subject to the requirements of 35 Ill. Adm. Code §725.274.

64. 35 Ill. Admin. Code § 725.274 requires the owner or operator of a TSDF to inspect areas where hazardous waste containers are stored at least weekly, looking for leaks and for deterioration caused by corrosion or other factors.

65. At the time of the inspection, Respondent had not been conducting weekly inspections of its hazardous waste container accumulation area since May 2022.

66. Respondent's failure to perform weekly inspections violated 35 Ill. Admin. Code § 725.274.

Count 4: Failure to Maintain Contingency Plan

67. Complainant incorporates Paragraphs 1 through 55 of this CAFO as though set forth

in this paragraph.

68. As an operator of TSDF, Respondent is subject to the requirements 35 Ill. Admin. Code § 725.152(c), (d), and (e).

69. 35 Ill. Admin. Code § 725.152(c) requires the owner of operator of a TSDF to have a contingency plan that describes arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services.

70. 35 Ill. Admin. Code § 725.152(d) requires the owner of operator of a TSDF to have a contingency plan that lists names, addresses, and phone numbers (office and home) of all persons qualified to act as an emergency coordinator, and this list must be kept up to date.

71. 35 Ill. Admin. Code § 725.152(e) requires the owner of operator of a TSDF to have a contingency plan that lists all emergency equipment at the facility where this equipment is required, and this list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list and a brief outline of its capabilities.

72. At the time of the inspection, Respondent failed to have a description of arrangements made and agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services in its contingency plan.

73. At the time of the inspection, Respondent failed to have updated emergency coordinator information in its contingency plan.

74. At the time of the inspection, Respondent failed to have a list of emergency equipment in its contingency plan.

75. Respondent's failure to include required information in its contingency plan, as

described in Paragraphs 73, 74, and 75, violated, respectively, 35 Ill. Admin. Code § 725.152(c), (d), and (e).

Count 5: Failure to Maintain Fire Extinguisher

76. Complainant incorporates Paragraphs 1 through 55 of this CAFO as though set forth in this paragraph.

77. As an operator of TSDF, Respondent is subject to the requirements 35 Ill. Admin. Code § 725.133.

78. 35 Ill. Admin. Code § 725.133 requires the owner or operator of a TSDF to test and maintain as necessary to assure proper operation in time of emergency, all facility communications or alarm systems, fire protection equipment, spill control equipment, and, where required, decontamination equipment.

79. At the time of the inspection, Respondent's fire extinguisher in the Bio-Room was blocked from ready access.

80. Respondent's failure to maintain access to the fire extinguisher violated 35 Ill. Admin. Code 35 § 725.133.

Count 6: Failure to Maintain Aisle Space

81. Complainant incorporates Paragraphs 1 through 55 of this CAFO as though set forth in this paragraph.

82. As an operator of TSDF, Respondent is subject to the requirements 35 Ill. Admin. Code § 725.135.

83. 35 Ill. Admin. Code §725.135 requires the owner or operator of a TSDF to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an

emergency, unless aisle space is not needed for any of these purposes.

84. At the time of the inspection, Respondent failed to provide adequate aisle spacing between the container accumulation area (CAA), the storage shelf, and corner of building for emergency response access in the Facility's 90-day hazardous waste storage area.

85. Respondent's failure to maintain aisle space violated 35 Ill. Admin. Code § 725.135.

Count 7: Failure to Make a Hazardous Waste Determination

86. Complainant incorporates Paragraphs 1 through 43 of this CAFO as though set forth in this paragraph.

87. As a generator, Respondent is subject to the requirements of 35 Ill. Adm. Code § 722.111.

88. 35 Ill. Adm. Code §722.111 requires a generator to determine whether its waste is hazardous.

89. At the time of the inspection, waste generated as spilled material from 55-gallon containers of flammable waste medicine was present in the secondary containment. Respondent had not determined whether the waste generated as spilled materials in the secondary containment from 55-gallon containers of flammable waste medicine was hazardous.

90. Respondent's failure to determine whether the waste described in paragraph 89 is hazardous violated 35 Ill. Adm. Code §722.111.

Count 8: Failure to Provide Exemption Report

91. Complainant incorporates Paragraphs 1 through 43 of this CAFO as though set forth in this paragraph.

92. As a generator, Respondent is subject to the requirements of 35 Ill. Adm. Code § 722, including 722.120(a)(1) and 722.142(a)(2).

93. 35 Ill. Adm. Code § 722.120(a)(1) requires a generator who transports, or offers for transport, a hazardous waste for offsite shipment to a TSDF to prepare a manifest form.

94. 35 Ill. Admin. Code § 722.142(a)(2) requires a generator of greater than 1,000 kilograms of hazardous waste in a calendar month, such as Respondent, to, for shipments of hazardous waste, submit an Exception Report to the Illinois Environmental Protection Agency if the generator has not received a copy of the hazardous waste manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter.

95. At the time of the inspection, for its shipments of hazardous waste tracked by manifests numbered 013173209FLE, 016717449FLE, 016717780FLE, 016723664FLE, 016715555FLE, and 016718397FLE, Respondent had not filed an Exception Report even though it had not received a copy of these hazardous waste manifests with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter.

96. Respondent's failure to file Exception Reports as required violated 35 Ill. Admin. Code § 722.142(a)(2).

Count 9: Failure to Properly Handle Universal Waste

97. Complainant incorporates Paragraphs 1 through 43 of this CAFO as though set forth in this paragraph.

98. At all times relevant to this CAFO, Respondent used batteries for power in facility operations.

99. At all times relevant to this CAFO, while operating the facility, Respondent generated spent batteries, which it collected and stored in its Universal Waste Storage Area.

100. At all times relevant to this CAFO, Respondent's spent batteries were a form of hazardous waste considered "universal waste" as that term is defined under 35 Ill. Admin. Code § 733.109 and 40 C.F.R. § 273.9.

101. Pursuant to 35 Ill. Admin Code §733.109 and 40 C.F.R. § 273.9, a generator of universal waste is a "universal waste handler."

102. Pursuant to 35 Ill. Admin Code § 733.109 and 40 C.F.R. § 273.9, a "small quantity handler of universal waste" is a "universal waste handler" who does not accumulate 5,000 kilograms (11,025 pounds) or more total of universal waste at any time.

103. At all times relevant to this CAFO, Respondent was a small quantity handler of universal waste within the meaning of 35 Ill. Admin Code § 733.109 and 40 C.F.R. § 273.9, specifically, universal waste batteries.

104. As a small quantity handler of universal waste batteries, Respondent is subject to the requirements of 35 Ill. Admin. Code §§733.114(a) and 733.115(c).

105. 35 Ill. Admin. Code §733.114(a) requires a small quantity handler of universal waste batteries to clearly label or mark the universal waste batteries (i.e., each battery) or a container in which the batteries are contained with one of the following phrases: "Universal Waste-Batteries," "Waste Batteries," or "Used Batteries."

106. 35 Ill. Admin. Code §733.115(c) requires a small quantity handler of universal waste that accumulates universal waste to be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

107. At the time of the inspection, Respondent had not labeled or marked three small containers of universal waste batteries, specifically Nicad batteries, with the words "Universal Waste-Batteries," "Waste Batteries," or "Used Batteries" or the accumulation start dates(s), and

was not otherwise able to provide the accumulation start date(s) for these universal waste batteries.

108. At the time of the inspection, Respondent had not labeled or marked multiple universal waste batteries, specifically, ballast waste batteries, with the words “Universal Waste-Batteries,” “Waste Batteries,” or “Used Batteries” or the accumulation start date, and was not otherwise able to provide the accumulation start date(s) for these universal waste batteries.

109. At the time of the inspection, Respondent had incorrectly labeled one small container of universal waste batteries as Non-Hazardous Waste, had not indicated the accumulation start date on this container, and was not otherwise able to provide the accumulation start date for these universal waste batteries.

110. Respondent’s failure to properly mark and label its universal waste batteries and to document the accumulation start dates respectively violated 35 Ill. Admin. Code §§ 733.114(a) and 733.115(c).

Civil Penalty

111. Pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), Complainant determined that an appropriate civil penalty to settle this action is \$97,941.60. In determining the penalty amount, Complainant took into account the seriousness of the violation and any good faith efforts to comply with the applicable requirements. Complainant also considered U.S. EPA’s RCRA Civil Penalty Policy, dated June 23, 2003.

112. Respondent agrees to pay a civil penalty in the amount of \$97,941.60 (“Assessed Penalty”) within thirty (30) days after the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk (“Filing Date”).

113. 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>. However, for any payments made after September 30, 2025, and in accordance with the March 25, 2025 Executive Order on [Modernizing Payments To and From America's Bank Account](#), Respondent shall pay using one of the electronic payments methods listed on [EPA's How to Make a Payment website](#) and will not pay with a paper check.

114. When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this Agreement, RCRA-05-2026-0010,
- b. Concurrently with any payment or within 24 hours of any payment,

Respondent shall serve proof of such payment to the following person(s):

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5
r5hearingclerk@epa.gov

Melissa Garvin
Land Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
garvin.melissa@epa.gov and
R5LECAB@epa.gov

Hala Kuss
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
kuss.hala@epa.gov

U.S. Environmental Protection
Agency Cincinnati Finance Center
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

“Proof of payment” means, as applicable, a copy of the confirmation of credit

card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent's name.

115. Interest, Charges, and Penalties on Late Payments. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay the full amount of the Assessed Penalty per this Agreement, EPA is authorized to recover, in addition to the amount of the unpaid Assessed Penalty, the following amounts.

- a. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States the rate of interest is set at the IRS standard underpayment rate, any lower rate would fail to provide Respondent adequate incentive for timely payment.
- b. Handling Charges. Respondent will be assessed monthly a charge to cover EPA's costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Agreement, EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Filing Date. Additional handling charges will be assessed every thirty (30) days, or any portion thereof, until

the unpaid portion of the Assessed Penalty as well as any accrued interest, penalties, and other charges are paid in full.

- c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum, will be assessed monthly on all debts, including any unpaid portion of the Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than ninety (90) days. Any such amounts will accrue from the Filing Date.

116. Late Penalty Actions. In addition to the amounts described in the prior paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Agreement, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following.

- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.
- b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.
- c. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17.
- d. Refer this matter to the United States Department of Justice for

litigation and collection, per 40 C.F.R. § 13.33.

117. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

118. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

119. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service (“IRS”) annually, a completed IRS Form 1098-F (“Fines, Penalties, and Other Amounts”) with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor’s violation of any law or the investigation or inquiry into the payor’s potential violation of any law, including amounts paid for “restitution or remediation of property” or to come “into compliance with a law.” EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number (“TIN”), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

- a. Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;

- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
- c. Respondent shall email its completed Form W-9 to Milton Wise at EPA's Cincinnati Finance Center at wise.milton@epa.gov, within 30 days after the effective date of this CAFO, and EPA recommends encrypting IRS Form W-9 email correspondence; and
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's receipt of a TIN issued by the IRS.

General Provisions

120. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: kuss.hala@epa.gov (for Complainant), and kayla.rosenberg@bjc.org (for Respondent). Respondent understands that the CAFO will become publicly available upon filing.

121. Respondent's full compliance with this CAFO shall only resolve Respondent's liability for federal civil penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for the violations alleged in this CAFO.

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

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

124. Respondent certifies that it is complying fully with RCRA, 42 U.S.C. §§ 6901–6992k, and the regulations at 35 Ill. Admin. Code §§ 722-725.

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

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

127. 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.


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

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

Protestant Memorial Medical Center Inc., Respondent

11/25/2025

Date



Deborah Graves
President
Protestant Memorial Medical Center Inc.

United States Environmental Protection Agency, Complainant

Carolyn Persoon
Acting Division Director
Enforcement and Compliance Assurance Division
U.S. EPA Environmental Protection Agency, Region 5

In the Matter of:
Protestant Memorial Medical Center Inc.
Docket No. RCRA-05-2026-0010

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.

Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5