

OHIO E.P.A.

JAN 28 2005

ENTERED DIRECTOR'S JOURNAL

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**In the Matter of:**

**Stericycle, Inc.**  
1901 Pine Avenue SE  
Warren, Ohio 44483

**Respondent**

**Director's Final  
Findings and Orders**

**PREAMBLE**

It is agreed by the parties hereto as follows:

**I. JURISDICTION**

These Director's Final Findings and Orders (Orders) are issued to Stericycle, Inc. (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) §§ 3734.13 and 3745.01.

**II. PARTIES BOUND**

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent or of the Facility shall in any way alter Respondent's obligations under these Orders.

**III. DEFINITIONS**

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734. and the rules promulgated thereunder.

#### IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A).
2. Respondent operates an infectious waste incinerator and autoclave and is located at 1901 Pine Avenue SE, Warren, Trumbull County (Facility).
3. At the Facility, Respondent generates "hazardous waste" as that term is defined by ORC § 3734.01(J) and OAC rules 3745-50-10(A) and 3745-51-03. Respondent is a large quantity generator of hazardous waste and has been assigned generator identification number OHD 980 795 280. The hazardous waste generated by Respondent at the Facility includes wastewater treatment sludge (D006) and incinerator ash (D008).
4. On June 14, 2004, Ohio EPA received a telephone call from Respondent. During the call Respondent explained that, on June 11, 2004, Respondent offered 12 cubic yards of hazardous wastewater treatment sludge for transportation off-site to be disposed of at a solid waste landfill that does not hold a hazardous waste permit issued in accordance with ORC Chapter 3734.
5. On June 14, 2004, representatives of the solid waste landfill referenced in Finding No. 4 of these Orders, along with an inspector from the Mahoning County Health Department, located the general area of the solid waste landfill where the 12 cubic yards of hazardous wastewater treatment sludge were disposed of.
6. By letter dated June 15, 2005, Respondent notified Ohio EPA that the 12 cubic yards of hazardous wastewater treatment sludge had been identified in the solid waste landfill and would be removed on June 15, 2004.
7. On June 15, 2004, approximately 80 tons of waste was removed from the solid waste landfill, placed into four roll-off boxes and managed as hazardous waste.
8. On June 28, 2004, Ohio EPA conducted a compliance evaluation inspection at the Facility. As a result of this inspection, the information provided during Respondent's June 14, 2004 telephone call to Ohio EPA, and the documentation submitted to Ohio EPA by letter dated June 15, 2004, Ohio EPA determined that Respondent had, *inter alia*:

- a. Caused hazardous waste to be transported to a facility not operating under a hazardous waste permit issued in accordance with ORC Chapter 3734., in violation of ORC § 3734.02(F);
  - b. Failed to maintain job titles and descriptions for employees at the Facility who handle and/or manage hazardous waste, in violation of OAC rule 3745-65-16;
  - c. Failed to include all the necessary information pertaining to emergency coordinators and emergency equipment at the Facility in the hazardous waste contingency plan, and failed to update the contingency plan following changes to hazardous waste management procedures at the Facility, in violation of OAC rules 3745-65-52 and 3745-65-54; and
  - d. Failed to conduct and document weekly inspections of emergency equipment at the Facility, in violation of OAC rule 3745-65-33.
9. On August 6 and 12, 2004, Respondent offered for transportation the 80 tons of waste, referenced in Finding No. 7 of these Orders, to a facility that currently holds an Ohio hazardous permit issued in accordance with ORC Chapter 3734. to treat, store or dispose of hazardous waste.
  10. By letter dated August 13, 2004, Ohio EPA notified Respondent of the violations referenced in Finding Nos. 8.a. through 8.d. of these Orders.
  11. By letter dated September 13, 2004, Respondent provided responses to Ohio EPA's August 13, 2004 letter.
  12. By letter dated October 29, 2004, Ohio EPA notified Respondent that Respondent had abated the violations referenced in Finding Nos. 8.b. through 8.d. of these Orders.
  13. Based upon the information contained in Respondent's June 15 and September 13, 2004 letters to Ohio EPA, referenced in Finding Nos. 6 and 12 of these Orders, the Director has determined that no additional action is required of Respondent regarding the ORC § 3734.02(F) violation referenced in Finding No. 8.a. of these Orders.

#### **V. ORDERS**

Respondent shall achieve compliance with Chapter 3734. of the ORC and the regulations promulgated thereunder according to the following compliance schedule:

1. Within 30 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$10,900.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734. and which will be deposited into the hazardous waste cleanup fund established pursuant to ORC § 3734.28. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for \$10,900.00. The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying Respondent and the Facility. A copy of this check shall be submitted in accordance with Section X. of these Orders.

#### **VI. TERMINATION**

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the official check required by Section V. of these Orders.

#### **VII. OTHER CLAIMS**

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the operation of Respondent's Facility.

#### **VIII. OTHER APPLICABLE LAWS**

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

#### **IX. MODIFICATIONS**

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

**X. NOTICE**

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency  
Northeast District Office  
Division of Hazardous Waste Management  
2110 E. Aurora Road  
Twinsburg, Ohio 44087  
Attn: DHWM Manager

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Joseph P. Koncelik, Director  
Ohio Environmental Protection Agency  
Lazarus Government Center  
Division of Hazardous Waste Management  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
Attn: Manager, Compliance Assurance Section

For deliveries to the building:

Joseph P. Koncelik, Director  
Ohio Environmental Protection Agency  
Lazarus Government Center  
Division of Hazardous Waste Management  
122 South Front Street  
Columbus, Ohio 43215  
Attn: Manager, Compliance Assurance Section

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

**XI. RESERVATION OF RIGHTS**

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII. of these Orders.

**XII. WAIVER**

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agree to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

**XIII. EFFECTIVE DATE**

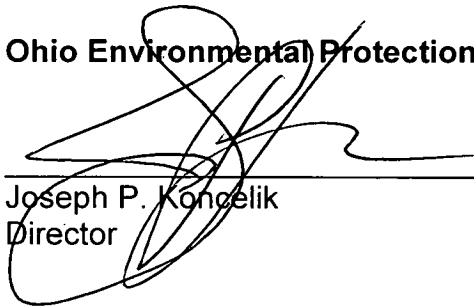
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

**XIV. SIGNATORY AUTHORITY**

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

**IT IS SO ORDERED AND AGREED:**

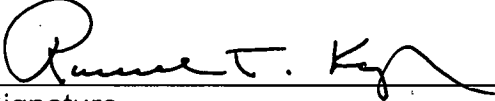
**Ohio Environmental Protection Agency**

  
\_\_\_\_\_  
Joseph P. Koncelik  
Director

\_\_\_\_\_  
January 28, 2005  
Date

**IT IS SO AGREED:**

**Stericycle, Inc.**

  
\_\_\_\_\_  
Signature

1-6-05  
Date

Richard T. Kogler  
Printed or Typed Name

Vice President  
Title