



Florida Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard, Jr.
Secretary

September 20, 2011

Electronic Mail

rsingh@stericycle.com

Mr. Raj Singh, Manager
Stericycle Specialty Waste Solutions, Inc.
314 West Landstreet Road #B
Orlando, Florida 32824

OCD-HW-11-256

Stericycle Specialty Waste Solutions
Comments on Response to Warning Letter
Hazardous Waste Facility ID # FLR000006353

Dear Mr. Singh:

The Department has reviewed information provided by Stericycle Specialty Waste Solutions (SSWSI) in response to Warning Letter OWL-HW-11-013. Between March and December 2010, SSWSI transported nine shipments of waste pharmaceuticals on hazardous waste manifests and eight shipments of non-hazardous waste pharmaceuticals on shipping papers from Physician Sales & Service, Orlando, Florida.

In a letter dated July 26, 2011, the Department requested Physician Sales & Service (PSS) provide information concerning the disposal of hazardous waste chemicals identified on the facility's quarantine/disposal log that were not found on hazardous waste manifests. PSS was unable to provide any documentation to indicate that the waste pharmaceuticals were either returned to the manufacturer for credit or disposed of as hazardous waste.

SSWSI's response, dated July 15, 2011, contains statements indicating items such as Fluvirin SRY 2010/2011 and Tetanux Tox PF SDV 10X.5 ML were not presented to SSWSI for shipment. However, these materials were clearly identified on quarantine logs provided by PSS to SSWSI documenting waste pharmaceuticals for disposal. PSS provided no other means of disposal for these wastes, indicating they were transported off-site by SSWSI as non-hazardous pharmaceuticals. Items identified as "RCRA DOT Non-Hazardous Non-Regulated Material (Contains non-viable outdated/expired Pharmaceuticals)" transported from PSS were shipped to Stericycle, Inc., a biological waste incinerator located at 254 West Keene Road, Apopka, Florida, for disposal.

Due to the lack of documentation of the final disposition of hazardous waste pharmaceuticals from PSS or SSWSI, it is the Department's position that the waste pharmaceuticals were included in the 14,619 pounds of waste identified as "RCRA DOT Non-Hazardous Non-Regulated Material (Contains non-viable outdated/expired Pharmaceuticals)" transported off-site on shipping papers during that time period.

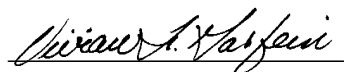
The Department has reviewed SSWSI's response concerning corrective actions and the volume of waste generated by PSS has the following comments:

1. Transporting hazardous waste to a facility that is not permitted to accept hazardous waste, 403.727(3)(b)1, Florida Statutes - Based on the volume of hazardous waste involved, a Minor Potential for Harm and a Moderate Extent of Deviation from the rules was selected. The penalty calculated for this violation is \$2,130.00.
2. Transporting hazardous waste without a manifest, 403.727(3)(b)5, Florida Statutes - Based on the volume of hazardous waste involved and the fact that a shipping paper was used rather than a hazardous waste manifest, a Minor Potential for Harm and a Moderate Extent of Deviation from the rules was selected. The penalty calculated for this violation is \$2,130.00.

The total penalty for the violations identified in the Warning Letter is \$4,260.00. It is the Department's intent to resolve these violations without further enforcement through the use of a Short Form Consent Order. If this is, or is not acceptable, please provide written notification within ten days of receipt of this letter.

If you have any questions, please contact John White, Hazardous Waste Section, by telephone at (407) 897-4305 or by e-mail at john.white@dep.state.fl.us.

Sincerely,



Vivian Garfein
Director, Central District

Attachment: Penalty Calculation Worksheet

cc: Wade Scheel, SSWSI - wscheel@stericycle.com
TJ McCaustland, SSWSI - TmcCaustland@stericycle.com

VFG/JK/jw



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Orlando, Florida 32824

OCD-HW-11-256

SUBJECT: Department of Environmental Protection v. Stericycle Specialty Waste Solutions, Inc., OGC File No.: 11-1340
March 1, 2011 RCRA Inspection
FLR000006353

Mr. Singh:

The State of Florida Department of Environmental Protection ("Department") finds that Stericycle Specialty Waste Solutions, Inc. ("Respondent") violated Department rules regarding transportation of hazardous waste to a facility not permitted to accept hazardous waste [403.727(3)(b)1, F.S.] and transportation of hazardous waste without a manifest [403.727(3)(b)5, F.S.] in violation of 403.727(3)(b), Florida Statutes, Section(s) #, F.S. Although there are no actions required to correct the violations, the Respondent remains subject to civil penalties as a result of the violations. The Respondent is also responsible for costs incurred by the Department during the investigation of this matter.

The Department's Offer

Based on the violations described above, the Department is seeking \$ \$4,260.00 in civil penalties and \$ 500.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$ \$4,760.00. The civil penalty in this matter includes 2 violation(s) of \$2,000.00 or more.

Respondent's Acceptance

If you wish to accept this offer and fully resolve the enforcement matter pending against the Respondent, please sign this letter and return it to the Department at 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803 within 20 days of receipt. The Department will then countersign it and file it with a designated clerk of the Department. Once the document is filed with the designated clerk, it will constitute a final order of the Department pursuant to Section 120.52(7), F.S. and will be effective unless a request for an administrative hearing is filed by a third party in accordance with Chapter 120, F.S. and the attached Notice of Rights.

By accepting this offer you, Raj Singh, Manager, Stericycle Specialty Waste Solutions, Inc.:

- (1) Certify that you are authorized and empowered to negotiate, enter into, and accept the terms of this offer in the name and on behalf of Respondent;
- (2) Acknowledge and waive Respondent's right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this offer, once final;
- (3) Acknowledge and waive Respondent's right to an appeal pursuant to Section 120.68, F.S.; and
- (4) Acknowledge that payment of the above amount does not constitute a waiver of the Department's right, if any, to recover emergency response related costs and expenses for this matter.

The Department acknowledges that the Respondent's acceptance of this offer does not constitute an admission of liability for the violation(s) referenced above.

Respondent's Performance

After signing and returning this document to the Department,

- (1) Respondent must pay \$ 4,760.00 in full by October 17, 2011.
- (2) The payment(s) must: (a) be in the form of a cashier's check or money order; (b) be payable to the "Department of Environmental Protection"; (c) include the OGC Number assigned above, 11-1284, and the notation "Ecosystem Management and Restoration Trust Fund"; and (d) be sent to 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803.

The Department may enforce the terms of this document, once final, and seek to collect monies owed pursuant to Sections 120.69 and 403.121, F.S.

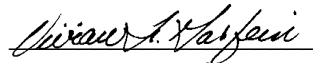
Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither the Respondent nor any other party may request

an administrative hearing to contest this letter pursuant to Chapter 120, F.S. Once this letter is clerked and becomes a final order of the Department, as explained above, the attached Notice of Rights will apply to parties, other than the Respondent, whose interests will be substantially affected.

Please be aware that if the Respondent declines to respond to the Department's offer, the Department will assume that the Respondent is not interested in resolving the matter and will proceed accordingly.

If you have any questions, please contact John White at 407-897-4305 or at john.white@dep.state.fl.us.

Sincerely,



Vivian F. Garfein
Director
Central District

FOR THE RESPONDENT:

I, _____ [Type or Print Name], **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: _____
[Signature]

Date: _____

Title: _____
[Type or Print]

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this ____ day of _____, 2011, in Orange County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Vivian F. Garfein
Director
Central District

Filed, on this date, pursuant to section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

Clerk

Date

Attachments: Notice of Rights

Final clerked copy furnished to:

Lea Crandall, Agency Clerk (lea.crandall@dep.state.fl.us)

NOTICE OF RIGHTS

Persons who are not parties to this Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Order means that the Department's final action may be different from the position it has taken in the Order.

The petition for administrative hearing must contain all of the following information:

- a) The OGC Number assigned to this Order;
- b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;
- c) An explanation of how the petitioner's substantial interests will be affected by the Order;
- d) A statement of when and how the petitioner received notice of the Order;
- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Order; and
- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Order.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at the address indicated above. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under Sections 120.569 and 120.57, Florida Statutes. Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.

PENALTY COMPUTATION WORKSHEET

Facility's Name: Stericycle Specialty Waste Solutions

EPA ID #: FLR000006353

Facility Address: 314 W Landstreet Rd #B

Staff Responsible for Penalty Computations: John White

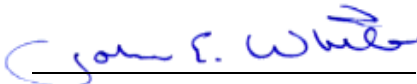
Violation Type		Manual Guide HW 5/2008	Potential for Harm	Extent of Deviation	Matrix Range	Multi Day	Other Adjustments	Total
a.	403.727(3)(b)(1) - Transport to Non-Permitted Facility	N/A	Minor	Moderate	\$2,130 - 710			\$2,130
b.	403.727(3)(b)(5) - Transport without HW Manifest	Line 150	Minor	Moderate	\$2,130 - 710			\$2,130

This penalty calculation was prepared in an effort to resolve the enforcement case without further formal enforcement.

TOTAL PENALTY AMOUNT FOR ALL VIOLATIONS:

\$4,260.00

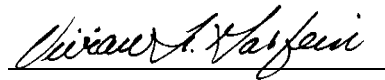
Prepared by:



John White
Environmental Specialist

September 19, 2011

Date



Vivian F. Garfein
Director, Central District

September 20, 2011

Date