



# Florida Department of Environmental Protection

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

RECEIVED-DEP  
CENTRAL DISTRICT OFFICE  
OCT 27 AM 10:43

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard, Jr.  
Secretary

October 25, 2011

Electronic Mail

wscheel@stericycle.com

Mr. Wade Scheel, Director of Environmental, Safety & Health  
Stericycle Specialty Waste Solutions, Inc.  
2850 100<sup>th</sup> Court NE  
Blaine, Minnesota 55449

CD-HW-11-279

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

Mr. Scheel:

The State of Florida Department of Environmental Protection ("Department") finds that Stericycle Specialty Waste Solutions, Inc. ("Respondent") violated Department rules regarding hazardous waste regulations in violation of 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, Wade Scheel, Director of Environmental, Safety & Health, 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. The Respondent has informed the Department that Respondent is accepting this offer to resolve the parties' dispute expeditiously, without incurring the delay and expense associated with litigation. Respondent also disputes and does not admit the allegations contained in the Department's warning letter and other correspondence regarding this case.

### **Respondent's Performance**

After signing and returning this document to the Department,

- (1) Respondent must pay \$ 4,760.00 in full by November 25, 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, 11-1340, and the notation "Ecosystem Management and Restoration Trust Fund"; and (d) be sent to 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803.

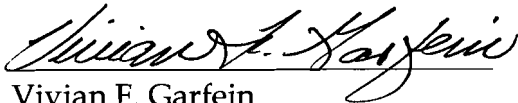
The Department may enforce the terms of this document, once final, and seek to collect monies owed pursuant to Sections 120.69 and 403.121, F.S.

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](mailto:john.white@dep.state.fl.us).

Sincerely,



Vivian F. Garfein  
Director  
Central District

copy to: Mr. David Dee, Esq., [ddee@gbwlegal.com](mailto:ddee@gbwlegal.com)

FOR THE RESPONDENT:

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

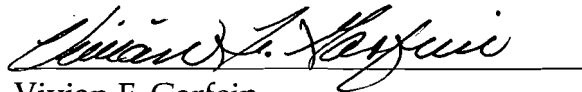
By: Wade Scheel [Signature] Date: 10/26/2011

Title: Wade Scheel  
[Type or Print]

**FOR DEPARTMENT USE ONLY**

DONE AND ORDERED this 28<sup>th</sup> day of October, 2011, in Orange County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



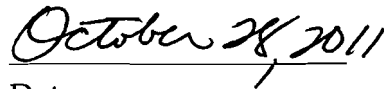
Vivian F. Garfein  
Director  
Central District

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



Clerk

Attachments:      Notice of Rights



Date

Final clerked copy furnished to:

Lea Crandall, Agency Clerk ([lea.crandall@dep.state.fl.us](mailto:lea.crandall@dep.state.fl.us))

Mr. David Dee, Esq., [ddee@gbwlegal.com](mailto:ddee@gbwlegal.com)

### 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.