

THE STATE OF SOUTH CAROLINA
BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

IN RE: STERICYCLE, INC.
SC14-02T
LEXINGTON COUNTY

CONSENT ORDER
18 – 09 – IW

Stericycle, Inc. (Stericycle) is a registered South Carolina infectious waste transporter with a treatment facility in West Columbia, South Carolina. Stericycle also has treatment facilities located in Concord, North Carolina, and Haw River, North Carolina. As a registered South Carolina infectious waste transporter, Stericycle is subject to the requirements of all the applicable provisions of the South Carolina Infectious Waste Management Regulations, S.C. Code Ann. Regs. 61-105 (2012) (SCIWMR), and the South Carolina Infectious Waste Management Act, S.C. Code Ann. § 44-93-10 et seq. (2002) (Act).

In the interest of resolving this matter without delay and expense of litigation, Stericycle agrees to the entry of this Consent Order but does not agree with the Findings of Fact and Conclusions of Law, and therefore agrees that this Consent Order shall not be deemed an admission of fact or law except as necessary for enforcement of this Consent Order by the South Carolina Department of Health and Environmental Control (Department) or subsequent actions relating to Stericycle by the Department

FINDINGS OF FACT

1. Stericycle has been registered in South Carolina as a transporter of infectious waste since January 1, 1997. Stericycle operates an infectious waste treatment facility located at 200 Foster Brothers Drive, West Columbia, South Carolina.
2. On December 8, 2017, the Department received a complaint alleging that Greenville Women's Clinic PA (Greenville Women's) transported infectious waste to the Quick Trip gas station located at 1509 Grove Road, Greenville, South Carolina on June 21, 2017, October 4, 2017, and October 18, 2017, and that the waste was then transferred to Stericycle, a registered South Carolina infectious waste transporter. The complainant provided pictures, written documentation, and video to the Department. A subsequent complaint was received on March 5, 2018, addressing waste transferred at the Quick Trip on January 10 and January 31, 2018.
3. The Department investigated the complaint to determine Stericycle's compliance with the applicable statutes and regulations. During the investigation, the Department identified and documented violations of the SCIWMR. These violations are stated below.
4. The Department performed a thorough review of the information and the documentation provided for the complaint against Greenville Women's, and found the following:
 - a. On June 21, 2017, a representative of Greenville Women's transported infectious waste from Greenville Women's to the Quick Trip gas station in an unlabeled, black Toyota Tacoma pickup truck, license plate number MEX793. The representative of Greenville Women's removed a biohazard marked box from the passenger seat of the vehicle, and the Stericycle driver accepted the waste for transportation and loaded it onto the transport vehicle. According to Manifest

MDCA00H0WE, dated June 21, 2017, Stericycle picked up and transported infectious waste generated by Greenville Women's for treatment and disposal;

- b. On October 4, 2017, a representative of Greenville Women's transported infectious waste from Greenville Women's to the Quick Trip gas station in an unlabeled, blue Jeep Grand Cherokee SUV. The representative of Greenville Women's removed a biohazard marked box from the back of the vehicle, and the Stericycle driver accepted the waste for transportation and loaded it onto the transport vehicle number C6131035. According to Manifest MDCA00HHL8, dated October 4, 2017, Stericycle picked up and transported infectious waste generated by Greenville Women's for treatment and disposal;
- c. On October 18, 2017, a representative of Greenville Women's transported infectious waste from Greenville Women's to the Quick Trip gas station in an unlabeled, black Toyota Tacoma pick-up truck, license plate number MEX793. The representative of Greenville Women's removed a biohazard marked box from the passenger seat of the vehicle, and the Stericycle driver accepted the waste for transportation and loaded it onto the transport vehicle. According to Manifest MDCA00HJYV, dated October 18, 2017, Stericycle picked up and transported infectious waste generated by Greenville Women's for treatment and disposal; and,
- d. On January 10 and January 31, 2018, a representative of Greenville Women's transported infectious waste from Greenville Women's to the Quick Trip gas station, and the Stericycle driver accepted the waste for transportation and loaded it onto the transport vehicle. According to Manifests MDCA00HXFD, dated

January 10, 2018 and MDCA00I0S4, dated January 31, 2018, Stericycle picked up and transported infectious waste generated by Greenville Women's for treatment and disposal.

5. Stericycle transferred infectious waste from Greenville Women's transport vehicle to the Stericycle transport vehicle at the Quick Trip gas station, which is not a designated transfer facility.
6. Stericycle did not comply with Section C.4 of its infectious waste management plan which states: "Package transfer will be conducted at permitted transfer facilities."
7. Manifests MDCA00H5BK, dated July 19, 2017; MDCA00H6BF, dated July 26, 2017; and, MDCAA00H7GK, dated August 2, 2017, did not include the total number of containers and the total weight in the totals box for each of these manifests.
8. On March 6, 2018, the Department issued Stericycle a Notice of Alleged Violation/Notice of Enforcement Conference. Stericycle waived the opportunity to present information at the enforcement conference scheduled for March 22, 2018, and provided additional information to the Department by a letter dated April 12, 2018.
9. In the April 12, 2018 letter, Stericycle advised the Department that: (a) Stericycle does not dispute the factual allegations in the Notice of Alleged Violation; (b) Upon receiving the Department's letter dated January 30, 2018 advising Stericycle that it was a violation to transfer waste from Greenville Women's to Stericycle at a nearby gas station, Stericycle's management suspended service to Greenville Women's and undertook an internal investigation; (c) In the course of the internal investigation, Stericycle management discovered that a former transportation supervisor had agreed to accept waste at an alternate location at the request of Greenville Women's; (d) Stericycle drivers

were retrained and instructed that infectious waste may only be accepted at the generator's facility; and, (e) Stericycle revised its Standard Operating Procedures for manifesting and driver training to emphasize that waste may only be accepted from the generator location identified on the manifest.

APPLICABLE LAW

STATUTES:

1. S.C. Code Ann. § 44-93-140 provides: "Following the promulgation of the regulations required pursuant to Section 44-93-30, it is unlawful for a person to fail to comply with this chapter or with a procedure or requirement set forth in the regulations."
2. S.C. Code Ann. § 44-93-150(A) provides: "Whenever the department finds that a person is in violation of a permit, regulation, standard, or requirement under this chapter, the department may issue an order requiring the person to comply" The Department also may invoke civil penalties as provided in this section for violations of the provisions of this chapter, including an order, permit, regulation, or standard."
3. S.C. Code Ann. § 44-93-150(B) provides: "A person who violates a provision of § 44-93-140 is liable for a civil penalty not to exceed ten thousand dollars a day of violation."

REGULATIONS:

1. R.61-105.N(3)(a) provides: "Transporters of infectious waste must comply with all applicable requirements of this regulation during transportation and when the waste is at a transfer facility. Infectious waste may be transferred from one vehicle to another only at a designated transfer facility."

2. R.61-105.N(7)(b) provides: “After approval by the Department, the infectious waste management plan shall become part of the registration and must be adhered to by the registrant.”
3. R.61-105.P(1)(c) provides: “Transporter acceptance of infectious waste occurs when the waste is loaded onto the transport vehicle. Transporters shall accept for transport only infectious waste which is accompanied by a properly completed manifest as required in Section R.”
4. R R.61-105.R(1) provides: “No transporter shall accept a shipment of infectious waste which is to be transported within South Carolina unless it is accompanied by an infectious waste manifest which has been completed according to the instructions for the Department approved form and signed by the generator.”

CONCLUSIONS OF LAW

Based upon the above findings, the Department concludes that Stericycle violated the South Carolina Infectious Waste Management Regulations, S.C. Code Ann. Regs. 61-105 (2012), promulgated pursuant to the South Carolina Infectious Waste Management Act, S.C. Code Ann. § 44-93-10 et seq. (2002), as follows:

1. Stericycle violated R.61-105.N(3)(a) by failing to ensure that infectious waste is only transferred from one vehicle to another at a designated transfer facility (see Findings of Facts 4a. - 4d. and 5.);
2. Stericycle violated R.61-105.N(7)(b) by failing to adhere to the Department approved infectious waste management plan, in that the packaged transfer of infectious waste was conducted at a non-permitted transfer facility (see Findings of Fact 6.);

3. Stericycle violated R.61-105.P(1)(c) by accepting infectious waste that was not manifested in accordance with the requirements in Section R (see Findings of Fact 7.); and,
4. Stericycle violated R.61-105.R(1) by accepting shipments of infectious waste which were transported within South Carolina, without being accompanied by infectious waste manifests that were completed in accordance with instructions for the Department approved form, in that the manifests did not include the total number of containers and the total weight (see Findings of Fact 7.).

NOW, THEREFORE, IT IS ORDERED, that pursuant to S.C. Code Ann. §§ 44-93-140 and 44-93-150(A), Stericycle shall:

1. Within thirty (30) days of the effective date of this Order, pay a civil penalty in the amount of nine thousand five hundred dollars (\$9,500.00). The effective date shall be the date this Consent Order is signed by the Department's Director of Environmental Affairs.

The payment of the penalty amount must be in the form of a check payable to SCDHEC, with the number of the Order (18-09-IW), and Registration #SC14-02T written on the check. All communication regarding this Order and its requirements shall be addressed to:

SCDHEC – BLWM
Division of Compliance and Enforcement
Enforcement Section
Attn: Lorria Caswell
2600 Bull Street, Columbia, SC 29201-1708

IT IS FURTHER ORDERED AND AGREED that this Consent Order governs only the civil liability to the Department for civil sanctions arising from the matters set forth herein and constitutes the entire agreement between the Department and Stericycle with respect to the

resolution and settlement of these civil matters. The parties are not relying upon any representations, promises, understandings or agreements, except as expressly set forth within this Consent Order.

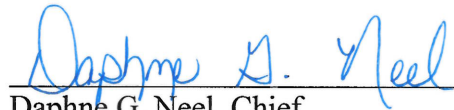
IT IS FURTHER ORDERED AND AGREED that failure to meet the deadlines established herein, or any other violation of the provisions of this Order, shall be deemed a violation of the South Carolina Infectious Waste Management Act. Upon ascertaining any such violation, the Department may initiate appropriate action to obtain compliance with both this Order and the aforesaid Act.

[SIGNATURE PAGE FOLLOWS]


FOR THE SOUTH CAROLINA DEPARTMENT
OF HEALTH AND ENVIRONMENTAL CONTROL


Myra C. Reece
Director of Environmental Affairs


Date: 5/24/2018


Daphne G. Neel, Chief
Bureau of Land and Waste Management

Date: 5/21/18


Van Keisler, P.G., Director
Division of Compliance and Enforcement
Reviewed By:

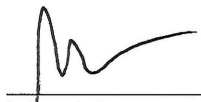
Date: 5-18-18


Etta R. Williams-Linen
Attorney
Office of General Counsel

Date: 5-22-2018

WITH CONSENT:

STERICYCLE, INC.


Matt Marra
Senior Vice President

Date: 5/14/18