



State of Ohio Environmental Protection Agency

Southwest District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

April 9, 2008

Mr. Mark Taylor, Transportation Manager
Stericycle
295 Edison Drive
Middletown, Ohio 45044

**Re: Stericycle Registered Transporter, Butler County
Notice of Violation – Large Generator Inspection Correspondence**

Dear Mr. Taylor:

On March 27, 2008, Holly Hillyer, Maera Flynn and I with the Ohio Environmental Protection Agency (Ohio EPA) met with you to conduct a comprehensive inspection of your facility to determine compliance with Ohio's Infectious Waste Regulations. Accompanying us during the inspection were Chuck DeJonckheere, Nick Siefker, Brad Johnson, Tony Schoenlein, Matthew Lemaster from the Hamilton County General Health District, and Kevin McDermott of Stericycle.

The following observations were made and discussed with you during our inspection:

1. Several boxes were observed crushed and damaged inside of the trailer on loading dock five (5) (see figures 1, 2, 3 and 4). A leaking infectious waste container and two (2) crushed containers were found inside the load transported from Mercy Hospital Clermont & Batavia Nursing & Convalescent (generators) during our inspection. The transporter's failure to maintain the integrity of the infectious waste containers and properly contain and clean up spills is a violation of **OAC Rule 3745-27-35(A)(1), which states in part:**

Transporters as defined under chapter 3734. of the Revised Code, shall adhere to the following handling requirements for all in-use and stored containers of infectious waste:

- (1) Handle infectious waste containers in a manner and location that maintains the integrity of the packaging;

This is also a violation of OAC Rule 3745-27-35(A)(4), which states in part:

"Contain and clean up any spill of infectious wastes from a container within a storage area utilizing either an U.S. EPA registered hospital

disinfectant that is also tuberculocidal, for a contact time as specified by the manufacturer, a unexpired dated stabilized bleach product that is an U.S.EPA registered hospital disinfectant that is also tuberculocidal, for a contact time as specified by the manufacturer, or materials necessary to prepare a minimum ten per cent sodium hypochlorite solution prepared immediately prior to use with a minimum thirty minutes of contact time with the waste."

The transporter's failure to maintain the integrity of the packaging of infectious wastes is a violation of **OAC Rule 3745-27-34 (A)(3)** which states in part:

"Filled bags shall be securely tied or sealed to prevent leakage or expulsion of wastes from them during storage, handling, or transport."



Figure 1: Crushed container on trailer



Figure 2: Leaking container, crushed on corner of box

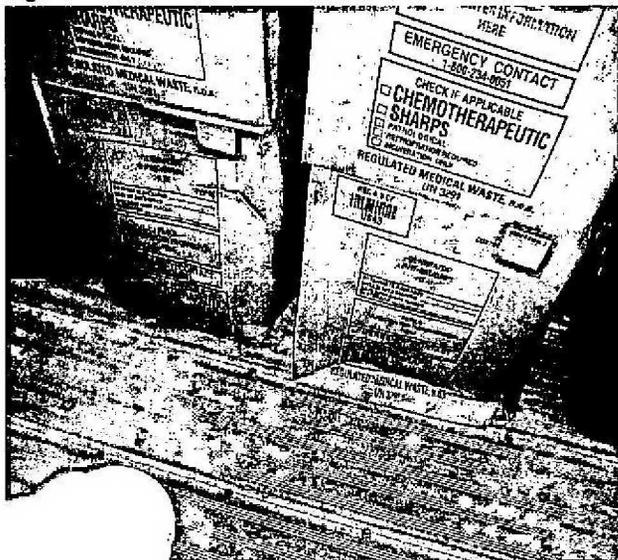


Figure 3: Crushed boxes on trailer

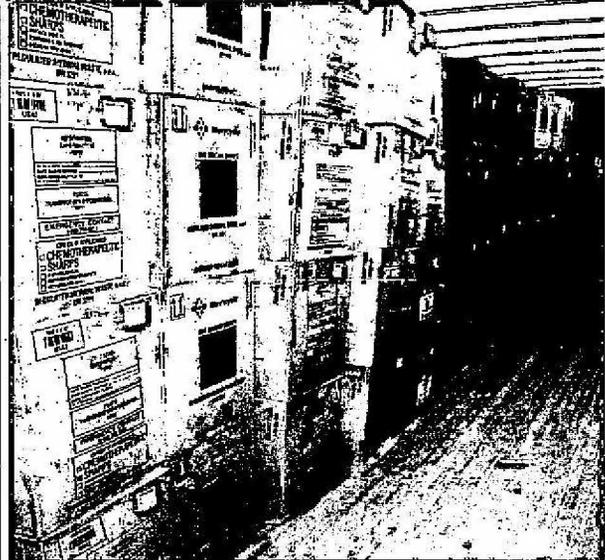


Figure 4: Crushed & over packed containers

- Two (2) boxes were observed on the top of the stack with their lids open (see figure 5) and there were at least two (2) of the interlocking grey containers (see figures 6 and 7) that were damaged and several bulging "over packed" boxes of infectious waste in the general storage area awaiting transport to the treatment facility.



Figure 5: Open lids on the two boxes in the center of the stack

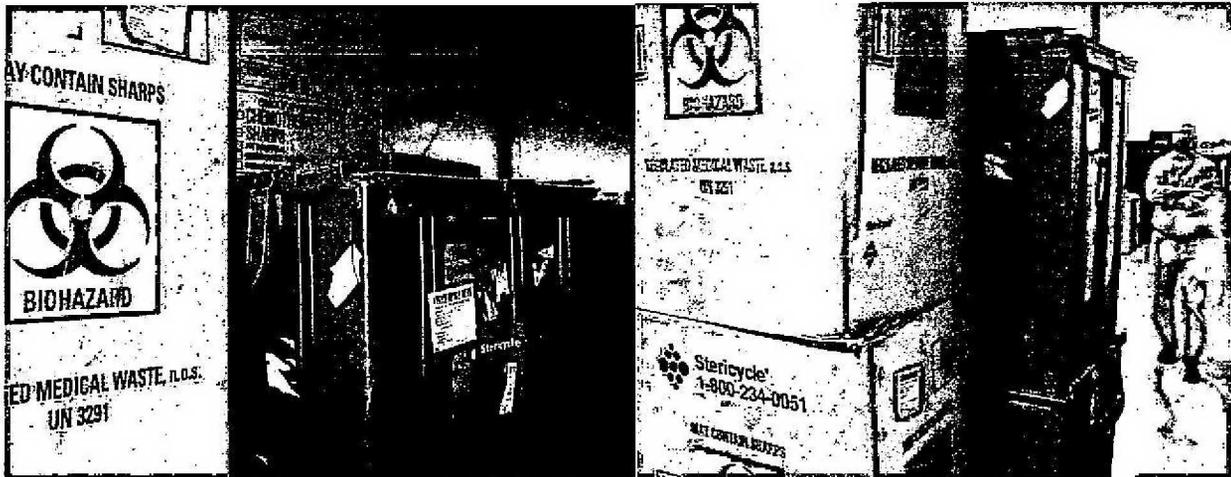


Figure 6: Cracked container in general storage area

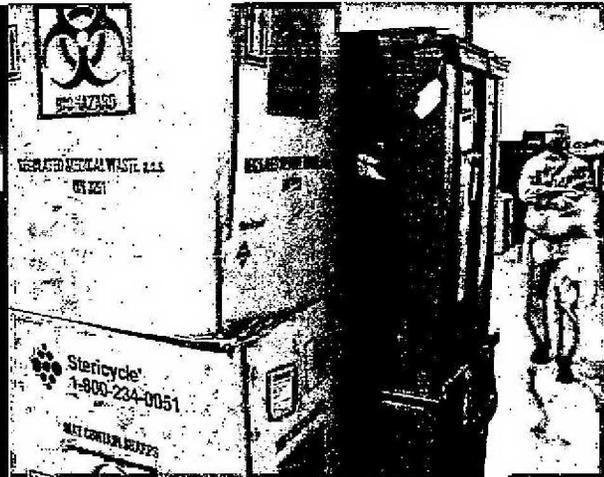


Figure 7: Crushed & over packed box

The transporter's failure to maintain the integrity of the infectious waste containers is a violation of **OAC Rule 3745-27-35(A)(1)**, which states in part:

"Transporters as defined under chapter 3734. of the Revised Code, shall adhere to the following handling requirements for all in-use and stored containers of infectious waste:

- (1) Handle infectious waste containers in a manner and location that maintains the integrity of the packaging..."

3. During the inspection you indicated that the trucks come into the facility are off loaded onto another trailer then a second driver takes them to the treatment facility. Upon review of the transporter shipping papers, as prescribed in OAC Rule 3745-27-33(1)(a) and (b), the shipping papers did not contain the second transporter information on the copy that remains at this facility. This is a violation of OAC3745-27-33(B)(5)(b) which states:

The name and dated signature of **each** transporter upon physical removal of the infectious wastes, the transporter's address and telephone number, the vehicle decal number, and the transporter registration identification number from the infectious waste vehicle registration decal. If more than one vehicle is used for transport of the infectious wastes then each transporter shall complete all the required information;

Please do not remove the transporter copy from the shipping papers packet until the second driver (transporter 2) has signed and completed the information required in OAC Rule 3745-27-33(B)(5).

4. The facility operator could not locate a copy of their valid Ohio EPA transporter registration certificate during our inspection. The registration certificate at the facility was amended on December 14, 2007 and the most recent amended copy was not on file at this Facility. I followed up with our Central Office, Infectious Waste Unit during our inspection and the amended registration certificate had been mailed and was in route to the transporter, a copy was faxed during the inspection to Mr. Taylor. Please be advised in accordance with OAC Rule 3745-27-36(B)(2),

"All persons who intend to transport infectious wastes shall obtain a registration certificate issued by the director of environmental protection before transporting any infectious wastes"

In addition, OAC Rule 3745-27-36(B)(5)(a) states in part:

"A registered transporter shall obtain an amended registration certificate from the director of environmental protection whenever motor vehicles listed under the current registration certificate are either removed from service, or replaced, or motor vehicles are added for use by the transporter to transport infectious wastes."

Compliance with the requirements outlined in this letter shall not relieve you of your obligation to comply with other legal obligations, including, but not limited to, Chapters 3704, 3714, 3734 or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Clean Air Act, Comprehensive Environmental Response, Compensation, and Liability Act, or Resource Conservation and Recovery Act remedying conditions resulting from any release of contaminants to the environment.

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As such, corrections of the violations cited herein are expected to begin immediately.

Please respond in writing within fourteen days of receipt of this correspondence regarding your remedy and implementation schedule in regards to the aforementioned violations. **A re-inspection will then be scheduled to verify and document your return to compliance with Ohio law.**

If you have any questions, please contact me at (937) 285-6046.

Sincerely,



Maria Lammers, R.S.

Environmental Specialist II
Division of Solid and Infectious Waste Management

Cc: Dennis Moore, Environmental Safety & Health Mgr, Stericycle,
Brian Richard, Butler County Health Department
Maera Flynn, DSIWM/CO
Chuck DeJonckheere, Hamilton County Health District

ML/plh

